

BIRMINGHAM CITY COUNCIL

**CABINET MEETING
TUESDAY, 23 APRIL 2024**

**MINUTES OF A MEETING OF THE CABINET COMMITTEE HELD ON
TUESDAY 23 APRIL 2024 AT 1000 HOURS IN COMMITTEE ROOMS
3&4, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB**

PRESENT: - Councillor John Cotton, Leader in the Chair

Councillor Nicky Brennan, Cabinet Member for Social Justice, Community Safety and Equalities
Councillor Jayne Francis, Cabinet Member for Housing and Homelessness
Councillor Majid Mahmood, Cabinet Member for Environment
Councillor Karen McCarthy, Cabinet Member for Children, Young People and Families
Councillor Robert Pocock, Interim Cabinet Member for Health and Social Care
Councillor Saima Suleman, Cabinet Member for Digital, Culture, Heritage and Tourism

ALSO PRESENT:-

Councillor Robert Alden, Leader of the Opposition (Conservative)
Councillor Roger Harmer, Leader (Liberal Democrat)
Councillor Ewan Mackey, Deputy Leader of the Opposition (Conservative)
James Betjemann, Head of EZ & Curzon Delivery
John Biggs, Commissioner
David Bridgman, Head of SEND Commissioning
Lloyd Broad, Head of European and International Affairs
Richard Brooks, Director, Strategy Equalities and Partnerships
Craig Cooper, Strategic Director of City Operations
Louise Collett, Director, Adult Social Care
John Coughlan, Commissioner
Sarah Feeley, Service Lead CCoE, Adults Social Care
Katy Fox, Director of People Services
Maria Gavin, Assistant Director, Quality and Improvement
Fiona Greenway, Interim Finance Director and Section 151 Officer
Sue Harrison, Strategic Director of Children & Families (DCS)
Helen Jones, Head of Law
Paul Langford, Strategic Director, City Housing
Sajeela Nasser, Director of Regulation and Enforcement
Philip Nell, Strategic Director of Place, Prosperity and Sustainability
Stephen Philpott, Director, Housing Solutions and Support Service
Saba Rai, Head of Service Commissioning Adults Social Care
Marie Rosenthal, Interim City Solicitor and Monitoring Officer
Mike Smith, Head of Category - People
Jo Tonkin, Assistant Director, Partnerships Insight and Prevention (online)
Lindsey Trivett, Head of Service, Education and Skills

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Adrian Weissenbruch, Assistant Director Children and Young People's Travel Service
Errol Wilson, Committee Team Leader

NOTICE OF RECORDING/WEBCAST

350. 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

351. Apologies for absences were submitted on behalf of the Deputy Leader Councillor Sharon Thompson and Councillor Liz Clements, Cabinet Member for Transport. Professor Graeme Betts, Acting Chief Executive submitted an apology for his inability to attend the meeting.
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DECLARATIONS OF INTERESTS

352. 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.

Councillor Saima Suleman declared an interest in Agenda item 11 and advised that she will be leaving the meeting prior to that item being discussed.

MINUTES

353. RESOLVED: -

The Minutes of the Extraordinary meeting held on the 27 February 2024; the Minutes of the meeting held on the 19 March 2024 and the Minutes of the Extraordinary meeting held on the 4 April 2024 having been previously circulated, were confirmed and signed by the Chair.

EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

As there were no reports with an exempt or private appendix the Chair advised that the public meeting would carry on to consider the recommendations.

354. 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.

HISTORIC ENVIRONMENT SUPPLEMENTARY PLANNING DOCUMENT (SPD)

The Leader introduced the item and drew the attention of Cabinet to the information contained in the report.

The Cabinet Member for Housing and Homelessness commented that she was pleased that we were continuing to look after our heritage assets by ensuring that we have appropriate planning policy in place. Councillor Roger Harmer stated that he welcomed the consultation. He voiced concerns as to whether we will match the development of this policy with the capacity we had to deliver it. He added that it was no good having a wonderful strategy, but it did not influence what happened as we did not have the delivery capacity.

Councillor Robert Alden stated that it was clear that the current policy was not robust enough in this area as in his own Ward he had seen perfectly usable family homes of historic nature that were important to the character of the area being given permission to be demolished and to be replaced with unsuitable replacements. Time and again we could see that our heritage assets were at risk and if this policy was going to mean anything it had to be able to show that it could save such heritage assets that were a key part of our character and culture in the city. It was important to understand that this alone would not be able to do it as there needed to be a robust design guide around that as it was not just about protecting the assets we have but ensuring that when we build new build next to heritage assets or in the vicinity of heritage assets they were in keeping with them. Too often the Council was unwilling to enforce where someone had deliberately removed heritage assets or deliberately built

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something that would not have had permission had they done it the other way round.

The Interim Cabinet Member for Health and Social Care commented that it would help strike the right balance for the city that needed to grow and to expand and sought inward investment. With an history that needed to be protected and preserved, getting the balance right was always tricky and the document will help to identify and put a protective field around those heritage assets where we needed to retain them. It will ensure that we build risks register for those heritage assets and would also help pick up the issue of *pepper potting* where sites were protected and others close by were not and was a welcomed step forward.

The Cabinet Member for Housing and Homelessness noted Councillor Harmer's statement concerning capacity and stated that capacity was important. She added that it was important to acknowledge a range of partners we have both nationally and locally to help us do this particularly funding bodies such as Historic England that would oversee what we were doing. The Cabinet Member for Housing and Homelessness also noted Councillor Alden's comments concerning new buildings and stated that there were some good examples in the city particularly at Paradise where the mix of the old and the new buildings were successful.

