

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

BIRMINGHAM CITY COUNCIL

CITY COUNCIL

TUESDAY, 13 SEPTEMBER 2016 AT 14:00 HOURS
IN COUNCIL CHAMBER, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING

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

The whole of the meeting will be filmed except where there are confidential or exempt items.

2 MINUTES

5 - 68

To confirm and authorise the signing of the Minutes of the meeting held on 12 July 2016.

3 LORD MAYOR'S ANNOUNCEMENTS

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

4 PETITIONS

(15 minutes allocated)

To receive and deal with petitions in accordance with Standing Order 8.

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

5 QUESTION TIME

(90 minutes allocated)

To deal with oral questions in accordance with Standing Order 9(B)

A. Questions from Members of the Public to any

Cabinet Member, Assistant Leader or
District Committee Chairman (20 minutes)

B. Questions from any Councillor to a Committee

Chairman or Lead Member of a Joint Board
(20 minutes)

C. Questions from Councillors other than Cabinet

Members to a Cabinet Member or
Assistant Leader (25 minutes)

D. Questions from Councillors other than Cabinet

Members to the Leader or Deputy Leader (25 minutes)

6 **APPOINTMENTS BY THE COUNCIL**

(5 Minutes allocated)

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

7 **EXEMPTION FROM STANDING ORDERS**

Councillor Sharon Thompson to move an exemption from Standing Orders.

8 **PROPOSED CHANGES TO THE CONSTITUTION**

(5 Minutes allocated)

To consider a report of the Council Business Management Committee.

Councillor John Clancy to move the following Motion:

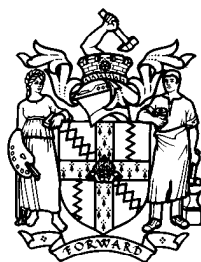
"That approval be given to the necessary changes to the City Council's Constitution as indicated by the tracked changes in the appendix to the report and that the Director of Legal and Democratic Services be authorised to implement the changes with immediate effect."

(break 1605-1635)

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

(90 minutes allocated)

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



**MEETING OF BIRMINGHAM
CITY COUNCIL
12 JULY 2016**

**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY 12 JULY 2016 AT 1400 HOURS IN THE COUNCIL
CHAMBER, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:- Lord Mayor (Councillor Carl Rice) in the Chair.

Councillors

Uzma Ahmed	Mick Finnegan	Bruce Lines
Mohammed Aikhlaj	Des Flood	John Lines
Deirdre Alden	Jayne Francis	Mary Locke
John Alden	Carole Griffiths	Majid Mahmood
Robert Alden	Peter Griffiths	Karen McCarthy
Nawaz Ali	Paulette Hamilton	Gareth Moore
Tahir Ali	Andrew Hardie	Yvonne Mosquito
Sue Anderson	Roger Harmer	John O'Shea
Gurdial Singh Atwal	Kath Hartley	Eva Phillips
Mohammed Azim	Barry Henley	Robert Pocock
David Barrie	Penny Holbrook	Victoria Quinn
Bob Beauchamp	Des Hughes	Hendrina Quinnen
Matt Bennett	Jon Hunt	Chauhdry Rashid
Kate Booth	Mahmood Hussain	Habib Rehman
Steve Booton	Shabrana Hussain	Fergus Robinson
Sir Albert Bore	Timothy Huxtable	Gary Sambrook
Barry Bowles	Mohammed Idrees	Rob Sealey
Marje Bridle	Zafar Iqbal	Shafique Shah
Mick Brown	Ziaul Islam	Mike Sharpe
Alex Buchanan	Kerry Jenkins	Sybil Spence
Sam Burden	Meirion Jenkins	Claire Spencer
Tristan Chatfield	Simon Jevon	Ron Storer
Zaker Choudhry	Julie Johnson	Martin Straker Welds
Debbie Clancy	Brigid Jones	Sharon Thompson
Lynda Clinton	Carol Jones	Paul Tilsley
Lyn Collin	Josh Jones	Karen Trench
John Cotton	Nagina Kauser	Lisa Trickett
Ian Cruise	Tony Kennedy	Anne Underwood
Basharat Dad	Ansar Ali Khan	Margaret Waddington
Phil Davis	Changeese Khan	Ian Ward
Diane Donaldson	Mariam Khan	Mike Ward
Peter Douglas Osborn	Narinder Kaur Kooner	Ken Wood

City Council – 12 July 2016

Barbara Dring
Neil Eustace
Mohammed Fazal

Chaman Lal
Mike Leddy

Alex Yip
Waseem Zaffar

NOTICE OF RECORDING

18700 The Lord Mayor advised that due to technical difficulties the meeting would not be webcast for live broadcasting via the Council's internet site. He added that it was hoped that a copy of the broadcast may be available after the meeting. (During the meeting the Lord Mayor was able to advise that live broadcast had resumed)

The Lord Mayor further advised that members of the Press/Public may record and take photographs.

The whole of the meeting would be filmed except where they were confidential or exempt items.

The Lord Mayor asked Members to note that, subject to the agreement of exemptions from Standing Orders later in the meeting, the meeting was timed to finish at 2000 hours.

MINUTES

Referring to the preamble of Minute No. 18686 on page 2069 of the previous Minutes Councillor John Lines indicated that the name 'Richard' should be 'John'.

It was moved by the Lord Mayor, seconded and –

18701 **RESOLVED:-**

That, subject to the above amendment, the Minutes of the Meeting of the City Council held on 14 June 2016, having been printed and a copy sent to each Member of the Council, be taken as read and confirmed and signed.

LORD MAYOR'S ANNOUNCEMENTS

1 Bishop Walsh Catholic School

18702 The Lord Mayor indicated that in the public gallery were staff and pupils of Bishop Walsh Catholic School who have had a tour of the Council House and are now joining us to watch the debate.

The Lord Mayor asked all in the Chamber to join him in welcoming them all to the Council meeting.

2 Death of Honorary Alderman and Freeman of the City Freda Mary Cocks CBE

The Lord Mayor referred to the recent death of Honorary Alderman and Freeman of the City Freda Mary Cocks, in her 101st year, who served as a Councillor from 1957 to 1963, 1965 to 1970 and 1973 to 1990. She was an Alderman from 1970 to 1974; served as Lord Mayor of Birmingham in 1977/78; became an Honorary Alderman in 1990 and was made a Freeman of the City on 25 October 1986. The Lord Mayor continued that Richard served on a number of Committees, Sub-Committees and outside bodies. In addition she was a JP.

After a number tributes had been paid by Members it was moved by the Lord Mayor, seconded and:-

18703 **RESOLVED:-**

That this Council places on record its sorrow at the death of Honorary Alderman and Freeman of the City Freda Mary Cocks CBE and its appreciation of her devoted service to the residents of Birmingham; it extends its deepest sympathy to members of Freda's family in their sad bereavement.

3 Social Housing Provider of the Year Award

18704 The Lord Mayor indicated he was delighted to advise that Birmingham City Council had won 'Social Housing Provider of the Year' at the Insider Residential Property Awards 2016 which highlighted the work of the Birmingham Municipal Housing Trust programme - which is currently the largest provider of affordable homes per annum in the Midlands - and showcased recent projects in Nechells, Sutton Coldfield and Ladywood.

The Lord Mayor asked all those in the Chamber to join him in congratulating all those involved in achieving this success.

PETITIONS

Petition Relating to City Council Functions Presented before the Meeting

The following petition was presented before the meeting:-

(See document No 1)

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

18705 **RESOLVED:-**

That the petition be received and referred to the relevant Chief Officer.

Petition Relating to External Organisations Presented at the Meeting

The following petition was presented:-

(See document No 2)

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

18706 **RESOLVED:-**

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

Petitions Relating to City Council Functions Presented at the Meeting

The following petitions were presented:-

(See document No 3)

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

18707 **RESOLVED:-**

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

Petitions Update

The following Petitions Update was submitted:-

(See document No 4)

It was moved by the Lord Mayor, seconded and -

18708 **RESOLVED:-**

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

QUESTION TIME

18709 The Council proceeded to consider Oral Questions in accordance with Standing Order 9 (B).

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

During a supplementary question from Councillor John Lines to the Cabinet Member for Children, Families and Schools, the Cabinet Member as a point of order indicated that the Ofsted report relating to Nonsuch Primary School

had not been published yet. Councillor John Lines indicated that he was not going to raise that issue.

APPOINTMENTS BY THE COUNCIL

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

(See document No 5)

18710

RESOLVED:-

That the following persons be appointed until the Annual Meeting of the Council in 2016 as set below:-

<u>Body</u>	<u>Representative</u>
West Midlands Police and Crime Panel	Councillor Waseem Zaffar (Lab) to replace Councillor John O'Shea (Lab) as substitute Member. Nominate to the West Midlands Joint Committee that Councillor John O'Shea (Lab) and Councillor Jayne Francis (Lab) as substitute serve as Birmingham representatives on the Panel.
Corporate Resources And Governance Overview and Scrutiny Committee	Councillor Rob Pocock (Lab) to replace Councillor Ansar Ali Khan (Lab) Councillor Sybil Spence (Lab) to replace Councillor Marje Bridle (Lab)
Licensing and Public Protection Committee	Councillor Habib Rehman (Lab) to replace Councillor Tony Kennedy (Lab)
Planning Committee	Councillor Martin Straker Welds (Lab) to replace Councillor Narinder Kaur Kooner (Lab)

EXEMPTION FROM STANDING ORDERS

It was moved by Councillor Sharon Thompson:-

“That, pursuant to a CBM discussion, Standing Orders be waived as follows:

- Allocate 5 Minutes for item 8 (Proposed Changes to the Constitution)

City Council – 12 July 2016

- Allocate 40 Minutes for item 9 (Birmingham Child Poverty Commission Report)
- Allocate 60 Minutes for item 10 (Education Services Delivery & and Improvement Plan 2016/2017)
- Reduce the time for item 11 (Overview and Scrutiny Work Programme for 2016/2017) to 30 Minutes

CBM is also recommending that the meeting finish at 2000 hours”

It was-

18711 **RESOLVED:-**

That, pursuant to a CBM discussion, Standing Orders be waived as follows:

- Allocate 5 Minutes for item 8 (Proposed Changes to the Constitution)
- Allocate 40 Minutes for item 9 (Birmingham Child Poverty Commission Report)
- Allocate 60 Minutes for item 10 (Education Services Delivery & and Improvement Plan 2016/2017)
- Reduce the time for item 11 (Overview and Scrutiny Work Programme for 2016/2017) to 30 Minutes

and that it be recommended that the meeting finish at 2000 hours

LENGTH OF MEETING

At the invitation of the Lord Mayor, Councillor Robert Alden proposed and Councillor Ian Ward seconded and it was-

18712 **RESOLVED:-**

That Standing Order 13 (Length of Council Meetings) be suspended and the meeting be extended by 60 minutes to 2000 hours.

PROPOSED CHANGES TO THE CONSTITUTION

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

(See document No 6)

Councillor Ian Ward moved the motion which was seconded.

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

(See document No 7)

Councillor Gary Sambrook moved the amendment which was seconded by Councillor Ken Wood

A debate ensued during which Councillor Cotton indicated that the word 'Adults' should be added before the word 'safeguarding' under Health and Wellbeing and the Environment Committee on page 8 of 12. He continued that elsewhere in the document reference was made to officers who were no longer in the employment of the City Council.

Councillor Ian Ward replied to the debate indicating that the amendment was acceptable as it picked up an omission and that the City Solicitor would review the Constitution in its entirety to pick up other omissions similar to those raised by Councillor John Cotton.

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

It was therefore -

18713 **RESOLVED:-**

That approval be given to the necessary changes to the City Council's Constitution as indicated by the tracked changes in the appendix to the report and that the City Solicitor be authorised to implement the changes with immediate effect.

In addition, that Standing Order B1 of the Constitution 'Order of Business' be amended as follows to include provision for Oral Questions to Assistant Leaders:

- Order of Business

Questions from members of the public to any Cabinet Member, Assistant Leader or District Committee Chairman	20 minutes 1 minute for each question 2 minutes for each answer
Questions from Councillors other than Cabinet Members to a Cabinet Member or Assistant Leader. Each Councillor may ask one question and one supplementary question.	25 minutes 1 minute for each question 3 minutes for each answer

9 Questions

(B) Oral Questions

(1) Questions from Members of the Public

A member of the public may ask one oral question of any Cabinet Member, Assistant Leader or District Committee Chairman by submitting the question in writing to the Chief Executive no later than 12 noon on the Friday before the Council meeting. No question will exceed 1 minute and no answer will exceed 2 minutes.

BIRMINGHAM CHILD POVERTY COMMISSION REPORT

The following report of Councillor Waseem Zaffar and Peter Hay was submitted:-

(See document No 8)

Councillor Waseem Zaffar moved the motion which was seconded .

A debate ensued.

Councillor Waseem Zaffar replied to the debate.

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

It was therefore –

18714 **RESOLVED:-**

The Council welcomes and notes the Independent Child Poverty Commission report and its recommendations.

ADJOURNMENT

It was moved by the Lord Mayor, seconded and

18715 **RESOLVED:-**

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

The Council then adjourned at 1640 hours.

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

EDUCATION SERVICES DELIVERY AND IMPROVEMENT PLAN

The following report of Improvement Quartet was submitted:-

(See document No 9)

Councillor Brigid Jones moved the motion which was seconded.

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

(See document No 10)

Councillor Matt Bennett moved the amendment which was seconded by Councillor Debbie Clancy.

In accordance with Council Standing Orders, Councillors Sue Anderson and Paul Tilsley gave notice of the following amendment to the Motion:-

(See document No 11)

Councillor Sue Anderson moved the amendment which was seconded by Councillor Paul Tilsley.

A debate ensued.

Councillor Brigid Jones replied to the debate during which, as a point of order, Councillor Matt Bennett indicated that Councillor Jones' comments that he had been reprimanded because of his behaviour towards one individual were untrue and he asked for them to be withdrawn. Councillor Jones clarified her comments.

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

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

(See document No 12)

NB The documents have been amended to show that the Deputy Lord Mayor for the meeting (Councillor Shah) as being a Labour Member and not a Liberal Democrat Member.

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

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

It was therefore –

18716 **RESOLVED:-**

The Council notes the progress in education and proposed next steps, noting also the difficulties caused by the fragmentation of the variety of educational provisions and systems in place.

Council therefore calls upon the Secretary of State to ensure that Local Education Authorities are given the powers alongside the responsibilities to enable all schools within Birmingham to work in uniformity to ensure that all children have access to all schools and that safeguarding remains a priority for all educational establishments.

OVERVIEW AND SCRUTINY WORK PROGRAMME FOR 2016/17

The following report of the Chairs of Overview and Scrutiny was submitted:-

(See document No 13)

Councillor Victoria Quinn moved the motion which was seconded.

A debate ensued.

Councillors Mohammad Aikhlaq, Zafar Iqbal, John Cotton, Barry Bowles and Victoria Quinn responded to the debate

It was –

18717 **RESOLVED:-**

That the City Council note the report and contribute ideas on scrutiny topics for 2016/17.

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

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

Councillors Alex Yip and John Alden have given notice of the following Motion:-

(See document No 14)

Councillor Sam Burden declared an interest as his wife worked for Christian Aid

Councillor Alex Yip moved the Motion which was seconded by Councillor John Alden.

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

(See document No 15)

Councillor Majid Mahmood in moving the amendment, which was seconded by Councillor Tristan Chatfield, noted that the second to last word in the third paragraph should read 'been'.

A debate ensued.

Councillor Alex Yip replied to the debate.

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

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

It was therefore -

18718 **RESOLVED:-**

The Council notes the Tax Justice campaign led by Christian Aid.

The Council notes that

- Corporate tax evasion is having a damaging impact on the world's poorest countries, to such a level that it is costing them far more than they receive in aid;
- this is costing the UK as much as £30bn a year; and that
- this practice also has a negative effect on small and medium-sized companies who pay more tax proportionately.

Council further notes that the UK Government has:

- taken steps to tackle the issue of tax evasion by issuing Procurement Policy Note 03/14, applying to all central government contracts worth more than £5m;
- hosted the world's first international anti-corruption summit to build a consensus on the exchange and publishing of information;
- Closed loopholes with 40 tax changes and are legislating to close a further 25, raising an additional £28 billion;
- made clear its support for forcing multinationals to publish country-specific breakdown of the profits they make and the taxes they pay;
- Introduced the Public Services (Social Value) Act 2012 making provisions for ensuring the public procurement has wider public benefit; and
- Introduced the International Development Act 2015, putting onto a statutory footing the commitment to the UN target for Foreign Aid and a requirement for the Secretary of State to report on the effectiveness of this Aid.

Birmingham City Council already includes certain provisions relating to taxation compliance in its procurement, for example:

- The Pre-Qualification Questionnaire (PQQ) and Invitation to Tender (ITT) for the Open procedure states grounds for mandatory exclusion including the non-payment of taxes, social security contributions or VAT. These are pass/fail criteria.

- The PQQ also includes grounds for discretionary exclusion where non-payment of taxes/social security can be demonstrated where no binding legal decision has been taken. These are pass-fail criteria and follow the CCS guidance as above and in line with PPN 03/14.
- The Birmingham Business Charter for Social Responsibility (BBC4SR) contains the principle of Ethical Procurement which in turn requires Charter signatories to pay their fair share of taxes. This goes further than breach of obligation and essentially seeks to address tax avoidance mechanisms.

The imminent review of the BBC4SR will, amongst other things, be seeking to consult on PPN 03/14 and whether the Charter should incorporate and apply the model terms and conditions to be included in contracts as set out in PPN 03/14. However, the Council will need HMR/external professional advice in order to determine whether there has been a breach and also where there is a breach the adequacy and efficacy of any self-cleaning measures which have been implemented.

In addition to the measures that the Council already takes, Council asks officers to investigate whether and how PPN 03/14 could be effectively included in the Council's Procurement Procedures and at a threshold which does not detrimentally impact on SMEs and Third Sector Organisations or otherwise impact on wider social value considerations covered by the BBC4SR's six principles of : Local Employment, Buy Birmingham First, Partners in Communities, Good Employer (incorporating the Birmingham Living Wage), Green and Sustainable and Ethical Procurement.

B. Councillors Jon Hunt and Roger Harmer have given notice of the following Motion:-

(See document No 16)

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

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

(See document No 17)

Councillor Sir Albert Bore moved the amendment which was seconded by Councillor Lisa Trickett.

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

(See document No 18)

Councillor Robert Alden moved the second amendment which was seconded by Councillor John Lines.

A debate ensued.

Councillor Jon Hunt replied to the debate.

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

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

(See document No 19)

NB The documents have been amended to show that the Deputy Lord Mayor for the meeting (Councillor Shah) as being a Labour Member and not a Liberal Democrat Member

Councillor Debbie Clancy indicated that she wished to be included as having voted against the amendment not abstaining.

Councillors Barbara Dring, and Mary Locke indicated that they wished to be included as having voted for the amendment.

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

Yes – 73 (For the Amendment);

No – 17 (Against the Amendment);

Abstain – 4 (Abstentions).

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

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

(See document No 20)

NB The documents have been amended to show that the Deputy Lord Mayor for the meeting (Councillor Shah) as being a Labour Member and not a Liberal Democrat Member

Councillor Mary Locke indicated that she wished to be included as having voted against the amendment.

Councillor Paulette Hamilton indicated that they wished to be included as having abstained from voting on the amendment.

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

Yes – 17 (For the Amendment);

No – 72 (Against the Amendment);

Abstain – 5 (Abstentions).

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

It was therefore -

18719 **RESOLVED:-**

Council notes with concern the implications for Birmingham of the referendum vote to leave the EU.

It notes EU funded projects that are at risk, including the 254 million Euros currently committed to the Birmingham and Solihull LEP for up to seven years, making a significant contribution to programmes such as:

- The Birmingham and Solihull Youth Promise (£50m – one third from the European Youth Employment Initiative Fund and one third from the European Social Fund);
- The Midlands Engine Investment Fund of £250 million;
- The Birmingham Business Support Programme (£20 million with £10 million from the EU).

It also notes that our universities attract significant research funding from Europe, currently worth more than 300 million Euros across the West Midlands.

Council condemns the use by some campaigners of dog whistle slogans, such as “Take our country back.” These have caused confusion, stirred up racism and legitimised an upsurge in racist assaults.

It calls for:

The government, prior to submitting an Article 50 (Lisbon Treaty) request to start the process of withdrawal from the EU, to commit to replace EU structural and investment funding and other currently available programmes such as Horizon 2020, Urbact and Erasmus Plus with equivalent funding and programmes. This will assist Local Authorities and LEPS, our universities, businesses and third sector to maintain the resources to address the challenges of sustainable growth, employment and social cohesion in Birmingham and across the UK;

Brexit negotiations to ensure that the city can retain as close ties as possible with our friends, colleagues, cities and regions across Europe, accepting that for the UK to maintain access to the EU Single Market will require our own acceptance of the evident wish of the other 27 Member States to maintain the freedom of movement across the EU of citizens of the EU.

A detailed briefing note for council members be produced that sets out the benefits to date of EU membership to Birmingham and the wider West Midlands and the potential implications of the UK leaving the EU.

Council resolves:

to lead and support partnership working in the city aimed at supporting and restoring community cohesion, involving a wide range of partners including business and faith groups;

that an all-party delegation should meet the relevant Westminster cabinet ministers, as soon as a new cabinet is appointed, to press the city's concerns.

The Lord Mayor advised that in accordance with Standing Orders in respect of any remaining items of business, he proposed to allow the remaining motions and amendments to be moved and seconded formally (without comment) and shall forthwith put the motions to the vote without discussion.

C. Councillors Waseem Zaffar and Lisa Trickett have given notice of the following Motion:-

(See document No 21)

Councillor Waseem Zaffar moved the Motion which was seconded by Councillor Lisa Trickett.

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

(See document No 22)

Councillor Matt Bennett moved the amendment which was seconded by Councillor Timothy Huxtable.

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

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

It was therefore -

18720

RESOLVED:-

Following the EU referendum, Birmingham community networks are reporting a perceived rise in hate attacks and reports of inflammatory articles and words on social media; an EDL demonstration outside a Birmingham Mosque; and anti-Islam leaflets being delivered in the Aston and Perry Barr areas of the city.

This Council notes the prompt action taken to address this through calling an urgent meeting of the Birmingham Hate Crime Partnership with the

Cabinet Member for Openness, Transparency and Equality, to consider issues emerging post the referendum, and various community led campaigns across Birmingham including “Love your Neighbour”.

Given the perceived rise in reported hate incidents post the EU referendum, this Council urges West Midlands Police to raise visibility of policing to ensure confidence within communities.

Council also acknowledge that the language of anti-Semitism, racism and Islamophobia all change on the basis of news issues and national and international incidents. This fluidity and changing nature of language should be understood on a continuing basis.

Council notes that yesterday, 11th July, Srebrenica Memorial Day was commemorated in accordance with the European Parliament’s 2009 Resolution calling on all Member states to commemorate this day and learn the lessons of Srebrenica and tackling hatred and intolerance.

Council resolves to mark Srebrenica Memorial Day each year during remembering Srebrenica Memorial Week in July and bring all communities together to raise awareness and learn about the consequences of hatred and intolerance.

Council resolves to continue to work closely with partners and communities to tackle hate crime in all its forms, and in particular online hate incidents.

Council calls upon key social media providers such as Facebook, Twitter and search engine aggregators like Google, to meet with hate crime officers from local authorities and West Midlands Police on a regional basis every six months.’

It further requests that local hate crime officers within the West Midlands Police force are provided with ongoing training on social media platforms; and reinvigorates support to hate crime centres in the city, ensuring they are capable of dealing with spikes in reporting that follow national and international events

URGENT BUSINESS

Update on the West Midlands Combined Authority (WMCA)

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

(See document No 23)

18721

RESOLVED:-

That the Council notes this information Report.

The meeting ended at 1915 hours.

APPENDIX

Questions and replies in accordance with Standing Order 12(A).

WRITTEN QUESTION TO THE LEADER FROM COUNCILLOR R ALDEN

A1 Investing in Birmingham

Question:

Between 23rd June 2016 and 7th July 2016, please list the meetings and telephone calls, including dates, that the Leader of the Council has had with non-City Council staff, i.e. anybody external to the City Council, on the subject of Investing in Birmingham?

Answer:

I consider every opportunity I have to speak to people outside of the City Council an opportunity to promote investment the great, growing, young and diverse City of Birmingham. I list below the meetings which have taken place between the dates you specify and at which the subject of Investing in Birmingham was promoted strongly by me. In addition, I shall shortly publish on my blog a comprehensive list of my meetings since December 2015 on this very subject, in the interests of open governance.

I have also asked Waheed Nazir, Director of Planning and Regeneration to focus this week on meeting with key investors, including M&G, Chief Executive of UKTI and L&G.

June 2016

24 June	Tony Danaher, UKTI, RIO Nick Payne, Nikal Tony Brooks, MODA Simon Robinson, BNP Paribas
29 June	West Midlands Combined Authority Colmore BID Board
30 June	GBSLEP Supervisory Board

July 2016

1 July	Rotary Club of Birmingham (including reps from South African Rotary Club)
4 July	Steven Knight, Nebulastar Sir Peter Soulsby, Mayor of Leicester

City Council – 12 July 2016

UCB, Professor Cliff Allan and guests, Housing Investment debate dinner.

- | | |
|--------|--|
| 6 July | Peter Day, MACE |
| 7 July | Bob Tattrie, Trebor Developments – Advanced Manufacturing Hub
Anne Marie Simpson/Stuart Buckley, HCA –Advanced Manufacturing Hub
Charlie Spicer, Savills – Advanced Manufacturing Hub
Mike Dinsdale, Guhring – Advanced Manufacturing Hub
Sutton Coldfield Chamber of Commerce |
| 8 July | Patrick Sun, Yang Yang – Country Garden Holdings
Anthony McCourt + James Ng |

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

A2 Extend Free School Meals

Question:

Could the Leader report on progress with establishing the proposed Trust intended to raise funds to extend the free school meals programme?

Answer:

Before further progress on this matter I have asked The Children's Society to report to me on exactly how a Free School Meals city can be extended; and, in particular, the costs involved relating to capital and revenue.

In September we will have a clear idea of these costs and then we can decide as a council how we wish to proceed.

**WRITTEN QUESTION TO THE LEADER OF THE COUNCIL FROM
COUNCILLOR IAN CRUISE**

A3 Brexit

Question:

Since the UK voted for Brexit, how many meetings have you had with Government to put in place a funding support strategy for the Council, other Organisations and Businesses who have previously secured £M's in EU funding to deliver projects for skills, jobs and growth?

Answer:

The Greater Birmingham and Solihull LEP is set to receive €255 million of ESIF (European Structural and Investment Fund) monies in the 2014-20 period. ESIF supports investment in research, innovation, businesses, skills and employment. Local areas will no longer receive this once the UK leaves the EU.

Also at risk is our access to EU transnational funding programmes such as Horizon 2020, Erasmus Plus and Interreg, which fund research, innovation, student and researcher mobility, and local policy development. This will affect not just Birmingham City Council, but strategic partners such as our universities.

We are demanding that these funds are maintained until 2020 and that similar programmes are then put in place and devolved to cities and combined authorities to replace funding that might otherwise have come to cities like Birmingham via Europe.

In terms of practical action we are taking a number of steps:

Birmingham City Council is one of the LGA's representatives on the national ESIF Growth Programme Board and we are lobbying to secure assurances about the current ESIF programme 2014-2020.

The Secretary of State for Communities and Local Government, the Rt Hon Greg Clark, last week confirmed that local government will have a seat at the negotiating table to agree the UK's exit from the EU and we will work with the LGA to feed into this process.

I am also setting up a Brexit Advisory Group to draw together key strategic partners in the city to track, analyse and advise the council on influencing the Government's emerging Brexit strategy.

In the coming weeks, months, and years we will work with partners in Birmingham to influence the direction and content of the UK's Brexit negotiations, and to ensure we get the best deal possible for Birmingham and the West Midlands Combined Authority to drive the post-Brexit economy.

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

A4 Trust - School Crossing Patrols

Question:

Could the Leader report on progress with establishing the proposed Trust intended to raise funds for school crossing patrols?

Answer:

We are still in the process of scoping the legal structures involved and hope to gain approval through the Trust and Charities Committee in the early autumn.

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

A5 Review of Business Plan Item SN13

Question:

At the last Council meeting the Leader said business plan item SN13 was being reviewed and that there would be consultation with local members "over the summer". As the summer is now here, could he update Council on the progress of the review, indicating whether there are any plans to bring an amendment to the budget and business plan to Council?

Answer:

The condition of play areas is constantly under review following regular inspection. Members will be consulted on those play areas that have reached, or are reaching the end of their useable life in the coming weeks, so a final decision can be made in the autumn.

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

A6 War Memorial

Question:

How does a resident get the name of a serviceman, who made the ultimate sacrifice fighting for this country, added the War Memorial outside Royal Sutton Coldfield's Town Hall?

Answer:

Sutton Coldfield War Memorial is a Grade II listed structure. War memorials (even when listed) are living heritage assets and are frequently altered and have further service men and women added to (either missed from the role of honour from earlier wars or who have lost their lives in more recent conflicts). There is no standard format for adding an additional name to a war memorial as this depends on the form of the monument, its design and the space available for additional names. I am happy to review the case, but will need the following:

- Name, rank, regiment and relevant dates of the service person in question and verification of these details; and
- Confirmation from the War Memorials Trust <http://www.warmemorials.org/> of this data and that the fallen service person should be commemorated on this memorial and not another.

It is then a matter for the relevant department within the Council to apply for Listed Building Consent to the planning department via <http://www.birmingham.gov.uk/planningchecklists>

The cost of the works would also normally be footed by the managing body, and any alterations to the war memorial would be subject to prior consultation with the Town Council.

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

A7 Costings

Question:

What was the cost of officer time spent on item SN13 of the budget and business plan?

Answer:

Officers are required to inspect play areas for safety reasons on a regular basis. The annual inspection cost per play area is estimated at an average of £5k per annum. In addition the council commissions an independent inspection of all play areas on bi annual basis at a cost of £12k per inspection.

Based on the information received from these inspections, Parks Management constantly review the condition of play areas, and need to act to either remove, decommission or replace equipment as it comes to the end of its economic life.

SN13 is the live list of play areas that are in this position, therefore no additional work has been required to produce this list for the budget and business plan.

WRITTEN QUESTION TO THE DEPUTY LEADER FROM COUNCILLOR IAN CRUISE

B1 Underhand cuts to service

Question:

Could the Deputy Leader inform the Council of the amount of redundancies taken in the Library Service across Birmingham, the amount saved by the service up and above the savings agreed in the 2016-17 budget and the number of extra days Libraries will be closed until the service review?

Answer:

In 2015/16, 87 staff left the Strategic Library Service in order to meet the savings required in 2016/17. In addition to the savings set out in the 2016-17 budget, further savings of £100,000 are now required.

In 2016/17 there are 13 staff departing the community library service on voluntary redundancy. The Community Libraries currently open for 1172.5 hours each week. This will reduce by 55.5 hours, as a temporary measure, on the departure of these staff. These measures will reduce expenditure by £190,000. Community libraries have a cumulative savings target of £1.8m to achieve.

WRITTEN QUESTION TO THE DEPUTY LEADER FROM COUNCILLOR GARY SAMBROOK

B2 Purdah

Question:

What decisions/policies have been published during the purdah period for the Local Elections including estimated spend where available?

Answer:

Decisions taken during purdah are available to view on Birmingham City Council website within the Committee Management Information System (CMIS)

The following instructions will access the information requested in CMIS.

Log in to CMIS – this will enable Elected Members to see both public and private decisions.

Open 'Decisions' on the left hand menu.

On the following screen, choose the date range 'from' and 'to' that you require. For the purdah period this is 23rd March 2016 to 5th May 2016.

Then choose the 'type' of report, e.g. 'All' in order to see all decisions in that time period.

Then choose the 'status' of the decision, e.g. 'Decision Implemented' to see Executive decisions on which action was taken, or 'All' for every decision reached Executive and non-Executive.

A list of decisions will then be displayed and by clicking on each decision further details can be accessed.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,
FAMILIES AND SCHOOLS FROM COUNCILLOR MATT BENNETT**

C1 Support

Question:

The following appear on the Birmingham Local Offer website as criteria for assessing disabled children's social care needs:

- **Disabled Children's Social Care Eligibility Criteria**

Introduction

We want all disabled children to get the support and services they need to lead fulfilling lives and we know that in order to achieve this we have to be clear about how services are provided and accessed.

The basic needs of disabled children are no different from those of any other child.

Universal services have a role in meeting the needs of disabled children; children who have additional needs or face additional barriers which inhibit and prevent their inclusion in society.

These criteria are necessary because some disabled children require a social care service and these services have to be prioritised on those with highest levels of need.

Social care services are services other than health or education, provided to disabled children which are:

- **Additional to the universal services which all children benefit from – e.g. schools, nurseries, playgroups, childcare, healthcare etc.**
- **Additional to the targeted services which some children benefit from e.g. behaviour support, family support etc. which may be arranged by professionals in universal settings or through the Common Assessment Framework (fCAF).**

The criteria will be used by the Disabled Children's Social Care Service to prioritise specialist resources for those with the highest needs. They are being published to provide openness and transparency for parents/carers, professionals, MASH, Family Support and Safeguarding Teams and other services who may wish to refer children to Disabled Children's Social Care. The criteria corresponds with the Multi-agency Safeguarding Hub (MASH) and Right Service Right Time (RSRT).

<http://www.lscbbirmingham.org.uk/index.php/birmingham-multi-agency-safeguarding-hub-mash>

<http://www.lscbbirmingham.org.uk/index.php/right-service-right-time-meeting-childrens-needs>

Disabled Children's Social Care will focus on supporting those families where the disabled child is the intended recipient of social care support or the family's needs arise due to the child's disability.

Families with disabled children where the child's disability is not the primary concern will be referred to MASH.

Definition of Disability

We are using the definition of disability given by the Equality Act 2010. This states that a person has a disability if:

- They have a physical or mental impairment,
- The impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

Aim and Principles

Disabled Children's Social Care will work in partnership with families, early years and education services and other agencies such as health and the voluntary sector to ensure that best use is made of all local and available resources. These criteria are underpinned by the following principles:

- The need to be fair, clear and equitable.
- To support access to local, inclusive mainstream services where this is appropriate
- To provide reliable and timely information about services to enable families
- To provide access to specialist services where this is needed.
- To reduce the need for additional assessments.
- To ensure best value for money.

The Assessment Process

Disabled children are by definition 'Children in Need' (S17, Childcare Act 1989).

Many disabled children will never come into contact with Social Services, because their needs are met through universal and community-based services.

Some children may require additional support from more than one agency; this might result in a referral to a Family Support Team via MASH for a fCAF to access targeted support services, such as family support, behaviour support, or a referral to the specialised preschool education teams e.g. the Early Support Service for children under 2 or children under 5 who are not in maintained nursery or school and who have identified learning and developmental needs.

Some children will have higher levels of need requiring statutory or specialist services. These children will require a single assessment by a Social Worker. Both FCAF and single assessment will result in:

- **an analysis of the needs and circumstances of the child.**
- **identification of whether and, if so, what intervention will be required,**
- **a relevant Support Plan which is outcomes-focussed, outlines what services will be provided how they will.**

Assist in meeting outcomes, who has responsibility for delivering the plan and a timetable for review.

In addition to this, the assessment will recognise the fact that disabled children live within the context of their families and the issues of parent/carers responsibilities are important. Additionally parents/ carers are entitled to be offered a Carer's Assessment to identify their own specific needs. This will focus on the parent/carer's wellbeing, important commitments, relationships and wider responsibilities e.g. employment and training.

Categories of Need

Following an assessment of need, the following categories will be used to determine eligibility for social care resources. Disabled Children's Social Care will focus on children with substantial/complex and critical needs. Children with Universal Plus and additional needs will be referred to MASH for access to universal and community-based support.

- **Universal Plus: Requiring a response from within a universal setting and/or signposting to other support means**
- **Additional Needs: Requiring a coordinated response bringing agencies together to support the child and family**
- **Substantial/Complex: Requiring a specialist response**
- **Critical: There will be concern that the child is suffering or at risk of suffering significant harm or impairment.**

We recognise that children's needs vary and may move between the four categories. For example the outcomes for a child initially assessed as having 'critical' needs may improve due to the support provided.

Changes in need and changes to packages of care will be addressed through regular review of the child's support plan and re-assessment where necessary.

Indicators

Example indicators have been developed to assist professionals to understand the four levels of need. These are a guide and not a checklist. They will not be used in a rigid way but will help to inform professional judgement and enable families to approach universal and community-based services where these can be accessed without complicated assessment. Other indicators will also be used to help us understand how the child's disability affects their daily circumstances.

These include receipt of Disability Living Allowance (DLA), specialist health and education provision and Education, Health and Care (EHC) Plans. These will all help inform, but not pre-determine, the outcomes of an assessment.

Decision-making.

Decisions about resources will be made by the Disabled Children's Social Care Child In Need Resources Panel. This is made up of professionals from Health, Education, Social Care and voluntary sector partners. The panel matches assessed needs to resources depending upon priority and availability of provision within the City. Where possible, packages of care will consist of both universal and specialist services. The panel operates from the basis that:

- Except where a child is Looked After, it is the parents, not the local authority, who have the main responsibility for looking after their child.
- An assessment of need does not automatically result in an entitlement to a specific service or amount of provision.
- Where a child is undergoing statutory assessment of their special educational needs which will result in an EHC Plan, the decision of the panel will both reflect and inform their section of the EHC Plan
- Allocation of resources will take into account all available services in the City (across multi-agency partners and service providers) and how these can be effectively used to safeguard and meet the best outcomes for the child.
- Packages of care are not fixed and will be subject to change as the child and family's circumstances change.

Preparation for Adulthood and SEND Reforms

This iteration is prepared in the knowledge that the SEND reforms expect a single plan to stand until the young person is aged 25 years. This will ensure compliance with legislation that is relevancy across both children's and adult's social care. Work is underway to implement these changes, to share eligibility criteria across the People's Directorate and to supportively address young people's issues as the reforms are implemented."

Could the Cabinet Member please imagine that she is the parent of a disabled child. On a scale of 1-10, how clear would it be to her whether or not her child might qualify for any support and if so what?

Answer:

Given no parent has ever got in touch with me or the department to complain about it, I assume it is sufficient.

To put this into context, a version of this leaflet has been used to inform families about the Disabled Children's Social Care Services over the last four years. It is an accurate and simplified statement of the full eligibility criteria for service.

The leaflet version of this document has banner headings and small logos and pictures as part of its approach. It is designed to be informative, helpful and engaging. A copy of the actual leaflet is attached.

The leaflet is mainly used to inform families going through an assessment process. That is, it is principally aimed to inform a face to face discussion between the social worker and the family.

As part of the requirements under the Safeguarding Board's "Right Service Right Time" strategy, this leaflet fully complies with a description of the Universal Plus; Additional Needs; Substantial/Complex and Critical categories, which inform the approach to Social Care Services within the city.

This leaflet is also integral to the required publication of the Short Breaks Regulations, which obliges every authority to publish their Eligibility Criteria annually. This information is part of that. This information is reported to be broadly in line with similar documents from other authorities.

In view of the concern raised by Councillor Bennett's question, a much simpler schematic would be possible to produce, but the consideration of the eligibility criteria is considered within each child's case on its merits through the assessment mechanisms set up by the Authority. A simple schematic could give process information which may be helpful, but would be unlikely to be able to give a range of considerations that inform any individual decision.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,
FAMILIES AND SCHOOLS FROM COUNCILLOR DEBBIE CLANCY**

C2 Spending

Question:

Can the Cabinet Member give a breakdown of how the additional £21.5 million funding to Children's Services was/is to be spent?

Answer:

The funding is being spent as follows:

£1.6m for Edge of Care Teams to provide relevant support to families and children to prevent them becoming looked after in the future.

