

BIRMINGHAM CITY COUNCIL

CABINET MEETING TUESDAY, 16 MAY 2023

**MINUTES OF A MEETING OF THE CABINET COMMITTEE HELD ON
TUESDAY 16 MAY 2023 AT 1000 HOURS IN COMMITTEE ROOMS 3&4,
COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB**

PRESENT: -

Councillor Liz Clements, Cabinet Member for Transport
Councillor John Cotton, Cabinet Member for Social Justice, Community Safety and Equalities
Councillor Jayne Francis, Cabinet Member for Digital, Culture, Heritage and Tourism
Councillor Brigid Jones, Deputy Leader of the City Council
Councillor Mariam Khan, Cabinet Member for Health and Social Care
Councillor Majid Mahmood, Cabinet Member for Environment
Councillor Karen McCarthy, Cabinet Member for Children, Young People and Families
Councillor Yvonne Mosquito, Cabinet Member for Finance and Resources

ALSO PRESENT:-

Councillor Robert Alden, Leader of the Opposition (Conservative)
Councillor Roger Harmer (Liberal Democrat)
Councillor Ewan Mackey, Deputy Leader of the Opposition (Conservative)
Janie Berry, City Solicitor and Monitoring Officer
Professor Graeme Betts, Director, Adult Social Care (DASS)
Andy Couldrick, Chief Executive, Birmingham Children's Trust
Cheryl Doran, Assistant Director & CIO, Digital & Customer Services
Meena Chuhan, Interim Procurement Manager
Dionne McAndrew, Assistant Director, Birmingham Children's Trust (online)
Fiona Greenway, Interim Assistant Director, Financial Performance and Insight
Susan Harrison, Director for Children and Families, BCC
Ellie Horwitch-Smith, Assistant Director, Route To Zero Carbon
Paul Langford, Interim Strategic Director City Housing
Stephen Philpott, Director, Housing Solutions & Support Service
Sajeela Naseer, Director of Regulation and Enforcement
Anita Pearce – Interim Affordable Housing Delivery Project
Steve Sandercock, Assistant Director, Procurement (online)
Darren Share, Assistant Director, Street Scene
Carl Tomlinson, Interim Assistant Director, Finance Business Partnering (online)
Dr Justin Varney, Director of Public Health
Errol Wilson, Committee Services

(The Deputy Leader Councillor Brigid Jones in the Chair)

NOTICE OF RECORDING/WEBCAST

151. The Chair welcomed attendees and advised, and the Committee noted, that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.
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APOLOGIES

152. Apologies for absence were submitted on behalf of Councillors Ian Ward, and Sharon Thompson. Deborah Cadman, Richard Brooks, Peter Bishop, Paul Kitson and Craig Cooper.
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DECLARATIONS OF INTERESTS

153. The Chair reminded Members that they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at the meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

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

EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that the report at Agenda item 20 contained an exempt appendix within the meaning of Section 100I of the Local Government Act 1972.

The Chair then enquired whether there were any matters that Members would like to raise on the exempt appendix that may affect the decision to be made or to ask for clarification on a point on the exempt appendix.

As there were no matters that Members wished to raise in relation to the exempt appendices, the Chair advised that the public meeting would carry on to consider the recommendations.

154. RESOLVED:-

That, in accordance with Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of those parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.

BIRMINGHAM AND SOLIHULL SEXUAL AND REPRODUCTIVE HEALTH STRATEGY 2023-2030

Councillor Mariam Khan, Cabinet Member for Health and Social Care presented the report and drew the attention of the Committee to the information contained in the report highlighting the key points.

(See document No. 1)

It was

155. RESOLVED UNANIMOUSLY: -

That Cabinet ratified the Strategy so it can be published and used to inform the Service Specification for the procurement of the Sexual and Reproductive Health service beginning April 2024. If the Strategy is not ratified, we risk not having a strategic approach to the procurement of the service which needs to be complete by March 2024 for the new contract to commence in April 2024.

ACIVICO FURTHER CONTRACT EXTENSION

The Chair introduced the item and informed Cabinet that the options were to agree, reject or to defer the report to a future Cabinet meeting as there were some new things that came to light that we needed to look into. The Chair added that the recommendation was to defer the report to a future Cabinet meeting whilst we get the issues resolved.

Following a brief discussion it was

156. RESOLVED UNANIMOUSLY: -

That Cabinet defer the report to a future Cabinet meeting.