The Strategic Director of Place, Prosperity and Sustainability stated that the capacity resource in Planning was clearly an important focus for the team and was something he was working hard with the team and colleagues at the moment. That balance between enforcement and promotion in relation to the Interim Cabinet Member for Health and Social Care's comments around encouraging inward investments whilst not letting uncontrolled developments took place particularly the removal of heritage assets that was so important to our cultural infrastructure.

355. RESOLVED UNANIMOUSLY: -

That Cabinet approved a public consultation on the draft Supplementary Planning Document. The consultation is proposed to take place in the Summer of 2024 for six weeks. After which the findings of the consultation will be included where appropriate in a final document that will be brought back to Cabinet for adoption.

SMOKEFREE GENERATION SECTION 31 GRANT

The Interim Cabinet Member for Health and Social Care introduced the item and drew the attention of Cabinet to the information contained in the report.

The Cabinet Member for Social Justice, Community Safety and Equalities commented that she welcomed the extra funding for the smokefree generation. She stated that as someone who found it difficult to give up smoking many times there was a lot of peer pressure as a teenager. There was no warning on the cigarette packets, and we could smoke in public places. As a society we have moved to a more smoke free culture which was welcomed. She voiced

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concerns regarding vaping as it was seen as more socially acceptable as it did not have the smell nor the warnings except for it being addictive on the packet. There was no nasty pictures and for young people vaping was the issue. It would be interesting to look at how many people were going straight to vaping and were using it as a tool to stop smoking. More needed to be done on help people to transition from cigarettes to vaping being addicted to nicotine. She further voiced concerns about the fact that there were different flavours which meant that children saw them as something they might wanted to start using as well as the impact on the environment as a lot of them were disposable and were not recyclable.

The Cabinet Member for Environment stated that he was in agreement with the comments made by the Cabinet Member for Social Justice, Community Safety and Equalities particularly around the disposal of used vapes some of which could be recycled at the Perry Barr Household Recycling Centre. The harm that was caused by smoking was noted and the burden this placed on the health system and the way people lived their lives. This funding would support that led to people becoming more healthier and leading more productive lives.

The Interim Cabinet Member for Health and Social Care stated that the Cabinet Member for Social Justice, Community Safety and Equalities made some good points concerning vapes particularly the design of the product and the marketing of the product to under 18s when the sale of the product to the under 18s was illegal. It was noted in the recent budget papers that we had put in extra resources into the Public Health Division to support the enforcement of the under 18 vaping ban which was an important step to deal with both the addictive elements mentioned by the Cabinet Member for Social Justice, Community Safety and Equalities and the environmental impact mentioned by the Cabinet Member for Environment. Hopefully we could take forward both of these initiatives together.

356. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- (i) Approved the acceptance of the new Department of Health and Social Care Smokefree Generation Section 31 grant of £1,676,048 for the financial year 2024/25 to expand local stop smoking services and support;
- (ii) Delegated the approval of the Commissioning/Procurement Strategy and Contract Award for the expansion of local stop smoking services and support post 31 March 2024 to the Cabinet Member for Health and Social Care in consultation with the Director of Public Health and the relevant Finance, Legal and Procurement officers;
- (iii) Delegated authority to allocate the additional funding received as part of the Section 31 Grant from the Office for Health Improvement and Disparities (OHID) to in-house services, existing or new providers from 1 April 2024 to 31 March 2025 and any new yet to be announced OHID Grant Funding to the Cabinet Member for Health and Social Care. A grant agreement was signed by the Acting Director of Public Health in

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March 2024 confirming the funding allocation for Birmingham City Council and an acceptance of adherence to the grant conditions; and

- (iv) Authorised the Interim City Solicitor and Monitoring Officer (or their delegate) to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

UK SHARED PROSPERITY FUND (UKSPF) ANNUAL UPDATE TO CABINET

The Leader presented the item in the absence of the Deputy Leader and drew the attention of Cabinet to the information contained in the report.

The Cabinet Member for Environment stated that the report confirmed the fact that we have secured an extra £1.8m for net-zero projects which from his portfolio perspectives was pleasing. He added that it was vital that we do everything we could including putting forward compelling cases to help secure resources from Central Government to transition to green ways of doing business within our city.

The Cabinet Member for Digital, Culture, Heritage and Tourism commented that it was good to see in the report a summary of the projects supported by the UK Shared Prosperity Fund (UKSPF) and the key outputs expected to be delivered. This was something that Cabinet should welcome and provide an illustration of what the funding was actually delivering. In particular the community and place pillar offered a citywide and targeted support in the most deprived areas of Birmingham. Some of the key outputs would focused on low carbon energy infrastructure installed on high streets, improvements to local community assets such as parks and community organisations. Receiving grants to support the local population; providing things such as training sessions to individuals and create and safeguard jobs. The UKSPF positively contributed in some ways to all of our priorities to be a city which was inclusive, safe and green.

Councillor Robert Alden requested that as the monies were being allocated in the coming year that more flexibility be shown. He added that previously Erdington Business Improvement District (of which he was a director) tried to bid for some of the money that was set aside for local high streets. This was so that they could bid for what would have been the equal share of it to get it in one go instead of having to bid in lots of small chunks so they could hire security for the three-year period of the fund and to be able to make the high street safer etc. The way the Council was allocating it could not be looked at to make that work. We needed to try and find a way of being more flexible so that where there was some of this money going down to a local level it could be allocated in a way that allowed the local need to be met.