£2.8m for additional social work capacity.

£17.1m for the direct cost of looked after children's placements.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,
FAMILIES AND SCHOOLS FROM COUNCILLOR DES FLOOD**

C3 Re-Referrals

Question:

What is the number of re referrals that have been made to Birmingham Children's Services during the current academic year including the number of times each of these re referrals have been made (twice, three times, four times or more etc)?

Answer:

Based on the Children's Services Scorecard which is how we report our monthly figures we have a re-referral total of 2730 (This is Sept 15 – June 16 inclusive). The data is extracted from CareFirst. It is extracted using the referral date <> 'NUL'. The period is over 13 months. From the date of referral the system then takes the 'latest' referral and then any additional referrals identified within 12 months prior to that month will be counted as re-referrals.

The total number of referrals initiated for the same period is 11,887.

The re-referral rate is therefore $2730/11887 * 100 = 22.96\%$

The statistical neighbour average is 21% and the national average is 24%.

The breakdown below for the number of times each referral has been made has been calculated using SQL code derived from Annex A and is for the period September 15 to end of June 16.

<u>Ref Count</u>	<u>Total</u>
2	1786
3	658
4	170
5	31
6	6
<u>Grand Total</u>	2651

The figure is slightly different as the scorecard is only calculating up to the end of June as a snapshot and we will have some for July already included in Annex A as it has been run on a later date than the scorecard.

This would be $2651/11887 * 100 = 22.3\%$.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,
FAMILIES AND SCHOOLS FROM COUNCILLOR GARETH MOORE**

C4 School Places

Question:

For each school in Birmingham, what the maximum distance away from the school a child was awarded a place for each of the last three years?

Answer:

Please find attached (Appendix 1 & 2) the cut off distances for the last child admitted to the families preferred school on the national day of offer. This information relates to the normal admissions round and applies to those schools that use distance as a criterion.

Please note faith schools and selective schools do not use distance as the main criterion.

Where a school does not have a distance identified this is because all applicants have been offered a place at that school because there were more places available than applications.

The School Admissions Team, if requested, can provide details of the maximum distance away for the school for those children allocated a school with a vacancy but it would take additional time to provide this information.

The information provided today is available in the public domain in the parents' information booklet "Opportunities for your child in Birmingham (Primary and Secondary booklets. Both booklets are available to view on the schools admissions website.

C4 - APPENDIX 1

Item 6

School	Cut off Distance 2016	Cut off Distance 2015	Cut off Distance 2014
Abbey RC Junior and Infant School (The)	Faith (1902m)	Catholic	Catholic
Acacia Green Primary School	632m	778m	636m
Adelphi Primary School	All applicants offered + 11 placed	All applicants offered inc 6 placements	All applicants offered inc 5 placements
Albert Bradbeer Primary Academy	1059m	3052m	All applicants offered inc 1 placement
ALPurgan Primary School	Faith (325m)	Foundation	Foundation
Al-Hijrah School	Faith	Foundation	Foundation
Alers Croft Primary School	All applicants offered + 7 placed	All applicants offered inc 12 placements	All applicants offered inc 7 placements
Alston Primary School	All applicants offered + 9 placed	All applicants offered inc 4 placements	All applicants offered inc 4 placements
Anderton Park Primary School	All applicants offered + 7 placed	All applicants offered inc 13 placements	All applicants offered inc 1 placement
Anglesey Primary School	330m	449m	368m
Arden Primary School	600m	378m	All applicants offered inc 1 placement
Ark Rose Primary Academy	All applicants offered + 19 placed	All applicants offered inc 7 placements	All applicants offered inc 6 placements
Ark Tindal Primary Academy	All applicants offered + 6 placed	All applicants offered inc 10 placements	All applicants offered inc 5 placements
Aston Tower Community Primary School	All applicants offered + 3 placed	All applicants offered inc 4 placements	All applicants offered inc 3 placements
Audley Primary School	All applicants offered + 20 placed	All applicants offered inc 17 placements	All applicants offered inc 15 placements
Banners Gate Primary School	973m	All applicants offered inc 28 placements	All applicants offered inc 19 placements
Barford Primary School	922m	All applicants offered inc 1 placements	5340m
Beitfield Infant School (NG)	All applicants offered + 9 placed	743m	2102m
Bells Farm Junior and Infant School	610m	634m	656m
Benson Community School	587m	483m	606m
Billesley Primary School	All applicants offered + 37 placed	All applicants offered inc 9 placements	All applicants offered inc 23 placements
Birchley Green Infant School	3818m	1190m	391m
Birchfield Community School	All applicants offered + 5 placed	435m	527m
Blackley Hall Primary School	All applicants offered + 18 placed	All applicants offered inc 13 placements	All applicants offered inc 18 placements
Boldmere Infant School and Nursery	716m	668m	804m
Bordesley Green Primary School	2734m	3895m	1792m
Bordesley Village Primary School and Children's Centre	All applicants offered + 2 placed	All applicants offered inc 1 placements	All applicants offered inc 3 placements
Bournville Infant School	1220m dist outside catchment	Voluntary Aided	Voluntary Aided (Dist outside catchment)
Broadmeadow Infant School	909m	1420m	All applicants offered
Brookfields Primary School	All applicants offered + 6 placed	All applicants offered inc 2 placements	All applicants offered inc 5 placements
Brookvale Primary School	652m	458m	603m
Brownhead Primary Academy	1388m	658m	All applicants offered
Calahad Primary School	2388m	927m	1117m
Canterbury Cross Primary School	429m	442m	471m
Chad Vale Primary School	1155m	1355m	1305m
Charles Primary School	All applicants offered + 21 placed	All applicants offered inc 14 placements	All applicants offered inc 4 placements
Cherry Orchard Primary School	709m	1590m	621m
Chilcote Primary School	5b 470m (Outside Catchment)	Dist 324m (Outside Catchment)	Dist 524m (Outside Catchment)
Chiswell Croft Academy	All applicants offered + 6 placed	All applicants offered inc 2 placements	All applicants offered inc 14 placements
Chivers Primary School	All applicants offered + 22 placed	All applicants offered inc 7 placements	All applicants offered inc 6 placements
Christ Church C of E Controlled Primary School and Nursery	All applicants offered	C of E	C of E
Christ the King Catholic Primary School	Faith (5b 405m)	Catholic	Catholic
City Road Primary School	All applicants offered + 9 placed	All applicants offered inc 12 placements	567m
Clifton Primary School	All applicants offered + 2 placed	All applicants offered	All applicants offered
Cotton Primary School	1047m	1344m	757m
Colebourne Primary School	569m	All applicants offered	All applicants offered inc 6 placements
Colmers Farm Infant School	929m	793m	1147m
Colmore Infant and Nursery School	1064m	1019m	975m
Conway Primary School	All applicants offered + 2 placed	All applicants offered	All applicants offered
Copple Primary School	1556m	992m	1166m
Corpus Christi Catholic Primary School	Faith (2181m)	Catholic	Catholic
Cotteridge Junior and Infant School	All applicants offered + 5 placed	1277m	All applicants offered inc 4 placements
Cotterbrooke Infant and Nursery School	2852m	3703m	All applicants offered inc 8 placements
Court Farm Primary School	All applicants offered + 12 placed	799m	All applicants offered inc 6 placements
Cromwell Junior and Infant School and Nursery Class	229m	327m	128m
Deansy Church of England Primary School (The)	Faith (1472m)	C of E	C of E
Daykin Avenue Junior and Infant School	243m	350m	234m
Derrington Academy	All applicants offered + 7 placed	All applicants offered inc 5 placements	All applicants offered inc 3 placements
Elms Farm Community Primary School	All applicants offered + 19 placed	All applicants offered inc 20 placements	All applicants offered inc 3 placements
English Martyrs' Catholic Primary School	All applicants offered + 5 placed	Catholic	Catholic inc 10 placements
Erington Hall Primary School	All applicants offered + 9 placed	All applicants offered inc 9 placements	All applicants offered inc 20 placements
Fairway Primary School	1209m	842m	1082m
Featherstone Primary School	683m	All applicants offered inc 9 placements	1071m
Fis Primary School	All applicants offered + 17 placed	All applicants offered inc 8 placements	All applicants offered
Forestale Primary School	1220m	All applicants offered	All applicants offered inc 3 placements
Four Dwellings Primary Academy	All applicants offered + 8 placed	All applicants offered	All applicants offered inc 3 placements
Four Oaks Primary School	715m	870m	538m
George Dixon Primary School	All applicants offered + 9 placed	All applicants offered inc 20 placements	All applicants offered inc 23 placements
Gilbertstone Primary School	1250m	823m	658m
Glenmead Primary School	All applicants offered + 8 placed	All applicants offered inc 12 placements	All applicants offered inc 20 placements
Gossey Lane Junior Infant and Nursery School	838m	899m	873m
Great Barn Primary School	2696m	All applicants offered inc 8 placements	2227m
Green Meadow Primary School	877m	827m	499m
Greenholme Primary School	2626m	1675m	All applicants offered inc 8 placements
Greer Primary School	799m	994m	1436m
Greendon Junior and Infant School (NC)	All applicants offered + 8 placed	All applicants offered inc 8 placements	All applicants offered
Greystone Academy	All applicants offered + 26 placed	All applicants offered inc 16 placements	All applicants offered inc 10 placements
Grove School	682m	1368m	All applicants offered inc 1 placement
Guardian Angels Catholic Primary School	Faith (3b 3188m)	Catholic	Catholic
Gunter Primary School	All applicants offered + 3 placed	3729m	558m
Hall Green Infant School	1035m (Outside Catchment) Distance	1389m (Outside Catchment) Distance	877m (Outside Catchment) Distance
Harborne Primary School	585m	872m	895m
Harper Hill Seventh-Day Adventist School	All applicants offered + 1 placed	Faith	Faith
Hawkesley Church Primary Academy	Faith (3609m)	C of E	C of E
Hawthorn Primary School	620m	2533m	581m
Heath Mount Primary School	1000m	993m	744m
Heathfield Primary School	623m	All applicants offered inc 4 placements	874m
Heathlands Primary Academy	2099m	2178m	2635m
Hillfield Junior and Infant	All applicants offered + 1 placed	All applicants offered	All applicants offered
Highers Heath Community School	666m	1035m	883m
Hill West Primary School	3407m	875m	6061m
Hillstone Primary School	127m	922m	1118m
Hodge Hill Primary School	All applicants offered + 8 placed	All applicants offered inc 8 placements	All applicants offered inc 7 placements
Holland House Infant School and Nursery	1148m	970m	3665m
Holly Hill Methodist C of E Infant School	All applicants offered + 14 placed	C of E	C of E - All applicants offered
Hollyfield Primary School	950m	891m	1146m
Hollywood Primary School	878m	890m	991m
Holy Cross Catholic Primary School	Faith (2745m)	Catholic	Catholic
Holy Family Catholic Primary School	Faith (431m)	Catholic	Catholic

City Council – 12 July 2016

Holy Souls Catholic Primary School	Faith (821m)	Catholic	Catholic
Holy Trinity CE Primary Academy (Handsworth)	All applicants offered	C of E - All applicants offered inc 6 placements	C of E
James Watt Primary School	514m	507m	549m
Jenette School	163m	558m	1150m
King David Junior and Infant School	Faith (1030m)	Jewish	Jewish
King Solomon International Business School	1883m	N/A	N/A
Kings Heath Primary School	1282m	1727m	918m
Kings Norton Junior and Infant School	965m	606m	1101m
Kings Rise Academy	810m	All applicants offered inc 4 placements	All applicants offered inc 4 placements
Kingsland Primary School (NC)	695m	1283m	All applicants offered
Kingsmead Primary School	All applicants offered + 17 placed	All applicants offered inc 25 placements	All applicants offered inc 20 placements
Kingswell Primary School and Nursery Class	855m	1335m	1470m
Ladywell Primary School	All applicants offered	All applicants offered inc 3 placements	All applicants offered inc 3 placements
Lakey Lane Junior and Infant School	907m	All applicants offered inc 2 placements	All applicants offered inc 6 placements
Lee Forest Primary Academy	All applicants offered + 3 placed	All applicants offered inc 3 placements	All applicants offered inc 1 placement
Leigh Primary School	459m	All applicants offered inc 2 placements	3451m
Lille Totton Primary School	725m	545m	645m
Loxley Junior and Infant School and Nursery	399m	363m	428m
Lyndon Green Infant School	805m	878m	1022m
Marey Hill Primary School	1807m	555m/1022m	766m
Mars' Park Primary School	All applicants offered + 4 placed	Foundation - All applicants offered inc 5 placements	Foundation - 7 placements
Marsfield Green E-Act Academy	All applicants offered + 1 placed	All applicants offered inc 11 placements	All applicants offered inc 7 placements
Maplestone Primary School	244m	1120m	All applicants offered
Marlborough Infant School	All applicants offered + 4 placed	368m	477m
Marth Hill Primary School	915m	755m	915m
Maryvale Catholic Primary School	All applicants offered + 11 placed	Catholic	Catholic
Meadow Primary School (The)	All applicants offered + 9 placed	All applicants offered inc 6 placements	All applicants offered inc 12 placements
Mere Green Primary School	All applicants offered + 12 placed	294m	All applicants offered inc 15 placements
Meritts Brook Primary E-Act Academy	552m	All applicants offered inc 2 placements	All applicants offered inc 14 placements
Minworth Junior and Infant School	1738m	All applicants offered inc 10 placements	All applicants offered inc 1 placement
Montgomery Primary Academy	All applicants offered	All applicants offered inc 1 placements	All applicants offered
Moor Green Primary School	All applicants offered + 6 placed	All applicants offered inc 9 placements	All applicants offered inc 6 placements
Moor Hill Primary School	411m	711m	2105m
Moseley Church of England Primary School	Faith (1620m)	C of E	C of E
Nansen Primary School	All applicants offered + 4 placed	All applicants offered inc 6 placements	All applicants offered inc 12 placements
Nechells Primary E-Act Academy	All applicants offered + 4 placed	All applicants offered inc 13 placements	165m
Nelson Junior and Infant School	542m	311m	416m
Nelson Mandela School	All applicants offered + 13 placed	All applicants offered inc 18 placements	All applicants offered inc 8 placements
New Hall Primary and Children's Centre	All applicants offered + 18 placed	All applicants offered inc 18 placements	All applicants offered inc 14 placements
New Ossau Primary School	1773m	2582m	1152m
Nishkam Primary School Birmingham	Faith		
Norfolk Primary School	1575m	475m	All applicants offered inc 1 placement
Northfield Manor Primary Academy	All on-time offered, 773m late	All applicants offered inc 12 placements	All applicants offered inc 4 placements
Oaklands Primary School (The)	All applicants offered + 13 placed	All applicants offered inc 13 placements	All applicants offered inc 9 placements
Oaks Primary School (The)	All applicants offered + 18 placed	All applicants offered inc 18 placements	All applicants offered inc 14 placements
Oasis Academy Blakenhall Infants	All applicants offered + 8 placed	All applicants offered inc 23 placements	All applicants offered inc 14 placements
Oasis Academy Moulton	1321m	All applicants offered inc 3 placements	All applicants offered
Oasis Academy Poultry	All applicants offered + 4 placed	All applicants offered inc 5 placements	All applicants offered inc 5 placements
Oasis Academy Hobbins	All applicants offered + 3 placed	1110m	465m
Oasis Academy Short Heath	955m	658m	3405m

Oasis Academy Woodhouse	1452m	All applicants offered inc 6 placements	All applicants offered inc 23 placements
Oatley Roman Catholic Primary School (The)	Faith (x6 368m)	Catholic	Catholic
Ochilands Primary Academy (The)	1955m (Munsey)	All applicants offered inc 1 placements	792m
Odborn Primary School	All applicants offered + 12 placed	858m	977m
Our Lady and St Rose of Lima Catholic Primary School	All applicants offered + 11 placed	Catholic - All applicants offered including 8 placements	Catholic
Our Lady of Fatima Catholic Primary School	Faith (388m)	Catholic	Catholic
Our Lady of Lourdes Catholic Primary School (NC)	Faith (639m)	Catholic	Catholic
Our Lady's Catholic Primary School	Faith (352m)	Catholic	Catholic
Oval Primary School (The)	1142m	1150m	451973
Paganac Primary School	All applicants offered + 18 placed	All applicants offered inc 12 placements	1810m
Paget Primary School	All applicants offered + 4 placed	All applicants offered inc 23 placements	All applicants offered inc 18 placements
Park Hill Primary School	712m	All applicants offered inc 3 placements	All applicants offered inc 3 placements
Parkfield Community School	545m	All applicants offered	435m
Pegasus Primary School	254m	All applicants offered	All applicants offered inc 3 placements
Penna Primary School	532m	484m	716m
Perry Smeaton Academy	All applicants offered + 5 placed	All applicants offered inc 6 placements	All applicants offered inc 5 placements
Perry Seachies Infant School	1423m	1270m	1331m
Perry Seachies V - The All Through Family School	All applicants offered	N/A	N/A
Prince Albert Junior and Infant School	923m	545m	703m
Princesmear Infant School	All applicants offered + 9 placed	All applicants offered inc 4 placements	All applicants offered inc 6 placements
Queen's Church Primary School	Faith (682m)	C of E - All applicants offered inc 4 placements	C of E
Raddelham Primary School	1145m	906m	1090m
Radhill Junior and Infant School	All applicants offered + 5 placed	1255m	273m
Radhill Hill Infant School	1553m	All applicants offered inc 14 placements	All applicants offered inc 7 placements
Regents Park Community Primary School	1875m	All applicants offered	All applicants offered inc 1 placement
Robin Hood Academy	All applicants offered	All applicants offered inc 2 placements	2852m
Rodney School	625m	463m	393m
Rosary Catholic Primary School (The)	All applicants offered	Catholic - All applicants offered including 10 placements	Catholic
Sacred Heart Catholic School	All applicants offered + 5 placed	Catholic	Catholic inc 5 placements
Sevents Junior Infant and Nursery School	All applicants offered + 12 placed	All applicants offered inc 6 placements	All applicants offered inc 7 placements
Shew Hill Primary School	394m	All applicants offered	135m
Shirlington Academy (The)	704m	757m	477m
Slade Primary School	All applicants offered + 9 placed	All applicants offered inc 13 placements	All applicants offered inc 6 placements
Stadefeld Infant School	All on-time offered, 82m late	603m	2333m
Stamwell Primary (NG) School	483m	360m	500m
Springfield Primary School	All applicants offered + 18 placed	All applicants offered inc 17 placements	All applicants offered inc 17 placements
St Albans Catholic Primary School	Faith (x6 358m)	Catholic	Catholic
St Ambrose Marlow Catholic Primary School	Faith (x6 1200m)	Catholic	Catholic
St Anne's Catholic Primary School	Faith (1262m)	Catholic	Catholic
St Augustine's Catholic Primary School	Faith (x6 153m)	Catholic	Catholic
St Barnabas Church of England Primary School	Faith (1240m)	C of E	C of E
St Bede's Infant School	All applicants offered + 2 placed	All applicants offered inc 18 placements	All applicants offered inc 2 placements
St Bernadette's Catholic Primary School	Faith (2041m)	Catholic	Catholic inc 3 placements
St Bernard's Catholic Primary School	Faith (844m)	Catholic	Catholic
St Brigid's Catholic Primary School	Faith (2451m)	Catholic	Catholic
St Catherine of Siena Catholic Primary School	Faith (x6 126m)	Catholic	Catholic
St Chad's Catholic Primary School	Faith (559m)	Catholic	Catholic
St Clement's Catholic Primary School	All applicants offered + 7 placed	Catholic	Catholic - All applicants offered
St Clement's Church of England Academy	Faith (873m)	C of E	C of E - inc 6 placements
St Columba's Catholic Primary School	All applicants offered + 2 placed	Catholic - All applicants offered inc 3 placements	Catholic - inc 6 placements

City Council – 12 July 2016

St Cuthbert's RC Junior and Infant (NG) School	Faith (100m)	Catholic	Catholic
St Dunstan's Catholic Primary School	Faith (101m)	Catholic	Catholic - inc 1 placement
St Edmund's Catholic Primary School	All applicants offered	Catholic	Catholic - All applicants offered
St Edward's Catholic Primary School	All applicants offered + 1 placed	Catholic	Catholic
St Francis Catholic Primary School	Faith (103m)	Catholic	Catholic
St Francis Church of England Aided Primary School and Nursery	Faith (202m)	C of E	C of E
St George's Church of England Academy, Newtown	Faith (516m)	C of E	C of E
St George's Church of England Primary School (S15)	All applicants offered + 3 placed	C of E	C of E
St Gerard's RC Junior and Infant School	Faith (311m)	Catholic	Catholic
St James Catholic Primary School	Faith (100m)	Catholic	Catholic
St James Church of England Primary School, Handsworth	Faith (827m)	C of E - All applicants offered inc 5 placements	C of E - All applicants offered
St John and Monica Catholic Primary School	Faith (101m)	Catholic	Catholic
St John Fisher Catholic Primary School	Faith (470m)	Catholic	Catholic
St John's and St Peter's C of E Academy	All applicants offered + 10 placed	C of E	C of E - inc 8 placements
St John's C of E Primary School	Faith (102m)	C of E	C of E
St Joseph's Catholic Primary School - B50	Faith (2115m)	Catholic	Catholic - inc 2 placements
St Joseph's Catholic Primary School (S7)	Faith (191m)	Catholic - All applicants offered inc 5 placements	Catholic
St Joseph's RC Primary School, Sutton Coldfield (S75)	Faith (594m)	Catholic	Catholic
St Julia's Catholic Primary School	All applicants offered + 3 placed	Catholic - All applicants offered inc 1 placements	Catholic - All applicants offered
St Laurence Church Infant School	Faith (405m)	C of E	C of E
St Margaret Mary RC Junior and Infant School	Faith (840m)	Catholic	Catholic
St Mark's Catholic Primary School	Faith (824m)	Catholic	Catholic
St Martin de Porres Catholic Primary School	Faith (834m)	Catholic	Catholic
St Mary and St John Junior and Infant School	All applicants offered + 13 placed	Catholic - All applicants offered inc 5 placements	Catholic - inc 1 placement
St Mary's C of E Primary and Nursery, Academy, Handsworth	Faith (4628m)	Catholic	Catholic
St Mary's Catholic Primary School (S11)	Faith (1028m)	C of E	C of E
St Mary's Church of England Aided Primary School (S29)	All applicants offered + 14 placed	C of E	C of E
St Matthew's C of E Primary School	Faith (290m)	C of E	C of E
St Michael's Church of England Aided Primary School	Faith (1158m)	C of E	C of E
St Michael's C of E Primary Academy, Handsworth	All applicants offered + 8 placed	C of E	C of E - inc 3 placements
St Nicholas Catholic Primary School	Faith (172m)	Catholic	Catholic
St Patrick's Catholic Primary School	All applicants offered + 4 placed	Catholic	Catholic - inc 2 placements
St Paul's Catholic Primary School	Faith (300m)	Catholic - All applicants offered inc 2 placements	Catholic
St Peter and St Paul RC Junior and Infant School	Faith (101m)	Catholic	Catholic
St Peter's Catholic Primary School (S32)	Faith (1243m)	Catholic	Catholic
St Peter's C of E Primary School (S17)	Faith (500m)	C of E	C of E
St Saviour's C of E Primary School	Faith (411m)	C of E	C of E
St Teresa's Catholic Primary School	Faith (321m)	Catholic	Catholic
St Thomas' Church of England (1A) Primary School	Faith (351m)	C of E	C of E
St Thomas More Catholic Primary School	Faith (1805m)	Catholic	Catholic
St Vincent's Catholic Primary School	All applicants offered + 5 placed	Catholic	Catholic
St Wilfrid's Catholic Junior and Infant School	All applicants offered + 8 placed	Catholic - All applicants offered inc 5 placements	Catholic - All applicants offered
Stavely Primary School	773m	870m	All applicants offered inc 8 placements
Stavely School	All applicants offered + 3 placed	All applicants offered	All applicants offered inc 2 placements
Stavely Primary School	1207m	All applicants offered inc 2 placements	All applicants offered
Stavely Primary School	2920m	1671m	2071m
Stavely Wood School and Children's Centre	377m	570m	284m
Summerfield Junior and Infant School	All applicants offered + 15 placed	All applicants offered inc 5 placements	All applicants offered inc 12 placements
Sundridge Primary School	1207m	All applicants offered inc 5 placements	All applicants offered
Tame Valley Academy	2212m	All applicants offered inc 2 placements	All applicants offered inc 4 placements

Thornhill Primary School	54.7m	(Sibing) 54.2m	(Sibing) 48.7m
Timberley Academy	121m	All applicants offered inc 2 placements	4410m
Tiverton Academy	172m	All applicants offered inc 7 placements	All applicants offered inc 1 placement
Topcliffe Primary School	422m	820m	820m
Turves Green Primary School	All applicants offered + 2 placed	All applicants offered inc 12 placements	1632m
Twickenham Primary School	530m	1164m	1337m
Wainley Infant School	1267m	995m	1071m (Pan reduced by 1)
Ward End Primary School	1951m	2038m	All applicants offered inc 3 placements
Warren Farm Primary School	481m	All applicants offered inc 1 placements	1280m
Water Mill Primary School	All applicants offered + 10 placed	All applicants offered inc 7 placements	All applicants offered inc 4 placements
Watville Primary School	All applicants offered + 9 placed	All applicants offered inc 5 placements	All applicants offered inc 2 placements
Waverley School	All applicants offered	All applicants offered	All applicants offered inc 3 placements
Welford Primary School	1120m	All applicants offered	2866m
Welsh House Farm Community School and Special Needs Resource Base	378m	All applicants offered inc 1 placements	All applicants offered inc 5 placements
West Heath Primary School	1066m	All applicants offered inc 2 placements	All applicants offered inc 3 placements
Westminster Primary School	All applicants offered + 3 placed	All applicants offered	All applicants offered inc 5 placements
Wheeler Lane Primary School	2871m	3724m	2185m
Whitehouse Common Primary School	889m	1101m	790m
Wilkes Green Infant School (NG)	1145m	1266m	All applicants offered inc 3 placements
Woodcock Hill Primary School	899m	All applicants offered inc 3 placements	All applicants offered inc 7 placements
Woodgate Primary School	All applicants offered + 13 placed	All applicants offered inc 10 placements	All applicants offered inc 5 placements
Woodhouse Primary Academy	All applicants offered + 3 placed	All applicants offered inc 21 placements	All applicants offered inc 16 placements
Woodthorpe Junior and Infant School	530m	747m	570m
World's End Infant and Nursery School	873m	850m	1070m
Wyshall Primary School	All applicants offered + 8 placed	All applicants offered inc 3 placements	All applicants offered inc 9 placements
Wythe Green Primary School	631m	720m	790m
Wyndcliffe Primary School	All applicants offered + 3 placed	All applicants offered inc 1 placements	854m
Yardley Primary School	1929m	2081m	All applicants offered inc 4 placements
Yardley Wood Community Primary School	All applicants offered + 12 placed	All applicants offered inc 14 placements	All applicants offered inc 4 placements
Yarnfield Primary School	All applicants offered + 12 placed	All applicants offered inc 16 placements	All applicants offered inc 1 placement
Yerston Primary School	All applicants offered + 17 placed	All applicants offered inc 12 placements	2730m
Yew Tree Community Junior and Infant School (NG)	885m	980m	All applicants offered inc 2 placements
Yorkwood Junior and Infant School	667m	All applicants offered inc 2 placements	All applicants offered

C4 - APPENDIX 2

Archbishop Riley Catholic School	Faith (4300m)	All offered + 4 placed	Faith (2280m)
Ark Boulton Academy	All offered + 1 placed	2024m	600m
Ark Kings Academy	All offered + 4 placed	All offered + 9 placed	All offered + 6 placed
Ark St Albans Academy	1800m	870m	1032m
Arthur Terry School (The)	1832m	1611m	1033m
Ayton Manor Academy	2100m	1180m	1161m
Balsam Wood School	All offered + 4 placed	All offered + 3 placed	All offered + 5 placed
Barley Green School	2820m	1610m	All offered
Beverstock Academy (The)	All offered + 129 placed	All offered + 88 placed	All offered + 93 placed
Bishop Challoner Catholic College	Faith (4790m)	Faith (4490m)	Faith (17730m)
Bishop Vesey's Grammar School	220 score (1282m)	219 score (16900m)	217 score (11816m)
Bishop Walsh Catholic School	Faith (4951m)	Faith (4671m)	Faith (5080m)
Bordeley Green Girls' School & Sixth Form	760m	745m	785m
Bournville School and Sixth Form Centre	All offered + 14 placed	All offered + 45 placed	All offered + 20 placed
Bradley Academy	1220m	1143m	1083m
Cardinal Newman Catholic Technology College	All offered	All offered + 29 placed	All offered + 7 placed
Cockshut Hill Technology College	All offered + 143 placed	All offered + 103 placed	All offered + 121 placed
Colmers School and Sixth Form College	2150m	1612m	1070m
Dans Elizabeth Cadbury Technology College	3830m	2711m	2700m
Eden Boys' School	3101m	All offered	N/A
Enliffe	25 offered via test (score of 25, 3340m), + 3470m	17 offered via test, + 2070m	4160m
Four Dwellings Academy	All offered + 17 placed	All offered + 35 placed	All offered + 21 placed
George Closh Academy	All offered + 73 placed	All offered + 74 placed	All offered + 68 placed
Great Run School	All offered + 183 placed	All offered + 148 placed	All offered + 170 placed
Greenwood Academy	All offered + 27 placed	All offered + 47 placed	All offered + 38 placed
Hall Green School	1494m	1450m	1460m
Hamstead Hall Academy	2230m	2135m	1074m
Handsworth Grammar School	206 score (7671m)	207 score (6847m)	203 score (1426m)
Handsworth Wood Girls' Academy	1800m	2380m	1911m
Harborne Academy	11320m	7220m	All offered + 36 placed
Heartlands Academy	1030m	1000m	1210m
Hillcrest School A Specialist Maths and Computing College and Sixth Form Centre	All offered + 11 placed	All offered + 25 placed	All offered
Hodge Hill College	2870m	2532m	3243m
Hodge Hill Girls' School	1470m	1600m	2034m
Holts School	613m	830m	680m
Holy Trinity Catholic Media Arts College	All offered + 40 placed	All offered + 7 placed	All offered + 1 placed
Holyhead School	930m	1021m	940m
International School (The)	All offered + 50 placed	All offered + 111 placed	All offered + 114 placed
John Willmott School	5800m	6080m	All offered + 12 placed
King Edward VI Aston School	PP = 209 (5222m), 221 (5410m)	PP = 207 (4421m), 224 (6090m)	214 score (3161m)
King Edward VI Camp Hill School for Boys	PP = 254 (4730m), 259 (763m)	PP = 219 (5130m), 243 (2674m)	226 score (8620m)
King Edward VI Camp Hill School for Girls	PP = 216 (10822m), 235 (6460m)	PP = all offered, 231 (26687m)	226 score (3253m)
King Edward VI Five Ways School	PP = 210 (5920m), 233 (5146m)	PP = 206 (12972m), 232 (14327m)	224 score (6543m)
King Edward VI Handsworth School	PP = all offered, 223 (2734m)	PP = all offered, 219 (1292m)	219 score (8472m)
King Edward VI Sheldon Heath Academy	1800m	1804m	2162m
King Solomon International Business School	24 faith offers, 68 non faith offers (5685m)	N/A	N/A
Kings Heath Boys	All on-time apps offered, 1941m late app	All offered + 12 placed	8280m
Kings Norton Boys' School	3800m	All offered	3481m
Kings Norton Girls' School	2213m	2271m	3483m
Kingsbury School and Sports College	All offered + 79 placed	All offered + 102 placed	All offered + 87 placed
Ladbroke Grove School	All offered + 38 placed	All offered + 31 placed	All offered + 8 placed
Ladbroke Grove School and Sixth Form Centre	3900m	2002m	2127m

Moseley School	All offered + 62 placed	All offered + 59 placed	All offered + 70 placed
Minsterley School, an Academy	30 offered via test, 2520m	30 offered via test, 1570m	27 test, 1490m
Mokham High School	80 out 1 + 50 out 2	80 out 1 + 50 out 2	All Cat 1 + 2 offered, Cat 3 random
North Birmingham Academy	5181m	All offered	All offered + 4 placed
Perry Beethers II the Free School	2470m	2345m	2297m
Perry Beethers III the Free School	All offered + 42 placed	4460m	4425m
Perry Beethers IV - The Free School	4210m	3530m	N/A
Perry Beethers the Academy	1170m	1250m	1254m
Perry Beethers V - The All Through Family School	725m	N/A	N/A
Plantbrook School	2140m	2791m	3003m
Queensbridge School	1641m	1755m	1750m
Roostwood Academy	3020m	3870m	3610m
Salford Academy	1181m	1164m	893m
Sally Park Technology College For Girls	3640m	4270m	4507m
Shenley Academy	1295m	1200m	1270m
Small Heath School	611m (lower school), 853m (upper)	546m (lower school), 570m (upper)	501m (lower school), 570m (upper)
St Edmund Campion Catholic School & Sixth Form Centre	Faith 1320m	Faith (1520m)	Faith (4190m)
St John Wall Catholic School - A Specialist Humanities College	All offered + 12 placed	All offered + 10 placed	Faith (3733m)
St Paul's School for Girls	Faith 6140m	Faith (560m)	Faith (2100m)
St Thomas Aquinas Catholic School	All on-time apps offered, 1405m via late app	Faith (4923m)	Faith (2383m)
Starbank School	836m	905m	N/A
Stockland Green School	All on-time apps offered, 1195m late app	10240m	1339m
Sutton Coldfield Grammar School for Girls	218 score (4931m)	216 score (5295m)	211 score (18944m)
Swanhurst School	4637m	3450m	3607m
Turves Green Boys' School	All offered + 19 placed	All offered + 7 placed	All offered + 6 placed
Turves Green Girls' School and Technology College	All offered + 19 placed	All offered + 11 placed	All offered + 4 placed
University of Birmingham School (The)	12 SEP/LAC, 12 SE, Uni x 85: 865m, JO x 21: 1305m, SH x 21: 880m, HG x 21: 610m	10 LAC, Uni x 71: 1430m, JO x 22: 1830m, SH x 23: 1240m, HG x 23: 664m	N/A
Washwood Heath Academy	2020m	2020m	2670m
Waverley School	834m	803m	760m
Wheeler Lane Technology College	2230m	2630m	2635m
Widley School	1282m	1146m	1107m

**WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN,
FAMILIES AND SCHOOLS FROM COUNCILLOR RON STORER**

C5 Complaint

Question:

In relation to Written Question C5 (14 June 2016), out of the figures given, how many were actually seen by Social Workers as part of the assessment process?

Answer:

All single assessments are completed by social workers who see children as part of that assessment. Each assessment is based on a specific child. So, for example, if there were three children of concern within one family there would be three assessments.

Requests for assessment and assessment timescales

DCSC	13/14	14/15	15/16
Single Assessments within Timescale	101	371	271
Total Number of Single Assessments for the year/period¹	119	434	338
Percentage in timescale	84%	85%	80%

¹ Please note: the period 13/14 is October 2013 – March 2014. This is because Single Assessments were introduced in October 2013.

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

D1 Statistics - Flytipping?

Question:

At the last Council meeting I asked for comparative details of incidents and reports of flytipping. I was given details of recorded incidents. Could the cabinet member list, side by side, monthly statistics for incidents and reports of flytipping over the last two years?

Answer:

The table below shows 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 the incidents reportable under DEFRA's Waste Data Flow 'fly-tipping' arrangements. [Data for June 2016 is not reported as this has yet to be collated].

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.

Month	Number of enquiries into the Council referencing waste/rubbish and recorded on waste management or regulatory teams database	Number of Incidents of fly-tipping. [Reportable under DEFRA's Waste Data Flow arrangements]
06/2014	3554	1456
07/2014	3671	1281
08/2014	2713	1561
09/2014	2650	1190
10/2014	1997	1065
11/2014	1836	865
12/2014	1880	1064
01/2015	2371	1159
02/2015	2277	1016
03/2015	4335	1002
04/2015	3729	1075
05/2015	3454	1059

City Council – 12 July 2016

06/2015	5439	1192
07/2015	6582	1202
08/2015	4011	916
09/2015	3941	834
10/2015	4061	919
11/2015	3981	973
12/2015	4377	867
01/2016	3944	1086
02/2016	3644	1028
03/2016	3623	1197
04/2016	4402	1152
05/2016	4163	1151

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

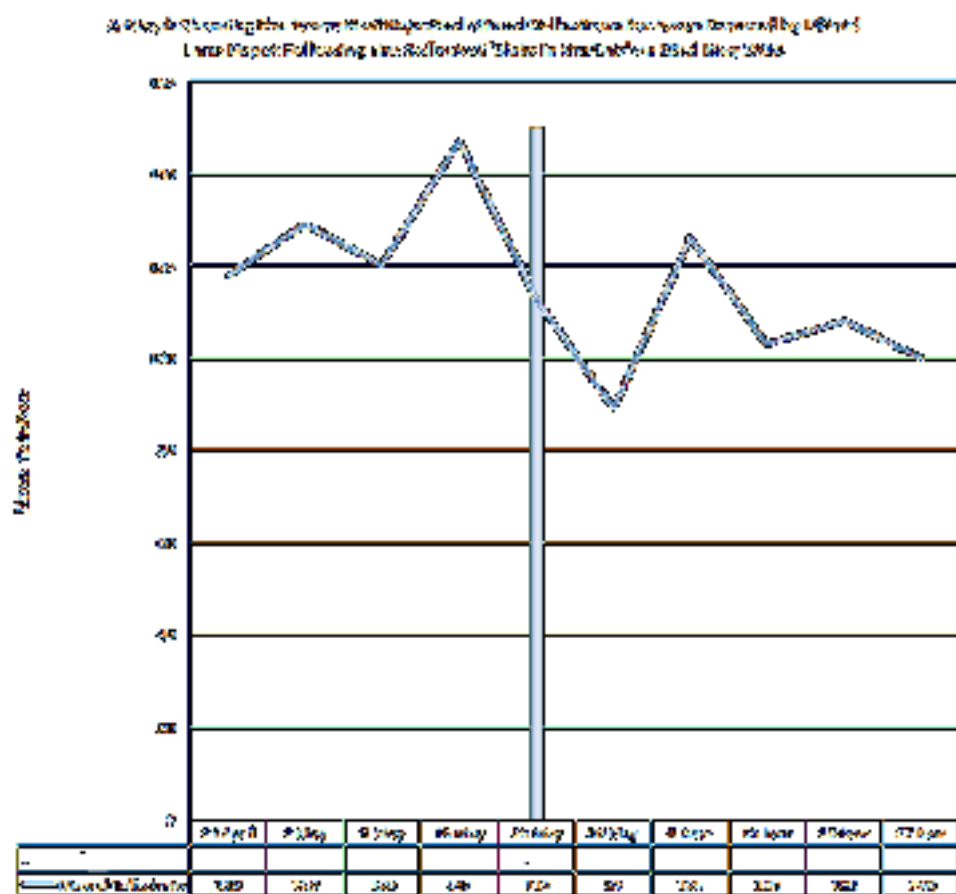
D2 Can somebody collect my rubbish

Question:

At the previous Council meeting the Cabinet Member informed members of the introduction at Lifford Lane depot of the “slab in the cab”.

Since the introduction of the “Slab in the Cab” at Lifford Lane, how many collections have been registered as missed?

Answer:



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

D3 CCTV Cameras - How many?

Question:

How many CCTV cameras does the City have available for enforcement of flytipping and antisocial behaviour?

Answer:

The Birmingham Community Safety Partnership has 10 cameras that can be used to tackle antisocial behaviour. At present time 8 are in fixed locations and 2 are available to be redeployed.

Place Managers have 8 cameras that can be deployed to monitor areas of concern or to deter anti- social behaviour.

The Council's Waste Enforcement Unit has 8 overt re-deployable lamp column cameras and 10 small portable devices for use in covert applications.