OFSTED INSPECTION OF BIRMINGHAM CITY COUNCIL LOCAL AUTHORITY CHILDREN'S SERVICES – 20 FEBRUARY TO 3 MARCH 2023

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Councillor Karen McCarthy, Cabinet Member for Children, Young People and Families introduced the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

(See document No. 2)

The Chair commented that this had been a hugely long journey for the Trust and the Children's Services to get here and that she knew how hard so many people had worked over the years to get to this judgment. The Chair expressed thanks on behalf of the Cabinet to everyone who had put the efforts in to get the Children's Trust at this point. It was a fantastic result for the Birmingham Children's Trust, but most importantly for the children of Birmingham whom the Children's Trust had been working tirelessly for as they were the reason all that work had been put in. To everyone at the Children's Trust, all our partners who had been involved on that journey just a huge thank you from the Cabinet.

Councillor Robert Alden expressed thanks to all the staff at the Trust for all the efforts they had put in to get to this point and stated that it was important to remember that there were also areas that the Cabinet Member had touched on where further work was needed and that should not be forgotten. We needed to ensure that now that this work has happened it was consolidated, and the extra step was taken to solve the issues that remained. We needed to ensure that every child in the city that was using the service was benefitting from good quality services.

Councillor Roger Harmer echoed the comments made by the Chair and Councillor Alden and congratulated the staff for the efforts they had made in achieving this improvement, but also noting that this should be a staging post on a route to better services. He voiced concerns (procedurally more a concern with Ofsted than the Council) that when we read through the report one group of children that was not referred to was children in temporary accommodation. We had 4500 in households in temporary accommodations in the city and quite often they were not able to be located near to communities they came from because of the nature of the housing crisis. The families themselves were likely to be vulnerable families and were likely to be put into a more vulnerable situation especially when they were away from their own communities. If Ofsted was not specifically looking at how those vulnerable children were helped and supported, were we totally confident that we were doing all we could to ensure that the best possible service was provided to those vulnerable children.

Councillor McCarthy responded that we were doing a lot of work on this but that she had not brought the detailed figures with her as she was not expecting that particular question. Councillor McCarthy added that a meeting was had with Housing on the 15 May 2023 to look at what could be done and that our partners across the city were also concerned and had raised the issue with her in a cost of living round table she had brought together. They recognised that the Children's Trust was a huge support to those families and obviously the answer was to have more housing available. She further stated that she was aware that Councillor Sharon Thompson was working on that. In the meantime it was a mix of looking carefully at where and in what type of accommodation

families with children were placed and looking at what other practical support could be provided in those settings both around wellbeing including food and in access to education from that situation.

Andy Couldrick, Chief Executive, Birmingham Children's Trust stated that this was a milestone, an important one but not a destination. What we were able to do was to create a condition to enable good social work to flourish and part of our evidence for that was that we knew Ofsted had spoken to over 150 people – social workers, parents, children, young people, partners – and everyone they spoke to talked about a positivity in terms of working with the Trust. Every social worker they had spoken to was positive and felt valued and that was the kind of foundation that probably did not exist five years ago and gave us some confidence that if we continued to work as hard as we did we would go on building strength and resilience into our services.

On the question of temporary accommodation Ofsted had referenced the established early help service that did not exist five years ago. One of the things that does was that we routinely contact families that goes into temporary accommodation to offer support to see if they wanted some additional help which was done for all families. The real solution was to reduce the number of families in temporary accommodations, but we would go on ensuring through our early help service that the families wanting support at that point we would reach out and provide it. In terms of the social work service they would refer themselves because their needs were more significant, or a health visitor or schoolteacher would contact us because of their concerns, and we would respond to them. It was

157. RESOLVED UNANIMOUSLY: -

That Cabinet noted the content of Ofsted's report which was published on 18 April 2023 and is attached to this report.

STAYING INDEPENDENT AT HOME POLICY – MAJOR ADAPTATIONS AND KEY SAFE SERVICE DELIVERY

Councillor Majid Mahmood stated that he had been advised that he needed to declare his non-pecuniary interest in the item. He then left the room prior to the item being discussed.

Councillor Mariam Khan, Cabinet Member for Health and Social Care presented the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

(See document No. 4)

Councillor Robert Alden commented that this was the third extension of this contract and that the March 2022 report had granted a further 16 months extension and there was already one before that. All of these extensions were more than 50% of the original value of the contract and under public contract regulations was unlawful. The advice the Council took in March 2022 was that it was unlikely they would get challenged because of the space in which this

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contract operates. Clearly, the continuing nature of the contract continually breaking this by extending it beyond the amount allowed did this not increased the risk of challenge and whether there was any legal review of the position from March 2022 until now to say that we were still confident enough to state that we would not get challenged.