The Chair noted Councillor Alden's comments and asked officers to take that away as we moved into the second phase. The Head of European and International Affairs stated it should be noted that we were roughly operating at about a third of the monies we usually have so priorities needed to be taken. Within the communities and place pillar they were targeting the fund around organisations that had a broader reach across the communities across

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Birmingham. It was great to have a citywide programme but there was not the funding available to do so. It was about priorities but that he would feedback to the department responsible for that aspect of funding and passed the message back around flexibility.

357. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- a) Approved the increased devolved UKSPF allocation of £1.97m which now increases the total programme to £26.9m as set out in the revised UKSPF Funding Agreements with the West Midlands Combined Authority (WMCA). This is a result of the formal confirmation of the Net Zero grants allocation and the increase in SME grants under the Supporting Local Businesses pillar;
- b) Noted the revised governance regarding the delegated Section 151 approval process, as set out in paragraph 3.6 of the report, where all related reports must seek delegated S151 approval from the Strategic Director for Place, Prosperity, and Sustainability;
- c) Noted the progress of programme implementation, including the challenges of the delayed timeframes as set out in paragraph 3.7 of the report;
- d) Noted the projects supported by UKSPF as presented in Appendix 1 and key outputs expected to be delivered as set out in Appendix 2. See paragraphs. 3.8 – 3.11 of the report for further details;
- e) Noted the TUPE transfer of the Birmingham and Solihull Business Growth Hub staff, previously employed by the Birmingham and Solihull Local Enterprise Partnership's (GBSLEP) Business Growth Hub, from 1 December 2023 as set out in paragraph 7.5.2 of the report;
- f) Noted the income earmarked as UKSPF management and administration costs available to support salaries and indirect costs to the City Council. This is summarised in paragraph 7.5.3 of the report;
- g) Noted the opportunity for the West Midlands devolution deal/Single Settlement to provide post-UKSPF financial support to sustain and progress vital programmes delivered by the City Council to citizens, communities, and businesses. See paragraph 3.12 of the report; and
- h) Authorised the City Solicitor (or their delegate) to negotiate and complete all necessary documentation to give effect to recommendations in paragraph 2.1- 2.7 of the report.

HIGHER LEVEL SKILLS MATCH PLUS PILOT FULL BUSINESS CASE

The Leader presented the item in the absence of the Deputy Leader and drew the attention of Cabinet to the information contained in the report.

The Cabinet Member for Children, Young People and Families stated that she was frequently cynical about pilot projects but in this case this project was built on solid foundations and had a robust monitoring and evaluation process. She added that it would generate opportunities for the city's graduates and provide aspirations and positive outcomes for the city's young people through a programme of customised support both for young people and the businesses offering opportunities.

Councillor Harmer stated that he welcomed the pilot and that it would be interesting to see what the results were. He voiced concerns regarding aspirations that as a Councillor in east Birmingham it was often stated that the biggest barrier we faced was low levels of aspirations amongst our young people and that he wondered how much impact this pilot would have on those aspirations. He added that he would like to see in the evaluation of this pilot whether we would do anything that measured how the aspiration of our young people who engaged with the pilot how they changed. We needed our young people to take advantage of the opportunities that were coming and to understand where the new jobs in the future were going to be. They needed to understand the opportunities and also the threats if they did not skilled themselves up for that.

The Cabinet Member for Environment commented that he was delighted by the measures that were being put in place by this project to support young people from disadvantaged backgrounds. The Employment Zone has the ability to boost the city's economic prospects and there will be a demand for more high-quality graduates to fill vacancies in high quality jobs in the city.

The Chair commented that the point was well made around how we measure aspirations. Representing east Birmingham Ward himself the comments captured the importance of measuring the impact on those communities. Birmingham City University was leading on this, and they had a formidable reputation for recruiting their students from various local footprints. He added that he would like to see those inspirations captured in the evaluation report and was confident that this would be the case.

358. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- 1) Noted the Full Business Case for the Higher-Level Skills Match Plus Pilot project (attached at Appendix 1 to the report), approved by the EZ Partnership Board on 20 March 2024;
- 2) In its role as Accountable Body for the Enterprise Zone (EZ), approved EZ revenue funding to Birmingham City University of £0.95m to facilitate the delivery of Plus pilot project formalised through a Grant Funding Agreement; and
- 3) Authorised the City Solicitor & Monitoring Officer to negotiate, execute, seal and complete all necessary documents in connection with the above recommendations.

DLUHC FUNDING – LOCAL AUTHORITY HOUSING FUND ADDITIONAL GRANT

The Cabinet Member for Housing and Homelessness introduced the item and drew the attention of Cabinet to the information contained in the report.

Councillor Robert Alden stated that it needed to be clear that as this programme goes on we were not simply solving one housing issue in the city by creating another housing issue in the city. He added that what was happening now was that almost 400 homes by the end of this programme would have been taken away from people trying to buy a house in the city. This was not buying new properties and it was not creating an increase in the number of properties in the city. It was simply transferring existing properties from one use to another. We ought to be looking and targeting this money on buying up some of the exempt accommodation units in the city that were for sale and converting them into these family homes rather than buying up family homes and converting them into another use.