Legislation and statutory codes direct how the deployment of overt and covert cameras can be used by the council and in many instances the permission of the courts is required before any operation is commenced.

Place Directorate has 26 deployable cameras for overt use and 10 small portable devices that can be used covertly for Flytipping and anti-social behaviour.

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

D4 Street Cleaning - 10 Wards - which ones?

Question:

At Cabinet the Cabinet Member said 10 wards would get priority for street cleaning. Could she name the wards?

Answer:

You may wish to review the transcript of the Cabinet meeting 28th June but what I actually said was that the problem of litter seemed to be focussed on 10 of the 40 wards and indeed only some streets in those wards.

I also said that we needed to work together to address the problem and that the local knowledge and leadership of Councillor colleagues by returning completed ward Cleaner Street Plans was critical to delivering the necessary improvements in the street cleansing service.

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

D5 Street Cleaning - 10 wards - what about other 30?

Question:

At Cabinet the Cabinet Member said 10 wards would get priority for street cleaning. Could she indicate what street cleaning resources will be available to the other 30 wards?

Answer:

What I said at Cabinet, and evidenced from data collected, was that the problem of litter seemed to be focussed on 10 of the 40 wards and indeed only some streets in those wards. I stressed that we would be reshaping and redesigning the street cleaning service on the back of locally completed cleaner streets plans. I further requested that Councillor colleagues show some local leadership and coordinate, complete and return those plans so that we could start to make the necessary improvements.

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

E Delayed Transfers

Question

What is the situation with delayed transfers of care for the last 12 months across Birmingham?

Answer:

Using data provided by NHS England, which is a snapshot of amount of patients delayed on the last Thursday of the month, the delays that are attributed to the People Directorate only (i.e. social care DTOCs) in April 2016 is 65. The figure for May 2015, 12 months prior was 105. This is a 38.1% decrease to where we were 12 months ago from April 2016.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR JOBS AND SKILLS
FROM COUNCILLOR IAN CRUISE**

F Hole in the budget

Question:

Could the Cabinet Member inform the Council of the funding Birmingham has received from the EU, directly for supporting Jobs and Skills since May 2010, where the funding has been allocated and how many jobs have been created?

Answer:

It is estimated that approximately £250m of EU funds have been accessed by organisations in Birmingham from May 2010 to date. It is difficult to provide an exact answer, as there are different types of funds that flow into the city and the bodies that administer them at national and EU levels report differently and over different accounting periods.

Birmingham City Council received £78m across 16 projects, creating 1,730 jobs and safeguarding 830 others. Projects also supported other outcomes, such as businesses assisted, training and green-house gas reduction.

In addition to the grant funding, projects usually have to attract “match funding” of a similar amount. This means that around £0.5bn has been invested in the local economy as a result of EU funding.

**WRITTEN QUESTION TO THE CABINET MEMBER FOR TRANSPORT AND
ROADS FROM COUNCILLOR IAN CRUISE**

“Where’s the revolution”

Question:

The Birmingham Cycle Revolution was launched too much fanfare but seems to have delivered very little for cyclists.

Will the Cabinet Member provide a breakdown of how and where the funding received from Government has been spent, where future projects and funding are allocated and how many new cyclists are now using the “improved” infrastructure?

Answer:

The Birmingham Cycle Revolution is one of the most ambitious programmes to improve cycling facilities in the country. It represents a programme of approximately £58m of funding from DfT, GBSLEP, the City Council and other local contributions, up to 2019. The first tranche of DfT funding (£17m) has been largely spent, but the other elements are being planned.

A significant programme of measures has been implemented, using the phase one funding, mostly within a 20-minute cycling time of the city centre. Later phases will extend the programme over a wider part of the city.

Work carried out to date includes:

- An extensive programme to resurface 40km of canal towpaths across the city, improve access points, and replace canal lighting around the city centre, (£7.5m).
- Improvements to ‘green routes’ through parks and along river valleys, (£2.5m).
- The delivery of three large 20mph pilot areas, (£1.5m).
- The ‘Big Birmingham Bikes’ project to provide 3,800 free and loan bikes, along with appropriate training, to residents in deprived communities, (£1.2m).
- Grants to local schools and businesses for them to install cycle parking and other facilities, under the ‘Top Cycle Location’ programme.
- Brompton Docks, (folding bike hire points), in the city centre.
- Implementation of initial on-highway schemes
- Significant development work on larger highway corridor schemes for implementation in the later phases of the programme.

Later phases will particularly focus on higher-quality segregated on-road routes along main corridors. These higher-quality routes take longer to develop and are more expensive to deliver, and so were not included in the first phase. However, development work is now underway to identify the most suitable corridors and the types of measure which can be delivered.

Overall monitoring of cyclist numbers will be carried-out in conjunction with Sustrans through their 'bike life' programme and is not yet underway. However, counts following the canal towpath improvements indicate a 50% increase in cyclists on the Worcester & Birmingham Canal, (an increase of around 40,000 cycle trips per year), and a 25-40% increase on the other canals. Initial results from the Big Birmingham Bikes project suggest that over 80,000 miles have been cycled already by recipients of the bikes, and over 1,000 people have been trained to ride and maintain their cycles.

The attached table gives a breakdown of the expenditure.

BIRMINGHAM CYCLE REVOLUTION PROGRAMME DETAILS			ON-HIGHWAY SCHEMES						OFF-ROAD ROUTES		SUPPORTING MEASURES		
Phase	Budget	Dates	Main Corridors	Parallel Routes	City Centre	Local Links	20mph Areas	Cycle Parking	Green Routes	Canal Works	Top Cycle Location	Brompton Docks	Big Birmingham Bikes
PHASE 1 CCAG (DfT) Tranche 1	£19.900m	2013-16	£2.500m	£2.400m	£0.070m	£1.000m	£1.900m	£0.080m	£2.700m	£7.600m	£0.350m	£0.100m	£1.200m
			Initial tranche of main corridor schemes including Lichfield Road and Nechells Parkway. Also development work on future schemes for delivery in Phase 3.	Approximately 10 corridors consisting mostly of minor measures (eg cycle logos and signing) to highlight routes into the city centre which avoid main corridors.	Development of city centre schemes for delivery in Phase 3.	Minor schemes at approx 10 locations to connect off-road (canal and green) routes to the wider on-road cycle network	Three 'pilot' 20mph in south and east Birmingham and the city centre.	First tranche of cycle parking, with over 100 stands in 40 locations across the city.	14km of newly surfaced paths and 22km of upgraded route signing etc	40km of towpath improvements, 5 new / improved accesses, city centre lighting refurb	Around 40 businesses, schools and other organisations have received grants of up to £10,000 each to provide parking and other facilities for cyclists	Two folding bike hire docks installed in city centre	3,800 free and loan bikes to people in disadvantaged communities. Results show over 80,000 miles have already been cycled by recipients and over 1,000 people have been trained to ride and maintain their bikes. There have also been an average of 20 led-rides each month within local communities.
			On-Site	On-Site	Development work ongoing	On-Site	On-Site	Approved for implementation	Substantially complete	Substantially complete	Substantially complete	Substantially complete	Substantially complete
PHASE 2 Local Growth Fund (LEP)	£8.000m	2015-20	£2.000m	£2.400m	£0	£0	£0.750m	£0	£0.600m	£2.000m	£0.100m	£0	£0.150m
			Funding for main corridors to support the Phase 3 proposals.	Further tranche of parallel routes including some more substantive	N / A	N / A	A fourth pilot 20mph area in south-west Birmingham	N / A	Around 10km of path improvements (locations tbc)	12km of towpath improvements and up to 10 minor access	A further 7 locations in addition to Phase 1.	N / A	Purchase of GPS Units, to be fitted to the free bikes to allow data analysis of their usage.

City Council – 12 July 2016

				schemes.						improvements			
			In Development	To be developed in 2018 for delivery in future years.	N / A	N / A	Proposals to be consulted on in 2016/17 for delivery in 2018.	N / A	In Development	On-Site	Substantially complete	N / A	Substantially complete
			£15.000m	£3.400m	£1.400m	£2.600m	£0.250m	£0.800m	£1.200m	£4.100m	£0.500m	£0.350m	£0.400m
PHASE 3 CCAG (DfT) Tranche 2	£30.000m	2015-18	High-quality segregated cycle routes on 3 to 4 main corridors, including segregation where practical.	Corridor-based schemes largely based around improving access into the Green Travel District areas, avoiding main corridors. Exact details are still to be confirmed.	Extensive implementation of minor measures, including contraflows and signing, across the city centre. More substantive works, eg segregation, at specific locations.	Further programme of on-road schemes where off-road routes connect to the wider highway cycle network, exact locations tbc	Variable advisory 20mph speed limits on main roads in the vicinity of schools, exact locations tbc.	Further cycle parking and hubs across the city, locations to be identified.	5km of path improvements in two country parks (Sheldon and Woodgate Valley)	Approx 6 major access and other improvements	A further set of locations (minimum of 45) to be identified	Further sites for hire docks to be identified, possibly within GTDs	A further tranche of bike loans and give-aways is proposed, along with recycling of bikes.
			In Development for consultation in 2017/18.	To be developed in 2017 for delivery in 2018.	Proposals in development for consultation in 2017/18.	Development work to commence Autumn 2016	Proposals to be consulted on in 2016/17 for delivery in 2018.	Development work to commence Autumn 2016	On-Site	In Development	Development work to commence Autumn 2016	Development work to commence Autumn 2016	In Development
TOTAL	£57.900m		£19.500m	£8.200m	£1.470m	£3.600m	£2.900m	£0.880m	£4.500m	£13.700m	£0.950m	£0.450m	£1.750m

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

G2 Permeable Dropped Kerbs?

Question:

When householders apply for a dropped kerb, what steps are taken to ensure they are installing front drives that comply with planning requirements that they should be permeable - or that they are aware of such rules?

Answer:

From 01 October 2008 the permitted development rights that allow householders to pave their front garden with hardstanding without planning permission changed in order to reduce the impact of this type of development on flooding and on pollution of watercourses.

In order to make dropped kerb applicants aware of this requirement a notice was included in the dropped kerb application pack explaining the new rules and pointing applicants to visit the Planning Portal web pages for further details at:

<http://www.planningportal.gov.uk/uploads/hhg/houseguide.html>

From September 2015 Highways introduced an online dropped kerb application process. This can be found at:

<http://www.birmingham.gov.uk/droppedkerbs>

The following guidance is included under the 'More information' heading

When do I need planning permission?

Before we can process your application, planning permission is required where your property is:

- On a classified road (typically a main road. Attached below is a list of classified roads in Birmingham).
- a building divided into separate properties e.g. flats
- for commercial use
- in a conservation area
- a listed building.

Your drive must also be permeable to water or divert water to a drain otherwise planning permission is required. If you think you need planning permission advice, please contact planning by submitting the form at

<http://www.birmingham.gov.uk/preappadvice> or make an application at

<http://www.planningportal.gov.uk/planning/applications>

Specific rules do apply for householders wanting to pave over their front gardens. As stipulated above, Permitted Development rights that previously allowed householders to pave over their front gardens without planning permission changed in 2008. Planning permission is required if a new or replacement driveway of more than 5 square metres is proposed using impermeable materials.

However, if the new or replacement driveway is to be surfaced in permeable (porous) materials such as gravel, permeable blocks or porous asphalt, or if the rainwater is directed to a lawn, border or drainage channel/soak away, planning permission would not be needed because this would be permitted development. This is covered by the General Permitted Development Order Schedule 2 Permitted development rights, Part 1 Development within the curtilage of a dwelling house – Class F.

It is the homeowner's responsibility to ensure that prior to undertaking any works that they have all the relevant permissions in place. However, Local Planning Authorities have responsibility for taking whatever enforcement action may be necessary, in the public interest.

In considering any enforcement action, the local planning authority should have regard to the National Planning Policy Framework, in particular paragraph 207:

National Planning Policy Framework 207 states that enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Any complaints received by the Council in respect of hard standings are investigated by the Planning Enforcement Team. In instances where it is established that a driveway/hard standing has been constructed using impermeable materials or without adequate surface run off, negotiations are undertaken to commence remedial works to address the matter where necessary. Failure to undertake such works would result in the Enforcement Team considering what, if any formal enforcement action is necessary.

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

G3 Congestion Charges

Question:

On what date did the Council officially decide it did not support a congestion charge?

Answer:

A previous response to written questions at Full Council in June 2016 advised that a congestion charge was one of the many options considered from an evaluation of appropriate measures to reduce reliance on car trips and improve air quality. This was referred to in the executive summary of the report on the Council Business Plan and Budget 2016+ Consultation, dated 29th January 2016. The proposal was for an evaluation of a potential congestion charge scheme, as opposed to a proposal to introduce one.

The final published budget plan, approved by full Council on 1st March 2016, sets-out that “the City Council will design and develop a modern transport network for the city in order to help develop attractive shopping areas, promote greener forms of transport and improve the environment. We propose to reduce the reliance on car trips and improve air quality. These will be underpinned by a ‘nudge’ communications campaign to change travel behaviour and switch trips to other modes of transport.” None of these include a congestion charge.

**WRITTEN QUESTION TO THE EXECUTIVE MEMBER PERRY BARR
DISTRICT FROM COUNCILLOR JON HUNT**

H Perry Barr Ward Committee - True attendance?

Question:

In a written answer at the April Council meeting, the Executive Member stated that attendance at the Perry Barr Ward Committee on 10th March this year was 20. Could he confirm that the true figure was nearer 80?

Answer:

At the time of our April meeting there was only an estimated attendance figure available for March. I can now confirm that the formal records have since been produced, which have a record of those in attendance being approximately 50.

WRITTEN QUESTION TO THE CHAIRMAN OF LICENSING AND PUBLIC PROTECTION COMMITTEE FROM COUNCILLOR ROB SEALEY

I1 Fly Posting

Question

How many incidents of fly-posting, by ward, have been recorded each municipal year since 2012?

Answer:

The table below includes all complaints recorded by the council.

DISTRICT	WARD	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Edgbaston	Bartley Green		5		3	
	Edgbaston	1	2	2	1	1
	Harborne	1			1	2
	Quinton		1	8	1	3
Erdington	Erdington	1		1		1
	Kingstanding	1	4	14	1	
	Stockland Green		9	1	1	1
	Tyburn		8	6	6	3
Hall Green	Sparkbrook	8	3	4	18	2
	Springfield	3	1	6	9	2
	Moseley and Kings Heath	34		13	11	8
	Hall Green	2		10	6	
Hodge Hill	Bordesley Green	2		5	9	4
	Hodge Hill		3	14	13	1
	Shard End				3	2
	Washwood Heath		3	3	1	1
Ladywood	Aston	4		3		2
	Ladywood	27	4	20	14	7
	Nechells	7	4	22	14	4
	Soho	11		8	11	6
Northfield	Longbridge	1	3	3	4	
	Northfield			9	2	1
	Weoley			4	2	1
	Kings Norton				6	
Perry Barr	Handsworth Wood		1		5	4

City Council – 12 July 2016

	Lozells & East Handsworth		3	1	11	3
	Oscott	1	2	2	2	
	Perry Barr	9	5	6	10	7
Selly Oak	Bournville	1	1	19	3	
	Brandwood	2		5	2	
	Billesley	7		7	7	1
	Selly Oak	1		5	2	4
Sutton Coldfield	Four Oaks	1	1	2	1	
	New Hall		1	8	3	3
	Trinity		2	7	3	
	Vesey		1	2	10	1
Yardley	Sheldon		1	18	19	2
	Stechford & Yardley North	2	2		11	
	South Yardley		2	5	1	5
	Acocks Green	1	3	9	16	1
Unallocated			43	3		1
TOTALS		128	118	255	243	84

**WRITTEN QUESTION TO THE CHAIRMAN OF LICENSING AND PUBLIC
PROTECTION COMMITTEE FROM COUNCILLOR RON STORER**

I2 Fly Posting 1

Question

How many incidents of fly-posting have been recorded for the current municipal year?

Answer:

84 incidents have been recorded in municipal year 2016/17 year to date.

**WRITTEN QUESTION TO THE CHAIRMAN OF LICENSING AND PUBLIC
PROTECTION COMMITTEE FROM COUNCILLOR BOB BEAUCHAMP**

I3 Fly Posting 2

Question

What has been the total cost for removing fly-posting across the city each municipal year since 2012?

Answer:

The costs are not recorded in a specific budget line. Flyposting is removed as part of the daily duties by Amey (part of the PFI contract), as part of the normal duties of Street Cleaners and by Regulatory Services staff as part of evidence of their enforcement role.

**WRITTEN QUESTION TO THE CHAIRMAN OF LICENSING AND PUBLIC
PROTECTION COMMITTEE FROM COUNCILLOR GARY SAMBROOK**

I4 Fly Posting 3

Question

What percentage of fly-posting for the last municipal year was from premises licensed by Birmingham City Council?

Answer:

Removal of fly posting falls to Amey under the PFI agreement. They do not record who is advertising so a calculation cannot be made as to the percentage which arises from licensed premises.

WRITTEN QUESTION TO THE CHAIRMAN OF LICENSING AND PUBLIC PROTECTION COMMITTEE FROM COUNCILLOR GARETH MOORE

I5 Fly Posting 4

Question

What are the top five licensed premises in Birmingham which have been found to be engaged in fly-posting for the last municipal year?

Answer:

We do not record this information.

I can advise that the venue trading as Gatecrasher had its licence reviewed on the application of the Police following a serious incident, and Environmental Health made representations concerning the flyposting issues.

As a result of this review process, the Licensing and Public Protection Committee (sub-committee) imposed much more stringent conditions including a number concerning fly posting and the use of promoters.

The specific conditions were as follows:

The Premises Licence Holder shall ensure that their premises are not in any way promoted by the use of illegal fly-posting or unauthorised advertisements attached to street furniture.

The Premises Licence Holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly-posting and/or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The Premises Licence Holder shall maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority on request.

The Premises Licence Holder shall take all reasonable precautions and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainment or the premises, in particular:

- a. no display of advertisements should take place on street furniture;
- b. no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the licensee has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to the Environmental Health on request.

The Premises Licence Holder shall remove or shall ensure the removal of any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council of an illegal advertisement being displayed. Such removal shall take place immediately within 48 hours of receiving the said notice.

**WRITTEN QUESTION TO THE CHAIRMAN OF LICENSING AND PUBLIC
PROTECTION COMMITTEE FROM COUNCILLOR DES FLOOD**

I6 Fly Posting 5

Question

How many enforcement cases have there been for fly-posting offences each municipal year since 2012, including how many of these have led to a caution or conviction?

Answer:

I have taken enforcement cases to mean reports of flyposting made to Regulation & Enforcement. The numbers are as follows:

2012-2013 - 119
2013-2014 - 26
2014-2015 - 36
2015-2016 - 44
2016-2017 - 6

The high number in 2012/13 reflects the pro-active work that was undertaken by the Environmental Wardens whose temporary funding ceased at the end of that financial year. Since then the number of complaints have reduced and most of the work has been referred to Amey to be removed from street furniture under the PFI agreement.

The number of cautions or convictions are as follows and these are people caught in the act of flyposting on the street.

2012-2013 – 0
2013-2014 – 0
2014-2015 – 4
2015-2016 – 8

**WRITTEN QUESTION TO THE CHAIRMAN OF PLANNING COMMITTEE
FROM COUNCILLOR JON HUNT**

J Attenuation Pond - Booths Lane

Question:

Planning permission for the development at Booths Lane, Oscott ward, requires the installation of an attenuation pond, which I understand should slow down the run-off of waters.

Can the chair of planning confirm that such a pond has been installed and that it will do the job intended?

Answer:

An underground attenuation design solution has now been agreed as part of the overall drainage strategy for the scheme, rather than the pond. This has been assessed and agreed by the relevant expert consultees. It will be provided as part of a later phase of development of the scheme.

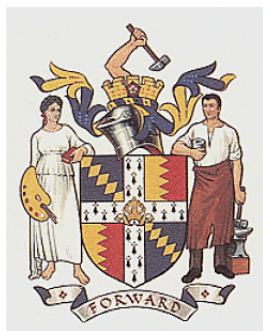
REPORT OF THE COUNCIL BUSINESS MANAGEMENT COMMITTEE

PROPOSED CHANGES TO THE CITY COUNCIL'S CONSTITUTION

It is recommended that City Council approve the changes to the Constitution as indicated by the tracked changes in the appendix to the report now submitted.

MOTION

That approval be given to the necessary changes to the City Council's Constitution as indicated by the tracked changes in the appendix to the report and that the Director of Legal and Democratic Services be authorised to implement the changes with immediate effect.



VOLUME A
THE CONSTITUTION

Website
Updated ~~July~~ August 2016

**VOLUME A
THE CONSTITUTION****TABLE OF CONTENTS**

	Page No.
Summary and Explanation	3
Article 1 – The Constitution	6
Article 2 – Members of the Council (Councillors)	7
Article 3 – Citizens and the Council	9
Article 4 – The Full Council	11 10
Article 5 – The Lord Mayor	13 2
Article 6 – The Executive	15 4
Article 7 – Overview and Scrutiny Committees	21 19
Article 8 – Regulatory and Non-Executive Committees	27 5
Article 9 – The Standards Committee	32 0
Article 10 – District and Ward Committees/Forums	34 2
Article 11 – External Appointments, Joint Committees	36 4
Article 12 – Officers	37 5
Article 13 – Decision Making and 'key decisions'	41 39
Article 14 – Finance, Contracts and Legal Matters	43 1
Article 15 – Review, Revision and Suspension of the Constitution	44 2

Summary and Explanation

The Council's Constitution

Birmingham City Council has agreed a ~~new~~ Constitution which governs how the Council operates, how decisions are made, and the procedures which are followed to ensure efficiency, transparency and accountability to local people.

The Constitution is divided into 15 Articles which set out the basic rules governing the Council's business (Volume A). More detailed procedures and codes of practice are provided in separate rules and protocols (Volume B).

Values and Objectives

The Council is the largest in Britain and Europe and leads a modern and focused local government for the benefit of the nation's second city. The Council's annual budget totals over £3.2b and over 33,500 staff are employed, including Council staff employed in schools.

Underpinning this role are a number of key values and objectives:

- Maintaining the highest standards of propriety and accountability
- Being open and transparent
- Being agile and efficient in making decisions and taking actions
- Respecting the importance of the democratic mandate
- Leading to ensure a clean and safe city
- Protecting vulnerable people of all ages
- Improving health and well-being
- Helping people into work and improving education and skills
- Collaborating between service areas and other public agencies

Citizens' Rights

Citizens have a number of rights in their dealings with the Council, and in particular in terms of participation, rights to information, complaints and petitions;

- Vote at local elections if they are registered
- Contact their local Councillors about matters of concern to them
- Obtain a copy of the Constitution
- Attend meetings of the Council, the Cabinet and committees
- See reports, background papers and records of decisions made by the Council, the Cabinet and Committees
- Complain to the Council about service delivery

- Complain to the Ombudsman
- Complain to the Council's Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct
- Inspect the Council's accounts during a statutory period and make their views known to the external auditor

How the Council operates

The Council is composed of 120 Councillors, one of whom is elected as Leader (3 Councillors for each of the City's 40 Wards). The Leader is elected by the Councillors, normally for a four-year term of office. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

The Leader and all Councillors meet together as the Council. These meetings are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year.

The Leader appoints the Cabinet which has, as a main role, the task of developing and implementing policy on behalf of the Council.

The Council has established Cabinet Committee Local Leadership, District and Ward Forums which provide for public participation, representation and decision making at a local level.

A number of Overview & Scrutiny Committees monitor the decisions of the Cabinet and the implementation of policy. They can also recommend policies to the Cabinet and Council. They allow citizens to have a greater say in Council matters and are consulted by the Cabinet on developing policies.

Overview & Scrutiny Committees can "call-in" a decision which has been made by Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision.

The Council also appoints Regulatory Committees to perform the Council's regulatory functions such as planning and licensing. Other specialist committees are appointed by the Council from time to time.

The Council has established a Standards Committee to advise on the adoption and implementation of a Code of Conduct for Councillors. All Councillors have agreed to follow the Code so as to ensure high standards in the way they undertake their duties. The Standards Committee ensures there is appropriate training and advice on the code.

How Decisions Are Made

The Cabinet have to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is a change to the budget or policy framework, this must be referred to the full Council to decide.

Key decisions are made by Cabinet and Cabinet Committee Local Leadership and are published in the Cabinet's Forward Plan in so far as they can be anticipated.

Non-Key decisions are made by District Committees and Ward Forums and jointly by Cabinet Members and Chief Officers.

Meetings of the Cabinet are open for the public, except where personal or confidential matters are being discussed.

The Council's Employees

The Council's employees, "officers", give advice to the Councillors, implement decisions and manage the day to day delivery of its services. All officers must ensure that they act within the law when carrying out the Council's work.

Article 1 – The Constitution

This Article sets out the fundamental provisions of the Constitution.

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution. This Constitution complies with the requirements of the Local Government Act 2000, related regulations and government guidance on constitutional matters.

1.2 The Constitution

Volume A is the statutory Constitution of Birmingham City Council. **Volume B** of this Document contains essential non-statutory and supporting documents, including details of Cabinet Member portfolios

1.3 The Purpose of the Constitution

The purpose of the Constitution is to:

- (a) enable the Council to provide clear political and managerial leadership to the citizens of Birmingham;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help Councillors to more effectively and efficiently represent and support their constituents;
- (d) enable decisions to be taken in an effective and efficient manner having regard to the law, appropriate policies, procedures and ethical standards;
- (e) create an effective, efficient and appropriate mechanism to hold decision-makers to public account.

Article 2 – Members of the Council (Councillors)

This Article sets out the composition of the Council and deals with the rights and duties of Members.

2.1 Composition and eligibility

- (a) **Composition.** The Council comprises 120 Members otherwise called Councillors. Three Councillors are elected by the voters in each of the 40 Wards.
- (b) **Eligibility.** Only eligible persons, as defined by elections law, will be permitted to hold the office of Councillor.

2.2 Election and terms of Councillors

Local elections are, usually, held on the first Thursday in May of each year and the date may, on occasions, be changed by Parliament. In 2013 and every fourth year thereafter, there will be no local elections, unless there are changes to election law. A third of all Councillors will normally stand for election and the term of office of Councillors will, normally, be four years and four days.

2.3 Roles and functions of all Councillors

- (a) **Key roles.**
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions for the City Council;
 - (ii) contribute to the good governance of Birmingham and actively encourage community participation and citizen involvement in decision making;
 - (iii) ~~effectively represent the interests of their Ward and of individual constituents;~~ responsibility to represent the interests of all the residents of the City Council area with special responsibility to the residents of their ward
 - (iv) respond to constituents' enquiries and representations, fairly, promptly and impartially;
 - (v) balance different interests identified within the Ward or District levels and represent the Ward or electoral division as a whole;
 - (vi) maintain high standards of ethical conduct and behaviour.
- (b) **Rights and duties**
 - (i) Councillors will have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

- (ii) Councillors will not publicise information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Meetings Administration Rules in **Volume B**.

2.4 **Conduct**

Councillors will at all times abide by Birmingham City Council's Code of Conduct for Members and the Member/Officer Relations Protocol guidance set out in **Volume B**.

2.5 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in **Volume B**.

Article 3 – Citizens and the Council

This Article sets out the general rights of citizens with regard to Council matters.

3.1 Citizens' rights

Citizens have general rights with regard to the business of the Council. Their right to information and /or to participate in Council business are explained in more detail in the Meetings Administration Rules in **Volume B**.

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote, and all citizens may present petitions.
- (b) **Information.** Citizens have the right to:
 - (i) attend meetings of the Council, and to film, record and report the proceedings of said meetings Cabinet and Committees except where confidential or exempt information is likely to be disclosed, and that part of the meeting is therefore held in private;
 - (ii) find out from the Forward Plan which key decisions are likely to be taken and when;
 - (iii) see reports and background papers, and any records of decisions made by the Council and the Executive, except where confidential or exempt information is likely to be disclosed;
 - (iv) inspect the Council's accounts during any prescribed statutory period(s) and make their views known to the external auditor; and
 - (v) such other information as may be specified in the Council's Freedom of Information Act 2000 Publication Scheme.
- (c) **Participation.** Citizens have the right to ask questions at Full Council Meetings. Citizens may be granted the right, if invited to do so by the Chairman of the relevant Committee, to participate and contribute to the discussion, except where confidential or exempt information is likely to be disclosed, and the meeting is held in private.
- (d) **Complaints.** Citizens have the right to complain to:
 - (i) the Council under its complaints scheme;
 - (ii) the Council's Monitoring Officer in respect of any unlawful behaviour by Members and Officers;
 - (iii) the Ombudsman after using the Council's own complaints scheme;

3.2 Citizens' responsibilities

Citizens must not be abusive, threatening, insulting or violent towards Members and Officers and must not wilfully harm or damage property owned by or belonging to the Council, Members or Officers.

Article 4 – The Full Council

The Council has responsibility for all Non-Executive functions and approving the policy framework and budget. The Council, as a whole, retains responsibility for regulatory functions and has a role in holding the Executive to account.

4.1 Role of the Full Council

The Full Council's primary role is to consider and approve the Council's Policy Framework and Annual Budget. The Council's secondary role is to hold to public account the Members of the Executive, Overview & Scrutiny and Regulatory Committees.

4.2 Policy Framework

The Policy Framework means the plans or strategies to be approved by the Full Council: [as follows or as required by legislation](#)

Adult Learning Plan
Birmingham Cultural Strategy
Birmingham Sustainable Community Strategy 2026
Community Safety Strategy
Council Business Plan – including Budget and Long-Term Financial Strategy
Development Plan for Birmingham
Heritage Strategy
Housing Strategy / Homelessness Strategy
Local Development Framework Plans
Pay Policy
Statement of Licensing Policy under the Licensing Act 2003
West Midlands Local Transport Plan

4.3 Powers of the full Council

Only the full Council will exercise the following functions:

- (a) adopting and approving changes to the Constitution, save where the Council Business Management Committee make any necessary minor "in-year" changes;
- (b) approving the overall revenue budget, the allocations of revenue resources to Directorates, the capital programme at the commencement of each year, the level of Council Tax, the Prudential indicators, the Prudential borrowing limit, the treasury management strategy and policy.
- (c) making decisions on matters which could have been (but were not) covered by the Policy Framework;
- (d) electing the Leader of the Council every four years or as and when required;

- (e) agreeing and/or amending the terms of reference for committees (other than Cabinet Committees), deciding on their membership and making appointments to them, including the Chairman, subject to the legal rules regarding proportionality between the different political parties;
- (f) appointing representatives to outside bodies unless the appointment is an Executive function or has been specifically delegated by the Council;
- (g) adopting and approving the Members Allowances Scheme;
- (h) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the City;
- (i) confirming the appointment of the Head of Paid Service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or private Bills;
- (k) determine the agenda and procedure for the conduct of meetings of Full Council;
- (l) receiving and considering reports referred to it from Cabinet Members, Overview and Scrutiny Committees, the Council Business Management Committee and the Standards Committee; and
- (m) all other non-executive matters which by law must be reserved to Council.

4.4 All other non-executive matters are delegated to Council Business Management Committee or any of its sub-committees, or delegated to regulatory committees.

4.5 **Council meetings**

There are three types of Council meeting:

- (a) the Annual General Meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings. (five Members required to petition the Lord Mayor)

and they will be conducted in accordance with the Council Standing Orders set out in **Volume B**.

Article 5 – The Lord Mayor

This Article sets out details with regard to the Lord Mayor, and Deputy Lord Mayor.

5.1 Role and function of the Lord Mayor

The Lord Mayor and in his/her absence, the Deputy Lord Mayor, will have the following roles and functions:

(a) Ceremonial Role

The Lord Mayor, as the “First Citizen of Birmingham”, will uphold and preserve the dignity and honour of the office. In particular, the Lord Mayor will remain apolitical and attend civic and ceremonial functions.

(b) Chairing the Council Meeting

The Lord Mayor (and in his/her absence the Deputy Lord Mayor) will chair Council meetings. The Lord Mayor will be elected annually by the Council.

The Lord Mayor will have the following responsibilities:-

- (i) to uphold and promote Birmingham, its Constitution, and to give rulings on the Constitution during Council Meetings;
- (ii) to preside over meetings of the Council so that its business can be carried out in an effective, orderly and efficient manner and in the interests of the citizens of Birmingham;
- (iii) to promote public awareness, knowledge and participation in the business of the Council.

5.2 Consorts To The Lord Mayor And The Deputy Lord Mayor

Whilst accompanying the Lord Mayor (or the Deputy Lord Mayor), the consort must support the work of the Lord Mayor (or the Deputy Lord Mayor) during his / her term of Office and uphold and preserve the dignity and honour bestowed upon the Lord Mayor (or the Deputy Lord Mayor) and the political impartiality of the Office.

5.3 Deputy Lord Mayor

- (a) Members who are nominated and elected to the Office of Lord Mayor do so on the understanding that they will serve a full term as Deputy Lord Mayor for the following Municipal Year;
- (b) should a Member, due to take up the Deputy Lord Mayoralty, fail to be re-elected to the City Council, or an incumbent is unable to complete his or her term, owing to ill health or similar disposition, the Party Group of the outgoing Deputy Lord Mayor will be asked to make an alternative nomination. This will be the last Member of their Group to hold the position of Deputy Lord Mayor prior to the outgoing Deputy. Should that Member be unwilling to take up the Office, previous Lord Mayors of that Party will be

approached, in reverse chronological order, until a Member willing to take on the role can be found; and

- (c) should the Party Group be unable to put forward an alternative name by this process, the Office shall then be offered to the previous Deputy Lord Mayor, regardless of their Party affiliation. If that individual is unwilling to assume the role, the previous Lord Mayors will be approached, again in reverse chronological order, until a Member, regardless of Party affiliation, willing to take on the role can be found.

Article 6 – The Executive

This Article sets out details with regard to the role of the Executive which is Cabinet, Cabinet Committees, Cabinet Members, District and Ward Committees.

6.1 Role

The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

The Executive has the power to make necessary minor changes to any Executive arrangements, through the year, for operational effectiveness and efficiency reasons.

6.2 Cabinet

The Cabinet will consist of the Leader of the Council and up to a maximum of 9 Cabinet Members.

In addition to taking "key decisions", Cabinet will also consider:-

- (a) The draft Budget or a draft of the Council's "policy framework" plans. The Cabinet's role in relation to these matters will be to consider a draft which will then be presented to the full Council for approval;
- (b) Other decisions which are considered by the Leader of the Council to have significant cross-cutting or corporate implications; and
- (c) Any Cabinet, Cabinet Committee or District/Ward Committee decision(s) 'called-in' by any Overview & Scrutiny Committee.

6.3 The Leader of the Council

- (a) The Leader of the Council must be appointed by the Council for a four year term or for up to the end of his / her term of office as a Member, whichever is shorter.
- (b) The Leader of the Council will hold office until:
 - (i) s/he resigns from Office; or
 - (ii) s/he is ~~suspended-disqualified~~ from being a Councillor (although he/she may resume office at the end of the period of ~~suspension~~~~disqualification~~); or
 - (iii) s/he is no longer a Councillor; or
 - (iv) s/he is removed from Office by a resolution of no confidence passed by a simple majority resolution of the Council.

- (c) The Leader of the Council is empowered to make necessary in-year changes to the Cabinet Member Portfolios (**Volume B**); and
- (d) In the event of the post of the Leader of the Council becoming vacant for any of the reasons stated in (b) above, the Council shall appoint another Member of the Council to complete the remainder of the four year term of Office or up to the end of the new Leader's term of Office as a Member, whichever is shorter.

6.4 Cabinet Members

- (a) Only Councillors may be appointed to the Cabinet. There may be no co-optees and no deputies or substitutes for Cabinet Members. Neither the Lord Mayor nor the Deputy Lord Mayor may be appointed to the Cabinet. Cabinet Members may not be Members of any Overview and Scrutiny arrangements although they are permitted to serve on the Regulatory Committees– and on District and Ward Committees.
- (b) Up to nine Cabinet Members may be appointed by the Leader of the Council and one should be designated as Deputy Leader. If it becomes necessary, to appoint replacement(s) the Leader of the Council shall report his/her decision(s) at the next meeting of the Council. Cabinet Members shall hold office until:
 - (i) they resign from Office or if they are dismissed, either collectively or individually, by the Leader of the Council; or
 - (ii) they are ~~suspended-disqualified~~ from being Councillors (although they may resume office at the end of the period of ~~—suspension~~ disqualification).
 - (iii) they otherwise leave or are required to leave office.
- (c) Individual Cabinet Members have delegated authority jointly with Chief Officers in respect of all executive decisions and virements between the Chief Officer limit of £200K and £500K (revenue) and £1M (capital).
- (d) The functions of individual Cabinet Members are set out in each Cabinet Member Portfolio (**Volume B**).

6.5 Cabinet Proceedings

- (a) The quorum for a meeting of the Cabinet shall be 4 Cabinet Members (inclusive of the Leader of the Council if present) and for a meeting of a Cabinet Committee the quorum shall be 2 Cabinet Members (inclusive of the Leader of the Council, if present).
- (b) Only Cabinet Members are entitled to vote at meetings of the Cabinet or at Cabinet Committee meetings.

- (c) Executive decisions shall only be taken by Cabinet based on written report(s) from Chief Officers and after any appropriate advice from the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
- (d) The Cabinet is empowered to establish, dissolve and determine the membership and terms of reference of Cabinet Committees (including whether the same should discharge "key decisions").

6.6 Non-Cabinet Members attending 'Private Sessions' of Cabinet meetings

- (a) A maximum of two of the major Opposition Group members and a maximum of one of the other Opposition Group members – to include their Group Leader(s) – may receive notice of Cabinet meetings, the relevant papers and remain and participate during the deliberations of the private sessions of the Cabinet.
- (b) The Chairs of any of the Council's relevant Overview & Scrutiny Committees (or their nominee from the relevant committee) shall be entitled to attend Cabinet meetings and to remain and participate during the deliberations of the Cabinet during any of its 'Private Sessions'.
- (c) The Chairs of all District Committees and Assistant Leaders shall be entitled to attend Cabinet meetings and to remain and participate during the deliberations of the Cabinet during any of its 'Private Sessions'.

| 6.7 The rules relating to District and Ward ~~Committees-forums~~ are found in **Article 10**.

6.8 Executive decisions, whether taken by Cabinet, Cabinet Members jointly with Chief Officers, District Committees, Ward Committees or Chief Officers alone where delegated to them by Cabinet or in any case where the value exceeds £200k, shall all only be taken based upon written reports with a completed checklist in the approved form and after advice from the Monitoring Officer and Chief Finance Officer.

6.9 Committees

The Health and Wellbeing Board is constituted as a Committee under the chairmanship of the Cabinet Member - Health and Social Care in order to discharge the functions of a Health and Wellbeing Board as set out in the Health and Social Care Act 2012, including the appointment of Board Members as set out in the schedule of required Board Members in the Act.

7.0 Cabinet Committee Local Leadership

This Cabinet Committee will be established by the Cabinet with the following membership:

- The Leader
- Another Cabinet Member as deemed appropriate by the Leader
- The Leaders of the official opposition party and the next largest opposition party

- The Chairs of the District Committees
- Four Assistant Leaders (see below)
- Assistant Leaders will be able to attend meetings of the Cabinet but will not have a right to vote on any item of Cabinet business.

The quorum for the Committee shall be six and this number must include both of the Cabinet Members and one of the Leaders of the opposition groups as well as one of the Assistant Leaders.

The Committee will include four Councillors designated as Assistant Leaders. These councillors will be charged with taking forward the agenda of the Cabinet Committee Local Leadership between meetings, under the management of the Leader of the Council. They will not have decision making powers independently of the Committee. They will each be responsible for an area of the city, to be specified by the Cabinet.