The Council had known for six months that it would not meet the timeline that was needed and instead of bringing a report in a timelier manner that would have given Cabinet a full range of options to be able to consider what to do we were left with a report being brought back at short notice where it was a month before the contract expired. In effect Cabinet's hand was forced and they had no option but to take this through. Councillor Alden questioned why the report was not brought back in the last six months when it was known that the procurement timeline was no longer being met. He further questioned what was going to be changed in the way the Council operated to ensure that in future Cabinet was brought updates in a timely manner of when procurement timelines were not met. Finally, what work was being done to ensure that whilst this contract continued suitable measures were being put in place to resolve the issues that were needed.

Councillor Mariam Khan responded that the original Cabinet report had detailed a procurement timeline that was not achieved, and this was acknowledged in the current report and explained that additional due diligence and service development was required to finalise the procurement model that was currently in place. In terms of the questions raised around the risks and the assurance given in March 2022, the City Solicitor would be able to address those points.

Janie Berry, City Solicitor and Monitoring Officer advised that she would look in detail at this outside the meeting. Janie Berry then drew the attention of the Members to paragraph 7.4.6 of the report and paragraph 7.4.7 which indicated that the Council was issuing a Voluntary Ex Ante Transparency (VEAT) notice which goes into the public domain to notify potential commercial providers who were interested in these contracts about the intention to extend these information going into the public domain which was acknowledgement that this was a waiver and there was a procurement process that was underway. She gave assurance that the right steps were being taken and that the Council was aware of the risk by putting the VEAT notice in and that she would work with Councillor Khan and colleagues to ensure that the procurement was progressed.

Professor Graeme Betts, Director, Adult Social Care (DASS) stated that part of the reason this was delayed was engaging with citizens who have had this service in the past and citizens who were currently having their homes extended and those on the waiting list who we were engaging with as well. We were trying to do a thorough citizen engagement exercise to ensure we improved the quality of the services we provide. We were confident that going forward the proposals we have put in place will achieve that and in the meantime we will continue to review the quality and the improvement. In terms of the procurement issues raised we will be working with Janie Berry on that, but this was the best approach we were given to avoid risking a legal challenge.

Councillor Mackey commented that the last time we came across a VEAT notice was in relation to some of the capital works that was coming, and Cabinet was told then that a VEAT notice had to be issued in advance whereas with this the contract had passed its date and now we were issuing a VEAT notice which meant it was retrospective. Janie Berry undertook to investigate the issue and again referred Cabinet to paragraph 7.4.7 of the report and advised that the VEAT was done in advance of the notice to extend the contract. It was

158. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- a. Approved the Waiver for the contract extensions as set out in Appendix 2 to the report;
- b. Approved a 7-month extension for current contracts for the provision of Key Safes and Major Adaptations as detailed in 7.4.2 - 7.4.4 for the maximum value of £6.372m; and
- c. Authorised the City Solicitor (or their delegate) to conclude and enter into all legal documents to give effect to the above.

AFFORDABLE HOUSING – SITES FOR DISPOSAL

Councillor John Cotton, Cabinet Member for Social Justice, Community Safety and Equalities introduced the item and drew the attention of Cabinet to the information contained in the report.

(See document No. 5)

In response to questions and comments Councillor Cotton made the following statements:-

- I. Councillor Cotton noted Councillor Harmer's comments concerning consultations and advised that this would be taken on board in terms of the visibility of emails that arise.
- II. That he sympathised with the amount of stuff that could arrive in inboxes and undertook to ask the officers to take that away and look at how we could ensure that it was visible, and Members were able to engage at an early point.
- III. In terms of the Bartley Green site he was aware that officers have had conversations with the Members for Bartley Green Ward and have undertaken to engaged further when we moved to the planning stage, and this was acknowledged in the report.

