

Birmingham City Council

Co-ordinating Overview and Scrutiny Committee

19 March 2024



Subject: Lead Commissioner Report

Report of: Christian Scade, Head of Scrutiny and Committee Services

Report author: Fiona Bottrill, Senior Overview and Scrutiny Manager,
fiona.bottrill@birmingham.gov.uk
07395 884487

1 Purpose

- 1.1 Max Caller CBE, the Lead Commissioner will attend a Special Meeting of the Co-ordinating Overview and Scrutiny Committee to engage with members to provide an update on progress at the Council since intervention started in October 2023 and the role of Overview and Scrutiny.

2 Recommendation

- 2.1 **That the Committee considers the information presented at the meeting by the Lead Commissioner, Max Caller CBE.**

3 Background

- 3.1 The Secretary of State for the Department of Levelling Up, Housing and Communities issued Directions that Commissioners were appointed to Birmingham City Council from 5 October 2023. The Directions that set out the powers of the Commissioners is available from [Birmingham City Council: Directions made under the Local Government Act 1999 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/121444/Birmingham_City_Council_Directions_made_under_the_Local_Government_Act_1999.pdf)
- 3.2 The Commissioners reported to the Secretary of State on 9 January 2024. This report and the Secretary of State's response are attached as Appendix 1 and 2.

4 Any Finance Implications

- 4.1 There are no financial implications arising from the recommendation set out in this report. The Financial challenges faced by the Council are set out in Appendix 1.

5 Any Legal Implications

- 5.1 When issuing the Directions the Secretary of State was satisfied that the Authority was failing to comply with the requirements of Part I of the Local Government Act 1999 (“the 1999 Act”).
- 5.2 The Secretary of State, having considered the representations made by the Authority as required by section 15(9) of the 1999 Act considered it necessary and expedient, in accordance with his powers under section 15(5) and (6) of the 1999 Act, to direct the Authority to secure the Authority’s compliance with the requirements of Part I of the 1999 Act, in particular:
- a. To address systemic weaknesses in the Authority’s governance function, to secure improvements in transparency and formal decision making.
 - b. To deliver financial sustainability, including by closing any short or longterm budget gaps - which should include taking action to expediate the closure of the equal pay liability.
 - c. To ensure compliance with all relevant rules and guidelines relating to the financial management of the Authority.
 - d. To agree as necessary any changes needed to the Authority’s operating model and redesign of council services to achieve value for money and financial sustainability.
 - e. To achieve improvements in relation to the proper functioning of the Authority’s IT.
 - f. To address the serious failings and ensure conformity with the best value duty, thereby delivering improvements in services and outcomes for the people of Birmingham.

6 Any Equalities Implications

- 6.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2 The protected characteristics and groups outlined in the Equality Act are Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion and Belief; Sex, and Sexual Orientation.
- 6.3 The Committee should ensure that it addresses these duties by considering them during work programme development, the scoping of work, evidence gathering and making recommendations. This should include considering how policy issues

impact on different groups within the community, particularly those that share a relevant protected characteristic; whether the impact on particular groups is fair and proportionate; whether there is equality of access to services and fair representation of all groups within Birmingham; and whether any positive opportunities to advance equality of opportunity and/or good relations between people are being realised.

- 6.4 The Committee should ensure that equalities comments, and any recommendations, are based on evidence. This should include demographic and service level data and evidence of residents/service-users views gathered through consultation.

7 Appendices

- 7.1 Appendix 1: Birmingham City Council Statutory Intervention Update Letter from Commissioners
- 7.2 Appendix 2: Birmingham City Council Ministerial Response to Commissioners Update Letter

8 Background Papers

- 8.1 Co-ordinating OSC Report: Item 6: [CMIS > Meetings](#)