- 7.1 (i) These terms of reference are subject to change by Cabinet as and when necessary to reflect the changing shape of the devolution and Future Council agenda. The City Council is committed to the ongoing development of devolved community governance through a process of reviewing devolved ways of working and considering new innovations; it is recognised that further devolution is necessary given the scale, size and diversity of challenges, opportunities and varied needs across the city.

(ii) The Cabinet Committee will conduct a review of the existing devolved arrangements consulting and engaging with the community, other stakeholders and Members. During the period of review local areas will be supported in bringing forward and piloting new ways of working in relation to devolved arrangements; the Cabinet Committee with the Assistant Leaders will support, oversee and evaluate the new ways of working for potential wider use within the City.

(iii) The Cabinet will set out the detailed coverage of this review, but it will include assessing the effectiveness of all existing arrangements for local engagement and partnership working, preparations for the new ward arrangements to be introduced in 2018 and new ways of working such as parish councils.

(iv) The Assistant Leaders with the Cabinet Committee will play a leading role in taking forward the following council strategic priorities:

- Local Leadership – conducting the review set out above at paragraphs (ii) and (iii) and reporting to Full Council and Cabinet as appropriate
- Every Place Matters – overseeing the development of area focused policies and programmes to address inequalities between areas of the city
- A Better deal for Neighbourhoods – the committee will work to improve services in neighbourhoods and responsiveness to local communities and individual service users and to support local initiatives to improve the environment and street scene

- Supporting local councillors – through the devolution process
- Fostering and applying new approaches to local leadership.

7.2 Assistant Leaders: Role Description

The Leader of the Council will set clear success criteria and outcome targets for the Assistant Leaders and the Cabinet Committee, for approval by the Cabinet and these will be monitored alongside officer work programmes to ensure the work remains on track and delivers a successful transition to future arrangements.

The strategic role of the Assistant Leaders will be to:

- Provide leadership to policy development as directed by the Leader and working in conjunction with Cabinet Members, with the aim of realising the full potential of city policies for Place – making a difference in all Birmingham neighbourhoods. This will include the strategic priorities of Local leadership, Every Place Matters (regeneration and investment outside the city centre) and A Better Deal for Neighbourhoods (improving local services)
- Drive forward the review of devolved arrangements within the city and the successful transition to the post 2018 environment as directed by the Cabinet and the Leader.

Within their area of the city Assistant Leaders will:

- Promote and support changes to the practice, culture and capabilities underpinning the role of “front line councillor”
- Shape and support local partnership working and engagement with communities and local stakeholders
- Shape neighbourhood governance and neighbourhood delivery plans working alongside District Chairs
- Ensure that arrangements are in place to move beyond the districts model whilst capturing the learning and the partnerships developed in previous years and supporting the role and contribution of all local councillors
- Ensure that local issues and innovations are reflected in strategic decision making with regard to Local Leadership, Every Place Matters and A Better Deal for Neighbourhoods.

~~8.0 Group of Executive Committee~~Cabinet Committee – Group Company Governance

~~This Cabinet Committee will be established by the Cabinet with the following membership.~~

Formatted: Indent: Left: 0 cm,
Hanging: 1.27 cm

- The Deputy Leader
- Another Cabinet Member as deemed appropriate by the Deputy Leader
- The Membership of the Committee ~~will be based on Political proportionality~~ shall be based on cross party representation.
- To include non-executive directors from the Wider Business Community (none voting)

The quorum for the Committee shall be ~~six~~ determined by the Committee and this must include ~~both of the~~ Cabinet Members and a member of the Opposition.

The role of the Committee is to ensure that the Council's strategic objectives are met across the group and to support the development of the group in line with the Council's regulations and ambitions

Formatted: Bulleted + Level: 1 +
Aligned at: 0.63 cm + Indent at: 1.27 cm

8.1 The Committees responsibilities include

- Holding entity ~~b~~Boards to account for their performance with the necessary powers to make and drive immediate change through the Boards
- Supporting the development of entities and making decisions on the disposal/dissolution of companies (below Cabinet limit on value) and matters such as varying Articles of Association, varying ownership and structure and varying share rights
- Identification of entities' business support requirements
- Provides subsidiaries with clear direction and support in its role as sole shareholder
- Evaluation of effectiveness of entity board governance structure, processes and recommend changes as required
- Reviewing business plans and strategies of the entities to ensure compliance with the Council's strategic direction
- Ensuring compliance of the entities with the Council's interests including the Birmingham Business Charter for Social Responsibility
- Oversight of compliance to ensure that taxation, legal and financial interests of the Council are consideration and protected
- Oversight of compliance to EU procurement ~~or other such legislative~~ regulations and Council Standing Orders to avoid any conflict of interest where any organisation listed in appendix 2 is involved in the process
- Ensuring that risk relating to the entities is at a suitable level for the Council to bear
- Receiving and reviewing entity performance reports
- Advising Cabinet of issues

Formatted: Indent: Left: 1.27 cm

Formatted: Indent: Left: 0 cm,
Hanging: 1.27 cm

Formatted: Bulleted + Level: 1 +
Aligned at: 0.63 cm + Indent at: 1.27 cm

Article 7 – Overview and Scrutiny Committees

This Article sets out details with regard to the Overview and Scrutiny arrangements. These Committees will, normally, meet in public to discuss and make recommendations on the development of policies and on improving service performance, and to hold the Executive to account for their actions.

All Councillors, except Cabinet Members (and the Lord Mayor) can be members of an Overview and Scrutiny Committee. Chairs of these committees are appointed by the Full Council and Deputy Chairs are elected by each committee at its first meeting, for the purpose of substitution for the Chair if absent.

Good Overview and Scrutiny adds value to councils in many ways, for example it:

- Provides “critical friend” challenge to executive policy-makers and decision-makers;
- Enables the voice and concerns of the public and its communities to be heard;
- Is carried out by ‘independent minded members’ who lead and own the scrutiny process;
- Drives improvement in public services.

7.1 General role

Overview and Scrutiny Committees will:

- (a) make reports and/or recommendations to the full Council, the Executive and / or other organisations in connection with the discharge of the functions specified in their terms of reference;
- (b) consider any matter covered in their terms of reference that may affect or be likely to have an effect on the citizens of Birmingham; and
 - i. is relevant to the Council's strategic objectives; and/or
 - ii. is relevant to major issues faced by officers in managing a function of the Council; and
 - iii. is likely to make a contribution to moving the Council forward and achieving key performance targets.
- (c) exercise the “request for call-in” and “call-in” any Executive decisions made but not yet implemented by the Executive.

Overview and Scrutiny Chairs should maintain regular engagement with Cabinet Members to enable flexibility to be built into the Overview and Scrutiny work programme, so as to respond to the council's policy priorities in a timely way.

7.2 Specific functions

- (a) **Policy development and review**

Overview and Scrutiny Committees may:

- (i) assist the Council and / or the Executive in the development of its budget and Policy Framework by appropriate analysis of policy and budget issues;
- (ii) conduct appropriate research, community and other consultation in the analysis of policy and budget issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question Members of the Executive and/or Chief Officers about their views on issues and proposals affecting their areas of responsibility; and
- (v) liaise with other external organisations operating in the city, whether national, regional or local to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny**

Overview and Scrutiny Committees may:

- (i) review and scrutinise the Executive decisions made by and performance of the Executive and/or Chief Officers in relation to decisions taken by them or in relation to their areas of responsibility / department;
- (ii) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and / or particular service areas – including the areas of responsibility of the Regulatory and Non-Executive Committees, but not the actual decisions of the Regulatory and Non-Executive Committees;
- (iii) make recommendations to the Executive, Chairmen of Committees, Chief Officers and/or Council arising from the outcome of the scrutiny process;
- (iv) review and scrutinise the performance of other relevant public bodies in Birmingham (including Health Authorities) and to invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance;
- (v) question and gather evidence from any person (with their consent)
- (vi) establish short life working groups to carry out specific time limited enquiries as agreed with the five Overview and Scrutiny Committee Chairs and subject to available resources.

7.3 Terms of Reference of Overview and Scrutiny Committees

There shall be five Overview and Scrutiny Committees as set out in the terms of reference below, each to have a Chair (appointed by Full Council) and Deputy Chair (to be elected by each Committee at its first meeting).

CORPORATE RESOURCES AND GOVERNANCE COMMITTEE

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities relating to governance, resources, performance (including customer services), finance, human resources, partnerships, transparency, regional working (including Combined Authority), inequality, public engagement, council wide efficiency, commissioning and procurement.

ECONOMY, SKILLS AND TRANSPORT COMMITTEE

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities relating principally economic, growth and jobs, inward investment, promotion of the city, land use planning, transport strategy and highways, skills, libraries, arts, culture, sports and museums.

SCHOOLS, CHILDREN AND FAMILIES COMMITTEE

The Overview and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- (a) Church of England diocese representative (one);
- (b) Roman Catholic diocese representative (one); and
- (c) Parent Governor representatives (two).

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning the schools, vulnerable children, child safeguarding functions of the council.

HEALTH, WELLBEING AND THE ENVIRONMENT COMMITTEE

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities relating to cleaner neighbourhoods, waste management, environment, [Adult](#) safeguarding, social care and public health and to discharge the relevant overview and scrutiny role set out in the National Health Service Act 2006 as amended by the Health and Social Care Act 2012, including:

- The appointment of Joint Overview and Scrutiny Committees with neighbouring authorities; and
- The exercise of the power to make referrals of contested service reconfigurations to the Secretary of State as previously delegated to the Health and Social Care Overview and Scrutiny Committee by the Council.

HOUSING AND HOMES COMMITTEE

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities relating to housing, homes, land use planning, cleaner neighbourhoods, social cohesion and community safety (including domestic violence).

This Committee shall be the Crime and Disorder Committee (Police and Justice Act 2006).

This Committee shall also undertake the authority's statutory functions in relation to the scrutiny of flood risk management (Flood and Water Management Act 2010).

7.4 Conflicts of interest – Membership of Overview and Scrutiny Committees and District and Ward Forums

- (a) If an Overview and Scrutiny Committee is scrutinising specific decisions in relation to the business of the District Committee and / or Ward Forum of which an Overview and Scrutiny Committee Councillor is a Member, then that Councillor must withdraw from the meeting during the consideration of such matter.
- (b) Where, however, the Overview and Scrutiny Committee is reviewing policy matters, generally, as opposed to a specific decision of the District and/or Ward Forum, the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

7.5 Overview and Scrutiny Work and Non-Executive Committees

- (a) Overview and Scrutiny Committees are only permitted by law to scrutinise the Executive decisions of the council – Cabinet, Cabinet Committees, Cabinet Members, District and Ward Committees, and officers.
- (b) In terms of the Regulatory Committees, these carry out quasi-judicial functions and, as such, appropriate appeal rights and procedures apply to the same, which do not involve the Overview and Scrutiny Committees arrangements.

7.6 Subject to the proportionality principles, relating to overall membership of the committee being complied with, the appointment of Chairmen and Deputy Chairmen of the Overview and Scrutiny Committees shall be on such principles as are agreed by the Full Council.

7.7 Chairs of the Overview and Scrutiny Committees

The five Overview and Scrutiny Chairs shall monitor the work of the Overview and Scrutiny Committees so as to ensure that such work is properly planned, co-ordinated and progressed. In this connection, they shall have the power to:

- (a) give such guidance to the Overview and Scrutiny Committees in any cases of uncertainty, as to work which they should or should not be undertaking, as may be necessary to achieve such co-ordination, including the allocation of "call-in" to the appropriate Committee;
- (b) determine, in any cases of uncertainty, the allocation of responsibility for specific tasks between the Overview and Scrutiny Committees;
- (c) publish each year an Annual Programme of major Scrutiny Reviews as suggested by individual Overview and Scrutiny Committees following consideration of the annual Leader's Policy Statement to the council; and
- (d) agree the establishment of any task & finish groups;
- (e) consider overview and scrutiny development, working practices and constitutional arrangements.

An observer from the Principal Opposition Group may attend meetings of the five committee Chairs when considering the above matters.

7.8 "Request for Call-In" and "Call-In"

- (a) When an Executive decision is taken by the Cabinet, Cabinet Member(s) or Chief Officer jointly with Cabinet Members, Cabinet Committee Local Leadership, District Committees or Ward Forums, the decision shall be published by electronic means, and copies of it shall be available at the main offices of the Council, normally within three days of being made. All Members and Chief Officers will be sent a notification of all such decisions within the same timescale, by the Committee Services Officer responsible for publishing the decision.
- (b) The relevant notice will bear the date on which it is published and will specify that the Executive decision may be implemented, after the expiry of three working days after the publication of the decision, unless a "Request for call-in" is made of the Executive decision, by at least two Councillors (who are not members of the Cabinet) or by any two elected Members from a District Committee (who are not members of the Cabinet) where there is a specific local interest in the issues concerned. The "Request for Call In" should state the reason for call-in.
- (c) Once a "Request for Call In" has been received, the five Overview and Scrutiny Chairs will agree which Overview and Scrutiny Committee should hear the call-in. That Committee must meet to consider the request. The meeting should take place not later than 15 clear working days after the original publication of the decision.
- (d) It is for the Committee to decide whether to Call In a decision or not. The council does not expect an Overview and Scrutiny Committee to Call In an Executive decision unless one or more of the following criteria applies.

Call-In Criteria

	<i>(a) Is the Executive decision within existing policy?</i>
1	<i>the decision appears to be contrary to the Budget or one of the 'policy framework' plans or strategies;</i>
2	<i>the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees;</i>
3	<i>the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive);</i>
	<i>(b) Is the Executive Decision well-founded?</i>
4	<i>the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;</i>
5	<i>the Executive appears to have overlooked some relevant consideration in arriving at its decision;</i>
6	<i>the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;</i>
7	<i>the decision appears to be particularly "novel" and therefore likely to set an important precedent;</i>
8	<i>there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council.</i>
	<i>(c) Has the Executive decision been properly taken?</i>
9	<i>the decision appears to give rise to significant legal, financial or propriety issues;</i>
10	<i>the notification of the decision does not appear to have been in accordance with council procedures;</i>
	<i>(d) Does the Executive decision particularly affect a district?</i>
11	<i>the decision appears to give rise to significant issues in relation to a particular District.</i>

Article 8 – Regulatory and Non Executive Committees

This Article sets out details with regard to Regulatory and Non-Executive Committees, which are not part of the Executive functions and neither are they part of the Scrutiny arrangements.

Chairs of these committees are appointed by the Full Council and Deputy Chairs are elected by each committee at its first meeting, for the purpose of substitution for the Chair if absent.

8.1 Regulatory Committees

PLANNING COMMITTEE

Functions

- (a) To exercise the powers and duties of the Council with regard to development control and strategic planning matters, and, in particular, to:
 - (i) exercise all the powers and duties of the Council as a local planning authority (apart from any Executive functions);
 - (ii) exercise the powers and duties of the Council with respect to building control;
 - (iii) be accountable for the Local Land Charges service.

LICENSING AND PUBLIC PROTECTION COMMITTEE

Functions

- (a) To exercise the powers and duties of the Council with regard to licensing matters and, in particular, to:
 - (i) exercise and enforce the Council's local licensing powers;
 - (ii) issue, renew or otherwise control any licences issued to any authorised caravan site(s); and
 - (iii) approve the appearance and design of signs displayed in Hackney Carriages.
- (b) To exercise the licensing, regulatory and registration powers and duties of the Council under all relevant legislation relating to these matters.
- (c) To exercise the powers and duties of the Council with regard to public protection matters which are non-executive functions and, in particular, to:
 - (i) be accountable for working conditions in offices, shops and railway premises and in factories;

- (ii) exercise the powers and duties of the Council under all relevant legislation and relating to the non-executive functions of the Committee.

8.2 Non-Executive Committees

THE COUNCIL BUSINESS MANAGEMENT COMMITTEE

The purpose of the Business Management Committee is to support the Council's non-executive functions as delegated by Full Council, and in particular:

(a) Meetings of the full Council

- (i) be responsible for the planning and preparation of the agenda, papers and other arrangements for meetings of the Council.
- (ii) submit recommendations to the Council concerning the appointment of committees and other bodies and their functions and membership.

(b) Council Appointments to Outside Bodies

To submit recommendations to the Council as to the appointment or nomination of persons to serve on outside bodies. In cases of urgency to make appointments or nominations, subject to reporting the details to the next Council meeting for information.

(c) Civic/Ceremonial

To submit recommendations to the Council as to the conferment of rights and privileges (Honorary Alderman, Freedom of the City) and to consider and determine applications to use the City's Coat of Arms.

(d) Constitutional Matters

To keep the Council's Constitutional arrangements under review and to approve any in year minor changes relating to the non-Executive arrangements of the Constitution, and to submit recommendations to the Council as to major changes to the Constitution and the adoption of new or amended Standing Orders.

(e) Members' Services and Allowances

- (i) To be accountable for all aspects of services to Members.
- (ii) To keep under review the Council's Allowances Scheme and all other matters relating to Members' allowances.
- (iii) To oversee the Council's relationship with the Independent Remuneration Panel and to submit recommendations to the Council

both as to the operation and membership of the Panel and as to amendments to the Allowances Scheme.

(f) **Electoral Matters, Parish Councils & Boundary Changes**

- (i) To discharge the Council's various electoral duties under the Representation of the People Acts.
- (ii) To discharge the Council's functions, in relation to parishes and parish councils, ~~under Part II of the Local Government & Rating Act 1997 and related Local Government legislation.~~
- (iii) To discharge the Council's functions under Part IV of the Local Government Act 1972 and Part II of the Local Government Act 1992 (relating to boundary reviews and alterations) and related Local Government legislation.

(g) **Financial & other Matters**

- (i) To consider any recommendations from the Audit Committee relating to the discharge the Council's duty, under the Accounts & Audits Regulations ~~2003~~1996.
- (ii) To discharge the Council's functions, relating to pensions, under the Superannuation Acts.
- (iii) To authorise the making of payments, under Section 92 of the Local Government Act 2000, on account of maladministration.
- (iv) Foreign travel by Members and Officers of the Council will be reported on a quarterly basis.

(h) **Terms and Conditions of Employment**

- (i) Holding management to account for implementing agreed terms and conditions of employment of staff.
- (ii) Agreeing any changes to terms and conditions of employment (the Birmingham Contract).
- (iii) Holding management to account for the effective consultation and negotiation with employees and representatives of regional and national bodies in connection with terms and conditions of employment.

The following Sub-Committees of the Council Business Management Committee are approved for the current Municipal Year:

- Miscellaneous Appeals Sub-Committee – to determine non-personnel appeals and reviews.

- Education Awards
- Election Matters Members Forum
- Lord Mayor's Advisory Group
- Chief Officer and Deputy Chief Officer Appointments, Dismissals and Service Conditions
- Personnel Appeals
- Local Authority School Governor Nomination Committee

The Sub-Committee for Chief Officers (Officers reporting to the Chief Executive) and Deputy Chief Officers (Officers reporting to Chief Officers) shall comprise the Leaders of the three main political parties (or their nominees), and two other members subject to the proportionality rules.

AUDIT COMMITTEE

The purpose of the Audit Committee is to support the Council's Corporate Governance responsibilities and to provide independent assurance to the Council in relation to internal control, risk management and governance.

Functions

- (a) To review the City Council's Annual Accounts and Annual Governance Statement (AGS). This will include advising on significant changes throughout the year to financial regulations and policies.
- (b) To monitor progress in addressing control or governance issues identified in the AGS.
- (c) To review and provide the executive with assurance on the embedding and maintenance of an effective system of corporate governance including the risk management framework and the associated control environment.
- (d) Responsibilities as set out in the terms of reference in relation to external audit including reviewing the planned programme of work, noting fees and terms of engagement of the external auditor, considering and advising the executive on responses to audit management letters, reports and investigations and reviewing whether agreed external audit or inspection recommendations have been implemented as timetabled.
- (e) To review and make recommendations to the executive regarding the effectiveness of internal audit to include ensuring the internal audit function is adequately resourced, to review its strategy, receive, challenge and approve its annual plan and monitor its delivery and to review significant audit findings and monitor progress by managers in implementing agreed recommendations.
- (f) To consider and make recommendations to the executive on the Council's arrangements for deterring, preventing, detecting and investigating fraud.

- (g) To consider reports from the Ombudsman and monitor management response in relation to these.
- (h) To consider, approve or make recommendations in respect of any other matters at the request of the Council.

TRUSTS & CHARITIES COMMITTEE**Terms of Reference**

To exercise the administrative powers and duties of Full Council (as Trustee) in relation to all trusts for which the Council is sole trustee (the "City Trusts").

To exercise the administrative powers of the "Council as Trustee" in accordance with the relevant governing documents of each trust and Charity Commission Scheme(s).

- (a) Upon receipt from officers, to approve annual reports and accounts.
- (b) Approve Charity Commission returns and all other regulatory documents.
- (c) Respond to enquiries from Auditors or Independent Examiners.
- (d) Inquire of and respond to the Charity Commission and any other regulatory bodies.
- (e) Full Council sitting as "Council as Trustee" will be responsible for decisions concerning the use and/or disposal of charity property and assets, and will delegate the management of any City Trust to the Trusts and Charities Committee, with assistance from the Legal Services Team as and when required.
- (f) To act as accountable manager for the Trusts and Charities, and be authorised to take all necessary administrative decisions and continue to report to Council Business Management Committee (as Trustee) as and when required.
- (g) To compile and maintain a comprehensive and up to date list of the City Trusts.
- (h) To take any other action deemed appropriate or necessary to ensure the proper management and administration of the City Trusts.

Article 9 – The Standards Committee

This Article sets out details with regard to the Standards Committee, which promotes and maintains high standards of conduct by Councillors and co-opted members of the City Council.

9.1 Key Roles

- (a) advising the City Council on the adoption or revision of the Code of Conduct;
- (b) monitoring the operation of the Code of Conduct; and
- (c) advising, training or arranging to train members and co-opted members on matters relating to the City Council's Code of Conduct.
- (d) determining complaints brought by members of the public alleging a breach of the Code of Conduct by Councillors.
- (e) determining the penalty to be imposed in the event of a breach of the Code being upheld.
- (f) hearing appeals as may be necessary.
- (g) granting any dispensations and dealing with any other powers granted to Standards Committees by legislation.
- (h) to submit an Annual report on the work of the Standards Committee and, generally, promoting the standards of ethical conduct and behaviour expected of Councillors.

9.2 The Standards Committee shall also determine under Sections 1 and 2 of the Local Government and Housing Act 1989: -

- (a) any application received from any officer of the Council for exemption from political restriction; and
- (b) any application to consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.

9.3 Composition

- (a) **Membership.** The Standards Committee will be composed of 10 Members, as follows:
 - (i) 4 Councillors other than those with Special Responsibility Allowances;
 - (ii) 4 Independent persons
 - (iii) 1 Member of New Frankley in Birmingham Parish Council
 - (iv) 1 Member of Sutton Coldfield Parish Council

- (b) **Independent Members.** Independent Members will be entitled to vote at meetings;
- (c) **Parish Members.** The Parish Member(s) must be present when matters relating to the parish council or their Members are being considered;
- (d) **Chairing the Committee.** An Independent Member should be a Chairman of the Standards Committee.
- (e) **Quorum.** 3 members, including at least one of the Independent Members and the Parish Councillor if it relates to a Parish Council matter.

Article 10 - District Committees and Ward Forums

This Article sets out details with regard to District Committees and Ward Forums consisting of the Members of that District or Ward.

- 10.1. Ten District Committees have been established by the Council and the relevant Ward Members have been appointed to serve on them:-

District Committee:	Area:	Members from the following Wards:
1. Edgbaston	South	Bartley Green, Edgbaston, Harborne and Quinton,
2. Erdington	North	Erdington, Kingstanding, Stockland Green and Tyburn
3. Hall Green	East	Hall Green, Moseley & Kings Heath, Sparkbrook and Springfield
4. Hodge Hill	East	Bordesley Green, Hodge Hill, Shard End and Washwood Heath
5. Ladywood	Central	Aston, Ladywood, Nechells and Soho
6. Northfield	South	Kings Norton, Longbridge, Northfield and Weoley
7. Perry Barr	Central	Handsworth Wood, Lozells & East Handsworth, Oscott and Perry Barr
8. Selly Oak	South	Billesley, Bournville, Brandwood and Selly Oak
9. Sutton Coldfield	North	Sutton Four Oaks, Sutton New Hall, Sutton Trinity and Sutton Vesey
10. Yardley	East	Acocks Green, Sheldon, South Yardley, Stechford & Yardley North

- 10.2 Ward Forums will be constituted in each District to encourage and facilitate dialogue, between the Council and local people within their Ward. Cabinet has delegated the functions, operational powers and duties to the relevant Ward Forums as set out in Volume B (B6).
- 10.3 The Councillor membership of District Committees shall consist of those Members elected to serve Wards within that District and that Ward. The co-option of partner members without voting rights is permitted in respect of each District Committee. Once Committees have been established, only the City Council can dissolve them. The Member of Parliament for the District should be invited to attend District Committees as an observer with the right to speak.

EXECUTIVE POWERS DEVOLVED TO DISTRICT COMMITTEES

- 10.4 Cabinet has delegated the functions, operational powers and duties to the relevant District Committee(s) as set out in **Volume B (B6)**. These Terms of Reference may be amended by Cabinet from time to time to reflect the shape of the Future Council. District Committees have a right to consider and respond to consultations on planning briefs and frameworks and major development proposals. Any such

responses are to be given to the Planning Committee for consideration at the appropriate time.

10.5 Meetings

Chairs will be appointed by each District Committee and by each Ward Forum at the first meeting of the municipal year. Deputy Chairs are elected at the same meeting for the purpose of substituting for the Chair if absent. In the event of a District Committee failing to appoint, the matter will be determined by the Leader of the Council. They will have a leadership responsibility for 'place' matters within their District including:

- (i) Effective discharge of the local executive remit, through delegations, of their District Committee.
- (ii) Production of a Community Plan out locally determined priorities and policies for approval by the District Committee.
- (iii) Attend Overview and Scrutiny to account for delegated responsibilities for the District Committee, and policy priorities as set out in policy statements and development plans.
- (iv) Working closer with the Assistant Leaders as part of the Cabinet Committee Local Leadership.

Each District Committee will also hold an annual District Convention with input from community groups, Ward Forums, partners and other stakeholders, to inform on District priorities arising from the Local Service Community Plans.

10.6 Quorum

- (a) The Quorum for a District Committee shall be 6 Elected Members.
- (b) The Quorum for a Ward Forum shall be 2 members.

10.7 The Council will establish (or dissolve) Ward Forums on the recommendation of the Council Business Management Committee.

Article 11 – External Appointments, Joint Committees and Strategic Partnership Arrangements

This Article sets out details with regard to external appointments and partnership working arrangements.

11.1 Joint arrangements

- (a) The Cabinet may establish joint arrangements with one or more local authorities and/or their Executives to exercise Executive functions in any of the participating authorities. The Council will deal, as necessary, with the establishment of joint arrangements to exercise non-Executive functions.
- (b) Where Cabinet appoints three or more members to a joint committee, the proportionality rules will apply.

11.2 Appointments to outside bodies

Appointments that are reserved to the Full City Council to determine are set out below and the proportionality rules shall apply. All other appointments of members and officers to outside bodies shall be within the remit of Cabinet to determine and the proportionality rules will not automatically apply.

11.3 Appointments reserved to the Full Council

	No. Apptd
Local Government Association (General Assembly)	4
West Midlands Fire & Rescue Authority	10
West Midlands Transport Authority	10
West Midlands Police and Crime Panel	3
National Association of Councillors	1
Standing Advisory Council on Religious Education	8
Employee Consultative Forum (Teachers)	7
City Housing Liaison Board	3

11.4 Joint Committees

The City Council has established the following Joint Arrangements for the current Municipal Year as follows:-

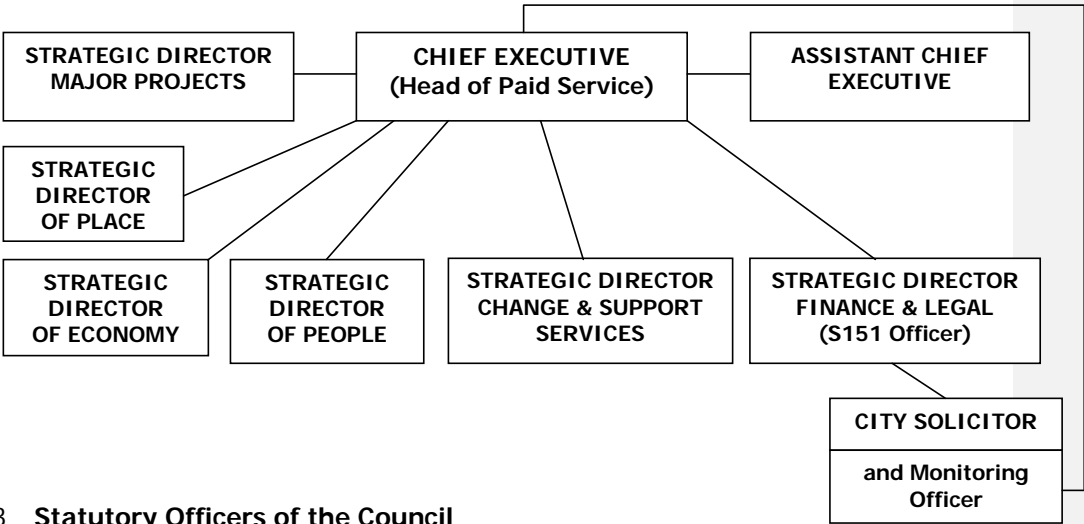
- (i) West Midlands Joint Committee
- (ii) West Midlands Joint Committee (Sub-Committee Planning and Transportation)
- ~~(ii)~~ (iii) West Midlands Combined Authority

Article 12 – Officers

This Article sets out details with regard to “Officers”, which means all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of “employees” to cover those engaged under short term, agency or other non employed situations.

Management structure

- 12.1 **General.** The Council is empowered to engage Officers to carry out its functions.
- 12.2 **Chief Executive, Assistant Chief Executive and Strategic Directors (Chief Officers)**



12.3 **Statutory Officers of the Council**

Head of the Paid Service = Chief Executive and Returning Officer and Electoral Registration Officer

This is the Chief Executive of the Council.

The Council must approve the appointment of the Head of Paid Service before a final offer of appointment is made to him/her. The Council must approve the dismissal of the Head of Paid Service before notice of dismissal is given to him/her.

Monitoring Officer = City Solicitor

This role promotes the legality of decision making, high standards of conduct by Councillors and officers and supports the Standards Committee.

Chief Finance Officer = Strategic Director - Finance and Legal

This role is responsible for ensuring the sound financial administration of the Council.

Scrutiny Officer = Head of Scrutiny Services

This role promotes Overview & Scrutiny functions of the Council.

12.4 Delegated Authority to Chief Executive and Chief Officers (Strategic Directors)

- (a) Subject to clause (f) below, Strategic Directors have the following delegated powers in respect of all matters which are not “key decisions” and not reserved for decision by the Council or by a Committee of the Council:
- (i) to make decisions and approve expenditure relating to the functions of their Directorate providing (1) that the sum expended is within the approved budget for the Directorate and/or relevant portfolio, and (2) the amount in relation to any single matter does not exceed £200,000 or (3) the amount in relation to any single matter is between £200,000 and £500,000 (revenue) or £1M (capital) jointly with the relevant Cabinet member(s).
 - (ii) determine employment matters relating to staff including all changes to staffing structures below JNC level and the annual implementation of the contractual pay increment system. These powers will not include changes to terms and conditions of employment (the Birmingham Contract) or additional payments to any individual member of staff above the general financial threshold delegated to officers (£200k).
 - (iii) to approve tender strategies and award contracts in accordance with the Procurement Government Arrangements in **Volume B** where the supplies, materials, or services to be purchased or the works to be executed are between the European Threshold (currently £164,176) and £10,000,000 in value, over the contract length.
 - (iv) where no other viable alternative exists to approve contract extensions, where no extension option in the contract exists, in accordance with the Procurement Governance Arrangements in **Volume B** where the supplies, materials, or services to be purchased or the works to be executed do not exceed £500,000.
 - (v) to write off any individual debts of income (including any associated court costs and bailiffs fees) within their service directorate responsibility, and after consultation with the Strategic Director - Finance and Legal, up to the sum of £25,000 per individual or organisation, which in the opinion of the Strategic Director, is considered to be uneconomical to collect or is irrecoverable. *All individual debts above this amount can only be written off by the Strategic Director - Finance and Legal.*
 - (vi) the Chief Executive has all the above delegated authority in respect of all executive and non-executive expenditure, and as may be necessary, determine which Directorate discharges any particular Council function if this is not clear.

- (vii) the Strategic Director – Finance and Legal additionally has the powers and restrictions set out in 12.4(f) below.
- (b) These powers may be delegated further under a Scheme of Delegation as may be determined by the Chief Executive, and Strategic Directors. Any such Scheme of Delegation will be produced to the Chief Executive and published on the Council's website. Powers are also delegated to all officers in accordance with their job description and Divisional budget.
- (c) Officers should ensure that delegated powers are exercised in accordance with relevant Council policies and procedures and also put appropriate systems in place for recording the exercise of delegated powers in the following manner and circumstances:
 - (i) all decisions with a value of £50,000 or more made by officers under delegated powers should be recorded in writing and a single copy for each Directorate produced to the Chief Executive and the Leader/Deputy Leader on the 30th September and 31st March of each year.
 - (ii) additionally, all decisions taken jointly with Cabinet Members should also be recorded but in these cases using a standard committee report form (public or private as appropriate), signed by the relevant Chief Officer and then recorded on the Council's CMIS website.
- (d) The City Solicitor may exercise all proper officer and any other functions of the Council which do not fall within the Directorate or budget responsibility of a Strategic Director and has the powers set out in Article 14.
- (e) The Chief Executive and the Strategic Director – Finance and Legal, may exercise voting rights at general meetings of companies of which the Council is a member or by written resolution and may take any necessary action to protect, safeguard and effectively manage the Council's interest in such companies.
- (f) The Chief Executive, and the Strategic Director– Finance and Legal and the Strategic Director of Major Projects in relation to f (iii) only (and no other Strategic Director) without financial limit have the following additional powers to make decisions in relation to:
 - (i) all future forms of indemnity on behalf of the Council including the signing of certificates under the Local Government (Contracts) Act 1997.
 - (ii) the Council's loan and investment portfolios in accordance with the statutory borrowing limits determined by the Council and the Council's Treasury Policy Statement and Management Strategy as approved from time to time by the Council and all such decisions are exempt from the reporting requirements set out in Article 13.

- trust fund investments;
 - banking arrangements including opening bank accounts and credit card facilities;
 - non land and building leases;
 - the application for financial assistance to the City Council and the authorisation of any grant claims;
 - the administration of the Housing Rents, Council Tax and Housing Benefit systems and the collection of Community Charge, Council Tax, Housing Rents and Non-Domestic Rates (including setting Non-Domestic rates and applications for relief or reduction in accordance with the criteria and policy guidance approved from time to time by the Cabinet);
 - matters relating to the transfer of pension rights.
- (iii) - the acquisition and disposal of leasehold interests for rent (including the granting and surrendering of any rights over such land and property) provided that any term does not exceed £125,000 p.a;
- the acquisition and disposal of freehold and leasehold interests at a premium, provided that the premium does not exceed £1,000,000; and
- the management of all of the Council's land and properties, including the authorising and payment of discretionary contributions towards trade/loss and or removal expenses and all payments due under an approved Compulsory Purchase Order, provided that the cost does not exceed £200,000;

save that land and property held by the Council as Trustee shall be the responsibility of the Trusts and Charities Committee.

In any re-gear of a lease only the extra term shall be used in calculating the gross value.

- (g) The Chief Executive and Chief Officers have delegated authority to approve and make payments in connection with the duties of the council where it holds monies in the capacity of an "Accountable Body". In all such cases where the Council is the Accountable Body, the Chief Executive or any Chief Officer has authority to make lawful payments in compliance with the terms under which the Council holds monies as the Accountable Body and in accordance with any requirements approved by the Council as Accountable Body, up to but not exceeding the total amount held under each agreement with the grant giver.

Article 13 – Decision Making and Key Decisions

This Article sets out details with regard to Executive decision-making.

13.1 Responsibility for decision making

A record of all decisions over £50k has to be kept, including the name or body having responsibility for making such decisions. The record of public decisions over £200k will be available for inspection by members of the public. This Constitution records those arrangements, so that the public can hold to account the relevant decision-makers.

13.2 Principles of decision-making

All decisions of the Council will be made in accordance with the following guiding principles:

- (a) Good decision making involves the realistic evaluation of alternatives and public consultation, including public access to decision-making.
- (b) Under Executive arrangements, decisions may be taken by a range of people and bodies – Cabinet, District/Ward Committees and Chief Officers.
- (c) The following principles of effective decision-making require there to be:-
 - (i) legality/power to make decisions;
 - (ii) proportionality (i.e. the action must be proportionate to the desired outcome);
 - (iii) a proper consideration of available options for action and/or inaction;
 - (iv) due consultation and the taking of professional advice from Officers;
 - (v) due regard to the public sector equality duty and respect for human rights;
 - (vi) a presumption in favour of openness and transparency of decision making;
 - (vii) clarity of aims and desired outcomes; and
 - (viii) avoidance of conflicts of interest.

13.3 Types of decision

- (a) **Decisions reserved to full Council.** Decisions relating to the functions listed in Article 4.2 will be made by the full Council and other non-executive Decisions are delegated to Council Business Management Committee and Regulatory Committees.

(b) **Decisions reserved to Cabinet and "Key Decisions"**

"Key decisions" must be taken by Cabinet, unless delegated by Cabinet to a Cabinet Member jointly with the Chief Officer or a Chief Officer or Director alone.. A decision will be a "key decision" if:

- (i) it is an Executive decision relating to the discharge of an Executive function
- (ii) AND is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant:
 - (a) in the case of capital projects, if they involve entering into new commitments and/or making savings in excess of £1M; or
 - (b) in the case of revenue projects, if they involve entering into new commitments and/or making new savings in excess of £500,000, (gross value).

OR is significant in terms of its effect on communities living or working in an area comprising two or more Wards in the area of the local authority and the decision making has not been delegated to District Committees.

- (c) **Decisions by Cabinet Members jointly with Chief Officers** are as set out in Article 6 – namely all executive decisions between the Chief Officer limit of £200K and £500K (revenue) or £1M (capital).
- (d) **Decisions delegated by Cabinet to Executive Members** are as set out in **Article 10** and more particularly set out in **Volume B (B6)**.
- (e) **Decisions delegated by Cabinet to District Committees** are as set out in Article 10 and more particularly set out in **Volume B**.
- (f) **Decisions delegated to Chief Officers** are as set out in **Article 12**.
- (g) **Emergency Decisions** - see **Volume B**, Meetings Administration.

Article 14 – Finance, Contracts and Legal Matters

*This Article sets out details with regard to the Council's Financial Regulations and Standing Orders relating to Contracts, which are contained in **Volume B**.*

14.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in **Volume B**.

14.2 Contracts

Contracts relating to the procurement of supplies, works or services entered into by the Council must comply with the Standing Orders Relating to Contracts set out in **Volume B**.

14.3 Legal proceedings

The City Solicitor is duly authorised to institute, defend or participate in any legal proceedings or settle (up to the value of £500,000), if appropriate any actual or threatened legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to safeguard and protect the Council's interests. Decisions above this financial threshold will be made by the Strategic Director – Finance and Legal and/or the Chief Executive in consultation with the Monitoring Officer.

The City Council's Standing Orders relating to Contracts govern the arrangements for signing of contracts and sealing of relevant documents. These are set out in **Volume B**.

Article 15 – Review, Revision and Suspension of the Constitution

This Article sets out details with regard to the review, revision and suspension of the Constitution.

15.1 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review once a year the effectiveness and operation of this Constitution so as to ensure that the aims and principles of the Constitution are given full effect.