Anita Pearce, Interim Affordable Housing Delivery Project stated that in relation to the Right to Buy receipts this was being looked at as there had been a change at the end of March 2023 announced by the Department. The Birmingham Municipal Housing Trust (BMHT) and the Housing Revenue Account (HRA) Business Plan was being worked on at the moment which was

a 10-year business plan, and we were expecting that these land parcels were in addition to what BMHT were developing. We were hoping to accelerate that delivery of affordable housing by enabling the Housing Associations to deliver in addition to the BMHT. The work on the Right to Buy receipts was right. At the moment we were losing 600 per year to Right to Buy which were social rent homes and it was hoped to replace these by BMHT as part of the business plan that was going on. There was an acceleration of development by BMHT for those social rented units. If the Housing Associations developed the homes they do so with Homes England funding and that usually required up to 80% market rent.

It was appreciated that some areas were still not affordable, but those rents could be reduced, and the element of grant funding could be increased to take into account viability. This was a discussion that could be had with the Housing Associations and Homes England for the grant funding. In essence these homes could be up to 80% market rent, but the paper itself was written as a portfolio for each site and all of the planning and the consultation in getting things in to planning none of these things has happened yet. The discussion on the type of tenure within the affordable tenure were all to take place with the communities, the Planning Department and with the RPs that would take the sites on. It was

159. RESOLVED UNANIMOUSLY: -

That Cabinet:-

1. Approved the principle for the sale of the Council's interest in identified surplus land to Registered Housing Providers / Developer Partners to deliver affordable housing, either as single sales or a combination of packages for sale. Such sales to be either freehold or long leasehold for a minimum term of 250 years;
2. Cabinet declared surplus to the Council's requirements the land listed in Appendix 1 to the report;
3. Noted the land assets have been identified from both the Council's General Fund & Housing Revenue Account (HRA) for sale to Registered Providers and / or Developer Partners to provide affordable housing across the city;
4. Approved the sale of the land identified in Appendix 1 to the report to Registered Providers / Developer Partners for the purpose of delivering affordable housing that is delivered to high quality standards including the minimum national space standards and the Council's planning policy requirements;
5. Approved the principle of identifying surplus land where appropriate over the next 3 years (2023-2026) for both the potential disposal to Registered Providers / Developer Partners for the delivery of affordable housing and development as part of the Council's affordable homes programme;

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6. Delegated to the Strategic Director of Place, Prosperity, and Sustainability (or their delegate), in consultation with the Leader and the Cabinet Member for Finance and Resources, approval of the final transaction details for the disposal;
7. Delegated authority to the Strategic Director for Place, Prosperity, and Sustainability, in conjunction with the Assistant Director Corporate Procurement (or their delegate), the Strategic Director of Council Management (or their delegate), and the City Solicitor & Monitoring Officer (or their delegate) to approve the procurement strategy and the award of contract, if required, for the appointment of an external professional adviser to support the sale process;
8. Delegated to the Assistant Director of Housing Delivery authority to negotiate and finalise the disposal terms, subject to 2.6 above;
9. Noted the purchasers will pay a contribution towards the Council's surveyors and legal costs, to be determined on agreement of final sale terms; and
10. Authorised the City Solicitor and Monitoring Officer or appointed external advisors to prepare, execute, and complete all relevant legal documentation to give effect to the above.

RESPONSE TO INDEPENDENT REVIEW OF BIRMINGHAM SPECIAL EDUCATIONAL NEEDS AND DISABILITY INFORMATION, ADVICE AND SUPPORT SERVICE (SENDIASS)

Councillor Karen McCarthy, Cabinet Member for Children, Young People and Families introduced the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

(See document No. 6)

Councillor Ewan Mackey commented that it was important that the changes etc. that were suggested to the service were gotten right and the service delivered a high-quality service and delivered constantly for all the parents and children. He voiced concerns regarding the impact Oracle may have had on the service in terms of the robustness of the figures that were given in the report.

Councillor McCarthy responded that some of those issues were resolved by the changes that had been made to SENDIASS to ensure it focussed on its core functions. Cabinet may recall that there were aspects of the front door and early help service that were temporarily based within SENDIASS. Those were now moved to the appropriate space for that work.

Susan Harrison, Director for Children and Families advised that there were the barriers with Oracle, but we had some manual work arounds. Susan Harrison gave assurance that we were still keeping our data albeit some of it was manual where that was required so we ensured that it was up to date and that the service manager reported to her on a monthly basis. Regarding the

agency, we were on a big drive to develop permanency across the directorate and the plan was fewer requirements for agency workers as we will have a team of permanent staff in place. If the budget were to be inadequate we would come back with a medium-term financial plan process as we recognised the service was integral to parent in need of that independence and that space and we were committed to delivering it in house.