Councillor Alden strongly urged that the report be amended to state that the money going forward would be focussed on buying up exempt accommodation units for sale rather than family housing. He added that Round 3 which was referenced in the report 50% of it needed to new build and the Council could look at start doing that now.

Councillor Roger Harmer made a similar point to that of Councillor Alden to an extent, but it did not solve the fundamental problem which was a lack of housing. There were no new housing created as a result of this and the danger was (he referred to a case in his Ward where a resident in a privately rented property was told to leave so that it could be sold. It transpired that the property was being bought by the City Council which would have resulted in the person being made homeless so that the Council could buy a property to housed someone who was homeless). This was stopped when we found out what was happening, but it was suspected that whilst we may not be doing that where it directly happened immediately the net effect was that. This was not a criticism of the Council but a criticism of government. The money should be used to build new socially rented housing rather than this use. He argued that whilst he agreed with Councillor Alden's sentiments the mechanisms were not yet in place to deliver an improvement.

The Director, Housing Solutions and Support Service noted Councillor Ewan Mackey's comments concerning the additional monies that had been made available and advised that the reason there was £15m or more available funds was that other local authorities had sought to deliver the scheme not because they made strategic decisions not to do it but because they were not able to deliver it. We have been in a fortunate position as we had a *well-oiled machine* and had been working for some time in terms of purchasing properties and so we had been able to save the Housing Revenue Account this £15m.

The Director, Housing Solutions and Support Service then made the following statements:-

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- In terms of actively pursuing the support of exempt providers and their properties we have actively gone out to the sector to those providers engaged with them and talked with them about the properties they have and the availability of them to purchase at a strategic level.
- The reality was that the market was strong so the economic driver for them to get out of that market was still weak.
- We still needed legislation that gave us some more leverage than we have at the moment to be able to manage the exempt supported sector.
- We await the consultation from the Government to come out on that front.
- We were already actively working particularly with colleagues in PPMS to look at where we could brought properties through that were not just brought from the streets market.
- We were already in a situation where we have enabled developments to go ahead by being the required ... in situations. Our commitment was to do this more.
- We had hoped to have a five-year programme of acquisition which was going to be able to look at brownfield sites, empty homes and other things.
- Unfortunately due to the wider economic challenged we have we were having to depend somewhat on what the Government was able to give us in terms of the purchase and the developments.
- We were working much more closely with our PPMS colleagues in terms of where in the pipeline we could work to brought through properties that were not going to happen unless we were able to participate with them. We wanted to see more new affordable homes built.
- This was filling a gap until we have that supply pipeline coming through so that we could better addressed the homeless needs in the city.

359. RESOLVED UNANIMOUSLY: -

That Cabinet:-

1. Retrospectively agreed to the submitted Expression of Interest (EOI) to the Department for Levelling Up, Housing and Communities (DLUHC) for Local Authority Housing Fund (LAHF) R2 Additional Funding and accept capital grant of £15.37m;
2. Agreed to accept any additional LAHF R2 capital grant funding offered to the Council by DLUHC in the event other local authorities are not able to fulfil their allocation;
3. Retrospectively authorised the Strategic Director for City Housing to enter into a Memorandum of Understanding with DLUHC for setting out DLUHC's commitments and the Council's commitments to deliver the LAHF R2 programme, alongside the associated monitoring arrangements;
4. Retrospectively agreed to the submitted validation form to accept £6.6165m of capital grant funding and £51,625 of revenue grant funding for LAHF R3, to support the acquisition of 46 family sized properties, for households in need of Temporary Accommodation (TA) in Birmingham

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and the acquisition of 13 family sized properties to provide resettlement housing for those on the Afghan Citizens Resettlement Scheme (ACRS);

5. Authorised the Strategic Director for City Housing to enter into a Memorandum of Understanding with DLUHC for setting out DLUHC's commitments and the Council's commitments to deliver the LAHF R3 programme, alongside the associated monitoring arrangements. Local Authority Housing Fund Additional Grant;
6. Authorised the City Solicitor (or their delegate) to negotiate, agree and complete all legal documents necessary to give effect to the above recommendations; and
7. Noted that it was not at this time asked to approve the use of R3 grant funding, but that a further report seeking approval for match funding and approval to house a further 13 Afghan Refugee families will be brought to a subsequent Cabinet.

PRIVATE RENTED SECTOR HOUSING: CHARGING FOR PART 1 HOUSING ACT 2004 ENFORCEMENT NOTICES

Councillor Saima Suleman, Cabinet Member for Digital, Culture, Heritage and Tourism declared her personal interest in the item and left the meeting prior to the item being discussed.

The Cabinet Member for Housing and Homelessness presented the item and drew the attention of Cabinet to the information contained in the report.

The Cabinet Member for Environment commented that if landlords were to be blamed for issues that meant our citizens were living in properties that were not at the standards that they should be in. It was only right that they foot the bill for all aspects of the improvements including the costs incurred by the Council as enforcing authority.

Councillor Harmer referred to the financial implications in paragraph 9 of the report and stated that it did not say anything in terms of whether this would bring more money in. He enquired whether there was an estimate in terms of how much money this would brought in. The Director for Regulation and Enforcement responded that in terms of looking forward we have not yet started the enforcement process and a determination could not be made of how many Part 1 Notices we may serve in the licensing scheme. We were already recouping money in the Private Rented Sector scheme, and we did not expect an increase in income within the Private Rented Sector team as that money was already being recovered. For the Property Licensing team until we actually started to serving the Notices we would not be able to determine the sort of income we would generate. There were also different operating models being considered which was where Part 1 mattered.