15.2 Changes to the Constitution

- (a) Should any executive changes be considered necessary, the City Council has authorised the Executive to take all necessary action.
- (b) In addition, the Council has authorised the Council Business Management Committee to take all necessary steps, through the year, to amend, add, substitute or delete any of the City Council's non-Executive Constitutional Arrangements, and only refer major changes to Full Council for approval.

15.3 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Standing Orders and other Procedure Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Standing Orders and Procedure Rules capable of suspension.** All of the Standing Orders and other Procedure Rules listed in **Volume B** of this Document may be suspended, save for the Meetings Administration Rules.



VOLUME B
SUPPORTING DOCUMENTS TO THE CONSTITUTION

Website
Updated — ~~July~~ August 2016

VOLUME B
SUPPORTING DOCUMENTS TO THE CONSTITUTION**TABLE OF CONTENTS**

	Page No.
B1 – Council Standing Orders	3
B2 – Standing Orders relating to Contracts and Procurement Governance Arrangements	10
B3 – Financial Regulations	20
B4 – Meetings Administration	43
B5 – Cabinet Portfolios	47
B6 – District and Ward Committee Functions	58
B7 – Code of Conduct for Members & General Guidance	62
B8 – Independent Remuneration Panel	80
B9 – Member/Officer Relations Protocol	81
B10 – Monitoring Officer Protocol	83
B11 – Planning Code of Practice for Councillors and Officers	84
B12 – Protocol of Executive Reports Process	97
B13 – List of Committees and Quorums	110
B14 – Local Authority Publicity	111
B15 – Protocol for Media & Public regarding Recording of Council Meetings	114

B1 – Council Standing Orders

STANDING ORDERS DEALING WITH THE PROCEDURE AT MEETINGS OF THE FULL COUNCIL

1 Order of Business

- (1) The order of business and the indicative timescales at every ordinary meeting of the Council shall usually be –

Standard Item	Time Limits	Indicative Timetable
Minutes, Lord Mayor's Announcements	5 minutes for Lord Mayor's Announcements - and <u>no presentations.</u>	2.00 – 2.05 p.m.
Lord Mayor's Annual report (AGM only)	15 minutes	
Petitions A schedule of outstanding petitions will be available electronically	10 minutes	2.05 – 2.15 p.m.
Question time	90 minutes	2.15 – 3.45 p.m.
Questions from members of the public to any Cabinet Member or District Committee Chairman	20 minutes 1 minute for each question 2 minutes for each answer	
Questions from any Councillor to a Committee Chairman or Lead Member of a Joint Board. Each Councillor may ask only one question. No supplementary questions.	20 minutes 1 minute for each question 2 minutes for each answer	
Questions from Councillors other than Cabinet Members to a Cabinet Member. Each Councillor may ask one question and one supplementary question.	25 minutes 1 minute for each question 3 minutes for each answer	
Questions from Councillors other than Cabinet Members to the Leader or Deputy Leader. Each Councillor may ask one question and one supplementary question.	25 minutes 1 minute for each question 3 minutes for each answer	
Appointments	10 minutes	3.45 - 3.55 p.m.
Policy Plans or Reports from CBM	30 minutes	3.55 – 4.15 p.m.
Adjournment Break	15 30 minutes	4.15 – 4. 30 45 p.m.
Overview & Scrutiny reports	60 minutes	4. 30 45 – 5. 30 45 p.m.
Motions submitted by individual Councillors rotated equally between the political groups as determined by CBM	90 minutes If the time for the item has elapsed, any motions or amendments not moved and recorded formally (without comment) should be put to the	5. 30 45 – 7. 00 15 p.m.

	vote without discussion.	
--	--------------------------	--

- (2) The time allowed for speeches shall be up to 7 minutes for the mover of a Motion or Amendment to the Motion, with up to 4 minutes each for other Members wishing to participate in the debate and a right of reply for the mover of the Motion only of up to 5 minutes.
- (3) The order of business may be varied by a resolution passed on a Motion which, after being moved and seconded, shall be put to the vote without discussion.
- (4) Question time will be excluded from the agenda at the Annual Meeting and the Annual Budget Meeting of the Council.

2 Record of Attendance and Quorum

The Chief Executive shall record the attendance of Councillors.

A Quorum is 30 Councillors.

3 Urgent Business

- (1) Urgent business may be moved or raised at the meeting with the prior agreement of the Lord Mayor.

4 Motions and Reports to the City Council for Debate

(A) Motions submitted by individual Councillors

- (1) A motion to be submitted to the Council (other than at the Annual General Meeting) for debate under Part (A) of this Standing Order must be relevant to any of the Council's Policy Framework Plans and/or the Budget Framework, be in writing signed by two members and must be delivered to the Chief Executive at any time between the end of the previous ordinary Council meeting and seven clear working days before the Council meeting at which it is to be debated. No Motions under Standing Order 4A are permitted for the meeting of the City Council reserved for the Annual Budget debate.
- (2) The Chief Executive shall maintain a record of all such motions and the order in which they have been received and this record shall be open to inspection by any member of the Council. The Chief Executive shall also provide the Lord Mayor with copies of all such motions and shall have the power, after receiving appropriate advice from the Monitoring Officer, to seek appropriate amendments from the proposer of the Motion, so as to ensure compliance with any legal and/or constitutional aspects and in the event that the proposer is unable to agree, the proposed Motion will not appear on the summons for the Council meeting.
- (3) If, at any time during the debate on any Motion before the Council, it appears to the Lord Mayor that the motion (in its original, modified or amended form) would, if carried -

- (a) have the effect of materially increasing the expenditure, or materially decreasing the revenue, of the Council;
- (b) involve capital expenditure not provided for in the Council's approved capital budget; or

the Lord Mayor will direct that the motion shall stand adjourned without further debate in order that the Executive may consider any financial, policy or other implications of the motion and request the Executive to submit its recommendations to a future meeting of the Council.

(B) Motions submitted via the Council Business Management Committee

- (1) Prior to each ordinary meeting of the Council, the Council Business Management Committee shall consider and determine what motions it is necessary or appropriate to submit to that meeting.
- (2) The Chief Executive shall set out in the Summons, for each meeting, the motions which the Committee has determined should be submitted.

(C) Annual Report of the Leader

- (1) The Leader of the Council will, on an annual basis
- (2) submit a "Leader's Policy Statement."
- (3) No amendment to the Motion "to receive the Report" will be allowed.

5 Conduct of Debate

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (2) Every motion and amendment, except when printed in the Summons or when copies have been supplied to each member at the commencement of the meeting (in which case the motion or amendment shall be taken as read), shall be read by the mover before being spoken upon and no other member shall speak on it until it has been seconded.
- (3) Every amendment shall, unless the Lord Mayor otherwise indicates, be reduced to writing, signed by the mover and delivered to the Chief Executive before it is moved.
- (4) Any member who seconds a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later stage of the debate on that motion or amendment.
- (5) A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:-
 - (a) to speak once on an amendment moved by another member;

- (b) on a point of order as defined by Standing Order 5(6);
 - (c) by way of personal explanation as defined by Standing Order 5(6);
- (6) A member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a standing order or statutory provision and the member shall specify the standing order or statutory provision and the way in which he/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her in the Council Chamber or in relation to a matter outside of the Council Chamber, which may appear to have been misunderstood in the present debate. The ruling of the Lord Mayor on a point of order or on the admissibility of an explanation shall not be open to discussion and shall be final. No points of information are permissible under Standing Orders.
- (7) When a motion is under debate no other motion shall be moved except the following -
- (a) to amend the motion,
 - (b) to proceed to the next business;
 - (c) to adjourn;
 - (d) that the question be now put;
 - (e) that a member (named) under Standing Order 15 be not further heard or do leave the meeting;
 - (f) to suspend Standing Orders;
 - (g) to exclude the public under S.100(A) of the Local Government Act 1972;
 - (h) to re-admit the public;
 - (i) that the consent of the Council be given where the consent of the Council is required by these Standing Orders (e.g. to extend time limits, to withdraw motions, etc.)
- (8) The Lord Mayor may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the business of the Council.
- (9) An amendment shall be relevant to the motion and shall be –
- (a) to leave out specified words; or
 - (b) to insert or add specified words; or

- (c) to refer a subject of debate to the Executive or to a committee for consideration or re-consideration.

but any omission, insertion or addition of words shall not result in substance in a direct negation of the motion before the Council.

- (10) Once voting on any motion or amendment has commenced, there shall be no further debate on the matter under consideration and no further amendments may be moved to the original motion. If an amendment is carried, the motion, as amended, shall take the place of the original motion.
- (11) Not every debating possibility has been covered by these Standing Orders and, in the event of anything not being covered in Standing Orders, the Lord Mayor's ruling on the matter shall be final and binding on the Council.

6 Suspension of Standing Orders

Standing Orders may be suspended by resolution of the Council, provided that a motion to suspend Standing Order 13 (Length of Council Meetings) may only be moved by the Leader or Deputy Leader (or their nominee) of one of the Party Groups and seconded by the Leader or Deputy Leader (or their nominee) of another Party Group.

7 Voting

- (1) Motions shall be determined (as the Lord Mayor may direct) by a show of hands.
- (2) If, after a vote has been taken by a show of hands, a "named vote" is requested by at least 10 members rising in their place, the following procedure shall apply -
 - (a) the division bell will be rung for one minute;
 - (b) the doors of the Council Chamber will then be closed;
 - (c) the names of those voting for or against or abstaining will then be ascertained by the use of the vote recorder and included in the Minutes.

8 Petitions

- (1) Every petition to the Council meeting shall either be in writing presented by a Councillor or an e-petition from the Council's website.
- (2) A Councillor presenting a petition or the Lord Mayor (on behalf of Councillors who have submitted their petitions to the Chief Executive in advance of the meeting) may move without comment that the petition(s) be received and referred to the relevant Chief Officer(s) to examine and respond appropriately.
- (3) At each meeting of the City Council, the Chief Executive shall ensure that an "Update Report" is electronically available for Members providing relevant details on the progress, or otherwise, of any petitions received by the City Council since the A

last annual General Meeting ~~of 2005~~. Where a petition has been discharged, the Update Report does not need to mention the same.

9 Questions

(A) *Written Questions*

Any Councillor may ask one written question (with no sub-questions) of any Cabinet Member, Committee Chairman or Lead Councillor for a West Midlands Joint Authority by submitting the question in writing to the Chief Executive by no later than 1200 hours on the Tuesday prior to the day of the Council meeting. A copy of each such question and the written answer shall be supplied to every Councillor at the start of the Council meeting and shall also be annexed to the Minutes of the meeting.

(B) *Oral Questions*

(1) *Questions from Members of the Public*

A member of the public may ask one oral question of any Cabinet Member or District Committee Chairman by submitting the question in writing to the Chief Executive no later than 12 noon on the Friday before the Council meeting. No question will exceed 1 minute and no answer will exceed 2 minutes.

- The question must refer to an issue which affects Birmingham or falls within the Council's responsibilities.
- The question must not be substantially the same as a question which has been put at a meeting of the Council in the past 6 months.
- The question must not be defamatory, frivolous, vexatious or offensive.
- The question must not require the disclosure of confidential or exempt information.
- The question must not refer to individual planning or licensing matters, or any matter of a personal nature.

(2) *Questions from Councillors*

Councillors may ask questions as set out in the order of business.

10 Conduct at Meetings of the Council

- (1) Councillors are expected to treat each other with respect and abide by the Code of Conduct.
- (2) The Lord Mayor may, as she/he sees fit, direct a Councillor to discontinue his/her speech.

- (3) If there is more general disorder, the Lord Mayor may direct a Councillor causing such disorder to retire from the meeting.

11 Disturbance by Members of the Public

If a member or members of the public present at a meeting of the Council interrupt(s) the proceedings, the Lord Mayor may warn them that on any further interruption they will be required to retire from the Chamber. If the member(s) of the public, after such warning, again interrupt(s) the proceedings the Lord Mayor may instruct them to retire from the Council Chamber and if they fail to comply the Lord Mayor may order their removal from the Chamber.

12 Common Seal

A decision of the Executive or a resolution of the Council or a committee acting within the powers and duties delegated to it shall be sufficient authority for sealing any deed, instrument, document or writing necessary to given effect thereto.

The Seal shall be attested by one of the following persons who shall subscribe his/her name thereto after sealing, that is to say, the Lord Mayor, the Deputy Lord Mayor, the Chief Executive or any senior lawyer in the employment of the City Council from time to time authorised for this purpose by or on behalf of the Council.

13 Length of Council Meetings

If a meeting of the Council has not come to an end by 7:00 p.m, the following procedure shall apply

- (i) at the conclusion of the speech then being delivered, the Lord Mayor shall allow the mover of the motion then under debate to exercise his/her right of reply and shall then put the motion to the vote;
- (ii) in respect of any remaining items of business, the Lord Mayor shall allow motions to be moved and seconded formally (without comment) and shall forthwith put the motions to the vote without discussion; and
- (iii) the Lord Mayor shall then close the meeting.

14 Conflict resolution between Full Council and the Executive

- (1) The Leader must have at least 5 working days to object to a full Council decision which is contrary to the Executive's proposals for either the budget or a plan or strategy before that decision takes effect;
- (2) if the Leader registers an objection, the full Council must meet to reconsider the issue in light of the objection;
- (3) ultimately, full Council can insist on its decision.

15 Appointment of Committees

On the recommendation of Council Business Management Committee, the Council shall appoint Committees necessary for the discharge of the Council's functions, along with the membership and Chairman of each, for a period ending no later than the next annual meeting of the Council.

B2 – Standing Orders Relating to Contracts and Procurement Governance Arrangements

PART A – STANDING ORDERS RELATING TO CONTRACTS

INTRODUCTION TO THE COUNCIL'S STANDING ORDERS RELATING TO CONTRACTS

The Council has a statutory duty under Section 135 Local Government Act 1972 to make Standing Orders with respect to the making by them or on their behalf of contracts for the supply of goods or services or for the execution of works. Sound procurement practices support probity, competition and the discharge of the Council's best value duty. Officers are required to use the Council's corporate contracts where they exist as distinct from procuring a new contract.

These amended Standing Orders apply to all new procurement processes which are instituted after **1 March 2016**.

1.0 APPLICATION AND INTERPRETATION

1.1 Definitions

In these Standing Orders:-

"Authorised Recipient" means the officer responsible for the receipt of tenders and quotations.

"Best Value" means the Council's duty under Section 3 Local Government Act 1999.

"Building Regulation Authority" means a local authority as defined by Section 126(1) Building Act 1984.

"Closing Date" means the time and date specified in the invitation to tender, quote or negotiate (or any later date that is notified to all persons invited to tender, submit a quote or negotiate where such notification is provided at least 24 hours before the previous Closing Date).

"Competitive Dialogue" means a procedure in which any Contractor may request to participate and whereby the Council conducts a dialogue with the Contractors admitted to the dialogue with the aim of developing one or more suitable alternative solutions capable of meeting its requirements and on the basis of which the Contractors chosen by the Council are invited to tender.

"Contract" means a contract for supplies, services, or for the execution of any works and also includes a Framework Agreement. It excludes contracts for the acquisition or disposal of an interest in land, and the grant of a licence.

“Contractor” means any person seeking to enter into a Contract with the Council.

“Decision Maker” means the Council, Cabinet, Cabinet Member, Committee or Sub-Committee (including any District Committee), or Authorised Officer to whom a function has been delegated in accordance with the Council’s Constitution.

“Estimated Total Cost” means the aggregate total cost of the supplies or services to be provided or works to be performed under a Contract estimated prior to its procurement.

“European Directives” means the procurement directives of the European Union and any regulations that implement them within the United Kingdom.

“European List” means a list of Contractors compiled by another contracting authority following the entry into a Framework Agreement, in accordance with European Directives.

“European Threshold” means the threshold applying to local authorities at which supplies and services Contracts are subject to the European Directives.

“Framework Agreement” means a Contract which establishes the terms under which a contractor will enter into contracts with a contracting authority in the period during which the framework agreement applies.

“LEP Authority” means the following local authorities:-

Solihull MBC. East Staffordshire Borough Council, Lichfield Borough Council, Tamworth Borough Council, Bromsgrove District Council and Cannock Chase District Council and any other local authority (or authorities) that may join the Greater Birmingham & Solihull Local Enterprise Partnership.

“Restricted Procedure” means a procedure leading to the award of a Contract where only contractors selected by the Council may submit tenders.

“Unforeseen Priority” means a situation where there is an overwhelming and immovable requirement to complete an item of work, such requirement could not have been foreseen within sufficient time to have allowed a competitive procurement, and the adverse consequences of delaying the completion of such work significantly outweigh the consequences of not securing effective competition.

1.2 **Compliance**

Every Contract made by the Council shall comply with these Standing Orders PROVIDED THAT this does not include contracts for the appointment of barristers.

1.3 **Subdivision of Contracts**

No Contract shall be subdivided into smaller contracts so as to avoid compliance with Standing Orders.

1.4 VAT

All figures in Standing Orders are net of VAT.

2.0 EXEMPTION

Exemption from any Standing Order may be authorised by the Decision Maker PROVIDED THAT the Decision Maker is satisfied that the exemption is justified by special circumstances and the Decision Maker records the ground(s) for being so satisfied as part of that decision.

3.0 QUOTATIONS**3.1 Low Cost Quotations**

Where the Estimated Total Cost of a Contract does not exceed £10,000 no Contract shall be entered into unless 3 written quotations have been secured from Contractors listed on the finditinbirmingham.com database who the Authorised Recipient considers are suitable PROVIDED THAT if the Authorised Recipient is unable to secure the submission of 3 written quotations then the Authorised Recipient shall only be required to secure a quotation from one Contractor.

3.2 High Cost Quotations

Where the Estimated Total Cost of a Contract exceeds £10,000 but is below the European Threshold no Contract shall be entered into unless either:-

3.2.1 the Contract has been advertised on finditinbirmingham.com and 14 days allowed for the submission of quotations and at least 3 quotations have been submitted. If at the end of 14 days less than 3 quotations have been submitted then direct contact may be made with at least 3 Contractors to request the submission of quotations in accordance with Standing Order 7; or

3.2.2 where there is a suitable European List at least 3 quotations have been submitted from Contractors on the European List. If the rules for the operation of the European List do not require a mini-competition then a quotation shall be requested from a Contractor on the European List.

3.3 Building Regulation Authorities and LEP Authorities

Where the proposed Contract is for building consultancy work with a Building Regulation Authority or for services to be undertaken by a LEP Authority and the Estimated Total Cost of the Contract does not exceed the European Threshold the Council shall be entitled to enter into the Contract with the Building Regulation Authority or the LEP Authority as appropriate without first seeking quotations or advertising the Contract on finditinbirmingham.com.

4.0 TENDERS

No Contract whose Estimated Total Cost exceeds the European Threshold shall be entered into unless tenders have been invited in accordance with either the Open, Restricted or European List Procedure.

4.1 Open Procedure

Contracts shall be advertised on finditinbirmingham.com describing their scope, what Contractors have to do to tender and the Closing Date.

4.2 Restricted Procedure

Contracts shall be advertised on finditinbirmingham.com inviting interested parties to apply by a specified date. All Contractors who complete any pre-qualification questionnaire shall be considered for invitation .

4.3 European List Procedure

Invitations to tender for a Contract shall be issued in accordance with the rules for the operation of the European List.

4.4 Pre Estimate of Tender Sum

No tender shall be invited for a Contract unless: -

4.4.1 an authorised officer has prepared an estimate in writing of the probable expense of obtaining the supplies or services or of executing the works; and

4.4.2 in the case of a tender for the execution of any work, an authorised officer has prepared an estimate of the annual running costs after completion.

5.0 NEGOTIATED CONTRACTS AND COMPETITIVE DIALOGUE

5.1 Multiple Contractor Negotiations

5.1.1 A Contract may be negotiated with three or more prospective Contractors where the City Solicitor, the Strategic Director– Finance and Legal, or the Assistant Director Corporate Procurement Services has certified in writing prior to the commencement of such negotiations that: -

5.1.1.1 the method of procurement satisfies Best Value; and

5.1.1.2 Contractors would be unlikely to submit an unqualified tender or quotation.

5.1.2 Where a certificate has been issued under Standing Order 5.1.1, Standing Orders 3 and 4 (except Standing Order 4.4), shall not apply to that Contract.

5.2 Single Contractor Negotiations

5.2.1 A Contract may be negotiated with a single Contractor where the City Solicitor, the Strategic Director– Finance and Legal, or the Assistant Director Corporate Procurement Services has certified in writing prior to the commencement of such negotiations that: -

5.2.1.1 as a result of a market investigation there is only one contractor that can meet the Council's requirements for that Contract; or

5.2.1.2 there is an Unforeseen Priority.

5.2.2 Where a certificate has been issued under Standing Order 5.2.1, Standing Orders 3, 4 (except Standing Order 4.4) and 7 shall not apply to that Contract.

5.3 Competitive Dialogue

5.3.1 A Contract may be the subject of Competitive Dialogue where the City Solicitor, the Strategic Director - Finance and Legal, or the Assistant Director of Corporate Procurement Services has certified in writing prior to the commencement of the Competitive Dialogue that the Council is not objectively able to either:-

5.3.1.1 define the technical means capable of satisfying its needs or objectives; or

5.3.1.2 specify either the legal or financial make-up of a project or both; and

the use of the open or restricted procedure will not allow the award of that Contract.

5.3.2 Where a certificate has been issued under Standing Order 5.3.1, Standing Orders 3 and 4 (except Standing Order 4.4) shall not apply to that Contract.

6.0 FRAMEWORK AGREEMENTS**6.1 Single Contractor Framework Agreement**

Where a single Contractor has entered into a Framework Agreement with the Council the issue of individual orders for work within the scope of the Framework Agreement shall not require further action under Standing Orders.

6.2 Multiple Contractor Framework Agreements

When more than one Contractor has entered into a Framework Agreement with the Council then unless the issue of orders is in accordance with any allocation rules specified by the Decision Maker on the award of the Contract, then there shall be a report issued to the Decision Maker under Standing Order 8.2 setting out the

reason for the award to the particular Contractor and how the price payable by the Council has been reached.

7.0 SUBMISSION OF QUOTATIONS AND TENDERS

7.1 Method of Submission

All invitations to tender or quote shall state that no tender or quotation shall be considered unless it is submitted in accordance with the requirements described in the instructions for tendering or submitting quotations.

7.2 Closing Date

No tender or quotation received after the Closing Date shall be accepted or considered.

7.3 Record

The Authorised Recipient shall be responsible for ensuring that there is an accurate record of the receipt of tenders and quotations.

8.0 EVALUATION

8.1 Evaluation principles

All invitations to tender or to submit quotation shall specify the evaluation criteria.

8.2 Evaluation Report

A written report on the evaluation of tenders including the outcome of negotiations for negotiated contracts shall be issued to the Decision Maker.

9.0 CONTENT OF CONTRACTS

1) Every Contract shall be in writing and shall contain clauses which are currently approved by the City Solicitor which address:-

9.1 The prevention of corruption;

9.2 Equal opportunities; and

9.3 The Council's procurement policy framework for jobs and skills where applicable.

10.0 EXECUTION OF CONTRACTS**10.1 Sealing**

Every works Contract which exceeds £250,000 in value and every Contract for supplies or services which exceeds £1,000,000 in value shall be sealed with the Common Seal of the Council and shall be executed by the Contractor as a Deed.

10.2 Signing

Subject to Standing Order 10.1 every Contract shall be signed on behalf of the Council either by a senior lawyer who is duly authorised by the Council or an authorised officer.

10.3 Members

No member of the Council shall enter either orally or in writing into any Contract on the Council's behalf.

PART B – PROCUREMENT GOVERNANCE ARRANGEMENTS**1. Scope**

This sets out the governance arrangements for approval and award of contracts and for the exercise of the chief officer delegations under Article 12.4 (a) where the supplies, materials, services to be purchased or the works to be executed are between the European Threshold (currently £164,176) and £10,000,000 in value. (These figures refer to the Council's expenditure only, notwithstanding that the Council may permit its framework agreements to be used by other contracting authorities). Where the estimated value of a contract exceeds £10,000,000 and therefore Cabinet is required to approve a strategy report, it shall normally delegate the contract award decision to Chief Officers in accordance with the Procurement Governance Arrangements, provided that the tolerances in paragraph 5 below are not exceeded in which case such contract award decision will be made jointly by the Cabinet Member - Value for Money and Efficiency together with the relevant Chief Officer.

2. Objective

The purpose of these arrangements is to ensure the required quality of decision making in procurement matters and that the relevant officers have been engaged or consulted. As a general principle the contract award decision for all contracts where the supplies, materials, services to be purchased or the works to be executed are below £10,000,000, will be delegated to Chief Officers except where it is likely that the award of the contract will result in staff employed by the Council transferring to the successful contractor under TUPE.

3. Planned Procurement Activities Report

The Assistant Director of Corporate Procurement Services (CPS) shall present a report to every meeting of Cabinet plus a copy to the Corporate Resources Committee of all

relevant planned procurement activity (**"Planned Procurement Activities Report"**). The report is in header form listing the contract values and goods or services with estimated timescale, together with a briefing note. This report is to alert Cabinet of any procurement activities planned, to identify any sensitivities or requirements to come to Cabinet for a decision prior to starting the tender or awarding the contract. Any planned procurements can, at the discretion of Cabinet, be brought back to Cabinet for an executive decision.

4. Strategy Report

Prior to commencing a procurement process and the issue of tender documents, a brief outline of the proposed activity (**"Strategy Report"**) will be prepared by the Directorate Chief Officer, or if the contract is designed to service 2 or more Directorates, the Assistant Director of Corporate Procurement Services (**"the Contract Owner"**) seeking approval from:

- Finance - to validate that the anticipated benefits can be realised and to confirm the budget is available;
- Legal - to confirm the proposal including the method of procurement is within the Council's powers, is likely to secure effective competition and provide value for money; and
- Procurement - to confirm the best form of procurement and approve the market engagement strategy.

The Contract Owner shall gain approval to the content of the Strategy Report from Legal Services, Finance and Corporate Procurement by email. It is required that the same, final version of the Strategy Report be seen and signed off by all parties.

5. Tolerances for operation

If a Planned Procurement Activities Report is not approved for the goods or services required then an executive decision will need to be made by Cabinet (or the relevant Cabinet Member in consultation with a Chief Officer if it is within the financial limits in Article 6.4). Also if:-

- the estimated total value of the contract exceeds the figure stated in the Planned Procurement Activities Report by 20% or £500,000 (whichever is the lower), or exceeds £10,000,000;
- the proposed length of the contract exceeds by more than 6 months the term stated in the Planned Procurement Activities Report;
- there is a material change to the scope of the contract as set out in the Planned Procurement Activities Report;

the executive decision on contract award will be delegated to the Cabinet Member - Value for Money and Efficiency acting jointly with the relevant Chief Officer.

6. Contract award report

At the end of the tender and to enable a contract award to be made, a short award report shall be produced for consideration by the relevant Chief Officer in order to authorise approval ("Contract Award Report"). Where the Contract Award Report is for the award of a framework agreement, then the Contract Award Report will specify the following limitations ("the Framework Limits"):-

- the pre estimate of expenditure or the total value of orders; and
- the rules for the allocation of orders.

The Contract Award Report shall have been approved by the relevant representatives of the City Solicitor, the Strategic Director– Finance and Legal and the Assistant Director of Corporate Procurement Services. The same, final version of the Contract Award Report be seen and signed off by all parties.

7. Combined Strategy and Contract Award report

Where the proposed procurement route is the use of another contracting authority's framework agreement, a combined strategy and contract award report may be presented to the relevant Chief Officer provided that the report contains a detailed options appraisal stating:-

- the justification for the use of the framework agreement;
- how the Council's policies (including the Social Value Policy) will be addressed; and
- the benefits over a Council tender.

8. Contract extension report

A Contract Award Report may authorise an extension to a contract where a contract has expired and a replacement contract has not been procured in time and there is no option outstanding to extend the contract provided that:-

- Legal, Finance and Procurement are satisfied that there is no viable alternative solution;
- The value of the extension does not exceed £500,000;
- The contract conditions are similar to those of the contract which has expired; and
- There is no change to the specification to that contained in the contract which has expired.

Such Contract Award Report shall set out the business case and appraisal of options, the outcome of any negotiations with the contractor and the reasons why it was not

practicable to complete a procurement process and award a contract prior to the expiry of the current contract.

9. Framework agreements

Where the award of a framework agreement has been approved by a Cabinet Member jointly with a Chief Officer, or by a Chief Officer in accordance with the Procurement Governance Arrangements then Chief Officers may issue further orders under the framework agreement provided that they comply with the Framework Limits.

10. Record of decisions

The Assistant Director of Corporate Procurement Services shall:-

- maintain a record of all decisions made by Chief Officers; and
- report on a quarterly basis to Cabinet on all decisions taken by Chief Officers during the previous quarter;

to which these Procurement Governance Arrangements apply. The report will be in header form listing the contract values, timescales and goods, services or works.

11. Compliance

This process shall be consistently applied across the Council and directorates should not need to add any additional processes. The relevant Chief Officer is responsible for ensuring these Procurement Governance Arrangements are followed and all approvals required are in place before any contract is awarded.

B3 – Financial Regulations

Section 1 - Introduction

- 1.1 The functions of the Council are exercised by Cabinet Members, Committees and officers as set out in the Council's **Volume A: The Constitution**. However, the exercise of this function is subject to the supervision of the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer - who have a duty to report to the meeting of the full Council any *proposed or actual unlawful activity or expenditure*.
- 1.2 Whilst reference is made to Strategic Director throughout these regulations this title also includes the Chief Executive and it is emphasised that financial responsibility does not solely reside with these specific officers, and managers and other staff must all have due regard to these regulations and their responsibilities in the discharge of the Council's activities.
- 1.3 The Financial Regulations provide an internal framework for financial administration and control within the Council. They form an integral part of the regulations and procedures used within the Council and should be read in conjunction with the Policies, Standards, Procedures and Guidance, which provides more detail on matters covered by these Financial Regulations which should not be considered in isolation. Various formal guidance notes will also be issued from time to time by the Strategic Director - Finance and Legal.

Section 2 – Compliance with Financial Regulations

- 2.1 Each Strategic Director must ensure that they and their relevant staff follow these Financial Regulations and the Policies, Standards, Procedures and Guidance to ensure that their services are administered in line with best practice. A list of the areas currently covered in the Policies, Standards, Procedures and Guidance is contained in Appendix A.
- 2.2 The Policies, Standards, Procedures and Guidance should be used as the basis of any Directorate Financial Procedures to ensure public accountability and high standards of financial integrity and consistency throughout the City Council.
- 2.3 The Strategic Director –Finance and Legal is the responsible officer for the proper administration of the Councils financial affairs under the Local Government Act 1972, Section 151.
- 2.4 Where reference within these Financial Regulations is made to Strategic Director and the Monitoring Officer it is taken to also mean his / her nominated deputy / representative.
- 2.5 The Financial Regulations are applicable at all times and apply to both Members and employees of the City Council and external parties acting as the agent of the City Council or otherwise agreed with the Strategic Director - Finance and

Legal. The Financial Regulations exclude schools for which separate regulations apply.

- 2.6 Failure to comply with Financial Regulations, or instructions issued under them, may constitute misconduct.
- 2.7 The Strategic Director - Finance and Legal is responsible for reviewing, maintaining and revising these Financial Regulations and only then with the approval of the Council.
- 2.8 The Strategic Director - Finance and Legal is responsible for maintaining the Policies, Standards, Procedures and Guidance. Any requests to make changes to the Policies, Standards, Procedures and Guidance must be directed to the Strategic Director - Finance and Legal who has the authority to approve the changes.
- 2.9 The Strategic Director - Finance and Legal has the right to be present and give appropriate advice, at all meetings, where the Council's financial arrangements are discussed.

Section 3 - Delegated Authorities

Strategic Director – Finance and Legal

- 3.1 To fulfil the requirements of section 151 of the Local Government Act 1972, section 113 of the Local Government Finance Act 1988 and the Accounts and Audit (England) Regulations 2011, the Strategic Director - Finance and Legal will be the officer responsible for the proper administration of the City Council's financial affairs.
- 3.2 The Strategic Director - Finance and Legal has a statutory responsibility to ensure there are appropriate and adequate systems and procedures within the City Council to:
 - 3.2.1 account for all income and expenditure.
 - 3.2.2 protect assets from loss, waste, theft or fraud.
- 3.3 The Strategic Director - Finance and Legal will discharge this responsibility in part, by the issue and maintenance of a Policies, Standards, Procedures and Guidance approval of Directorate Financial Procedures.
- 3.4 Any guidance issued by the Strategic Director - Finance and Legal on corporate financial standards and financial management will comply with recognised best professional practice.

Strategic Directors

- 3.5 Each Strategic Director must ensure they have appropriate organisational structures in place to achieve effective financial administration in the fulfilment of their service responsibilities.
- 3.6 Each Strategic Director must:
- 3.6.1 ensure that all expenditure is lawful (intra vires), has been properly authorised and all necessary processes have been complied with.
 - 3.6.2 ensure there are adequate controls and procedures in operation within their departments
 - 3.6.3 proper and legal budgets have been set.
 - 3.6.4 the identification, reconciliation, recording and security of all income due/received.
 - 3.6.5 the security, custody and management of all assets.
- 3.7 Each Strategic Director must report to the Monitoring Officer and the Strategic Director - Finance and Legal, where there is doubt over the legality of proposed, or already incurred expenditure and or actions.
- 3.8 Each Strategic Director and their employees must:
- 3.8.1 ensure that net expenditure (revenue and capital) in their areas of responsibility does not exceed the annual budgets set for their services and projects.
 - 3.8.2 comply with all laid down financial, professional, management, legal and ethical standards.
- 3.9 It is the responsibility of each Strategic Director to ensure they have effective financial systems process and procedures in place. To facilitate this, each Strategic Director must either wholly adopt the procedures determined by the Strategic Director - Finance and Legal in the Policies, Standards, Procedures and Guidance for his / her staff to follow or, where authorised to do so by the Strategic Director - Finance and Legal, tailor this to meet specific local requirements, as part of a Directorate Financial Procedures.
- 3.10 Each Strategic Director must prepare Equality Impact Needs Assessments for their areas of responsibility and for any proposals for major change, in a format specified by the Head of Equalities.
- 3.11 Each Strategic Director must ensure that all of their employees receive up to date financial and systems training to properly perform their duties.
- 3.12 Each Strategic Director will, in accordance with the arrangements approved by and in agreement with, the Strategic Director - Finance and Legal nominate an Accounting Officer (the Assistant Director (Finance) for the service) who will manage the finance function for the Strategic Director.

Section 4 - Accounting Arrangements

- 4.1 The Strategic Director - Finance and Legal is responsible for determining the accounting policies used in the preparation of the annual accounts and budgets with due regard to the provision of Section 151, the Accounts and Audit (England) Regulations 2011 and other statutory and corporate provisions which affect the financial affairs of the Council. The Strategic Director - Finance and Legal is responsible for co-ordinating and producing the City Council's annual corporate financial accounts.
- 4.2 The Strategic Director - Finance and Legal will determine the form and standard of all financial records, statements and accounts in line with statutory requirements and CIPFA's Accounting Code of Practice.
- 4.3 Each Strategic Director, through the appropriate Accounting Finance Officer, is responsible for ensuring adequate controls relating to accounting arrangements in accordance with the principles of effective management. Strategic Director's must avoid any arrangement which would enable one officer to authorise, process and record a complete financial transaction. In cases where this would be impractical, the Strategic Director - Finance and Legal must approve alternative arrangements and the Strategic Director must ensure that the work is properly monitored.
- 4.4 Periodic reports on actual spending against budget must be submitted by each Strategic Director in conjunction with the Strategic Director - Finance and Legal, to the appropriate executive party/Committee in a format and timetable prescribed by the Strategic Director - Finance and Legal, with explanations of variances and any mitigating actions.
- 4.5 Each Strategic Director must provide the Strategic Director - Finance and Legal with the necessary information for the purposes of accounting and budgetary control, financial statements and returns, employee information and other financial information in a format prescribed by the Strategic Director - Finance and Legal and in accordance with the timetable issued by that officer.
- 4.6 The Strategic Director - Finance and Legal will decide the period for which accounting records and supporting documents will be kept (including the type of storage media) and Strategic Director's must ensure that the records and documents are kept safely for that period.
- 4.7 Each Strategic Director is responsible for regularly reviewing and ensuring the completeness and accuracy of Unofficial funds held in their areas of responsibility. Unofficial Funds are funds for which the City Council is legally, either in whole or in part, the custodian, but which do not form part of the City Council's revenue or capital accounts or constitute a formal trust fund of which the City Council is a trustee. The number of funds must be kept to a minimum and in accordance with the Policies, Standards, Procedures and Guidance and policy / guidance relating to unofficial funds.

Section 5 - Revenue and Capital Budget Allocations & Approvals

- 5.1 The Council must approve the Annual Business Plan (including the revenue and capital budget) for each financial year before the preceding 10 March.
- 5.2 The Council must approve the level of Council Tax in accordance with the Local Government Finance Act 1992.
- 5.3 The Strategic Director - Finance and Legal will:
 - 5.3.1 determine the timetable for the completion of the Business Plan (including the Budget).
 - 5.3.2 co-ordinate its production for approval.
- 5.4 After the Council has approved the Annual Corporate Budget, the service revenue budgets for each Directorate and Committee:
 - 5.4.1 must by 31 March be prepared within the parameters and policies contained within the Council Business Plan and incorporated budget.
 - 5.4.2 once approved will give authority for revenue expenditure to be incurred provided it complies with the City Council's Financial Regulations and Standing Orders.
 - 5.4.3 are cash limited and should not be exceeded without prior consent of the Cabinet.
- 5.5 If approval is given to exceed the budget, any resultant over spends may be deducted from the following year's budget allocation or the relevant Directorate/Committee net resources. Any under spends may only be carried forward with prior consent of the Cabinet.
- 5.6 Each Strategic Director will be responsible for preparing and providing information for the content of revenue and capital estimates, which will be prepared in conjunction with the Strategic Director - Finance and Legal.
- 5.7 Budget Allocations and project approval decisions shall be made in accordance with the financial approval framework (Appendix B) and the Gateway procedure (Appendix C). The Gateway procedure describes a four stage process which must be followed for all projects:
 - (a) Project Definition Document - explores options to deliver the desired outcomes and seeks authority to develop the most appropriate option further.
 - (b) Full Business Case - seeks approval of the developed option to implementation and to procure appropriate resources.

- (c) Contract Award – seeks authority to contract award in line with Standing Orders and Procurement Governance Arrangements.
- (d) Post Implementation Review – reviews actual project performance against budget, milestones, outputs/outcomes etc. approved at FBC stage.

Section 6 - Final Accounts & Year End Procedures

- 6.1 The Strategic Director - Finance and Legal must make arrangements for the accurate and timely production of the City Council's accounts.
- 6.2 Each Strategic Director plays a key role in enabling the Strategic Director - Finance and Legal in discharging his / her responsibilities in relation to the accounts. Each Strategic Director:-
 - 6.2.1 is responsible for closing directorate accounts in accordance with accounting principles, and guidance notes and timetable provided by the Strategic Director - Finance and Legal to ensure compliance with the Accounts and Audit (England) Regulations 2011 and subsequent amendments.
 - 6.2.2 is responsible for providing the Strategic Director - Finance and Legal and Director of Property with an accurate and up to date list of assets within the assets register on 31st March.
 - 6.2.3 must maintain prime documentation used in the preparation of the Accounts in order to provide a clear audit trail and in line with any requirements of the City Council's External Auditors.
 - 6.2.4 must produce completed grant claims and necessary supporting documentation to and for inspection by the Strategic Director - Finance and Legal in a format prescribed by him/her.
- 6.3 The Director of Finance is responsible for reporting the City Council's outturn to Cabinet and for producing the Council's Statement of Accounts for approval by the Audit Committee.