It was

160. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- I. Noted the report produced by the National Children's Bureau following its independent review of Birmingham SENDIASS (Appendix A to the report);
- II. Noted the improvements made so far by Birmingham SENDIASS and the plan to ensure full compliance with the national minimum standards (Appendix B to the report); and
- III. Agreed the recommendation that a robust plan and monitoring arrangements are in place to ensure the service moves towards full compliance with the national minimum standards.

SCHOOL'S CAPITAL PROGRAMME – SCHOOL CONDITION ALLOCATION, BASIC NEED ALLOCATION 2023-24+ FUTURE YEARS

Councillor Karen McCarthy, Cabinet Member for Children, Young People and Families introduced the item and drew the attention of Cabinet to the information contained in the report highlighting the key points. Councillor McCarthy added that paragraph 2.7 of the recommendations in the report was to be amended to include the following sentence:-

Any decisions approved under this delegation will be notified to the Cabinet Member for Children, Young People and Families and the Cabinet Member for Finance and Resources on a quarterly basis.

(See document No. 7)

It was

161. RESOLVED UNANIMOUSLY: -

That Cabinet:-

1. Noted the progress on the delivery of the Schools' Condition Programme and Schools' Basic Need Capital Programme, as outlined in this report;

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2. Approved the PDD for the Schools' Condition (SCA) Programme (Appendix 2 to the report) and the anticipated allocation of £14.000m for the delivery of this programme;
3. Approved the PDD for the Schools' Basic Need (BN) Programme (Appendix 3 to the report) for the delivery of this programme;
4. Approved the procurement strategy for the Basic Need and Schools' Condition Allocation schemes above the procurement governance threshold of £177,897 to use Acivico Ltd's Constructing West Midlands 2 Framework Agreement and delegates the award of contract to the Cabinet Members for Children, Young People & Families and Finance & Resources in conjunction with the Director for Education & Skills;
5. Approved the allocation of £5.000m of Basic Need Grant for the development of Feasibility Studies to inform Full Business Cases (FBC) in order to deliver the Basic Need and High Needs Provision Programme;
6. Noted that in dual funded projects, approval will only be sought for the Council's contribution to the cost of the project;
7. Noted and reaffirms a decision made by Cabinet on 26th March 2019 increasing the delegated authority level for the Director for Education and Skills, from £200k to £500k for schools' emergency reactive maintenance Page 3 of 8 projects and approve the extension of this delegation for projects to meet our statutory duty to provide additional pupil place. Any decisions approved under this delegation will be notified to the Cabinet Member for Children, Young People and Families and the Cabinet Member for Finance and Resources on a quarterly basis;
8. Authorised the City Solicitor and Monitoring Officer to negotiate, execute, seal and complete all necessary documents to give effect to the above recommendations; and
9. Delegated the approval of Capital Project and Programme overspends to be approved by the relevant decision maker in line with resource thresholds outlined in the Birmingham City Council Constitution document.

DIGITAL STRATEGY YEAR ONE – UPDATE AND REVIEW

Councillor Jayne Francis, Cabinet Member for Digital, Culture, Heritage and Tourism introduced the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

(See document No. 8)

Councillor Ewan Mackey commented that there was no mention of Oracle in the report and enquired whether we were delivering on the level the report

stated that we were when Oracle was not mentioned in the report. Councillor Francis responded that a number of the priorities for year two will need to be funded and covered by existing programme of work. As a result the prudent financial management of funds approved for the 2016 and 2021 ICT Digital Strategy we have been able to meet the commitments of year one of the strategy with an underspend.

Cheryl Doran, Assistant Director and CIO, Digital and Customer Services advised that Oracle was mentioned in the report but that it was referred to as ERP and was one of our priorities for year two and contributing to the taskforce. It was worth noting that this was the new digital strategy in the ways of working and was around smaller iterative technology build and de-risking technology in the future and the digital strategy and the principles within the digital strategy that builds into the design for the optimisation within the Oracle programme.