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The Cabinet Member for Housing and Homelessness undertook for Councillor Harmer to be issued with a written update as the project progresses to see how much income was being generated.

360. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- (i) Approved the levy of a charge for the service of enforcement notices under Part 1 of the Housing Act 2004. In line with Sections 49 and 50 of the Housing Act 2004 (“The Act”); and
- (ii) Approved the charges proposed in the report at section 5.

Councillor Saima Suleman then returned to the meeting after the item was discussed and the decision taken.

REVISION OF 0-25 TRAVEL ASSISTANCE POLICY

The Cabinet Member for Children, Young People and Families introduced the item and drew the attention of Cabinet to the information contained in the report. She highlighting that she was asked by the Chair for Education, Children and Young People Overview and Scrutiny Committee to add that she still have some concerns about our vulnerable young people who will be affected by this policy. The Cabinet Member for Children, Young People and Families stated that she was happy to add that she believed that the policy allowed us to support young people going forward albeit in a different way.

The Head of Law noted Councillor Ewan Mackey’s comments concerning the appendices to the policy not being included in the Agenda pack and that he was not certain how the Cabinet could make an informed decision. He enquired what the optimisation of bus passes meant. He added that there was no risk register attached to the report.

Councillor Harmer stated that this whole area made a huge number of questions why in the context of a city where we

361. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- i. Approved the adoption of the revised 0-25 Travel Assistance Policy, noting the changes made to support for young people aged 16-18 (sixth form age); and
- ii. Approved the implementation of the revised Travel Assistance Policy from September 2024.

SEND SUFFICIENCY STRATEGY 2024-2030

The Cabinet Member for Children, Young People and Families introduced the item and drew the attention of Cabinet to the information contained in the report.

362. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- i. Approved the SEND Sufficiency Strategy 2024 – 2030; and
- ii. Approved the roll-out of proposals to expand our special school and mainstream resource base provision in line with forecast needs over the period of the strategy.

GRANTS TO MAINTAINED NURSERY SCHOOLS AND PRIVATE, VOLUNTARY AND INDEPENDENT CHILDCARE PROVIDERS – EARLY YEARS FINANCIAL INCENTIVES PILOT

The Cabinet Member for Children Young People and Families presented the item and drew the attention of Cabinet to the information contained in the report highlighting the key points. She paid tribute to the Birmingham nurseries that had looked after her children that had an impact on their early years and to everyone working in the sector.

The Cabinet Member for Digital, Culture, Heritage and Tourism commented that the care and welfare of our children was important but unfortunately the early years sector faced the challenges and recruitment and retention. She added that the pilot had identified priority wards that had been recognised as having insufficient childcare places to meet the increased demands. A further priority of the pilot was to increase the number of skilled staff available across all wards who could confidently work in partnership with all families to include children with SEND in early years provision.

The Cabinet Member for Social Justice, Community Safety and Equalities commented that this was an interesting pilot and that we should support anything we could to build capacity within early years workforces. We needed to have trained staff, but we also needed to have staff that have good work and pay conditions. Often it was unsocial hours as staff were starting work early mornings and finishing late evenings which could be difficult for people to maintain. Early years was important to children’s development, and she was looking forward to the findings.

Councillor Robert Alden commented that children being able to have access to nurseries was vital not only to the child’s development but also for the parents for economic reasons. He added that he would be interested in seeing the result of the pilot at the end of the pilot.

The Cabinet Member for Children Young People and Families stated that the comments have shown how much this sector was valued and how much we looked forward to seeing the impact. She noted Councillor Harmers concerns

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about provision closing and stated that this was close to her and officers' hearts because even if as in some cases there was provision in the area that enabled our youngest citizens to move to another provider that was tremendously disruptive at that age when they were building relationship. It was hoped that the scheme would bring new people into the sector who would fall in love with it and appreciate the bonus payment.

The Head of Service, Education and Skills stated that in terms of the closure of nursery settings we tended to find out about them closing at the last possible moment unless they were less than good quality settings. We did not have regular officers going into those settings. We only have the regular officers visits where their settings were judged as less than good by Ofsted. Most of the time it was financial reasons why settings closed. We have had a declining birth rate across the city, and we have more provisions than we have needed. When those provisions were less popular, usually because they were poorer quality they tended to close at that point. One area we did not know was the reason individuals leave.

363. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- a. Approved the development of the Early Years Financial Incentive Pilot programme;
- b. Approved the rollout of "Golden Hello" payments to Maintained Nursery Schools and Private Voluntary and Independent (PVI) early education providers, and to childminders that employ childminder assistants in Birmingham; and
- c. Delegated authority to the Director of Children and Families in consultation with the Interim Director of Finance (Section 151 Officer), the City Solicitor and the Head of Early Years and Childcare (or their delegates) to award funding to Early Education providers within existing Council financial and legal governance frameworks including the execution and completion of all necessary documents.

REFRESH OF ADULT SOCIAL CARE VISION AND STRATEGY 2024

The Interim Cabinet Member for Health and Social Care presented the item and drew the attention of Cabinet to the information contained in the report.

The Cabinet Member for Children Young People and Families stated that we came so far on this issue in the time she had been on the Council. She added that she was particularly taken by paragraph 3.12 in the report describing the messages from co-production. The fact that we now speak about Day Opportunities rather than Day Centres indicated a real change in emphasis that it was more person focused, family focused and improved people's outcomes and skills but in a way that enabled them to felt part of that process.