Section 7 - Corporate Financial Systems

- 7.1 Each Strategic Director must ensure that wherever possible, the City Council's corporate financial systems, which are detailed within the Policies, Standards, Procedures and Guidance (including property record systems), are used by all appropriate employees within his / her areas of responsibility.
- 7.2 Each Strategic Director must ensure that if standalone systems are used, irrespective of whether these feed into the City Council's corporate financial systems or not, they have adequate prevention and detection controls and prior approval has been obtained from the Strategic Director - Finance and Legal to use the system(s).

- 7.3 The Strategic Director - Finance and Legal will need to approve the specification, prior to tendering, for any system which will feed into the City Council's corporate financial systems.

Section 8 - Value for Money

- 8.1 Each Strategic Director must ensure that actions are taken to deliver services in accordance with agreed performance standards and demonstrate that they are delivering value for money.
- 8.2 Each Strategic Director must prepare, monitor and present performance indicators against agreed benchmark targets to the appropriate executive party/committee.

Section 9 – Risk Management

- 9.1 Each Strategic Director must ensure they have identified, evaluated (using the Council's corporate risk management methodology) and recorded the risks, financial or otherwise, which exist within their area of service delivery.
- 9.2 Each Strategic Director must ensure there are adequate controls, procedures and resources in operation, to manage the identified key risks and take appropriate action to mitigate the risks.

Section 10 - Assurance Statements

- 10.1 Each Strategic Director must annually, produce an annual Assurance Statement disclosing the following:-
- 10.1.1 in the format prescribed by the Strategic Director - Finance and Legal, each Strategic Director or Head of Service has carried out reviews to evaluate, correct and report on the controls and systems in operation and retained evidence to support any conclusions.
 - 10.1.2 they have complied with the City Council's Financial Regulations and Standing Orders and have, by using the corporate risk methodology identified, evaluated, recorded and managed the key risks, financial or otherwise, which exist within their area of service delivery.
 - 10.1.3 if no risk management or reviews have been carried out then this must be disclosed within the statement, together with appropriate reasons as to why they have not been carried out and the actions that will be taken to meet these requirements in the future.
- 10.2 In preparing this statement, the Strategic Director must require from all relevant officers reporting to him/her a similar statement for their area of responsibility.

Section 11 - Insurance

- 11.1 The Strategic Director - Finance and Legal in consultation with Strategic Director's is responsible for determining the Council's policy in terms of insurable risks. However, each Strategic Director is responsible for ensuring any risk management processes identify, evaluate and record both insurable and uninsurable risks.
- 11.2 Each Strategic Director is responsible for minimising the risks from insurance claims and must ensure that procedures are in place to do so.

Section 12 - Internal Audit

- 12.1 Each Strategic Director must ensure there is an open, honest, transparent and accountable culture in operation within their area of responsibility and must make its services available as and when required for audit both internally and externally.
- 12.2 The Assistant Director of Audit & Risk Management provides a continuous internal audit and reviews the Council's financial records and operations. The service is in accordance with the Accounts and Audit (England) Regulations 2011 and relevant professional guidance.
- 12.3 The role of the Assistant Director of Audit & Risk Management is to review and assess both the operational and financial systems used by the Council for the delivery of its services and to advise and where appropriate participate in service reviews report on areas of significant non-delivery to the relevant Strategic Director and Strategic Director - Finance and Legal.
- 12.4 The, Assistant Director of Audit & Risk Management on the authority of the Strategic Director - Finance and Legal, shall have authority to:-
- 12.4.1 enter any Council premises or land at all reasonable times.
 - 12.4.2 have access to all records, documents, data and correspondence relating to all transactions of the City Council, or unofficial funds operated by an employee as part of their duties.
 - 12.4.3 require any employee of the City Council to provide such explanations, information or any other assistance necessary concerning any matter under audit examination.
 - 12.4.4 require any employee of the Council to produce cash, stores or any other property under his / her control, belonging to the Council or held as part of the employee's duties.
- 12.5 The rights in 11.3 apply equally to organisations which have links with or provide services on behalf of the Council (e.g. voluntary aided schools, wholly owned companies, voluntary organisations or other agents acting on behalf of the Council) where the City Council has a statutory or contractual entitlement to

exercise such right. These rights shall be included in all contractual arrangements entered into with such organisations.

- 12.6 Internal Audit will review corporate governance structures, roles, reporting lines and responsibilities of Officers.
- 12.7 Internal Audit will notify the results of internal reviews in writing to Strategic Directors who must respond in writing to any recommendations contained in audit reports in accordance with any agreed protocols.

Section 13 - External Audit

- 13.1 The key responsibilities of the Strategic Director - Finance and Legal with regard to External Audit are to:
 - 13.1.1 maintain accounting records and prepare statements of account.
 - 13.1.2 Liaise and work with External Audit on a regular basis.
 - 13.1.3 receive and deal with all queries relating to the work of the Council from External Audit. Strategic Director's and their designated officers should not deal directly with External Audit on matters of accounting principles. These queries / concerns should be directed through the Strategic Director - Finance and Legal.
 - 13.1.4 inform External Audit of all fraudulent cases that have been referred to the Police.

Section 14 - Irregularities, Fraud and Corruption

- 14.1 The responsibility for prevention and detection of fraud rests with all employees.
- 14.2 Each Strategic Director must ensure that the Strategic Director – Finance and Legal, Assistant Director of Risk Management and, if applicable, the Monitoring Officer, is notified immediately whenever a matter arises which involves, or is thought to involve, any financial irregularities, fraud and corruption.
- 14.3 The Strategic Director - Finance and Legal is responsible for deciding on the action to be taken to investigate suspected financial irregularities, including referring the matter to the Police.
- 14.4 If there are any suspicions that a Member may be involved/or associated either directly or indirectly in an incident that may require investigation, then the Strategic Director must report this to the Strategic Director - Finance and Legal, who may refer the matter to the appropriate Cabinet Member or Committee.
- 14.5 Each Strategic Director must implement the Anti-Fraud Strategy, the Criminal Acts Procedure and the Confidential Reporting (Whistle blowing) Code and Public Interest Disclosure Act 1998.

Section 15 - Income and Banking

- 15.1 Each Strategic Director must ensure that all systems and procedures relating to income and banking:
- 15.1.1 have adequate prevention and detection controls.
 - 15.1.2 are in accordance with the Accounts and Audit (England) Regulations 2011.
 - 15.1.3 each transaction is identified, recorded, and accounted for, and sums received kept secure and promptly banked.
 - 15.1.4 comply with the requirements of the Income and banking section of the Policies, Standards, Procedures and Guidance.
 - 15.1.5 comply with the Corporate Charging Policy.
- 15.2 A report must be presented at least annually to gain the agreement of the appropriate decision maker regarding any fees and charges levied by the City Council, following consultation with the Deputy Leader.
- 15.3 Strategic Director's must consult with the Strategic Director - Finance and Legal on each occasion that the delegated authority to write off accounts up to £25,000 is exercised. The Strategic Director - Finance and Legal must report, at least annually, all write-offs to the Cabinet in accordance with the procedures and limits detailed in the Policies, Standards, Procedures and Guidance.
- 15.4 Each Strategic Director must maintain an up to date list of authorised signatories in accordance with the procedures and limits detailed in the Policies, Standards, Procedures and Guidance.
- 15.5 Only the Strategic Director - Finance and Legal or authorised representative where applicable, shall have authority to:
- 15.5.1 operate all such bank accounts considered necessary.
 - 15.5.2 approve all dealings and arrangements with the City Council's bankers.
 - 15.5.3 authorise the ordering of cheques (inc. National Giro payment forms) and make proper arrangements for their safe custody.
 - 15.5.4 approve and sign all alterations and amendments to cheques.
 - 15.5.5 make all requests for City Council credit cards.
- 15.6 All cheques drawn on the City Council's main banking accounts will bear the facsimile signature of the Strategic Director - Finance and Legal or be signed in manuscript by the Strategic Director - Finance and Legal or authorised representative.

Section 16 - Orders and Payments

- 16.1 Each Strategic Director must ensure that all expenditure is lawful (intra vires), has been properly authorised and all necessary processes have been complied with. Additionally, each Strategic Director must ensure there are adequate controls and procedures in operation within their areas of responsibility to ensure:
- 16.1.1 the City Council's Standing Orders relating to Contracts are complied with
 - 16.1.2 orders are only raised where there is sufficient budget remaining to cover all costs associated with the order taking into account likely future commitments as well as the cost relating to a particular order.
 - 16.1.3 wherever possible orders are only raised under contracts which have been centrally negotiated or with suppliers who appear on the City Council's Voyager E-catalogue.
 - 16.1.4 orders are raised, processed and paid using the City Council's Voyager System and in accordance with the procedures and limits detailed within the Policies, Standards, Procedures and Guidance, unless it has been authorised by the Strategic Director - Finance and Legal, not to do so.
 - 16.1.5 goods and services are ordered and paid for, which are for official purposes and help the effective operation of the City Council.
 - 16.1.6 payments are only made on appropriately certified documents (i.e. invoices, student award applications etc.) and in accordance with the procedures and limits detailed within the Policies, Standards, Procedures and Guidance.
 - 16.1.7 orders and payments are accounted for in accordance with the procedures and limits detailed within the Policies, Standards, Procedures and Guidance.
 - 16.1.8 a list of officers authorised to certify payments is maintained in accordance with the procedures and limits detailed within the Policies, Standards, Procedures and Guidance.
 - 16.1.9 salaries, wages, gratuities, compensation, voluntary redundancy payments and other emoluments are paid in accordance with the procedures and limits detailed within the Policies, Standards, Procedures and Guidance.

Section 17 – Grants to Outside Bodies

- 17.1 Grants to outside bodies must follow the Council's Conditions of Grant Aid to that body.

- 17.2 The Strategic Director - Finance and Legal will issue guidelines for each Strategic Director to follow, for any bids for grants, company or partnership funding, or applications submitted to Central Government, the European Commission or any other external organisation for financial support towards the costs of City Council projects / programmes or where the City Council is otherwise involved.

Section 18 – Accountable Body Roles

- 18.1 Each Strategic Director must ensure that all accountable body arrangements comply with all legal requirements and relevant City Council procedures, and that arrangements are in place to identify and manage the associated financial, reputational and performance risks.

Section 19 - Companies & Partnerships

- 19.1 Where a Strategic Director feels that it is appropriate to discharge a service or provide a function through the formation of a new legal entity (company or otherwise), the relevant Strategic Director should consult with the Monitoring Officer and the Strategic Director - Finance and Legal.
- 19.2 Each Strategic Director must notify the Monitoring Officer and the Strategic Director - Finance and Legal of any changes in relation to membership or financial management of any company formed by the Council to discharge its services or function.

Section 20 - Treasury Management

- 20.1 The City Council has adopted CIPFA's Treasury Management in the Public Services: code of Practice and Cross Sectoral Guidance Notes, including the four clauses in financial regulations 19.2 to 19.5 below:
- 20.2 The City Council will create and maintain, as the cornerstones for effective treasury management:
- a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
 - suitable treasury management practices (TMPs), setting out the manner in which the City Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of the City Council. Such amendments will not materially deviate from the Code's key principles.

- 20.3 The City Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year. Cabinet will as a minimum receive, a mid year review and an annual report after the year end, in the form prescribed in its TMPs.

- 20.4 Responsibility for the implementation and regular monitoring of treasury management policies and practices is delegated to Cabinet, and for the execution and administration of treasury management decisions to the Section 151 Officer, who will act in accordance with the organisation's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's *Standard of Professional Practice on Treasury Management*.
- 20.5 The relevant Overview and Scrutiny sub-committee shall be responsible for ensuring effective scrutiny of the Treasury Management strategy and policies, and Audit Committee shall be responsible for reviewing the adequacy of treasury risk management arrangements as set out in the Treasury Management Policy, Strategy and TMPs.
- 20.6 Employees of the Council must not invest Council monies, or borrow, or enter into currency exchange or hedging transactions without a written delegation from the Section 151 Officer. Money held by School Governors under Fair Funding should be invested by Governors in accordance with the City Council's scheme for financing schools.
- 20.7 All money in the custodianship of the City Council should be under the control of the Strategic Director - Finance and Legal.

Appendix A**Contents of the Finance PSPG as at January 2016**

Administration of Finance PSPG
Accountable Bodies
Agency Agreements
Annual Closedown of Accounts
Anti-Money Laundering
Car Mileage
Cashbooks
Cashiering & Banking
City Council Companies
Collection Fund
Credit Cards
Disposal of Obsolete Equipment
Engagement of Consultants and Interims
Fair Funding for Schools
Fees & Charges
Financial & Organisational Master Data
Financial Regulations & Accounting Standards
Fixed Asset Accounting
Foreign & Domestic Travel
General Accounting Processes
Grant Accounting
Grants to Outside Bodies
Income & Debtors
Income Tax
Insolvencies
Insurance
Internal Recharges
Internal Trading
Inventory Procedures and Use of Council Property
Loans & Leases to Employees
Loans, Shares, Investments and Guarantees Provided for Service Provision
Members Allowances
Payment Activities
Payroll
Petty Cash
Procurement
Project Governance & Accounting
Property Management
Public Inspection of the Accounts
Risk Management
Statutory Publicity Account
Stores Procedures
Treasury Management
Trusts
Unidentified Income
Unofficial Funds
VAT

Governance and Audit PSPG as at January 2016

External Audit Protocol

Fraud Awareness

Internal Check

Retention of Financial Records

Gateway and Related Financial Approval Framework – March 2016

Threshold Key		Within Strategic Director Delegations (note 1)	Above Strategic Director Delegations & below Key Decision (note 10)	Above Key Decision
1 - £200k		< Threshold 1	> Threshold 1 and < Threshold 2	> Threshold 2
2 – £500k Revenue or £1m Capital.				
1.0 Business Case Approvals – Capital Project ‘Gateway’ (Notes 2,3 & 4)				
1.1	Project Definition Document (Options Appraisal) reports and Full Business Case reports (based on estimated whole project cost). (Discretion to Strategic Director – Finance and Legal to vary Business Case requirements according to circumstances).	Strategic Director (no QA & G assessment required and reporting formats to be determined locally)	Either relevant Cabinet Member jointly with relevant Strategic Director or Regulatory Committee; following QA & G assessment	Cabinet following QA & G assessment
1.2	Post Implementation Review reports where required.			
1.3	Capital Project and Programme overspends i.e. >10% or £200k (whichever is greater) of approved Full Business Case	Revised Full Business Report must be presented to the original FBC approver (note 8)		
2.0 Capital Allocation Approvals				
2.1	Allocation of additional Corporate Capital Resources (note 5)	Strategic Director – Finance and Legal	Cabinet	Cabinet
2.2	Allocation of Capital Contingency			
2.3	Virement or reallocation of capital budgets held by Directorates			
2.4	Virement or reallocation of corporate capital budgets between projects (note 6)			
2.5	Resource allocations in kind, e.g. asset swaps, appropriations and discounted sales where cost is not met by service			
2.6	Land appropriations where cost is met by service		Strategic Director and Deputy Leader	
2.7	Virement of specific capital resources between projects/programmes held by Directorates (note 5)			Cabinet

2.8	Allocation of approved general programme capital budgets to individual projects within the existing policy framework	Strategic Director	Either relevant Cabinet Member jointly with relevant Strategic Director or Regulatory Committee	Either relevant Cabinet Member jointly with relevant Strategic Director or Regulatory Committee
2.9	Approval to bid for external capital resources (including any associated Accountable Body roles) to be included in a Project Definition Report. (note 7).			Cabinet
2.10	Approval to incur expenditure funded by accepting external capital resources (including any associated Accountable Body roles) where 2.9 is not applicable (eg where no bid submission was required) (note 7)			
2.11	Technical capital budget reallocations or adjustments (e.g. resulting from reorganisation)	Strategic Director – Finance and Legal	Strategic Director – Finance and Legal	Strategic Director – Finance and Legal
2.12	Capital Project and Programmes underspends	No approvals required, but any corporate resource underspends must be returned to the corporate resource pool		

3.0	Revenue Allocation Approvals			
3.1	Allocation of corporate revenue budgets	Strategic Director – Finance and Legal (in consultation with the Chief Executive and Leader if over £100k)	Cabinet	Cabinet
3.2	Allocation of general revenue Policy Contingency			
3.3	Virement or reallocation of revenue budgets between Directorates			
3.4	Virement or reallocation of revenue budgets held by Directorates. (These approvals relate to in year virements – all ongoing virements over £500k would require Cabinet approval)	Strategic Director	Either relevant Cabinet Member jointly with relevant Strategic Director or Regulatory Committee	Cabinet
3.5	Approval to bid for external revenue resources (including any associated Accountable Body Roles) to be included in a Project Definition Report. (note 7)			
3.6	Approval to incur expenditure funded by accepting external revenue resources (including any associated Accountable Body roles) where 3.5 is not applicable (eg where no bid submission was required) (note 7)			
3.7	Technical revenue budget reallocations or adjustments (e.g. resulting from reorganisation)	Strategic Director – Finance and Legal	Strategic Director – Finance and Legal	Strategic Director – Finance and Legal
3.8	Allocation of specific revenue Policy Contingency	Strategic Director - Finance and Legal, in consultation with the	Strategic Director – Finance and Legal, in consultation with	Strategic Director – Finance and Legal, in consultation with

		Chief Executive and Leader	the Chief Executive and Leader	the Chief Executive and Leader
4.0	BCC Loans, Investments, guarantees and underwritings made to Other Organisations, (Note 9)			
4.1	Requires approval of PDD and FBC which must include Treasury Management and QA & G assessment in accordance with the PSPG Procedure.	Strategic Director	Either relevant Cabinet Member jointly with relevant Strategic Director or Regulatory Committee; (£200k - £500k)	Cabinet

Gateway and Related Financial Approval Framework – Supporting Notes

1. Strategic Director delegation level is £200,000. Whilst the report formats for approval below this level are to be determined locally they must support good decision making and provide adequate justification for the proposal being put forward.
2. 'Capital Project/Programme' means any capital expenditure, including capital grants to third parties. A programme of capital works (such as an annual programme of repairs or minor works) can be treated as a single project with a business case report to approve the programme before it starts. The approach to these reports should be agreed with the Quality Assurance & Governance Team (QA & G) before completion and which may include the consideration of wider delegations to officers as appropriate. In relation to Emergency Health and Safety works these are an exception to the usual Gateway reporting requirements and the approach to seeking authority to these works should be discussed with the Quality Assurance & Governance Team (QA & G).
3. Capital projects where the City Council is the 'accountable body', but the expenditure decision is assessed and approved under the associated governance process of the delegated body, will not require further 'Gateway' PDD or FBC approvals, as long as the assessment/appraisal process has been reviewed by the QA & G and is of a comparable or higher standard than the BCC gateway appraisal process.
4. Project Definition Documents will require a recommendation to release development funding and prudential borrowing must be approved in Full Business Cases. Approval to external funding will also need to be included in these reports in order to comply with 2.9 and 2.10.
5. 'Corporate Capital Resources' means capital resources which the Council can use for any purpose, including all capital receipts, earmarked capital receipts, un-ringfenced capital grants, and other general resources as determined by the Strategic Director – Finance and Legal; it excludes 'specific capital resources'. Specific capital resources are all other resources which have a restricted purpose, and include revenue contributions from a Directorate's own budget. Capital resources include 'Provisional allocations' as well as Approved capital budgets.
6. Capital virements within a project (e.g. from one Work Breakdown Structure element to another) can be approved by the Project's Board.
7. Approvals in respect of external resources also need to cover; other associated revenue or capital financial implications e.g. running costs, matched funding, costs to other Directorates etc; risks; Accountable Body implications; any funding conditions.
8. The allocation of any additional capital resources as a result of a capital overspend must be approved in accordance with the Resource allocation section of this Framework.
9. Capital controls treat the giving of certain loans and investments as capital expenditure. These therefore require PDDs, FBCs and executive approval in accordance with sections 2 and 3 above. However, the giving of a loan or investment which is not treated as capital, is a 'balance sheet' transaction only. Advancing the loan is not revenue expenditure, but any writedown of the loan would be revenue expenditure to the relevant service. Section 4 above

therefore sets out PDD, FBC and executive decision requirements for all non-capitalised loans, investments, guarantees and other underwriting.

10. Decisions made by relevant Cabinet Members and relevant Strategic Directors/Regulatory Committees must be made using the Executive Decision Report template and recorded on Democracy in Birmingham. In the case of PDDs and FBCs the relevant Cabinet Member must also include the Cabinet Member - Value for Money and Efficiency (VME).

Appendix C

GATEWAY DECISION MAKING MATRIX

		Project Definition Document (Note1)			Full Business Case (Note1)			Contract Award (Notes 1,4 & 6)			Post Implementation Review (Note1)		
Type of expenditure	Stage	Whole Project Cost (note 3)			Whole Project Cost (note 3)			Procurement value			Whole Project Cost (note 3)		
		<Threshold 1	>Threshold 1 and <Threshold 2	>Threshold 2	<Threshold 1	>Threshold 1 and <Threshold 2	>Threshold 2	<European Threshold (Note 4)	>European Threshold and less than the 'Chief Officer limit'	>'Chief Officer Limit'	<Threshold 1	>Threshold 1 and <Threshold 2	>Threshold 2
Revenue Project or Capital Project (Property and Non Property Related) (Notes 2)	Corporate Evaluation by Quality Assurance and Governance Team (Note 5)	Not Required	Required	Required	Not Required	Required	Required	Not Required	Required	Required	Not Required	Required	Required
	Approval	Relevant Strategic Director	Either the Cabinet Member for VME and the relevant Cabinet Member jointly with the Relevant Strategic Director or Regulatory Committee	Cabinet	Relevant Strategic Director	Either the Cabinet Member for VME and the relevant Cabinet Member jointly with the Relevant Strategic Director or Regulatory Committee	Cabinet	Relevant Strategic Director	Relevant Strategic Director	Cabinet	Relevant Strategic Director	Cabinet Member for VME and the relevant Cabinet Member jointly with the relevant Strategic Director for information	Cabinet Member for VME and the relevant Cabinet Member jointly with the relevant Strategic Director for information

Threshold Key

1 - £200k .

2 - £500k Revenue or £1m Capital.

NOTES TO MATRIX

The Matrix above summarises the requirements of the Constitution in relation to Executive decision making and the requirements for project/programme appraisal.

1. All Executive Decision Reports on projects should use the standard report template. These reports must also be supported as appropriate (as appendices) by a Project Definition Document, Full Business Case or Post Implementation Review. The templates for these documents can be found on inline/PSPG/gateway. Contract award report templates are available from Corporate Procurement Services.

2. "Capital Project" means any capital expenditure, including programmes of capital works.

"Revenue Project" means any revenue expenditure which it is decided to treat as a Project for this purpose (the Strategic Director – Finance and Legal to decide).

"Property Related" means capital expenditure on the purchase, build, enhancement or refurbishment of land or property and also revenue maintenance projects.

This includes the issue of Orders for works on Council property under a Framework contract. All other expenditure is to be treated as Non-Property.

A programme of capital works (such as an annual programme of repairs or minor works) can be treated as a single project, with a Business Case report to approve the programme before it starts. The Business Case approach to programmes should be agreed with the Quality Assurance and Governance Team before completion.

3. "Whole Project Cost"

For capital expenditure this is the entire gross capital cost of the investment to the City Council, however funded (including for example expenditure funded by capital grants). For revenue projects this is the whole lifecycle cost of the project (i.e. the discounted value of all costs including operating costs)

4. The European Threshold is defined by the Council's Standing Orders relating to Contracts as meaning the threshold applying to local authorities at which supplies and services contracts are subject to the European Directives. The Chief Officer Limit is £10,000,000 for non-property related contracts. Where it is likely that the award of a contract will result in staff employed by the Council transferring to the successful contractor under TUPE then if the value of the contract

exceeds the European Threshold then any decision which would otherwise be taken by a Chief Officer under the above matrix will be made by Cabinet.

5. Corporate Evaluation by the Quality Assurance and Governance Team: please forward draft reports to richard_teague@birmingham.gov.uk in the Financial Strategy Team for corporate review.
6. In respect of Non Property Related Contracts, "Contract Award" means all stages of the procurement process from the decision to commence a procurement process up to and including contract award. This will include the definition of the procurement strategy, and the drafting of the specification and outcomes. The contract award template is held by Corporate Procurement Services.

B4 – Meetings Administration

These Rules set out below apply to Council meetings, Executive, Forward Plan and Committees of Council.

1. NOTICES OF MEETING

The Council will give at least 5 clear days' notice of any non-urgent meeting – and for urgent meetings at least 3 clear days' notice will be given. Details of the meeting will be posted at the Council House, Victoria Square, Birmingham B1 1BB.

2. ACCESS TO AGENDA, REPORTS AND DECISION RECORDS

The Council will make copies of the Agenda and relevant Reports open to the public and available for inspection at the Council House at least 5 clear days before the meeting or as much time as is available for an urgent item of business. Where Reports are prepared after the Agenda has been sent out, the Committee Services Officer shall make such report(s) available for inspection to the public as soon as the Report is completed and sent to the relevant Councillors.

For the avoidance of doubt, "clear days" does not include weekends, statutory holidays, the day of the notice or the actual day of the meeting.

Agendas, Reports and Decision Records, save for those which contain exempt or confidential information; will be found on the Council's website (Birmingham.gov.uk) Background papers identified in Reports can be obtained from the Contact Officer named on the Report.

3. ACCESS BY THE PUBLIC TO MEETINGS

Members of the public have the right to attend meetings but the press and the public must be excluded from meetings when confidential information would be disclosed.

- (a) The press and public may be excluded from meetings where exempt information would be disclosed, unless this is not in the public interest.
- (b) "**Confidential information**" means information provided to the Council by a Government Department upon terms (however expressed) which forbid the disclosure of the information to the public or other information the disclosure of which is prohibited by any enactment or Court Order.
- (c) "**Exempt information**" relates to the Access to Information requirements covered by Section 100I and Schedule 12 A of the Local Government Act 1972 (as amended), and related Regulations. Information is also exempt if it is advice of a Political Adviser or Political Assistant, as defined by the Local Authorities (Executive Arrangements)(Access to Information) (England) Regulations 2000 (as amended).

4. THE FORWARD PLAN

A "Forward Plan" will be prepared on a weekly basis to cover a period of four months.

The Forward Plan will contain details of all Reports for Cabinet and include the following information:

- (a) the matter in respect of which a decision is to be made;
- (b) a brief explanation of why it will be a "key decision";
- (c) the Cabinet meeting at which the "key decision" is due to be taken;
- (d) who will be consulted before the "key decision" is taken;
- (e) how, to whom and by when representations (about the "key decision") can be made;
- (f) what reports/papers are, or will be, available for public inspection;
- (g) whether the report is a private report with reasons.

The Forward Plan is published once a week and is available on the Council's website.

5. LATE REPORTS AND REPORTS NOT ON FORWARD PLAN

All late reports (those which cannot be sent out by Committee Services with 5 working days' notice) must comply with the requirements set out in the Protocol for Executive Reports – see B12 of this Constitution.

If a matter which is likely to be a 'key decision' has not been included in the Forward Plan, the "key decision" may still be taken if:

- (a) the "key decision" must be taken because it is impracticable to defer the decision, in the opinion of the Chief Executive; and
- (b) the relevant Chief Officer (or his nominee) has obtained the agreement of the Chair of a relevant Overview and Scrutiny Committee of the matter to which the decision relates; and
- (c) the Committee Services Officer has made copies of the relevant notice available to the public at the Council House.

A late private report (less than 28 days' notice) requires agreement from the Chairman of the relevant Overview and Scrutiny Committee that the report is urgent and cannot reasonably be deferred.

The Leader of the Council will submit a report to Council on an annual basis detailing all late reports not on the Forward Plan and all reports authorised for immediate implementation (see 6 below).

6. EMERGENCY REPORTS

In an emergency an executive report may be agreed by the Chief Executive in consultation with the Leaders of the Political Groups.

7. IMMEDIATE DECISION IMPLEMENTATION

If the interests of the Council are jeopardised unless an executive decision is implemented immediately then the Chief Executive in consultation with the Leader (or Deputy Leader in his/her absence) may designate such executive decision as so urgent that its implementation cannot wait until the expiry of the call-in period.

The exercise of such power shall be clearly noted on the record of the decision.

8. RECORD OF EXECUTIVE DECISIONS

- (a) As soon as reasonably practicable after any meeting of the Executive or any of its Committees, whether held in public or private, the Committee Services Officer will produce a record of every executive decision taken at that meeting.
- (b) No report to the Executive or any Executive decision shall be deliberately subdivided by any Member/Officer to circumvent the "key decisions" definition.
- (c) Prior to any decision being taken by the Executive, the relevant Chief Officer shall ensure that the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer are properly consulted, well in advance of any relevant report, for any advice that they may, collectively or individually, wish to give. The Chief Officer shall also ensure such advice is properly reflected in any report to the Executive. In appropriate circumstances, the Chief Officer shall also ensure the Head of Public Relations and Communications is consulted before any Executive decision is taken.
- (d) The Monitoring Officer is authorised to correct any minor errors in the recording of Executive Decisions but not so as to replace or otherwise substantially amend the decision of the Executive. In the event of a major alteration, the relevant decision-maker or decision body will be asked to make another Executive decision to correct the Executive record.

9. OVERVIEW AND SCRUTINY COMMITTEES: ACCESS TO DOCUMENTS

An Overview and Scrutiny Committee will be entitled to copies / inspect documents which are in the possession or control of the Executive or its Committees and which contain material relating to:-

- (a) any business transacted at a public or private meeting of the Executive or its Committees; or
- (b) any decision taken by an individual Cabinet Member.

An Overview and Scrutiny Committee will **not** be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a Political Adviser or Assistant (if any have been appointed).

B5 – Cabinet Portfolios

Cabinet comprises of ten Councillors, including the Leader and Deputy Leader:

- Leader
- Deputy Leader
- Cabinet Member – Children, Families and Schools
- Cabinet Member – Value for Money and Efficiency
- Cabinet Member – Transport and Roads
- Cabinet Member – Clean Streets, Recycling and Environment
- Cabinet Member – Health and Social Care
- Cabinet Member – Housing and Homes
- Cabinet Member – Jobs and Skills
- Cabinet Member – Transparency, Openness and Equality

LEADER'S PORTFOLIO

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

Strategic policies	Development and implementation of the Council Business Plan, Budget and Leader's Policy Statement.
Financial strategy	The council's strategic approach to financial resources and budget, including alignment between partners, the BCC General Fund, Housing Revenue Account and capital spending.
Policy and Partnerships	Where appropriate, leadership of city, regional, national, European and international policy, strategic partnerships and appropriate relations with the media.
Major projects	Major physical regeneration and infrastructure projects in the city.
Promotion of the city and Inward Investment	<p>Promotion of Birmingham regionally, nationally and internationally. This includes work with partners such as Marketing Birmingham, the universities and cultural organisations of citywide, regional or national significance.</p> <p>Marketing strategies to encourage investment in Birmingham.</p>
Structure and Governance of the Council	Overall organisational design of the council, including corporate governance arrangements.

Council land use and property assets	Oversight of the council's land use and property strategy and asset management plan including framework for reuse, disposal and requisition of land and property in the council's priorities – including assets of community value. Including oversight of council owned land and property facilities, amenities and services including markets.
Local Government Ombudsman	Appropriate action in response to local government ombudsman reports.
Emergency Planning	Arrangements for the council's response to emergencies.
Combined Authority and the West Midlands Mayoral Combined Authority	Appropriate arrangements for the Council's response and review to changes in the Constitution, consultation and devolution deals. Acting as the main representative for the City Council on the Combined Authority.
Economic growth and jobs	Strategic approach to economic growth and regeneration programmes and strategic planning policy in consultation with the Cabinet Member for Jobs and Skills.
Bereavement Services	Strategic leadership for the development of Cemeteries, Crematoria and Mortuary and Coroners Court Services.
Business Improvement Districts	Partnerships with the Business Improvement Districts, including city centre management opportunities.

DEPUTY LEADER'S PORTFOLIO

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

Finances	Overall financial direction within the Financial Strategy developed by the Leader, including Best Value and appropriate financial, accounting and audit controls and procedures.
Business Change	All major business change programmes.
Performance review and improvement for the council, including	Arrangements to review and improve the performance of services and the delivery of priority outcomes and services for Birmingham residents and businesses.

performance of externalised services	Trading Services, WOCs and Acivico (when Executive decisions needed).
Human Resources	<p>An effective organisational development function for shaping the future workforce of the council.</p> <p>Development of effective change/transformational programmes deployed corporately.</p> <p>Member development programmes.</p> <p>Processes and procedures to support good staff performance development and equality objectives.</p> <p>Staffing structures at JNC level and personnel procedures that comply with good practice and natural justice (in consultation with the Leader).</p> <p>[The Council Business Management Committee deals with issues around the employment of staff and their terms and conditions of employment].</p>
Communications	Internal and external stakeholder consultation on performance and use of resources.
Risk Management	Policy for risk management and holding officers to account on the management of risks.
Lord Mayor's office	Appropriate support to the Lord Mayor and other holders of civic office.
Revenues and Benefits Service	Effective management of the Revenues and Benefits service.
Sports and Events Development	Development, delivery and promotion of sports, events and festivals.
Arts and Culture	Sustaining and promoting events, including management of grants and the economic opportunities that derive from arts and culture.
The Library of Birmingham and Community Libraries	Oversight of the regional and city-wide role of the Library of Birmingham and the community library service and , including both the vital part libraries play in communities, learning and skills.

Museums	Oversight of the provision and activity of the Birmingham Museums Trust.
Safer Communities	Strategic Leadership in relation to Prevent.
Land Use Planning	Local Development Plan, Neighbourhood Plans, Development Briefs and Supplementary Guidance; including advice to planning committee.
Whistleblowing and Corporate Complaints Procedure	To take a corporate lead in relation to Whistleblowing and complaints.

CABINET MEMBER FOR CHILDREN, FAMILIES AND SCHOOLS

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

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

The Cabinet Member has accountability for:

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

People	needs and disability, early years, school places and travel to and from school.
--------	---

CABINET MEMBER VALUE FOR MONEY AND EFFICIENCY

The Cabinet Member will have accountability for the management of all commissioning, procurement, contract compliance and council wide efficiency.

Commissioning	Strategic approach to, and compliance with, the commissioning approach. Ensuring that council commissioning supports its wider social objectives such as employment provision, training, encouraging social enterprise and delivering social cohesion, internally and externally.
Procurement	Oversight of procurement management, including ensuring the development of appropriate approved lists of suppliers.
Contract Management	Strategic approach to and compliance with contract management policy to ensure value for money.
Internal Trading Operations	Effectiveness and holding to account the management of all internal trading operations.
Birmingham Business Charter for Social Responsibility	Application of the Birmingham Business Charter for Social Responsibility that requires contractors to offer, inter alia, local employment and training opportunities, and to adopt the Birmingham Living Wage policy.
Council Wide Efficiency	To take a strategic lead in relation to efficiency across all council services and to foster lean governance in all areas of council work and to promote working relationships with stakeholders and partners.

CABINET MEMBER FOR TRANSPORT AND ROADS

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

The Cabinet Member has accountability for:

Transport Strategies	Sustainable transportation policy and strategy, programmes, projects and initiatives to improve connectivity and road safety for the city across all modes of travel.
Highways	Strategic highways matters. Maintenance of roads and streets, traffic management and car parks and enforcing rights of way.
Advice to Planning Committee (Highways)	Providing advice, where appropriate, including the effect of proposed developments in relation to roads and transport and working in cooperation with the West Midlands Combined Authority and Mayor in relation to the key route network.

CABINET MEMBER FOR CLEAN STREETS, RECYCLING AND ENVIRONMENT

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

The Cabinet Member has accountability for:

Green City	Strategic leadership of the city's sustainability agenda, advising all Cabinet Members of initiatives that need to be taken and particularly in respect of employment, highways, transport, waste recycling and disposal matters, health and housing.
Climate Change	Strategic lead on policy and its implementation to address issues including climate change, carbon reduction, flood management, clean air zones, energy security, fuel poverty, food security and green spaces.

Waste Strategy and Services	Development of a financially and environmentally sustainable waste strategy for the city. Collection and sustainable disposal of waste from residential and other properties within the city and street cleansing on operational matters. Promotion of recycling.
Pest Control	Provision of the Pest Control Service
Cleaner Neighbourhoods	Street Cleaning, Litter prevention, fly tipping, graffiti, placarding.
Local Parks and Allotments	Provision, maintenance and usage of local facilities.

CABINET MEMBER FOR HEALTH AND SOCIAL CARE

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

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

The Cabinet Member has accountability for:

Adult Social Care and Health	Development of the Health and Wellbeing Board and relationships with the NHS and private providers. Strategic leadership of social care services and safeguarding for adults. Development of an integrated health and social care economy in Birmingham and neighbouring local authorities around the STP.
Public Health	Leadership on public health services, working with the Health and Wellbeing Board to reduce health inequalities.
Healthy Communities	Healthy living through sport and leisure services.

Domestic Violence	All council activity relating to domestic violence and developing a city-wide domestic violence strategy with partners including advice to the Cabinet Member for Housing and Homes on the provision of accommodation.
-------------------	--

CABINET MEMBER FOR HOUSING AND HOMES

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

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

The Cabinet Member has accountability for:

Council housing management services	Oversight and direction of estate management services and best use of housing stock (across all housing providers). Repairs and maintenance programmes.
Registered Social Landlords	Liaison with the Birmingham Social Housing Partnership on neighbourhood management initiatives and the housing growth agenda.
Private Rented Sector	Licensing and regulation. Private Tenancy Unit activities. Bond and deposit scheme initiatives.
Housing Options	Assessing housing need, options for vulnerable adults, children and young people and offenders. Temporary accommodation provision / homelessness. Initiatives for rough sleepers.
Housing Supply	To review the supply of housing and tenure based on an analysis of housing need including responsibility for BMHT. The Cabinet member will advise the Deputy Leader in relation to housing supply and tenure.

Tenant engagement in social housing	Tenant engagement in the management and development of social housing and Housing Liaison Boards.
Neighbourhood Management	Wider council and public sector integration at the local level.

CABINET MEMBER FOR JOBS AND SKILLS

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

The Cabinet Member has accountability for:

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

CABINET MEMBER FOR TRANSPARENCY, OPENNESS AND EQUALITY

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

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

The Cabinet Member will also have responsibility for the following:

Smart City	<p>Provide strategic leadership and advising all Cabinet Members of initiatives that need to be taken in relation to the development of world class technological capability and connectivity in Birmingham.</p> <p>In particular extending use of intelligent transport systems and digital technologies for “open access” to support “green and smart” actions.</p>
The services provided to the citizens of Birmingham as the customer	To take a strategic lead in the provision of customer focused City services.
To take a lead on information law and data protection matters	Overall organisation for the Council including Corporate governance arrangement.
To challenge any lack of transparency in all work carried out by the Council.	To ensure transparency in all areas of Council work.
Social Cohesion and Inclusion	<p>Approaches to ensure that all Birmingham citizens have increasing access to opportunity across the social and economic life of the city.</p> <p>Holding to account other relevant Cabinet Members and officers for the delivery of those functions that impact on social cohesion and inclusion.</p>
Tackling Inequality	<p>Strategic approaches to reduce inequalities including around health, education and employment outcomes; ‘access to services’; and participation in civic life.</p> <p>Neighbourhood advice and information services.</p> <p>Holding to account other relevant Cabinet</p>

	Members and officers for the delivery of those functions that impact on inequalities and inclusion.
Equalities within the Community	<p>Development and promotion of shared values and mutual respect across the diverse communities of Birmingham.</p> <p>Ensuring that community and cultural events promote social cohesion and inclusion</p>
External Challenge	Ensuring that partner agencies, private or third sector organisations are challenged on their contribution to improving social cohesion and inequalities.
Safer Communities	<p>Strategic citywide leadership to community safety in Birmingham, including anti-social behaviour, fear of crime and public spaces and ensuring effective support for victims of crime.</p> <p>Effective relationships and clear shared priorities with the Police and Crime Commissioner and West Midlands Police.</p> <p>Leadership on youth offending issues.</p> <p>CCTV and liaison with Police.</p>
Third Sector Partnership and Engagement	Working with and coordination of third sector and partner agencies around equalities, cohesion and inclusivity.