It was

162. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- a) Acknowledged the progress that has been made in delivery of the digital strategy in its first year along with key results and learnings (Appendix A to the report). This is providing a clear direction of travel to enable digital transformation of the Council's services and systems; it is representative of the journey that we are on to drive continuous improvement, share and learn from others to create a truly digital Council;
- b) Noted the key priorities and focus for Year 2 (Appendix B to the report), which sets out the milestones together with the metrics for measuring performance and success;
- c) Noted the reprofiling of the underspent Capital amounts in Section 9.3 (£1.229m) and continues to provide delegated authority to the Director of Digital and Customer Services to procure services and award contracts as required; and
- d) Noted that there are a number of technology enablers that are required to support the year 2 delivery plan for the priority themes of: "Give our Council teams the right digital tools to do their jobs" and "Build the best technology to support Council services". This includes for example refresh of devices; case management and collaboration tools including better engagement for offline workers and network / connectivity improvements. This will form the basis of a more detailed business case which will follow in due course to capital board for funding consideration.

SINGLE HOMELESSNESS ACCOMMODATION PROGRAMME BIDS

Councillor John Cotton, Cabinet Member for Social Justice, Community Safety and Equalities introduced the item and drew the attention of Cabinet to the information contained in the report.

(See document No. 9)

Councillor Robert Alden enquired whether any thoughts had been given to whether or not this grant could be used in a creative manner to build these 15 properties to get more properties into the system rather than just buying properties back on the open market.

Stephen Philpott, Director, Housing Solutions and Support Service advised that one of the things we did in the lead up to the Single Homelessness Accommodation Programme (SHAP) programme was a large-scale consultation which included the Housing Associations sector as well as the Homeless Partnership Board and we could see the gap analysis that we did in terms of what we needed to look at in terms of filling gaps. Part of the constraint was the timescale in terms of being able to deliver the programme and have a completion on site and have the properties delivered.

Unfortunately, too often the Department for Levelling Up, Housing and Communities (DLUHC) programmes were time constrained in terms of being able to deliver the outcomes. It was a challenge in that it was not an additional unit for Birmingham, but it was certainly a unit for somebody who was over and above had probably had amputation or things like that, would they be stuck in hospital or intermediate care at the moment. In this scheme we had that pathway of acquisitions already in place, have a home with intensive support. The question was understood, but in terms of delivering to the specification for this and the timescale allotted this would be the most beneficial way to do that.

Councillor Roger Harmer enquired in terms of adaptation to the properties that was made to ensure that they were suitable for the new tenants whether we would also be ensuring that the properties were brought up to best standard in terms of insulation so that we meet the climate change objectives of the City Council and also provide comfortable low-cost housing to these vulnerable people. Stephen Philpott responded that one of the advantages of this scheme was that it was quite bespoke to the 15 individuals who we knew were rough sleepers. We could work as far as their individual needs were concerned and we could plan in terms of the works to the properties in terms of aids and adaptations to be suitable for the individuals needs. The allocation process could be very specific and bespoke of that. All of our stock within the HRA meets the best standards.

It was

163. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- a. Agreed to bid for, accept and use capital funding of up to £1.2m from SHAP to support the acquisition and adaptation of 15, 1-bed properties, prioritising properties available under RTB buy back arrangements in order to provide independent self-contained accommodation for former rough sleepers with disabilities;

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- b. Delegated authority to the Interim Strategic Director for City Housing (or their delegate) in conjunction with the Strategic Director of Place, Prosperity and Sustainability (or their delegate), and the Chief Finance Officer (or their delegate) to negotiate the acquisition of up to 15 properties for social housing use where it makes financial sense;
- c. Agreed to bid for, accept and use revenue funding of up to £600k from the Department for Levelling Up, Housing and Communities (DLUHC) to provide 'Housing First' type support to the people accommodated within the properties so acquired;
- d. Agreed to hold these 15 properties within the Housing Revenue Account (HRA) and let them as settled, general needs Council owned accommodation;
- e. Agreed to ringfence the properties for letting to people with complex needs and experience of homelessness;
- f. Authorised the Interim Strategic Director for City Housing (or their delegate) to enter into grant agreements with DLUHC and Homes England committing the Council to purchase, adapt and use the properties as set out above, in accordance with Homes England and DLUHC grant conditions under the SHAP funding programme;
- g. Authorised capital investment from the HRA to make up the difference between the full costs of purchasing, renovating and adapting properties to meet the physical requirements of the target client group tenants and the SHAP grant available. This route offers the best financial, legal, operational and tax option;
- h. Authorised the Strategic Director of Adult Social Care (or their delegate) to commission 'Housing First' type support for the target client group tenants of this accommodation from one of the Council's existing framework providers;
- i. Agreed to bid for, accept and use revenue funding of up to £2.3m from DLUHC to provide 'Housing First' type support to extend the Council's existing Housing First programme;
- j. Authorised the Interim Strategic Director of Adult Social Care (or their delegate) to use any revenue funds granted by DLUHC as a result of this bid to continue providing Housing First type services to those currently in the programme, and to extend the service to new individuals who are rough sleeping or at risk of rough sleeping; and
- k. Authorised the City Solicitor to negotiate, execute and complete all necessary documentation to give effect to the above recommendations.