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The Interim Cabinet Member for Health and Social Care noted the Cabinet Member for Digital, Culture, Heritage and Tourism comments concerning the workforce and stated that it was spot on. He added that it was hoped that we would get a national care workforce in future which was an ambition for most of us in the room shared. He further noted Councillor Harmer's comments concerning older people living in tower blocks as part of the sheltered accommodation schemes with highly vulnerable people being put into those flats who did not get the care they needed in order to be able to function properly and stated that Councillor Harmer was right concerning the issue.

The Interim Cabinet Member for Health and Social Care stated that it was suspected that the key agenda item was for Housing rather than for Adult Social Care vision. However having stated that the later point on this agenda would pick up support for vulnerable adults which was where the social care side could be addressed. He added that the principle made by Councillor Harmer was about the cross working by breaking down the departmental side of those important strategic developments. The Commissioners had picked this up and was one that was integral to the new strategy. This was a strategy that would take forward the work of the last six years and build on them for the timeline 2024 – 2029.

364. RESOLVED UNANIMOUSLY: -

That Cabinet approved the revised Adult Social Care Vision and Strategy 2024–2026.

COMMISSIONING STRATEGY FOR EXTERNALLY PROVIDED DAY OPPORTUNITIES

The Interim Cabinet Member for Health and Social Care presented the item and drew the attention of Cabinet to the information contained in the report. He congratulated the work of the People's Citizens Panel and to commend them for having won a King's award for voluntary service to the community.

The Cabinet Member for Housing and Homelessness stated that partnership work was key to this approach and that would widen the availability of opportunities that were available to adults. The implementation of a flexible contracting arrangement would be nothing but helpful in that it would facilitate a more streamlined line approach.

365. RESOLVED UNANIMOUSLY: -

That Cabinet:

- a. Approved the Commissioning Strategy for the Provision of Day Opportunities provided by the external market;
- b. Approved the commissioning intention to procure a new Flexible Contracting Arrangement (a Dynamic Purchasing System (DPS) type arrangement for the provision of Day Opportunities in accordance with the Procurement Act 2023;

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- c. Delegated the approval of the Procurement Strategy to the Cabinet Members for Health and Social Care and Finance and Resources in consultation with the Assistant Director Procurement (or their delegate) and the Strategic Director, Adult Social Care;
- d. Delegated to the Assistant Director Procurement (or their delegate) in consultation with the Strategic Director Adult Social Care to appoint, as and when required, suppliers onto the new Flexible Contracting Arrangements where they meet the selection criteria;
- e. Delegated the award of call off contracts under the new Flexible Contracting Arrangements, when established, to the Director of Adult Social Care, the Director of Commissioning and the Head of Service - Commissioning (Complex Care);
- f. Noted that the outcome of all call-offs from the Flexible Contracting Arrangement will be reported to the Assistant Director Procurement (or their delegate) and the Strategic Director, Adult Social Care, Interim Finance and Section 151 Officer (or their delegate) and the Interim City Solicitor & Monitoring Officer (or their delegate);
- g. Approved for the NHS to call off from the Flexible Contracting Arrangement for day opportunities as required;
- h. Authorised the City Solicitor (or their delegate) to execute and complete all necessary legal documents to give effect to the above recommendations; and
- i. Delegated any modifications to the contracts to the Directorate of Adult Social Care, the Director of Commissioning, and the Head of Service - Commissioning (Complex Care), including the annual setting of fees in line with the Commissioning Strategy and the Council's revenue budget and Medium-Term Financial Plan.

CREATING AN ACTIVE BIRMINGHAM STRATEGY 2024 – 2034 RATIFICATION

The Interim Cabinet Member for Health and Social Care presented the item and drew the attention of Cabinet to the information contained in the report.

Members then made the following comments:

- ❖ Looking at paragraph 1.1 of the executive summary in the report the Commissioners comments were right as they were correctly assessing two different things to the draft Strategy and the Physical Needs Assessment document.
- ❖ When the Commissioners pointed out that this document did not set out the timescale that would be needed for what resources with what staff was in charge of it this was a common issues with a lot of strategies that the Council have produced.

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- ❖ That Cabinet ought to be saying that we needed to see that information before we could confirmed that this Strategy as the correct path for the Council given its financial position rather than approving it and then that information would be put together at a later date.
- ❖ That the Strategy had missed how important it was to deliver this Active Strategy to protect playing fields and green spaces in our city as without those spaces it would be so much harder to get people and children into that active lifestyle.
- ❖ When the inevitable of the refresh of the Strategy takes place that protection needs to be brought into the document as well.
- ❖ Reading through the document we were reminded of the huge success we had following the Leader with the implementation of the Commonwealth Games in terms of exposing people to sports and physical activities for the first time. Anything we could do to encourage that was to be welcomed.
- ❖ We all knew the benefits of regular exercise and the importance of it on physical and mental health. As leaders we have responsibility for all our citizens to take up any opportunities that were available to them.
- ❖ It was good that the Strategy complemented the Sports Strategy and most importantly the Birmingham Transportation Plan. It was hoped to see some significant improvements in the number of inactive adults.
- ❖ Some of us around the table on a cross-party basis have been adding dramatically to our step totals over the last couple of weeks.
- ❖ If we stopped to look around whilst we have been doing that we would have a better understanding of how people made decisions. What we needed to do was to promote achievable and flexible lifestyle changes.
- ❖ We needed to make these opportunities much clearer to people and to offer great examples of how they could be more active with less effort than they might anticipated.