B6 – District Committee and Ward Forum Functions

1. THE ROLE AND PURPOSE OF DISTRICT COMMITTEES IS MORE PARTICULARLY SET OUT WITHIN THE “TERMS OF REFERENCE” BELOW. THE TERMS OF REFERENCE ARE SUBJECT TO AMENDMENT BY CABINET OR BY COUNCIL BUSINESS MANAGEMENT COMMITTEE, AS APPROPRIATE, TO REFLECT THE EMERGING SHAPE OF THE FUTURE COUNCIL.
2. The following functions are devolved to District Committees:
 - Enforcement of litter prevention.
 - Enforcement relating to fly-posting, placarding, graffiti and fly-tipping.
 - Local community safety (local CCTV and local neighbourhood tasking issues taken forward usually in partnership with the police).
 - Power to authorise the picking up of stray dogs, and relating to scavenging in alleyways and fouling of land.
 - Street Cleansing – local decisions on services and the specific role of working with local communities and social enterprises to encourage additional services such as community clean ups and anti-litter campaigns.
 - Grants to Neighbourhood Forums from the budget approved for this purpose.
 - The right to consider and respond to consultations on planning briefs and frameworks and major development proposals and for any such response to be given to the Planning Committee for consideration at the appropriate time.

TERMS OF REFERENCE FOR DISTRICTS AND WARDS

Background

These terms of reference form part of a three pronged approach to defining the role and remit of the Council’s community governance structure at both district and ward level. This also includes a schedule of functions that are to be delegated to these committees or forums, amending section B6 from the 2014/15 City Council Constitution; an article recognizing the existence of district committees and ward committees or forums and granting authority and powers to both and the terms of reference set out in this document.

Principles

The City Council is committed to the retention and the on-going development of its devolved approach to community governance, given the scale, size and diversity of challenges, opportunities and needs across the city.

The operation of new arrangements at the district and ward level must be consistent with the new resource framework for local governance and services, with a dramatic reduction since the council introduced its devolved arrangements over ten years ago. This means that the

support and administration of the refined model needs to take account of this and focus on the key priority of protecting front line service delivery, whilst also helping to shape new approaches to service delivery at a local level through partnership working and co-production.

The new model demands a particular set of cultural, organisational and individual behaviours, values and technical competencies. A key priority for its future operation is to shape a systematic, whole organisation approach to getting this right. This will be incorporated within the wider Future Council programme.

Overall purpose of the districts

Work at the district level will promote democratic accountability and support councillors in their community leadership role. It will also drive forward service improvement, community empowerment, active citizenship and local partnership working, and ensure maximum influence over the use of service budgets and resources, to ensure they are aligned with local needs, with the ultimate outcome of improving the economic, social and environmental wellbeing of the local area.

The roles of district committees

In conjunction with the relevant Cabinet Members and the Cabinet Committee Local Leadership the role of district committees is to:

- Develop and support the community leadership role of councillors and others in the area. This includes roles in relation to governance, community planning, local dialogue, partnership, commissioning and accountability
- Promote and influence service improvement, service integration and a focus on prevention across the whole of the local public sector in the district
- Work in partnership with all local stakeholders to further the needs and priorities of local residents in the district
- Ensure that city wide and city regional levels of decision making have a good understanding of local needs and priorities in different parts of the city
- Promote community empowerment and active citizenship and a diversity of local service provision, including community and voluntary organisations and social enterprises (e.g. through the Standing up for Birmingham campaign) and to develop positive working relationships with parish, neighbourhood or community councils
- Take local decisions on local issues as specified in the constitution and this Terms of Reference

Functions delegated to district committees

Within each Committee's area:

(Council functions)

1. To adopt and review a Community Plan
2. To make Elected Member appointments to outside bodies; where such appointments relate solely to one Ward within the District, the appointment should be made by the relevant Ward Committee Members.
3. To advise or make representations to the Council, the Executive or an Overview and Scrutiny Committee on all matters affecting community interests, including the exercise of a "Neighbourhood Challenge" function, working in conjunction with Cabinet Members to provide improved accountability in council and other public services within the district
4. To consider and respond to consultations on planning briefs and frameworks and on major development proposals affecting the district, within appropriate planning timescales
5. To consider proposals referred to the committee by the Council, the Executive or an Overview and Scrutiny committee and to report back the committee's views to the referring body
6. To consider the performance, integration and co-ordination of public services in the district and make recommendations to the Executive and to the council's partners as appropriate

(Executive functions)

7. To promote and improve the economic, social and environmental well-being of the area
8. To exercise any executive functions that may be delegated in section B6 of the constitution - specifically to exercise the following duties and delegated functions in conjunction with designated officer responsibilities, relevant ward councillors and the relevant Cabinet Member:
 - a) A duty to ensure tenant engagement in the management and development of social housing, in conjunction with the relevant Cabinet Member
 - b) A duty to promote safer neighbourhoods, including local CCTV and neighbourhood tasking issues taken forward in partnership with the police and in conjunction with the relevant Cabinet Member
 - c) A duty to promote cleaner neighbourhoods, in conjunction with the relevant Cabinet Member, specifically:
 - Street cleansing – taking local decisions on service delivery in conjunction with appropriate officers and working with local communities and social enterprises to encourage additional services such as community clean ups and anti-litter campaigns
 - Enforcement of litter prevention
 - Enforcement relating to fly posting, placarding, graffiti, and fly-tipping

- Power to authorise the picking up of stray dogs, scavenging in alleyways, Dogs (Fouling of Land) Act
- d) A duty of “Neighbourhood Challenge” – to investigate, review and gather data on the performance of all local public services, working in a collaborative but challenging way with all service providers and seeking out and promoting new ways of improving services, in conjunction with relevant Cabinet Member(s) as appropriate, including:-
 - Approval of grants from the Local Innovation Fund (from April 2016)
 - Bidding for external funding to support neighbourhood and service improvement
- e) A duty to promote effective neighbourhood management
- f) A duty to promote and support active citizenship, community empowerment and a diverse and dynamic civil society, in conjunction with the relevant Cabinet Member
- g) A duty to ensure effective ward level governance arrangements, in Conjunction with the Leader of the Council
 - Approval of neighbourhood forum grants

The roles of ward forums

Members will also provide community leadership at the ward level to take forward the functions of the district committees, in particular through engaging the local community and identifying very local issues and priorities (for example through Ward Litter Plans or Neighbourhood Tasking meetings). The ward forums will:

1. Provide a forum for community engagement in decisions affecting the local area (through regular meetings including neighbourhood forums, residents associations, parish, community or neighbourhood councils and other local organisations)
2. Make representations to the district committee, the Executive or to Council on matters affecting the ward and to support the work of Overview and Scrutiny committees as appropriate
3. Make comments on behalf of residents on significant planning applications within the ward or which have an impact on the ward, subject to the appropriate planning timescales
4. Co-ordinate the work of councillors with neighbourhood forums, residents associations and neighbourhood, community or parish councils to enable local community engagement, debate and action in relation to local issues and priorities
5. Plan work with the other wards to engage with partners such as the police

B7 – Code of Conduct for Members & General Guidance

Introduction and interpretation

1. (1) This Code applies to Councillors of Birmingham City Council, and also to co-opted committee members.
- (2) It is the responsibility of Councillors and co-opted Members to comply with the provisions of this Code.

Scope

2. (1) You must comply with this Code whenever you:-
 - (a) conduct the business of Birmingham City Council; or
 - (b) act, claim to act or give the impression you are acting as a representative of Birmingham City Council; or
 - (c) act as a representative of Birmingham City Council.and references to your official capacity are construed accordingly.
- (2) In addition to having effect in relation to conduct in your official capacity, this Code has effect, at any other time, where conduct constitutes a criminal offence for which you have been convicted or received a Police Caution.

General obligations

3. (1) Councillors and Co-Optees are committed to behaving in a manner that is consistent with the following principles of Public Life:

Selflessness — members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity — members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity — members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability — members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness — members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement — members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others — members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law — members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them

Stewardship — members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership — members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

(2) Do:

- (a) Follow the Code of Conduct when you are representing your authority.
- (b) Be aware of what pecuniary and non-pecuniary interests are – refer to the Monitoring Officer if you are unsure.
- (c) Keep your register of interests up-to-date.
- (d) Treat others with respect.
- (e) Register gifts and hospitality, received in your role as a member, worth more than £25.

(3) Don't:

- (a) Bring your authority or office into disrepute.
- (b) Use the authority's resources which includes the Council's address and email address for any personal, party political or non-Council purposes.
- (c) Compromise the impartiality of people who work for your authority.
- (d) Discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age.
- (e) Bully, intimidate or attempt to intimidate others.

- (f) Use your position improperly for personal gain or to advantage your friends or close associates.
- (g) Participate in meetings or be involved in decision-making where you have a pecuniary interest – except when speaking when the general public are also allowed to do so.
- (h) Disclose confidential information, other than in exceptional circumstances – refer to the Monitoring Officer if you are unsure.
- (i) Prevent anyone getting information they are entitled to.

Disclosure of Pecuniary and Non-Pecuniary Interests

4. (1) Subject to the paragraph 5 below (Sensitive Interests), you must within 28 days of this Code being adopted, or of later election or appointment to office, and within 28 days of becoming aware of any new pecuniary or non-pecuniary interest or of any change to your registered interests, notify the Monitoring Officer on the form provided – or if only a 'change' in your interests then notification by email will suffice.
- (2) If a pecuniary or non-pecuniary interest arises from any business to be discussed at any committee or joint committee meeting of the Council then you must declare this interest either at the start of the meeting or immediately before the item is discussed.
- (3) If a non-pecuniary interest arises from any report to be determined by a Chief Officer in consultation with a Cabinet Member then the nature of that interest of the Cabinet Member (or the Chief Officer) must be written in the decision record. If a pecuniary interest arises then the Monitoring Officer must be notified and no further steps should be taken in the matter.
- (4) An interest to be disclosed at a meeting is either your interest or that of your husband, wife or civil partner or that of a person with whom you are living as husband or wife or as civil partners.
- (5) If you declare a pecuniary interest then you must not take part in any discussion of the matter at the meeting, and you must not vote on the matter. You need not withdraw from the meeting but any participation by yourself at the meeting in respect of the matter in which you have a pecuniary interest is a criminal offence for which you may be prosecuted as well as referred to the Standards Committee.
- (6) If you declare a non-pecuniary interest then you may remain in the meeting, you may take part in the discussion and you may vote on the matter.

Sensitive Interests

5. Where you consider that disclosure of the details of an interest could lead to you or a person connected to you being subject to violence, discrimination or intimidation, and the Monitoring Officer agrees, then the Register of Interest will disclose the interest but not the details which may accordingly be withheld from publication.

Exemptions

6. (1) Where you have a pecuniary interest in any business of the City Council you must declare that interest but you may speak at that meeting for the purpose of making representations, answering questions, or giving evidence relating to the business *providing* that the public are also allowed to attend the meeting for the same purpose.
- (2) Dispensations are available by application to the Standards Committee in the limited circumstances that apply by law; please see page 13 of this Code. If required please write to the Monitoring Officer with reasons for the application.

Overview & Scrutiny Committees

7. Where you have participated in the executive decision of any committee and that decision is subject to scrutiny, you may not attend the meeting(s) of the Overview & Scrutiny Committee except for the purpose of making representations, answering questions or giving evidence.

Recording of Council Meetings

8. (1) Where a meeting is to be streamed live on the internet, this should be announced by the Chair at the start of the meeting.
- (2) Recording or use of social media is not permitted during or concerning the private part of any council meeting.

Additional voluntary provisions

9. No Councillor shall provide or offer to provide a formal reference for any candidate for employment or promotion with Birmingham City Council as to do so may be perceived as bringing an unacceptable pressure to bear on the appointing officer and any officer appointed as a result of such reference.



REGISTER OF COUNCILLORS INTERESTS

I,(name)

an Elected / Co-opted Member of Birmingham City Council do hereby give notice that I have set out below my interests which I am required to declare under Birmingham City Council's Code of Conduct for Members.

within 28 days of election to office, an Elected or Co-opted Member must register his/her pecuniary and non-pecuniary interests in a public register by providing written notification to the City Council's Monitoring Officer (City Solicitor)

You must declare your own interests on the form below and also those of your husband/wife/civil partner, which includes any person with whom you are living as husband/wife/civil partner. You do not need to name your husband/wife/civil partner.

Pecuniary Interests	Pecuniary Interests
<p>1. Employment, office, trade, profession or vocation:</p> <p>Your employment, office, trade, profession or vocation carried on for profit or gain, and that of your husband/wife/civil partner.</p> <p>Note: "Office" includes position held as representative of the council on the management of an external organisation if an Allowance is paid which exceeds reasonable expenses.</p>	
<p>2. Sponsorship</p> <p>Any payment or provision of any other financial benefit in respect of any expenses incurred in carrying out duties or towards election expenses; this includes any payment or financial benefit from a trade union.</p>	

Pecuniary Interests	Pecuniary Interests (continued)
<p>3. Contracts</p> <p>Any contract which is made between you or your husband/wife/civil partner (or a body in which you or your husband/wife/ civil partner has a beneficial interest) and the City Council under which goods or services are to be provided or works are to be executed and which has not been fully discharged.</p>	
<p>4. Land</p> <p>Any beneficial interest in land held by you or your husband/wife/civil partner which is within the area of the City Council</p>	
<p>5. Licences</p> <p>Any licence (alone or jointly with others) to you or your husband/wife/civil partner to occupy land in Birmingham for a month or longer.</p>	
<p>6. Corporate tenancies</p> <p>Any tenancy where the landlord is the City Council and the tenant is a body in which you or your husband/wife/civil partner has a beneficial interest.</p>	

Pecuniary Interests	Pecuniary Interests (continued)
<p>7. Securities</p> <p>Any beneficial interest in which you or your husband/wife/civil partner has in securities of a body where:</p> <p>(a) that body has a place of business or land in the area of the City Council; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or a relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>	
<p>8. Personal Wellbeing</p> <p>you also have a pecuniary interest where you attend a meeting of the Council where the business concerns your personal wellbeing or financial position or that of your husband/wife/partner – to a greater extent than the majority of residents in your Ward affected by the decision.</p>	<p>You will only know this when you attend a meeting of the Council and an item on the agenda affects your wellbeing or that of your husband/wife/partner, to the extent described.</p> <p>You must then declare a pecuniary interest at the beginning of the meeting or before the relevant item is discussed and not take part in the meeting when that agenda item is discussed.</p>
<p>Non-Pecuniary Interests</p> <p>1. any organisation of which you are a member or in a position of general control or management and to which you are appointed or nominated by Birmingham City Council.</p> <p>Note: If you receive an Allowance from the organisation which exceeds your reasonable expenses then you should declare your interest under Pecuniary Interest Number 1 above.</p>	

If there is insufficient space in any of the boxes provided, please use a supplementary sheet.

This is a public document to which members of the public will have free access to during normal office hours and copies will also be published on the City Council's Website.

Declaration

I recognise that I will be in breach of Birmingham City Council's Code of Conduct for Members if I:

- (a) omit information that ought to be given in this notice; or
- (b) provide information that is materially false or misleading; or
- (c) fail to give further notices within 28 days of any change to the information set out above in order to bring up to date the information given in this notice.

Signed

Dated

Please return the signed Declaration to the Monitoring Officer [City Solicitor].



STATUTORY REGISTER OF GIFTS OR HOSPITALITY

An Elected or Co-opted Member must, within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's Monitoring Officer [currently the City Solicitor] of the existence and nature of that gift or hospitality.

I,

being an Elected / Co-opted Member of Birmingham City Council do hereby give notice that I have received the gift or hospitality detailed overleaf.

Signed

Dated

Please return the signed Notice to the Monitoring Officer [City Solicitor].

STATUTORY REGISTER OF GIFTS OR HOSPITALITY

Date upon which the Gift or Hospitality was received	Person / Organisation offering or providing the Gift or Hospitality	Brief details of Gift or Hospitality received	Estimated or actual value of the Gift or Hospitality	Any reasons for accepting the Gift or Hospitality

Register of : Elected / Co-opted Member

Guidance : If any hospitality is provided at an official function of the City Council, there will be no need to declare any such hospitality in this Register.

DISPENSATIONS AVAILABLE FROM BIRMINGHAM CITY COUNCIL'S STANDARDS COMMITTEE

Circumstances in which dispensations may be granted

The Standards Committee, or in urgent situations, the Independent Chairman of the Standards Committee, may grant a dispensation to a Member in the following circumstances:

- that so many Members of the decision making body have disclosable pecuniary interests in the matter that the meeting would be inquorate; or
- that the representation of different political groups on the decision making body would be so upset as to alter the likely vote on the matter; or
- that it is in the interests of persons living within Birmingham; or
- that it is otherwise considered appropriate to grant a dispensation.

Records of dispensations

The Monitoring Officer will ensure that:

- the existence, duration and nature of any dispensation is recorded in writing; and
- that such record is kept with the register of interests.



**BIRMINGHAM CITY COUNCIL
DECLARATION OF ACCEPTANCE OF OFFICE**

I, «First_Name» «Surname»

having been elected to the office of Councillor for the City of Birmingham, declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I affirm my commitment to Corporate Parenting in respect of the City Council's children in care and will encourage others to do so. Furthermore I pledge to take every opportunity presented to me by virtue of my role as a Councillor to promote the wellbeing of children in the care of the City Council.

I have received a copy of Birmingham City Council's Code of Conduct for Members, been encouraged to read the same and to obtain appropriate guidance from the Council's Monitoring Officer if I am unsure about any matter contained in it.

In performing any of my functions and duties as a Member of Birmingham City Council, I undertake to observe and abide by Birmingham City Council's Code of Conduct for Members or any amendments to it.

Dated this day of

Signature:

This declaration was made and subscribed before me

.....

CHIEF EXECUTIVE

CODE OF CONDUCT FOR COUNCILLORS (MEMBERS)

COMPLAINTS PROCESS

1 Context

This guidance sets out how you may make a complaint that an elected or co-opted Member has failed to comply with the Council's Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Council's Code of Conduct.

2 The Code of Conduct

The Council has adopted a Code of Conduct for Councillors, which is attached at Appendix One and available for inspection on the Council's website.

3 Making a Complaint

If you wish to make a complaint, please write or email to:-

The Monitoring Officer
P O Box 15992
Birmingham
B2 2UQ
David_Tatlow@birmingham.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the complaints system of Councillor misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the Council's website, or is available on request.

4 Will your complaint be investigated?

The Chairman of the Standards Committee will review complaints received and, after consultation with the Monitoring Officer, take a decision as to whether it merits formal investigation. You will be informed of the decision and the reasons for that decision, as also will be the Member against whom you have complained and his/her political group Leader.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, with or without the need for a formal investigation. Such resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where a complaint is resolved in this way a notice will be sent to you, the Member against whom you have complained and his/her political group Leader.

Where the Member or the Council makes a reasonable offer of local resolution, but you are not willing to accept that offer, the Chairman of the Standards Committee will take account of this in deciding whether the complaint merits formal investigation, and/or a full Hearing.

The Chairman of the Standards Committee may decide to refer any complaint by one Councillor against another Councillor to the Political Group Secretaries for them to mediate between the parties. If the matter cannot be resolved or if mediation is not thought to be possible then the Group Secretaries will refer the matter back to the Standards Committee.

5 How is the investigation conducted?

If the Chairman of the Standards Committee or the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer who will be the Deputy Monitoring Officer or other Senior Council Lawyer. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the Member against whom you have complained and provide him/her with a copy of your complaint, and ask the Member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Standards Committee Chairman will review the Investigating Officer's report and, if satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you, to the Member concerned and to his/her political group Leader notifying that the Committee is satisfied that no further action is required, and enclose a copy of the Investigation Officer's final report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Standards Committee, or in appropriate circumstances the Chairman of the Committee, will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or seek local resolution.

7.1 Resolution before Hearing

The Standards Committee or Standards Committee Chairman may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, the Investigating Officer will consult with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee Chairman but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Chairman of the Standards Committee may refer the matter for a local hearing.

7.2 Local Hearing

The Monitoring Officer will copy the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct, and, if so, whether to take any action in respect of the Member.

The views of the Independent Persona are to be sought and taken into account before a final decision is made.

The procedure for local hearings is as follows.

- The Monitoring Officer may conduct a "pre-hearing process, requiring the Member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted.
- At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct.
- The Investigating Officer may ask you as the complainant to attend and to give evidence to the Hearings Panel.
- The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Hearings Panel concludes that the Member did not fail to comply with the Code of Conduct it will dismiss the complaint. If the Hearings Panel concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding. The Hearings Panel will then consider what action, if any, should be taken as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the Member an opportunity to make representations to the Panel and will then decide what action, if any, to take in respect of the matter.

As soon as reasonably practicable, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to you, to the Member, make the decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

8 What action can the Hearings Panel take where a Member has failed to comply with the Code of Conduct?

The Council has delegated to the Hearings Panel powers to take action in respect of individual Members to promote and maintain high standards of conduct. The Hearings Panel may:-

- Reprimand the Member;
- Request that the Member be required to make an apology at Council;
- Publish its findings in respect of the Member's conduct;
- Report its findings to Council for information;
- Recommend that he/she be removed from any or all Committees or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Member be removed from the Cabinet.
- Recommend to Council that the Member be replaced as Executive Leader;
- Instruct the Monitoring Officer to arrange training for the Member, which the Member is obliged to attend;
- Remove from all outside appointments to which he/she has been appointed or nominated by the Council;
- Exclude the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

9 Who are the Hearings Panel?

The Hearings Panel is a Sub-Committee of the Council's Standards Committee. The Independent Person is invited to attend all meetings of the Hearings Panel and his views are sought and taken into consideration.

10 Who is the Independent Person?

The Independent Person is a person who has applied for the post, and is appointed by the Council.

11 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

12 Appeals

There is no right of appeal for you as complainant or for the Member against a decision of the Standards Committee, the Hearings Panel, or the Chairman of the Standards Committee

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

13 Transparency

Decisions of the Standards Committee, the Standards Committee Chairman, and the Hearings Panel will be recorded and posted on the City Council's Website. These decisions are the following:-

- decision of no breach of the Code following formal investigation
- decision of local resolution following formal investigation
- decision of breach of the Code

Raymond Tomkinson has been appointed by the Council as the "Independent Person" as required by law.

COUNCILLOR INTERESTS

POSITITON PRE AUGUST 2012	NEW POSITION
<p style="text-align: center;">REGISTERABLE INTERESTS</p>	<p style="text-align: center;">REGISTERABLE PECUNIARY INTERESTS</p> <p>These interests are the same or very similar to what was previously called "Registerable Interests". There are 8 in the revised Code. You will be asked to complete a new form for registration purposes.</p> <p>NB: If you have a pecuniary interest in any item of Council business you must <i>not</i> take part in the meeting for this agenda item but need not leave the meeting unless you choose to leave.</p>
<p style="text-align: center;">PERSONAL INTERESTS</p>	<p style="text-align: center;">NON-PECUNIARY INTERESTS</p> <p>Note that there is only 1 non-pecuniary interest in the revised Code.</p>
<p style="text-align: center;">PERSONAL & PREJUDICIAL INTERESTS</p>	<p style="text-align: center;">PECUNIARY INTERESTS</p> <p>The complex definition of Personal & Prejudicial Interests is abolished, but please note carefully Pecuniary Interest at No 8.</p>

B8 – Independent Remuneration Panel

1. Councillors receive allowances to support them in carrying out their work as elected representatives. The size of the allowance for the various Councillor roles is decided by the City Council. In taking this decision, the Council must consider a report from an Independent Remuneration Panel.
2. In Birmingham the Panel comprises:
 - 6 members selected from a public advertisement
 - 1 representative of the Trade Unions
 - 2 co-optees drawn from former Councillors of the City Council who are no longer Members of the CouncilPanel Members are appointed for a 3-year term of office.
3. The terms of reference for the Panel are:

“To consider and keep under review and, as and when appropriate, to submit reports [containing recommendations] to the Council on:

 - The amount of Basic Allowance payable to all members;
 - The responsibilities or duties in respect of which Special Responsibility, Travelling, Subsistence and Co-optees’ should be available and the amounts of such allowances;
 - Any arrangements for the withdrawal of Basic and/or Special Responsibility Allowance if a member is wholly or partially suspended;
 - Whether Dependants’ Carers’ Allowance should be payable and the amount of such an allowance;
 - Whether there is any backdating of allowances payable for the year in which an amendment is made;
 - Whether adjustments to the allowances are to be determined according to an index and if so, how long the index shall apply before review [maximum of four years];
 - Which members of an authority are entitled to pensions in accordance with a scheme made under Section 7 of the Superannuation Act 1972;
 - Whether Basic Allowance or Special Responsibility Allowance, or both, are treated as the amounts for which pensions are payable;
 - Any proposals for the introduction of an Allowances Scheme for members of a Parish Council;
 - The development of job specifications for roles and responsibilities and key accountabilities for the standard role of a Councillor and for those roles for which a Special Responsibility Allowance is or might be paid.”
4. The Member Allowances Scheme is approved by the City Council. This document can be found on the Council’s website.

B9 MEMBER / OFFICER RELATIONS PROTOCOL

~~Article II: GENERAL MEMBER / OFFICER ISSUES~~

~~The following are key points:-~~

- ~~(i). In order to ensure the business of the Council is transacted in an effective and efficient manner and with a view to ensuring that the Council is not brought into disrepute, the key guiding principle for Members and Officers is to treat everyone with respect;~~
- ~~(ii). Officers of the Council should act in the best interests of the Council, as a whole and not exclusively for any Political Group, combination of Groups, or any individual Members.~~
- ~~(iii). Officer support to Political Groups should not extend beyond providing information and advice in relation to Council business. It is good practice for Party political debates and decision making to take place in the absence of Officers, in order to avoid any suspicion of impropriety or misunderstanding. Officers must respect the confidentiality of any Political Group discussions at which they were present and any breach of this part of the Protocol by an Officer must be brought to the attention of the Head of Paid Service and / or the Monitoring Officer for consideration.~~
- ~~(iv). Members of the Council do not have any special immunity from civil or criminal wrongs that they may commit against fellow Members, Officers or members of the public, apart from qualified privilege in respect of defamation.~~
- ~~(v). Members should not pressurise any Officer to change his/her professional opinion on any Council business matter or do anything that compromises the impartiality of officers.~~
- ~~(vi). The Council's Public Relations and Communications Team are responsible for dealing with the press and other media organisations on behalf of the Council. All official communication relating to the Council is dealt with by this team, so as to ensure the proactive, effective and efficient management of the Council's public image.~~
- ~~(vii). Members should guard against putting inappropriate pressure, in particular, on junior officers.~~
- ~~(viii). Members should have regard to the seniority of the Officer with whom they are dealing and recognise that, whilst those Officers owe an overriding duty to the Council as a whole, such duties are first expressed to their respective line managers and the Chief Executive. For this reason, Members should not give direct instructions to staff.~~
- ~~(ix). Members should not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the Press, as Officers have no means of responding in public. If any Member feels that s/he has not been treated with~~

~~the proper mutual trust, respect or courtesy or has any concern about the conduct or capability of an Officer, s/he should raise the matter, in private, with the relevant Officer and, if necessary, the Chief Officer of the department concerned.~~

~~(x). Members and officers should not use Council resources for party political, personal or other non-council purposes.~~

1. Introduction

1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure that the Council is not brought into disrepute, that a high standard of conduct is maintained and to ensure the business of the Council is transacted in a transparent, effective and efficient manner.

1.2 Birmingham City Council is committed to promoting a culture that demonstrates its core values and behaviours. Members and Officers in conducting their working relationships with each other are expected to promote this culture and do so by acting in a respectful and professional manner. There is a high standard of conduct expected of both Members and Officers at all times.

1.3 Failure to follow the expected conduct by either Members or Officers is considered a serious issue by the Council and will be dealt with in accordance with the Council's policies and procedures and/or, in accordance with the Member Code of Conduct, as set out in the Constitution.

1.4 This Protocol seeks to promote greater clarity and certainty as to working relationships between Members and Officers. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are not subject to accusations of bias, and any undue influence from Members.

1.5 The Protocol is to a large extent a written statement of current practice and convention and given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It offers guidance on some of the issues which most commonly arise and serves as a guide to dealing with other circumstances as they arise.

1.6 It also seeks to reflect the principles underlying the Code of Conduct for Members ("the Members' Code") and the Code of Conduct for Employees ("the Employees' Code"). The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.

1.7 Members do not have any special immunity from civil or criminal wrongs that they may commit against any fellow Members, Officers or members of the public.

1.8 This Protocol should be read in conjunction with the Members' Code and the Employees' Code, the Council's Constitution and any guidance issued by the Standards Committee and/or Monitoring Officer.

2. Roles of members and officers

2.1 The elected members are responsible for:

- Initiation and direction of policy;
- Democratic accountability to the electorate for policies and for service delivery;
- Scrutiny of Council services;
- Community leadership;
- Promotion of partnership working; and
- Presentation of Council policy.

Members and Officers should overall treat each other as they would wish to be treated.

2.2 The officers are responsible for:

- Providing the professional advice that members must have before them when formulating policy and when taking decisions.
- Implementing members' decisions that have followed due process;
- Running the Council's services and day-to-day administration;
- Taking managerial and operational decisions in accordance with the Council's schemes of delegation;
- Providing information regarding Council services and approved Council policies

3. Working relationships

3.1 Both Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and officers are responsible to the Council as a whole. The conduct of Members and officers should be such as to instil mutual confidence and trust. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

3.2 An informal and collaborative ~~working approach~~ to working between Members and officers is encouraged.

However, both members and officers should be guarded as personal familiarity can damage the relationship, as might a family or business connection. Inappropriate relationships can be inferred from language/behaviour. Close personal familiarity between individual Members and Officers can damage the relationship of mutual respect and prove embarrassing to other Members and Officers.

4. Constructive criticism and redress

4.1 Challenge in a constructive and non-confrontational way is important in ensuring policies and service performance is meeting the Council's strategic objectives. Nothing in this protocol is therefore intended to stop Members holding officers to account for decisions made under delegated powers. Officers are accountable to the Council for any decision they make and may be required to report to and answer questions from a Scrutiny Board except in relation to Council functions. Nothing herein is intended to inhibit constructive criticism

delivered with courtesy and Officers should not feel their employment is at risk as a result of such intervention.

4.2 Members should guard against putting inappropriate pressure in particular, on junior officers and need to be aware that it is easy for junior officers to feel at a disadvantage in their interactions with members.

4.3 Members should not pressurise any Officer to change his/her professional opinion on any Council business matter or do anything that compromises the impartiality of officers.

4.4 If a Member considers that he or she has not been treated with proper respect or courtesy by an Officer, he or she may raise it with the officer's line manager or Strategic Director or Monitoring Officer without delay if it is not possible to resolve it through direct discussion. If the issue still remains unresolved appropriate action may be taken by the Strategic Director in accordance with the Council's normal procedures, should the allegations be proved to be true. Feedback should be given to the Member on the outcome and confidentiality, unless otherwise agreed, must be maintained by all parties.

4.5 If an Officer considers that he or she has not been treated with proper respect or courtesy by a Member, and a direct discussion is impractical or fails to resolve the matter, he or she has the option of raising the matter in private with the Monitoring Officer in the knowledge that the matter will be handled with sensitivity and confidentiality. In such circumstances, the Monitoring Officer will take such action as is appropriate either by approaching the Member and/or Party Group Leader and also advising the Chief Executive as Head of Paid Service. It may also be appropriate to advise the Strategic Director. Unless otherwise expressly agreed between parties, confidentiality including the identity of the Officer will be maintained at all times. This protocol does not affect the Officer's right to raise the matter via the Council's usual grievance procedures.

4.6 Members should not raise matters relating to the conduct or capabilities of an Officer at meetings held in public or before the Press as Officers have no means of responding in public.

4.7 Nothing in this protocol shall prevent a Member or Officer expressing a relevant concern under the Council's Whistle blowing Policy.

5. Officer reports and advice

5.1 The Director/Head of Service in whose name a report to the Council (or any part of its formal decision-making structure) will always be fully responsible for the contents of it.

5.2 A report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. On occasions, officers will need to express a professional view on a matter which may not support the view of the Executive and/or the relevant Chief Officers of the Council. However, it remains for Members to determine the Council's policies and for Officers to act on those policies.

6. Officer advice to party groups

6.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council. The assistance provided by Senior Officers can take many forms ranging from a briefing meeting with an Executive Member, Lead Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual members All Officers must, in their dealings with political groups and individual Members, maintain political neutrality and treat them in a fair and even-handed manner.

6.2 Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an officer during discussions with a party group and that information should not be passed on to other groups. However, Members should be aware that this would not prevent officers from disclosing such information to other officers of the Authority so far as that is necessary to performing their duties.

6.0 This Protocol can be revised or amended at any time in accordance with Constitutional requirements.

B10 – Monitoring Officer Protocol

The Monitoring Officer is a statutory appointment and provides advice to protect and safeguard the Council.

<u>SUMMARY OF MONITORING OFFICER FUNCTIONS</u>		
	<u>Description</u>	<u>Source</u>
<u>1</u>	<u>Report on contraventions or likely contraventions of any enactment or rule of law</u>	<u>Section 5 and Section 5A Local Government and Housing Act 1989</u>
<u>2</u>	<u>Report on any maladministration or injustice where Ombudsman has carried out an investigation</u>	<u>Section 5 and Section 5A Local Government and Housing Act 1989</u>
<u>3</u>	<u>Appointment of Deputy</u>	<u>Section 5 and Section 5A Local Government and Housing Act 1989</u>
<u>4</u>	<u>Report on resources</u>	<u>Section 5 and Section 5A Local Government and Housing Act 1989</u>
<u>5</u>	<u>Receive copies of whistleblowing allegations of misconduct</u>	<u>Public Interest Disclosure Act 1998 and Whistleblowing Code of Practice</u>
<u>6</u>	<u>Arrange investigations of complaints of any member misconduct</u>	<u>Section 28 Localism Act 2011</u>
<u>7</u>	<u>Establish and maintain registers of members' interests and gifts and hospitality</u>	<u>Section 29 Localism Act 2011 and Code of Conduct for Members</u>
<u>8</u>	<u>Advise on disclosable pecuniary interests</u>	<u>Section 30 Localism Act 2011</u>
<u>9</u>	<u>Advise on sensitive interests</u>	<u>Section 32 Localism Act 2011</u>
<u>10</u>	<u>Grant of dispensations re restrictions on members' participation in meetings</u>	<u>Section 33 Localism Act 2011</u>
<u>11</u>	<u>Advice to members on interpretation of Code</u>	<u>Section 28 Localism Act 2011 and Code of Conduct for Members</u>
<u>12</u>		
<u>13</u>	<u>New ethical framework functions in relation to Parish Councils</u>	<u>Section 27 Localism Act 2011</u>
<u>14</u>	<u>Compensation for maladministration</u>	<u>Section 92 LGA 2000</u>
<u>15</u>	<u>Advice on vires issues, maladministration, probity and policy framework to all members</u>	<u>DCLG guidance</u>
<u>16</u>		
<u>17</u>	<u>Advise on any indemnities and insurance issues for Members / Officers</u>	<u>Section 101 LGA 2000 and Local Authorities (Indemnities for Members and Officers) Order 2004 (SI 2004/3082)</u>
<u>18</u>		

SUMMARY OF MONITORING OFFICER FUNCTIONS		
	Description	Source
1	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4	Report on resources	Section 5 Local Government and Housing Act 1989
5	Receive copies of whistleblowing allegations of misconduct	Whistleblowing Code
6	Investigate and report on any misconduct in compliance with Regulations	LGA 2000 Section 66(1) and 66(6)
7	Establish and maintain registers of members interests and gifts and hospitality	Section 81 LGA 2000 and Code of Conduct for Members (and Employees, once introduced)
8	Advice to members on interpretation of Code	Code of Conduct for Members
9	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Statutory Guidance paragraph 8.20
10	New ethical framework functions in relation to Parish Councils	Section 83(12) LGA 2000
11	Compensation for maladministration	Section 92 LGA 2000
12	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all members	DCLG guidance
13	Refer relevant matters to Standards Committee for initial assessment, review and hearing.	Regulations under LGA 2000
14	Advise on any indemnities and insurance issues for Members / Officers	Regulations under LGA 2000
15	Deal with any Local Assessment arrangements introduced by legislation.	Local Government Act 2007

B11 - PLANNING CODE OF PRACTICE FOR COUNCILLORS AND OFFICERS

1. PURPOSE OF THIS CODE

- 1.1 This Planning Code of Practice ('the Planning Code') has been prepared to guide members and officers in the discharge of the City Council's statutory planning functions. This Code will also inform potential developers and the public generally of the high standards of ethical conduct adopted by the Council in the exercise of its planning powers.
- 1.2 The Planning Code is in addition to Birmingham's Code of Conduct for Members, which was adopted by the City Council in June 2012. For the avoidance of doubt, when an Executive Member attends and participates in the decision-making of the Planning Committee, s/he does so as a Member of the Committee and not as a Member of the Executive. Accordingly, s/he must, along with other Members of the Committee, exercise an independent mind on issues before the Committee.
- 1.3 The provisions of this Planning Code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members and officers making such decisions are held accountable for those decisions. The Planning Code is also designed to assist Members and officers in dealing with approaches from property owners.
- 1.4 If you have any doubts about the application of this Planning Code, you should seek early advice, preferably well before any meeting takes place from the Director of Planning and Regeneration and/or the City Solicitor

2. CONTEXT

- 2.1 Planning is not an exact science. Rather it relies on informed judgement within a firm policy context. It is often highly contentious because its decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions). This is reinforced by the legal status of development plans and decision notices. It is essential, therefore, that the planning process is characterised by open and transparent decision-making.
- 2.2 One of the key purposes of the planning system is to ensure development takes place through a framework whereby the public interest is well represented at every point from the preparation of Development Plans and policies, the determination of planning applications and in undertaking enforcement action. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings.

It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable planning reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well-founded in any way.

- 2.3 This Planning Code applies to both Councillors and planning officers who become involved in operating the planning system – it is not therefore restricted to professional town planners and Planning Committee members. The successful operation of the planning system relies on mutual trust and understanding of each other's role. It also relies on both Members and Officers ensuring that they act in a way which is not only fair and impartial but is also clearly seen to be so.

The Human Rights Act provides additional safeguards for citizens, and encourages the application of best practice. Article 6 is concerned with guaranteeing a right to procedural fairness, transparency and accountability in the determination of civil rights and obligations.

3. GENERAL PLANNING CONSIDERATIONS

- 3.1 The Council's Executive is responsible for preparing and adopting the Statutory Unitary Development Plan, Local Action Plans, Development Briefs and other forms of Supplementary Planning Guidance. Members of the Planning Committee, when determining planning applications, must have regard to the Council's policies contained in the Unitary Development Plan and Supplementary Planning Guidance adopted by the City Council together with Government Guidance contained in the National Planning Policy Framework and other material considerations. Where this is relevant, applications must be determined in accordance with the Plan unless material considerations indicate otherwise.
- 3.2 Birmingham City Council's Code of Conduct for Members (adopted June 2012) must be complied with throughout the decision making process, which includes mandatory requirements with regard to member interests.
- 3.3 The responsibility for declaring an interest rests with individual Members and Officers of the Council. This Planning Code outlines further rules applicable to the planning process in Birmingham.
- 3.4 Councillors and Officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst Officers are responsible to the Council as a whole. This applies equally to traditional forms of political management based on committees and to models based on forms of executives or elected mayors. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual Councillors, and it follows that instructions may only be given to Officers through a decision of the Council, the executive or a committee. A successful relationship between Councillors and officers can only be based upon mutual trust, respect, courtesy and understanding of each other's positions. This relationship, and the trust which underpins it, should never be abused or compromised.
- 3.5 Both Councillors and Officers are guided by codes of conduct. Birmingham's Code of Conduct for Members, provides standards and guidance for Councillors. Employees are subject to the Employees' Code of Conduct. In addition to these codes, a Council's standing orders set down rules which govern the conduct of Council business.