CITY REGION SUSTAINABLE TRANSPORT SETTLEMENT PROGRAMME GOVERNANCE

Councillor Liz Clements, Cabinet Member for Transport presented the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

(See document No. 10)

Councillor Robert Alden referred to the delegation and commented that the proposal was to delegate away the business cases to be considered away from the full Cabinet meeting. He added that in any world those four business cases ought to be coming back to Cabinet to be considered as these were major schemes. He suggested that it would be wise for Cabinet to amend it to say if there was some variations beyond 10% of what the cost in the report was that that individual project had to come back to Cabinet so that there was proper oversight of why the cost had varied from what the delegation was originally based upon.

Councillor Roger Harmer referred to paragraph 3.12 of the report and enquired whether we were any nearer in terms of working out whether the Metro was going to be the way forward both in terms of Hagley Road and Birmingham as there appeared to be a question mark as to whether this was affordable despite all the past plans for it being rolled out. He questioned what the timescale was for the Metro options and when progress would be seen in working out what the strategy would be in terms of mass transit in and out of the City Centre.

Councillor Liz Clements stated that the point of the report was to help streamline the processes and that this was a major capital programme. These projects were the core of the capital programme for transport, and we needed a way for delivering them in a timely way. In terms of the Metro, Transport for the West Midlands were undertaking a major review of its whole budget at the moment as the budget was under pressure for obvious reasons to do with the cost-of-living crisis and the increase in price of construction projects. The Metro and Sprint were absolutely fundamental to our plans for developing transport network across the city and getting people out of their cars and on to mass transit. There was a Sprint scheme for Hagley Road which was being worked on at the moment but again it was costings under review.

It was

164. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- (i) Approved the approach to take the outline business case for each named City Region Sustainable Transport Settlement (CRSTS) scheme with a total project value over £10m (as set out in section 1.3 of this report);
- (ii) Approved the approach that Cabinet approval of named CRSTS schemes outline business case will include delegation of the subsequent full business case to the relevant Cabinet Members in consultation with the Strategic Director of Place, Prosperity & Sustainability, the Strategic

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Director of Council Management, the Interim Director of Finance and the City Solicitor;

- (iii) Approved the approach that at the point of seeking Cabinet approval for a CRSTS scheme's outline business case and full business case funding will be subject to confirmation from the West Midlands Combined Authority;
- (iv) Noted the approach to utilise West Midlands Combined Authority single assurance framework outline business case and full business case documents as appendices to each CRSTS scheme's outline business case and full business cases approval reports as set out in section 3.11 and 3.12 of this report;
- (v) Approved the delegation of submission of each named CRSTS scheme's strategic outline case to the West Midlands Combined Authority single assurance framework process to the Assistant Director, Transport & Connectivity in consultation with the Cabinet Member for Transport; and
- (vi) Authorised the City Solicitor & Monitoring Officer to negotiate, execute and complete any necessary legal documentation to give effect to the above recommendations.

DIATOMIC (DIGITAL INNOVATION TRANSFORMATIVE CHANGE) – INNOVATE UK FUNDED WEST MIDLANDS INNOVATION ACCELERATOR PROJECT – FULL BUSINESS CASE

Councillor Jayne Francis, Cabinet Member for Digital, Culture, Heritage and Tourism introduced the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

(See document No. 11)

It was

165. RESOLVED UNANIMOUSLY: -

That Cabinet:-

1. Approved the Full Business Case (FBC) for the DIATOMIC project as detailed in Appendix 1 to the report for BCC to deliver the outcomes detailed in 1.2, 1.3, 1.4 and 1.5 above;
2. Accepted grant funding of £1.035m funding from Innovate UK to fully fund the DIATOMIC project and to enter into the associated funding agreement, subject to receipt of an offer letter;
3. Delegated authority to the Director Digital and Customer Services, Strategic Director of Place, Prosperity and Sustainability and Director of Public Health to manage and implement the project in line with the conditions of the grant funding agreement;

4. Delegated authority to the Director Digital Services, the Assistant Director Corporate Procurement or their delegate, in conjunction with the Chief Finance Officer or their delegate, and the City Solicitor or their delegate to approve the procurement strategy and selection of successful bidder(s) following the conclusion of the tender process and to execute the necessary contractual documentation to effect this outcome; and
5. Authorised the City Solicitor (or their delegate) to execute and complete all the necessary legal documents to give effect to the above.