The Interim Cabinet Member for Health and Social Care advised that this was a Strategy set out by the Public Health Division and it was working within the framework of the Health and Wellbeing Board. The point of a strategy was to set out a direction – even a challenge- to services within the Council and beyond to meet the ambitions of the strategies. The Strategy was right and was informed by the Physical Activities and Needs Assessments. The challenge was on the delivery partners to help deliver this active travel which was key, and we needed to see active travel picking up the implications set out by the Strategy. Similarly Sports Strategy needed to pick this up and we needed to look at the means by which this Strategy could be delivered over a period of time. The issue was about active people, active societies and active environments that helped people live active lives.

366. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- i. Noted the Creating an Active Birmingham Strategy Consultation Findings; and

- ii. Ratified the Creating an Active Birmingham Strategy 2024–2034 and the Physical Activity Needs Assessment, as set out in this cover report and appended documents.

PUTTING PREVENTION FIRST: SUPPORT AND ADVICE SERVICES FOR MULTIPLE DISADVANTAGED VULNERABLE ADULTS

The Interim Cabinet Member for Health and Social Care introduced the item and drew the attention of Cabinet to the information contained in the report.

The Cabinet Member for Social Justice, Community Safety and Equalities stated that not only was early intervention the right thing to do it also helped people out of crisis and saved money in the long run. Looking at some of the service descriptions and service names it was pleasing to see a range of different services to help victims of domestic abuse because although refuge accommodation was wonderful it was one of the best places but did not always fit and was not one size fit all especially with people with disabilities or complex needs.

Councillor Roger Harmer enquired if we got the anticipated and hoped for changes to the regulations to supported accommodation sector how this would impact on the delivery of these services and whether we were flexible enough to be able to manage that effectively.

The Cabinet Member for Digital, Culture, Heritage and Tourism stated that as highlighted earlier across Birmingham people wanted to live happy and fulfilling lives and keep in touch with their families friends and communities. By putting prevention first it was important to support people to live independently in their local communities. It was also important that citizens could participate in opportunities to improve their economic and social wellbeing and receive services that were delivered flexibly according to individual support needs. Support and advice for multiple disadvantaged adults was vitally important to our city as well as delivering on our corporate priority of early intervention and prevention targeting services that were crucial etc.

The Head of Service Commissioning Adults Social Care noted Councillor Ewan Mackey comment concerning risks and gave assurance and emphasised that we have a risk register in place which was not included with the report. We were managing that through both the Social Justice Board where risks around the procurement were articulated and mitigated to ensure that we were able to reprocurd the services that were needed for the vulnerable adults in scope within this recommissioning.

In terms of supported accommodations this centred around the support provided to vulnerable individuals. It was not focussed purely on the accommodation aspects regardless of what the accommodation needs were or what the accommodation situation may be for individuals. It was ensuring that they have a support an advice and a wellbeing offer wrapped around them as these were some of our most vulnerable serially excluded individuals. Whatever legislation comes in later would only enhanced the offer that was available.

The Interim Cabinet Member for Health and Social Care highlighted Councillor Harmer's earlier comments concerning tower blocks where there were vulnerable citizens was where the intervention particularly crisis prevention needed to be addressed and this was where the mechanism would be carried out.

367. RESOLVED UNANIMOUSLY: -

That Cabinet:-

1. Approved commencement of the commissioning and procurement strategy outlined in section 4 and detailed in Appendix 1 of the report;
2. Delegated authority to the Director of Adult Social Care in consultation with the Interim Director of Council Management, Acting City Solicitor and the Assistant Director of Development and Commercial (or their delegates) following the procurement process to award contracts for Support and Advice Services for Multiple Disadvantaged Vulnerable Adults for a period of five years commencing between 1 December 2024 to 30 November 2029 dependant on funding availability;
3. Delegated authority to the Cabinet Members for Health and Social Care, Finance and Resources jointly with the Strategic Director of Adults Social Care, in consultation with the Interim Director of Council Management, Acting City Solicitor and the Assistant Director of Development and Commercial (or their delegates) to extend the 5-year contracts awarded for up to a further period of 2 years, subject to funding availability and satisfactory performance;
4. Delegated authority to the Strategic Director of Commissioning (Adults Social Care) in consultation with relevant Finance, Legal and Procurement officers to update and approve the procurement strategy for Support and Advice Services for Multiple Disadvantaged Vulnerable Adults as required in response to the outcomes of the tendering process, market consultation and/or commissioning developments with partners, where this is in the Council's benefit and within the approved budget; and
5. Authorised the Acting City Solicitor to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

ADDITIONAL PROCUREMENT OF NHS HEALTH CHECKS AND SMOKING CESSATION ENHANCED SERVICE CONTRACTS

The Interim Cabinet Member for Health and Social Care presented the item and drew the attention of Cabinet to the information contained in the report.

The Cabinet Member for Environment commented that we all knew the harm that came from smoking and anything that helped gaps within the service provision to help people stop smoking was a good thing.

The Interim Cabinet Member for Health and Social Care stated that it was an important step forward in recognising that not all health services were appropriately procured through competitive tendering. There was a much better method that we could engage with through the commissioning process. The Government's new commissioning process will help managing and commissioning of health service more efficient in the future.

368. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- a. Approved the contents of the report in order to implement the strategy and the commencement of procurement activity for NHS health checks and smoking cessation enhanced service contracts in accordance with the requirement and approach set out in paragraph 3.3 of the report; and
- b. Noted that the recommendations for the award of contracts for NHS health checks and smoking cessation enhanced service contracts be approved by the Director of Public Health in consultation with the Assistant Director – Procurement, Director of Finance (& Section 151 Officer) (or their delegate) and the City Solicitor & Monitoring Officer.

PROCUREMENT STRATEGY FOR THE RENEWAL OF CONTRACT FOR MORTALITY SERVICES (P0332-2023)

The 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.

The Cabinet Member for Environment stated that this was going to be important when it comes to the Council discharging its legal and moral duties to the people of this city when they lose their loved ones. From his portfolio perspective he was glad to see that the Route to Net Zero team would be part of the tender evaluation team when relevant. He expressed thanks to everyone involved in bringing the report forward, so we have a procurement in place that was compliant and fit for purpose.

Councillor Robert Alden referred to the Commissioners comments in relation to issues where the Council was operating outside of its proper regulations such as contracts procurements that the Commissioners highlighted. He added that it posed the question as to how many other contracts were still being ran either because they have expired, and they were continued to be used or because they have not been reprocured because there was not a proper procurement done in the first place. It highlighted how desperately the Council needed a proper contract register so that we could try moving away from this constant issue where every few months another procurement failing was found and brought to Cabinet.

The Cabinet Member for Housing and Homelessness stated that she was pleased that the report ensured compliance with the procurement regulations

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that we have in place. It was also pleasing to see that we were taking steps to address the gap in demands that currently existed in our city. We needed to ensure that our citizens received the services which were inclusive, and addresses needs which cuts across faiths, beliefs and cultural differences.

The Director for Regulation and Enforcement noted Councillor Roger Harmer's query concerning future demands on the service and advised that we were confident that we would be able to react to any incidences. She added that during the Covid-19 outbreak we were able to cope with the large number of bereavements we had. We were looking at a new future operating model that would be built into the requirements. The Director for Regulation and Enforcement further noted Councillor Roger Harmer's query concerning the Equality Impact Assessment and advised that the assessment that was made was regarding the procurement process and whether that itself had any negative impact upon any protected group and it was found that the procurement process we were following did not.

The Cabinet Member for Social Justice, Community Safety and Equalities stated that this was a sensitive topic about the loss of a loved one and it was important that inclusive services was maintained by the City Council.

369. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- (i) Approved the contents of the report in order to implement the strategy and the commencement of procurement activity for Mortality Services in accordance with the requirement and approach set out in Section 3;
- (ii) Authorised the Strategic Director of City Operations & Strategic Director of Adult Social Care (or their delegates) in conjunction with the Assistant Director – Procurement (or their delegate), Interim Director of Finance & Section S151 Officer (or their delegate) and Interim City Solicitor & Monitoring Officer (or their delegate) to approve subsequent contract award decisions required to support the implementation of the recommendations within the report and any contract modifications within the scope of Regulation 72 of the Public Contracts Regulations 2015; and
- (iii) Authorised any subsequent call off contracts to be awarded as follows:
 - (a) Contract awards above the Procurement Threshold will be approved by the Strategic Director of City Operations & Strategic Director of Adult Social Care (or their delegates) in conjunction with the Assistant Director – Procurement (or their delegate), Interim Director of Finance & Section S151 Officer (or their delegate) and Interim City Solicitor & Monitoring Officer (or their delegate); and
 - (b) Contract awards below the Procurement Threshold will be in accordance with the relevant Chief Officer Directorate Scheme of Delegations.

KEY DECISION PLANNED PROCUREMENT ACTIVITIES (MAY 2024 – JULY 2024)

The Leader presented the item and drew the attention of Cabinet to the information contained in the report.

Councillor Ewan Mackey referred to the *Digital Enabled Council: Voice Automation* and stated that this could be done well and could be good for residents ringing in, but we have all got residents within our wards that we knew that struggled when it came to renewing green waste over the phone that found calling in challenging. Therefore if this was going to be a voice automation system these systems worked well. However if we had a complicated problem and we were trying to get hold of someone voice automation was not helpful and was frustrating. We needed to ensure that the system worked for everyone and not just the Council.

The Chair responded that we could pick this up as part of the procurement process. He added that he was aware that a report that came forward concerning the voice automation system a while ago took that approach. He further added that this issue could be taken forward.

370. RESOLVED UNANIMOUSLY: -

That Cabinet approved the planned procurement activities and approved Chief Officer delegations, set out in the Constitution for the subsequent decisions around procurement strategy for the following:

- Print Management Services
- Anti-Social Behaviour (ASB) Enforcement Officers
- Digital Enabled Council: Voice Automation
- Demolition of Brookpiece House & Hillcroft House in Brandwood.

NON-KEY DECISION PLANNED PROCUREMENT ACTIVITIES (MAY 2024 – JULY 2024)

The Leader presented the item and drew the attention of Cabinet to the information contained in the report.

371. RESOLVED UNANIMOUSLY: -

That Cabinet approved the planned procurement activities and approved Chief Officer delegations, set out in the Constitution for the subsequent decisions around procurement strategy for the following:

- Sprint Phase 2 A45 & A34 / Project Manager.

OTHER URGENT BUSINESS

372. No item of urgent business was raised.

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The meeting ended at 1210 hours.

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CHAIRPERSON