- 3.6 Birmingham's Code of Conduct for Members sets out the requirements on Councillors in relation to their conduct. It covers issues central to the preservation of an ethical approach to Council business, including the need to register and declare interests, but also appropriate relationships with other Members, staff and the public, which will impact on the way in which Councillors participate in the planning process. Of particular relevance to Councillors serving on the Planning Committee or Executive, or who become involved in making a planning decision is the requirement that a Member must not use their position improperly for personal gain or to advantage friends or close associates.
- 3.7 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved.
- 3.8 From time to time applicants may submit confidential information for example a financial appraisal in support of an application. Such appraisals will be taken into account in relation to determination of the application but such information due to its confidential nature should not be disclosed to third parties and members of the public.

3.9 Public Speaking

During public speaking at Planning Committee, the following should not occur:-

- Members should not cross-examine members of the public at any time;
- Members should not ask leading questions of officers or members of the public as by way of introducing new facts to the debate;
- Members should only ask relevant planning-related questions; and
- late evidence should not be introduced by speakers at Committee.

3.10 Conflicts of Interest

Quite often, varied professions are represented at Planning Committee, which have a greater probity risk for planning, i.e. Estate Agents, Property Developers, or local landowners. It should be noted that these members in general are more likely than others to be uncomfortable in the role of planning committee member by the combined pressures of their local business interests, the ward member advocate role, and the constraints of the planning system. The potential property-related background may also give rise to a perception by the public that they are more likely to be in favour of the development, even where they are determining cases completely impartially. In order to minimise the risk for the Council and the Member concerned, the member in question should discuss their position carefully with the Director of Planning and Regeneration and Monitoring Officer for the Council, to see whether it would be suitable for him/her to become a member of Planning Committee.

4. LOBBYING AND ATTENDANCE AT PUBLIC MEETINGS

General

- 4.1 Given the requirement that Members of the Planning Committee should exercise an independent mind to planning applications in accordance with the relevant planning considerations, Members must not favour any person, company, group or locality. Members can, of course, form and express a personal opinion on planning applications but they are advised to indicate that they will only form a final opinion about an application after full consideration of the report of the Director of Planning and Regeneration at Planning Committee. Members should be careful not to publicly commit themselves to a particular outcome on a planning application prior to its full consideration at the Council's Planning Committee, as to do so could be perceived by others as the Member having closed his/her mind to hearing all the relevant planning considerations and/or other relevant considerations. If that were to happen, he/she should be asked by the Chairman of the Committee, the Director of Planning and Regeneration and/or the Monitoring Officer (or their representatives) not to:-

- (a) take any further part in the consideration of the application; and
- (b) vote on the application.

This can only be transparently demonstrated by the relevant Member not attending the meeting or leaving the Committee Room in order to ensure the integrity of the whole planning and decision making process. If the relevant Member wishes to speak at Planning Committee then they should declare their pre-determined position and withdraw once any public speaking opportunities have been completed. This is to ensure Members of the Planning Committee do not, by their presence, influence or seek to influence the remainder of the decision making body. Members should always notify Committee of any approach by any group, person or company prior to the discussion of the relevant matter.

- 4.2 Members of the Committee who may be involved in the determination of a planning application are, of course, free to listen to a point of view about a planning proposal, give procedural advice and agree to forward any comments, but should then refer the person to Officers. Members in this situation may indicate (or give the impression of) support for or opposition to a proposal, but should avoid giving the impression of a closed mind.
- 4.3 Whilst Members involved in making decisions on planning applications may begin to form a view as more information and opinions become available, a decision can only be taken by the Planning Committee after all available information is to hand and has been duly considered. In this regard, any political group meetings prior to the Committee meeting should not be used to determine how Councillors should vote. Decisions can only be taken after full consideration of the Director of Planning and Regeneration's report and any public speaking at the Planning Committee.
- 4.4 The Chairman of the Planning Committee should attend a briefing with Officers prior to a Committee, to help give an effective lead in the Committee.
- 4.5 Councillors involved in decision-making on planning applications should not, whether orally or in writing, organise support or opposition to a proposal, lobby other

Councillors, act as advocate or put pressure on officers for a particular recommendation. However, other Councillors (who are not part of the development control decision making process) within that Committee Member's Ward, can make written representations to the Planning Committee.

- 4.6 A Member involved in determining planning applications may respond to lobbying by openly expressing an opinion prior to the full report of the Director of Planning and Regeneration to a Committee meeting (and there may be particular local circumstances where this is considered appropriate) but should indicate they will not make a final decision until after full consideration of the report of the Director of Planning and Regeneration.
- 4.7 If a Member involved in determining planning applications goes so far as to make it clear beyond doubt that they have a completely closed mind which could not be shifted, this would amount to predetermination and the Member concerned should respond as in 4.1.
- 4.8 Where Members involved in the determination of planning applications are in attendance at public meetings or Ward meetings they may listen to the debate on current planning applications, provide advice about procedures involved in determining an application and express a view about an application but should respond as in 4.6.
- 4.9 Members Predetermination of Planning Applications

Section 25 of the Localism Act 2011 states that prior indications of a view of a matter does not amount to predetermination in the following situations:

- (1) A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because:-
- (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and;
 - (b) the matter was relevant to the decision.

The advice provided by Senior Legal Officers is that this is the present position with Statute Law but whilst Members are entitled to express a view in relation to an application Members should indicate they still have an open mind in relation to an application until they have had the opportunity to consider the report of the Director of Planning and Regeneration and that the final decision in relation to the application can only be made by Planning Committee. This caveat is intended to safeguard so far as possible the decision made by Planning Committee from Judicial Review until further case law and guidance has assisted with the interpretation of Section 25 of the Localism Act 2011.

Dealing with Correspondence

- 4.10 Members of the Planning Committee and Executive often receive correspondence from constituents, applicants and developers asking them to support or oppose a particular proposal. Members should forward a copy of the correspondence to the Director of

Planning and Regeneration or inform him at the Planning Committee if time is short. Merely forwarding the correspondence onto the relevant officer would not prevent the Member being involved in determining the application.

Pre-Application Discussions

- 4.11 Officers when involved in pre-application discussions should always act fairly to all and completely impartially by providing accurate advice and assistance when required or requested by the general public, developers or Members. A written record of all such discussions must be retained on the planning file.
- 4.12 Members should be prepared to engage with officers in appropriate pre-application discussions. Where Members are involved in such discussions, they should be advised by the appropriate officers of the Council, which should always include a senior planning officer. The involvement of Members in such discussions will be recorded as a written file record of the meeting. Members and officers should take careful note of Section 4.16 of the Code.
- 4.13 Where Members have chosen to accept an invitation to attend pre-application discussions, any discussion will be on a without prejudice basis accompanied by an officer and a written note taken. The Members Code of Conduct deals with situations where a Member may receive any gifts and hospitality in excess of £25
- 4.14 In order to avoid giving any wrong perceptions, pre-application discussions should take place within clear guidelines. Although the term 'pre-application' has been used, the same considerations should apply to any discussions which take place before a decision is taken or an application is submitted to the City Council:
- it should always be made clear at the outset that the discussions will not bind a Council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place;
 - advice should be consistent and based upon the development plan and material planning considerations including relevant national and local planning policies and guidance. There should be no significant difference of interpretation of planning policies amongst planning officers. It is the Officer's role to ensure consistency of advice and Officers should therefore be present with Members in pre-applications discussions. In addition, all officers taking part in such discussions should make clear whether or not they are the decision-maker. Members should avoid giving separate advice on planning policies or material considerations as they may not be aware of all the issues at an early stage. Neither should they become drawn into negotiations. They should ask their Officers to deal with any necessary negotiations to ensure that the Council's position is co-ordinated;
 - an Officer would best make the arrangements for such meetings and a written note should be made of all meetings. At least one officer should attend such meetings and a follow-up letter is advisable at least when documentary material has been left with the Council. A note should also be taken of potentially contentious telephone discussions.

Site Visits by Members with Officers

- 4.15 The deferral of an application for a site visit should not be on the basis of exposing members of the Planning Committee to local opinion, but should be on sound and proper planning reasons, which shall be recorded in the minutes of the meeting.
- 4.16 Under the Chairman's guidance the role of the Planning Officer attending the site visit will be:
- (a) to brief Members on the planning applications(s) the subject of the visit and explain the reasons why the application was deferred for a visit;
 - (b) to ensure that the views of all interested parties are heard by all Members on the site visit and accurately recorded. Officers will prepare a written report of the site visit which will be taken back to Planning Committee to form the basis of a further discussion at a subsequent meeting.
- 4.17 The Chairman (or Member chairing the visit) shall explain the purpose of the visit and how it will be conducted to all persons present at the site visit.
- 4.18 Officers shall ensure, where practical, that applicants, Members and interested parties are invited to attend the visit and that they are able to view all key parts within or adjoining the site.
- 4.19 The purpose of a site visit conducted by Members and officers is to gain information relating to the land or buildings which are the subject of the planning application and which would not be apparent from the planning application to be considered by the Planning Committee. A site visit may also assist Members in matters relating to the context of the application in relation to the characteristics of the surrounding area, and is an opportunity to hear the views of the members of the public, applicants and other interested parties. Discussions on site visits shall be confined to the application as currently submitted. A Member of Planning Committee who has an interest in a planning application, or who has acted in a way that amounts to predetermination, cannot attend the site visit in his or her capacity as a Member of Planning Committee. However, the Member concerned would be entitled to attend the site visit in his or her personal capacity as a member of the public.
- 4.20 Whilst on site visits, Members of Planning Committee can express an opinion on the planning application or its merits, but should avoid making comments or acting in a way which makes it clear beyond doubt that they have a completely closed mind, as this would amount to predetermination. Whilst Members of Planning Committee are not prevented from engaging individually in discussion with applicants or objectors, to ensure transparency of public dealing by Member and effective /orderly management of the site visit, it is recommended that any question of the applicant(s) / objector(s) by the Planning Officer and/or Members should be made in the presence of the other parties (or their representatives if there is a large scale public interest).
- 4.21 Members and Officers are obligated not to waste Council resources and, as such, a site visit is only likely to be necessary if:

- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers (although if that is the case, additional illustrative material should have been requested in advance); or
- there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.

4.22 Where there is substantial public interest in a proposal, the Council may invite representatives of the local community to visit the site so that they may point out all the areas of contention to Members of the Planning Committee and give their views. A separate public meeting may then be convened at a nearby venue so that the views of local residents and others affected by the proposal can be aired. A note of proceedings will be taken at these meetings and minutes kept as part of the official record.

4.23 Results of the site visit will be reported to the next available meeting of the Planning Committee and should any new material considerations have been identified the application will be deferred for a further report.

4.24 Once the results of a site visit have been reported back to Planning Committee, Members of the Planning Committee who were not present at the site visit can ask questions, offer opinions, take part in discussions and vote in relation to that planning application.

The Role of Ward Councillors and MPs on Site Visits

4.25 Ward Councillors and MPs may attend and participate in site visits putting forward their point of view. However, the determination of planning applications rests solely with the Planning Committee and no indication should be given by Members of the Committee of the likely decision during the course of the site visit.

4.26 Prospective election candidates who are not already Members of the Council are welcome to attend a site visit on the same basis as members of the public.

5. MEETINGS OF THE PLANNING COMMITTEE

5.1 A clear distinction has to be drawn between a Member and an Officer attending a Public Meeting and their roles when they attend meetings of the Planning Committee.

5.2 No material revision to any planning application which might lead to a change in the recommendation of the Director of Planning and Regeneration shall be considered at Planning Committee unless it has been submitted at least 14 clear days before the relevant Planning Committee meeting, and has been the subject of a written report prepared by the Director of Planning and Regeneration.

5.3 When a planning application has been deferred following a resolution of "minded to approve" or "minded to refuse", contrary to the officer's recommendation, the Chairman shall put to the meeting a proposed statement of why the Director of Planning and Regeneration's recommendation for refusal or approval not considered acceptable to the Committee, which, when agreed by the Committee, will be formally recorded in the Minutes.

- 5.4 When a planning application has been deferred following a resolution of "minded to approve" "or minded to refuse", contrary to the officer's recommendation, then at the subsequent meeting the Director of Planning and Regeneration shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting or refusing permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting or refusing permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.
- 5.5 A Member shall not vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee for the whole of the deliberations on that particular application.
- 5.6 Discussions between a potential applicant and a Planning Officer prior to the submission of an application can be of considerable benefit to both parties and is encouraged. However, it would be easy for such discussions to become, or to be seen, particularly by objectors, to become, part of a lobbying process on the part of the applicant.

It is important, therefore, that decisions in planning matters are seen to be taken in accordance with the provisions of the development plan and the Council's statutory duty under S54.A of the Town and Country Planning Act 1990. In that regard:-

- Reports should be accurate and cover, amongst other things, the substance of any objections and the views of those consulted, as recommended by the Local Government Ombudsman;
 - Relevant information should include a clear exposition of the development plan, site or related history and any other material considerations;
 - Reports should have a written recommendation of action. Oral reporting (except to update a report) should be avoided and carefully minuted when it does occur;
 - Reports should contain technical appraisals which clearly justify a recommendation; and
 - If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated.
- 5.7 Applications which are considered to be a material departure to the development plan must be identified as soon as possible. They must then be advertised as such, as required by the Town and Country Planning (Development Management Procedure) (England) Order 2010. Second, if it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the development plan clearly demonstrated. The application may then have to be referred to the Secretary of State depending upon the type and scale of the development proposed. If the Director of Planning and

Regeneration's report recommends approval of such a departure, the justification for this should be included, in full, in that report.

- 5.8 If the Planning Committee makes a decision contrary to the Director of Planning and Regeneration's recommendation, the officer should be given an opportunity to explain the implications of the contrary decision. The Courts have expressed the view that reasons for the contrary decision should be clear and convincing. The personal circumstances of an applicant will rarely provide such grounds. A notable exception is where planning policy allows for this, for example, the provision of a dwelling for an agricultural worker.
- 5.9 A senior legal officer should always attend meetings of the Planning Committee to ensure the probity and propriety of the planning and decision-making processes. Whilst authorities make extensive use of standard wordings for conditions, in the case of any conditions which Members may wish to add or amend, an officer should be asked to draft any such conditions and bring them back for approval at the subsequent meeting of the Planning Committee.

Where there is any doubt as to the voting or of the actual counting of votes in relation to any particular application, clarification should be immediately sought by the Chairman prior to dealing with the next agenda item, by requesting from each member as to how they have voted, noting this and the member's name.

Conflict : Ward Member v Planning Committee Roles, Chairmanship.

- 5.10 Councillors may be Members of both the Conservation and Heritage Panel (CHP) and the Planning Committee. Their considerations at CHP are confined strictly to conservation matters. When a matter is to be considered by both bodies, these Members may ask questions, offer opinions and participate in discussion at CHP but should not take part in any vote on the issues. Furthermore, these Members should expressly dissociate themselves from any conclusion reached by CHP as to whether to approve or refuse a planning application, even if reached without a formal vote. This statement should be minuted. This is because when the item reaches the Planning Committee, Members must be seen to consider impartially all the material considerations. If a Member does not comply with the requirements of this paragraph, the Member should respond as in paragraph 4.1.
- 5.11 Historically there have been tensions between the Ward Member/local representative and the Planning Committee role. However, as a result of Section 25 of the Localism Act 2011 Members can participate to a greater degree in applications affecting their local community before the matter reaches Planning Committee, but whilst Members of Committee are free to act in the manner as indicated in paragraph 4.2, clear evidence of predetermination of an application will still result in the Member responding as in 4.1 and 4.6.
- 5.12 Chairmanship – The chairman should ensure
- 5.12.1 Members' comments at Committee only relate to the planning merits of the application before them;

- 5.12.2 reference at Committee to non-planning issues by the public / Members are discouraged;
- 5.12.3 the cross-questioning of speakers should only take place if there is need for clarification of what a speaker has already outlined; and
- 5.12.4 late evidence from public speakers – Members and the public should be made aware that the late submission of evidence will not be permitted at Committee as late submission can lead to allegations of unfairness.

6. TRAINING

- 6.1 Members dealing with planning issues will be required to attend a training session each year to receive guidance in relation to planning regulations and procedures and on declaration of personal or prejudicial interests. Training will be conducted in accordance with the Training for Councillors standard. Members who fail to attend such training will be excluded from meetings of Planning Committee. This training should include a balance of the following :-
 - Organised visits to review permissions granted, with evaluation and lessons learned presented as a paper;
 - Short (half day) sessions on special topics of interest or where overturns have indicated problems with planning policy;
 - Special topic groups to consider thorny issues in depth;
 - Formal training by internal and external speakers;
 - Visits to other authorities who have received good inspection / audit feedback;
 - Quick presentations by officers on hot topics, e.g. new legislation, white papers and their impacts, followed by a brief question and answer session;
 - Attendance at inquiries where officers have identified there is something specific to learn which will benefit members.
- 6.2 The report of the Audit Commission 'Building in Quality' recommend that Councillors should revisit a sample of implemented planning permissions to assess the quality of the decisions. Such a review should improve the quality and consistency of decision-making, thereby strengthening public, confidence in the planning system, and can help with reviews of planning policies.
- 6.3 Such reviews are best undertaken at least annually. They should include examples from a broad range of categories such as major and minor development; permitted departures; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The Planning Committee should formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices. The Director of Planning and Regeneration will take responsibility for organising the training and the reviews.

7. DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS AND DEVELOPMENT PROPOSALS BY THE COUNCIL

- 7.1 Serving Councillors or their relatives who act as agents for people pursuing a planning matter will not be permitted to play any part in the decision making process for that proposal. Similarly, should they or their relatives submit their own proposal to the Council, they will take no part in its processing, as in both cases they will have an interest in the matters.
- 7.2 Proposals of this nature will be identified and reported to the Planning Committee as main items and not dealt with by officers under delegated powers. Proposals for the Council's own development will be determined by Planning Committee in exactly the same way as those by private developers.
- 7.3 Officers within the Planning and Regeneration Department should not submit applications on behalf of third parties except as part of their duties as Council employees. In cases where officers of this Department or members of their family submit applications for planning permission, they should inform the Director of Planning and Regeneration accordingly.

8. REGISTRATION AND DECLARATION OF INTERESTS

- 8.1 The Localism Act 2011 and the Birmingham Code of Conduct for Members place requirements on Members on the Registration and Declaration of their interests and the consequence for the Members participation in consideration of an issue in the light of those interests. These requirements must be followed scrupulously and Members should review their situation regularly. Guidance on the registration and declaration of interests is dealt with by the Birmingham Code of Conduct for Members.

9. COMPLAINTS ABOUT THE DETERMINATION OF PLANNING APPLICATIONS

- 9.1 Whatever procedures the City Council operates, it is likely that complaints will be made. However, the adoption of the advice in this guidance should greatly reduce the occasions on which complaints are justified. It should also provide less reason for people to complain in the first place.
- 9.2 There is a city-wide procedure for dealing with complaints, as well as customer comments and compliments. Complaints alleging a breach of the Birmingham's Code of Conduct for Members must be reported to the Monitoring Officer.
- 9.3 So that complaints may be fully investigated and, in any case, as a matter of general good practice, record keeping should be complete and accurate. Omissions and inaccuracies could, in themselves, cause a complaint or undermine the Council's case. The guiding rule is that every planning application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, why and how it had been reached. Particular care needs to be taken with applications determined under the powers delegated to the Director of Planning and Regeneration, where there is no report to a Committee. Such decisions should be well documented and form part of the case file.

It is preferable to use the complaints procedure prior to any recourse to the Local Government Ombudsman.

10. CONCLUDING REMARKS

- 10.1 Maintaining high ethical standards enhances the general reputation of the City Council, its Members and its officers. Open and transparent decision making enhances local democracy and should lead to better informed citizens. A common understanding of the various roles, responsibilities and accountabilities should also enhance citizen participation. This Planning Code, along with Birmingham City Council's Code of Conduct for Members, therefore, serve an essential part in the local and corporate governance of Birmingham.
- 10.2 The City Council's Head of Paid Service, the Monitoring Officer and the Section 151 Officer have been consulted over this Planning Code. The Monitoring Officer has also kept the District Auditor aware of the development of this Planning Code and been given full opportunity to comment upon it.
- 10.3 If any person believes that a Member or Officer has breached any aspect of this Planning Code, s/he should refer the matter to the City Council's Monitoring Office

Prepared by the City Solicitor and the Director of Planning and Regeneration

Revised January 2016

B12 – Executive Reports Process

BIRMINGHAM CITY COUNCIL

EXECUTIVE REPORTS PROCESS

**(applies to Cabinet, Cabinet Committee, District Committee
and Ward Forums, and
Cabinet Member with Chief Officer Joint Reports)**

July 2016

EXECUTIVE REPORTS PROCESS

Context

- This process applies to all Executive Reports – Cabinet Reports, Cabinet Member/Chief Officer Joint Reports, Cabinet and Committee, District and Ward Forum Reports.

Immediate Changes

1. The following process will apply to late reports:

- (a) Committee Services must be advised that a Report is likely to be submitted late before the usual dispatch date for agenda and reports so that these reports can at least be included in the Cabinet/Committee Agenda.
- (b) **ALL late reports MUST start at the beginning of the report with two separate headings:-**
 - (i) REASON FOR LATENESS; and
 - (ii) REASON FOR URGENCY

Unless the reasons given demonstrate “special circumstances”, i.e. the special circumstances should be of a financial or legal nature, or an alternative reason as agreed by the Monitoring Officer/City Solicitor Cabinet/Committee may postpone consideration of the report as is required by law. Please specifically note that a Reason for Lateness suggesting that there simply has not been enough time to finalise the report for a particular Cabinet is NOT a special circumstance. The Chair of the meeting will decide if special circumstances for lateness do exist as outlined in the heading to the report and proceed if appropriate or otherwise postpone consideration of the report to the next meeting. All late reports must be agreed and authorised by either the Leader or the Deputy Leader of the Council or the Cabinet Member for Value for Money and Efficiency as advised by the Monitoring Officer / City Solicitor.

2. The Report Checklist (as amended) should be fully completed for all Cabinet, District and Ward Committee Reports. This also applies for Cabinet Member/Chief Officer Joint Reports recording Decisions by them (£200k to £500k (Revenue) or up to £1M (Capital).

Please note that if the checklist is not submitted, fully completed with names and dates, the report will not go forward.

3. Cabinet reports and Cabinet Member/Chief Officer Joint reports, need to be signed by the relevant Cabinet Member(s) and the Chief Officer. District Committee and Ward Forum Reports need to be signed by the relevant Executive Member or Ward Forum Chairman, Cabinet Committee Chairman and the relevant Chief Officer.
4. All reports are to be presented in Arial script and font size 12. Spacing between lines should be 1.5 and 3.0 between paragraphs. The report should preferably not exceed 4 pages for the main text.

5. ~~The assumption should be that reports are public and only private if expressly agreed by the Monitoring Officer / City Solicitor.~~ If it is proposed to submit a Private Report, approval should be sought from the City Solicitor or Monitoring Officer or their representative at the earliest opportunity and a copy of the Private Report submitted to the Cabinet Member for Transparency openness and equality and copied to the Cabinet or the Cabinet Support Officer
6. There will be greater emphasis on compliance with deadlines. Colleagues are reminded of the importance of instilling good discipline amongst authors and avoiding late reports. Please send cleared reports with the completed Checklist to Committee Services.
7. Decisions over £200k are only effective and actionable when posted on the Council's website by Committee Services and following the call-in process.
8. Annexed to the Executive Report Process is the Decision Agenda Management Protocol which should be applied by all officers in the writing of Executive Reports.

REVISED REPORT TEMPLATE for ALL EXECUTIVE REPORTS**BIRMINGHAM CITY COUNCIL****PUBLIC OR PRIVATE REPORT
(not for publication)**

Report to:	CABINET or DISTRICT COMMITTEE or WARD FORUMS or JOINT CABINET MEMBER AND CHIEF OFFICER or JOINT EXECUTIVE MEMBER AND CHIEF OFFICER	<i>Exempt information paragraph number – if private report:</i>
Report of:		
Date of Decision:		
SUBJECT:		
Key Decision: Yes / No	Relevant Forward Plan Ref:	
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>	
Relevant Cabinet Member(s) or Relevant Executive Member:		
Relevant O&S Chairman:		
Wards affected:		

(for late reports insert reason for lateness and reason for urgency)

1. Purpose of report:
1.1 1.2 1.3* This matter was not included in the Forward Plan because ... [<i>insert reasons</i>] * <i>To be completed where a key decision was not included in the Forward Plan</i>

2. Decision(s) recommended:
That the xxxxxxxx (insert decision maker):- 2.1 2.2 2.3 2.4

Lead Contact Officer(s):	
Telephone No: E-mail address:	
3. Consultation	
Consultation should include those that have an interest in the decisions recommended	
3.1	<u>Internal</u>
3.2	<u>External</u>
4. Compliance Issues:	
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u>
4.2	<u>Financial Implications</u> <u>(Will decisions be carried out within existing finances and Resources?)</u>
4.3	<u>Legal Implications</u>
4.4	<u>Public Sector Equality Duty (see separate guidance note)</u>

5. Relevant background/chronology of key events:

5.1

5.2

6. Evaluation of alternative option(s):

6.1

6.2

7. Reasons for Decision(s):

7.1

7.2

Signatures**Date**

Cabinet Member or Executive
Member or Ward Forum
Chairman

.....

Chief Officer:

.....

List of Background Documents used to compile this Report:**List of Appendices accompanying this Report (if any):**

- 1.
- 2.
- 3.
- 4.
- 5.

Report Version

Dated

Page 221 of 236

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) age (b) disability (c) gender reassignment (d) pregnancy and maternity (e) race (f) religion or belief (g) sex (h) sexual orientation

PUBLIC OR PRIVATE REPORT
(not for publication)

Report to:		Exempt information paragraph number – if private report:
Report of:		
Date of Decision:		
SUBJECT:		
Key Decision: Yes / No	Relevant Forward Plan Ref:	
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>	
Relevant Cabinet Member(s) or Relevant Executive Member:		
Relevant O&S Chairman:		
Wards affected:		

LATE REPORT

*** To be completed for all late reports, ie. which cannot be despatched with the agenda papers ie. 5 clear working days' notice before meeting.**

Reasons for Lateness

[insert reasons]

Reasons for Urgency

[insert reasons]

BIRMINGHAM CITY COUNCIL EXECUTIVE REPORTS CHECKLISTReport Title:Report version:Cabinet/District/Ward/Joint Cabinet Member and Chief Officer/Joint Executive Member and Chief Officer Report:Report Author:

To be completed in respect of all Cabinet, District and Ward Forum Reports. This also applies for Joint Cabinet Member and Chief Officer Reports.

Committee Services have been instructed to return any Report which does not have a fully completed Checklist attached. The purpose is for the author to indicate who has been consulted in the preparation and clearance of the report and when.

CONSULTATION	Names and dates to be inserted
Has the report been discussed and cleared with:	
(a) Relevant Cabinet Member(s)	
OR	
(b) Relevant District Committee/Ward Forum Chairman	
COMPLIANCE ISSUES	
(c) Has the report been cleared with relevant Strategic Director?	Cleared by:
	Date:
(d) Has report been cleared with the relevant Finance Officer? (see over page)	Cleared by:
	Date:
(e) Has report been cleared with the relevant Directorate Legal Officer? (see over page)	Cleared by:
	Date:
(f) Has the report been cleared with the relevant Corporate Procurement Officer? (see over page)	Cleared by:
	Date:
MEDIA CONSIDERATIONS	
(f) Has relevant Media officer been made aware of report and agreed draft press release/statement?	
Any significant comments for the attention of the Leader / Chief Executive?	

RELEVANT FINANCE OFFICERS

PEOPLE DIRECTORATE	David Moran (Interim Assistant Director for Finance and People)
PLACE DIRECTORATE	Sukvinder Kalsi
ECONOMY DIRECTORATE	Alison Jarrett
CORPORATE COUNCIL WIDE	Jon Warlow, Steve Powell, Sarah Dunlavey

RELEVANT DIRECTORATE LEGAL OFFICERS

People Directorate (Adults)	Charmaine Murray
People Directorate (Children)	Sukhwinder Singh
People Directorate (Education)	Ian Burgess
Place Directorate	Lisa Morgan
Economy Directorate (Regeneration)	Stuart Evans
Economy Directorate (Corporate Employment/Corporate HR)	Kate Charlton
Economy Directorate (Commissioning / Procurement)	Rob Barker
Corporate Council Wide (or if above unavailable)	Kate Charlton/Stuart Evans/Wendy Taylor

RELEVANT PROCUREMENT OFFICERS – any can clear reports

AD – Procurement	Nigel Kletz
Head of Procurement Team	Debbie Husler
Head of Strategy & Development	Haydn Brown
Head of Contract Management	Richard Tibbatts
Head of Commissioning Team	Mike Smith

PROTOCOL – CABINET MEMBER/CHIEF OFFICER JOINT REPORTS

These reports will cover more strategic matters and will be completed either at the request of, or in agreement with, the relevant Cabinet Member(s).

Consultation with the Cabinet Member should be continuous from the outset to completion of the final Report.

The process for completion of the Report will usually be as follows but a degree of flexibility is essential to ensure efficiency and effectiveness:

- no Report should be signed off without the Report checklist attached and fully completed (see Executive Reports Protocol)
- all Reports should be from a JNC officer to the Chief Officer and the lead Cabinet Member
- if other Cabinet Members are interested then they should be consulted and their names listed in the relevant 'consultation' section of the Report
- the relevant Overview & Scrutiny Chair should be briefed on the report.
- the lead Cabinet Member should usually sign the report first; no Report will proceed without the signature of the lead Cabinet Member and the Chief Officer
- no one needs to be present when the Cabinet Member / Chief Officer sign the Report but if signatures are such that the name is not clear then the name must be added clearly underneath the signature
- the signed Report with the completed Checklist should then be sent to Committee Services – see Executive Reports Protocol
- the Report will be placed on CMIS and is subject to the Call-in procedure *before* the decision(s) can be implemented

If the Checklist is not fully and properly completed then the Report will proceed no further and will be returned to the lead contact officer for correction. This is the clear Governance arrangement to ensure probity and lawful decision-making and should protect the report writer, the Chief Officer, the Cabinet Member(s) and therefore the Council.

Monitoring Officer of Birmingham City Council

GUIDE TO CABINET REPORTS SEQUENCE**Time Required = 12 weeks (minimum 8 weeks)****Example (using a Cabinet meeting on Monday 31 October)**

	<u>Weeks</u>	
12 weeks before Cabinet	12	Need for decision identified and initial meeting with Strategic Director and then Cabinet Member or Executive Member for Local Services (District functions)
11 weeks before Cabinet	11	Initial meeting with Lead Officers in Finance and Legal Services
10 weeks before Cabinet	10	Onto Forward Plan and undertake Equality Assessment
9 weeks before Cabinet	9	Draft report to relevant Officers and Members for consultation; also to the Scrutiny Officer
7-8 weeks before Cabinet	7-8	Consultation
6 weeks before Cabinet	6	Collate comments from consultees and finalise draft report
5 weeks before Cabinet	5	Finalise Report including full sign off of Report Checklist
Wednesday 12 th October (1200 hours)	3	Deadline for Leader's Briefing/Chief Exec's run through
Monday 17 th October	2	Leader's Briefing/Chief Exec's run through and then copy to Scrutiny Officer
Thursday 20 th October (1200 hours)	2	Finalise reports and submit to meet deadline for Cabinet agenda send out
Friday 21 st October (1200 hours)	5 clear working days	Committee Services send out papers and agenda is published on CMIS
Monday 31 st October (before 1700 hours)	Cabinet	Cabinet Meeting
Tuesday 1 st November		Cabinet decisions published
Friday 4 th November (after 1600 hours)		Decisions implemented, if no request for call in

B13 – List of Committees and Quorums

CABINET / COMMITTEE	No. of Members	Quorum
CABINET	8	4
DISTRICT COMMITTEES	12	6
WARD FORUMS	3	2
EDUCATION & VULNERABLE CHILDREN OVERVIEW & SCRUTINY COMMITTEE (contains Governor and Parent representatives)	12 + 4	5
ALL OTHER OVERVIEW AND SCRUTINY COMMITTEES	12	3
PLANNING COMMITTEE	15	5
LICENSING & PUBLIC PROTECTION COMMITTEE (and Sub-Committees)	15 3	5 3
COUNCIL BUSINESS MANAGEMENT COMMITTEE (and Sub-Committees as determined by the Constitution and the Committee)	8	3
TRUSTS & CHARITIES COMMITTEE	8	3
STANDARDS COMMITTEE	11	3
AUDIT COMMITTEE	8	3

B14 – Local Authority Publicity

SUMMARY BRIEFING NOTE

Principles

1. Publicity by local authorities should:-
 - be lawful
 - be cost effective
 - be objective
 - be even-handed
 - be appropriate
 - have regard to equality and diversity
 - be issued with care during periods of heightened sensitivity

Lawfulness

2. The Council should ensure that publicity complies with all applicable statutory provisions. Paid-for advertising must comply with the Advertising Standards Authority's Advertising Codes.
3. Part 3 of the Communications Act 2003 prohibits political advertising on television or radio. Local authorities must ensure that their publicity does not breach these restrictions.
4. Publicity is also restricted in the period immediately before referendums.

Cost Effectiveness

5. In relation to all publicity, the Council should be able to confirm that consideration has been given to the value for money that is being achieved, including taking into account any loss of potential revenue arising from the use of Council owned facilities to host authority publicity.
6. In some circumstances it will be difficult to quantify value for money, for example where the publicity promotes a local amenity which is free to use. In such a case the Council should be able to show that they have given thought to alternative means of promoting the amenity and satisfied themselves that the means of publicity chosen is the most appropriate.

Objectivity

7. The Council should ensure that publicity relating to policies and proposals from central government is balanced and factually accurate. Such publicity may set out the Council's views and reasons for holding those views, but should avoid anything likely to be perceived by readers as constituting a political statement, or being a commentary on contentious areas of public policy.
8. Any publicity describing the Council's policies and aims should be as objective as possible, concentrating on the facts or explanation or both.

Even-handedness

9. If Council publicity addresses matters of political controversy it should seek to present the different positions in relation to the issue in question in a fair manner.
10. Other than during the Pre-Election Period (Purdah), it is acceptable for the Council to publicise the work done by individual members of the Council and to present the views of those individuals on local issues. If views expressed by or attributed to individual Councillors do not reflect the views of the local authority itself, such publicity should make this fact clear.
11. It is acceptable for the Council to host publicity prepared by third parties – for example the Council may host a blog authored by members of the authority or a public forum on which members of the public may leave comments. Maintenance by the Council of a website permitting the posting of material by third parties constitutes a continuing act of publication by the Council which must accordingly have a system for moderating and removing any unacceptable material.
12. It is generally acceptable for the Council to host publicity, such as a blog, which itself contains links to external sites over which the Council has no control where the content of those sites would not itself comply with this code. However, particular care must be taken by local authorities during the period before elections and referendums.

Appropriate Use of Publicity

13. The Council should not incur any expenditure in retaining the service of lobbyists for the purpose of the publication of any material designed to influence public officials, Members of Parliament, political parties or the Government to take a particular view on any issue.
14. The Council should not incur expenditure on providing stands or displays at conferences of political parties for the purpose of publicity designed to influence members of political parties to take a particular view on any issue.
15. The Council should not publish or incur expenditure in commissioning in hard copy or on any website, newsletters, news sheets or similar communications which seek to emulate commercial newspapers in style or content. Where local authorities do commission or publish newsletters, news sheets or similar communications, they should not issue them more frequently than quarterly. Such communications should

not include material other than information for the public about the business, services and amenities of the Council or other local service providers.

Equality and Diversity

16. Publicity by the Council may seek to influence (in accordance with the relevant law and in a way which they consider positive) the attitudes of local people or public behaviour in relation to matters of health, safety, crime prevention, race relations, equality, diversity and community issues.
17. The Council should consider how any publicity it issues can contribute to the promotion of any duties applicable in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations.

Care During Periods of Heightened Sensitivity

18. The Council should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums (Purdah).
19. During the period between the notice of an election and the election itself, the Council should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.
20. In general, the Council should not issue any publicity which seeks to influence voters. However, this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum.

Monitoring Officer

July 2012

(Source: Code of Recommended Practice on Local Authority Publicity Department of Communities and Local Government)

B15 – Protocol for Media & Public Regarding the Recording of Council Meetings

(Recording includes webcasting, filming and photography)

1. The City Council has led the way in the streaming of council meetings on the internet in order to enhance the involvement of local people in the work of their council, encourage and develop participation by members of the public and acknowledge the importance of the democratic mandate.
2. The Council is committed to openness and transparency in its decision making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded and will seek to ensure that any such requests are respected.

The rules that the Council will apply are:

- (a) Anyone wishing to record the whole or large parts of a council meeting must notify the council at least one working day before the start of the meeting if suitable arrangements for your equipment are necessary.
- (b) All recordings must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings.
- (c) The Chair of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
- (d) We will ask for recording to stop if the meeting goes into private session where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
- (e) Any member of the public has the right not to be recorded. Agendas for, and signage at, Council meetings should make it clear that recording can take place – anyone not wishing to be recorded must advise the Chair at the earliest opportunity.
- (f) The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

3. The use of social media in council meetings is permitted for members of the public and media so long as this does not cause any disruption or disturbance. The Chair's decision on this point is final.

(Councillors are not permitted to use social media during the private part of any council meeting)

4. If someone refuses to stop recording when requested to do so by the Chair of the meeting then the Chair will ask the person to leave the meeting. If the person refuses to leave then the Chair may adjourn the meeting.
5. Please note that if at any time the number of places available for press and media representatives within the Council Chamber becomes insufficient then they may be asked to sit in the public gallery and may record from there provided that any such recording is not disruptive to the meeting.

Please contact Committee Services officers for further information or assistance:

- Phil Wright 0121 675 0216 or phil.wright@birmingham.gov.uk
- David Smith 0121 303 4465 or david.smith@birmingham.gov.uk

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

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

A. Councillors Brett O'Reilly and Brigid Jones have given notice of the following Notice of Motion:-

"This Council notes with some concern the current inconsistencies in the standard of independent careers advice and guidance for the young people of this city. In 2013, Ofsted reported that nationally only one in five schools were effective in ensuring that all pupils received an acceptable level of careers advice, and there is little evidence to suggest that this picture has improved in any significant way. Despite a statutory duty being placed on schools to deliver independent careers advice, much more needs to be done to ensure that every child and young person in this city receives high quality, independent careers advice, that will equip them for life and employment in modern Britain.

This Council welcomes progress being made with regards to careers advice in Birmingham, retaining an independent careers advice service despite swingeing cuts to funding, and most recently with the development of the online application, COG, which provides a platform to put young people, employers and training providers in touch with each other, and has the potential to be single point of access for careers in Birmingham.

This Council believes, like Ofsted, that every young person has the right to high quality, independent careers advice and guidance, and calls on the government to match the aspirations of Birmingham, with a commitment to providing sufficient funding for careers advice and guidance through the next round of devolution to the West Midlands Combined Authority.

There is an acknowledgement of the harm that can be caused to a young person's future prospects through poor careers advice, and there is a clear commitment from this City Council to work with stakeholders and partners to ensure that every young person is given the tools to realise their aspirations.

Accordingly, this Council calls on the government to support this agenda with any future devolvement of funding."

B. Councillors Robert Alden and Randal Brew have given notice of the following Notice of Motion:-

"This Council supports the retention, enforcement and expansion of Conservation Zones in the City.

Noting that the Council should also be willing to consider amending article 4 directions as technology changes to allow suitable substitute materials.

This Council feels we should be protecting our heritage and culture, for future generations, using it as a selling point for the growth and regeneration of the City.”