**INTEGRATED CARE BOARD (ICB) FURTHER SUPPORT FUNDING 2022/23
VIA SECTION 256**

Councillor Mariam Khan, Cabinet Member for Health and Social Care introduced the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

(See document No. 12)

It was

166. RESOLVED UNANIMOUSLY: -

That Cabinet accepted the funding to contribute towards the 2022/23 pressures as well as invest in new areas of mutual benefit in Adult Social Care and approves the s151 officer to enter into a S256 agreement to that effect.

**KEY DECISION PLANNED PROCUREMENT ACTIVITIES (JUNE 2023 –
AUGUST 2023) AND QUARTERLY CONTRACT AWARDS (JANUARY 2023
– MARCH 2023**

Councillor Yvonne Mosquito, Cabinet Member for Finance and Resources introduced the item and drew the attention of Cabinet to the information contained in the report.

(See document No. 13)

Councillor Robert Alden referred to one of the awarded contract on page 407 of the pack – Green Waste Contract - and commented that this was assigned in March 2023 based on a delegation from February 2018 which was five years and one month period past from when the delegating authority was given to when the contract was actually signed. He voiced concerns as to whether or not that called into question the ability for that delegation to still be considered in place given the length of time. He added that a similar issue came up at the last Cabinet meeting and that he wondered whether Cabinet would be looking into whether changes were made to the delegations in the Constitution going forward to ensure that delegations had a used by date etc. Councillor Alden further enquired what Clause were put into the contract around any changes to

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the service we need to operate going forward and whether the contract was future proof to ensure that the Council did not have to pay to get out of it if the national situation changes in the way that green waste was dealt with.

Councillor undertook to arrange for the officers to investigate the issues raised by Councillor Alden and get back to him with a response.

It was

167. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- a. Approved the planned procurement activities as set out in Appendix 1 to the report and approved Chief Officer delegations, set out in the Constitution, for the subsequent decisions around procurement strategy; and
- b. Noted the contract award decisions made under Chief Officers delegation during the period January 2023 – March 2023 as detailed in Appendix 4 to the report.

NON-KEY DECISION PLANNED PROCUREMENT ACTIVITIES (JUNE 2023 – AUGUST 2023) AND QUARTERLY CONTRACT AWARDS (JANUARY 2023 – MARCH 2023)

Councillor Yvonne Mosquito, Cabinet Member for Finance and Resources introduced the item and drew the attention of Cabinet to the information contained in the report.

(See document No. 14)

It was

168. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- a. Noted there were no non-key decisions planned procurement activities for this month; and
- b. Noted the contract award decisions made under Chief Officers delegation during the period January 2023 – March 2023 as detailed in Appendix 1 to the report.

OTHER URGENT BUSINESS

169. a) Boleyn Road Housing Development

Councillor Ewan Mackey referred to Agenda item 28 of the 21 March 2023 Cabinet meeting – Key Decision Planned Procurement Activities - in relation to

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Boleyn Road Housing Development and stated that the value was close to a certain threshold and that a Cabinet report was requested for this. He further stated that the answer at the time was that this would be looked into, but he did not get a response to that and having chased the response there was good reasons for him not getting an answer which he understood. He added that a request for Call-in for the item was submitted, but that the Leader gave assurance that a Cabinet report on the item would be submitted and on that basis the request for Call-in was withdrawn. Councillor Mackey highlighted that we were two Cabinet meetings in and that a report on the item was still not submitted to Cabinet

The Chair advised that with regards to Boleyn Road Housing Development she did not think that either of the Cabinet Members relevant to this were present at today's meeting. The Chair undertook to take the issue back as she had recalled that assurance was given for a report to be submitted to Cabinet.

b) Councillor Majid Mahmood's Reason for His Declaration of Interest for Agenda Item 8

Councillor Mahmood advised that for the avoidance of doubt he had taken advice from the Monitoring Officer this morning as the firm of Solicitors he practices in represented some of the companies referred to in the report. As he represented one of the firms it was appropriate for him not to be present in the room when the item was being discussed.

The meeting ended at 1121 hours.

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CHAIRPERSON