

BIRMINGHAM CITY COUNCIL

MEETING OF THE CITY COUNCIL

TUESDAY, 17 SEPTEMBER 2024 AT 14:00 HOURS
IN COUNCIL CHAMBER, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING

Lord Mayor to advise that this meeting will be webcast for live or subsequent broadcast via the Council's 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.

2 DECLARATIONS OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this 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.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 MINUTES

To confirm and authorise the signing of the Minutes of the meeting held on 9 July 2024.

Minutes to follow.

4 LORD MAYOR'S ANNOUNCEMENTS

(10 minutes allocated) (1400-1410)

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

5 PETITIONS

(10 minutes allocated) (1410-1420)

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

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

6 QUESTION TIME

(70 minutes allocated) (1420-1530)

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

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

7a APPOINTMENT OF INDEPENDENT CHAIR OF AUDIT COMMITTEE

(5 minutes allocated) (1530-1535)

The Leader of the Council, Councillor John Cotton to move the following recommendation:

"That City Council approves the appointment of Andrew Hardingham as Independent Chair of the Audit Committee for the municipal year 2024/25."

59 - 62 7b **APPOINTMENTS BY THE COUNCIL**

(5 minutes allocated) (1535-1540)

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

63 - 96 8 **EXECUTIVE BUSINESS REPORT**

(45 minutes allocated) (1540-1625)

Councillor Majid Mahmood to move the following recommendation:

"That the report be noted by the City Council".

97 - 212 9 **PROPOSED CHANGES TO THE COUNCIL'S PROCUREMENT AND CONTRACT GOVERNANCE RULES**

(20 minutes allocated) (1625-1645)

Councillor Karen McCarthy to move the following recommendations:

"That City Council:

1.) Approves the changes presented in the updated Procurement and Contract Governance Rules (Appendix 1) as part of the new Contract Standing Orders for the Council and that they are incorporated into the Council's Constitution.

2.) Approves that delegated authority be granted to the Section 151 Officer and Monitoring Officer to agree any final minor changes and edits to the Contract Standing Orders and supporting procedural notes in conjunction with the Cabinet Member for Finance.

Break (1645-1715)

213 - 234 10 **MEMBER/OFFICER PROTOCOL**

(25 minutes allocated) (1715-1740)

Councillor Rob Pocock to move the following recommendation:

"That City Council approves the revised Member/Officer Protocol set out in appendix 1".

235 - 242

11 **POLICY ON THE APPOINTMENT AND REMOVAL OF THE TITLE OF
HONORARY ALDERMAN**

(5 minutes allocated) (1740-1745)

Councillor John Cotton to move the following recommendations:

"1.) That the Council adopts the policy as set out in appendix 1.

2.) If the policy is adopted by Council, any current petitions relating to the removal of any honourable titles be considered under the policy.

243 - 248

12 **MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS**

(90 minutes allocated) (1745-1915)

To consider the attached Motions of which notice has been given in accordance with Council Rules of Procedure (B4.4 G of the Constitution).



**MINUTES OF THE MEETING OF BIRMINGHAM CITY COUNCIL HELD
ON TUESDAY, 9 JULY 2024 AT 1400 HOURS IN THE COUNCIL
CHAMBER, COUNCIL HOUSE, BIRMINGHAM**

PRESENT:- Lord Mayor (Councillor Ken Wood) in the Chair.

Councillors

Akhlaq Ahmed	Deirdre Alden	Robert Alden
Raqeeb Aziz	David Barker	Baber Baz
Matt Bennett	Jilly Bermingham	Marcus Bernasconi
Bushra Bi	Sir Albert Bore	Nicky Brennan
Kerry Brewer	Marje Bridle	Martin Brooks
Zaker Choudhry	Debbie Clancy	Carmel Corrigan
John Cotton	Phil Davis	Jack Deakin
Adrian Delaney	Diane Donaldson	Barbara Dring
Jayne Francis	Sam Forsyth	Ray Goodwin
Rob Grant	Colin Green	Fred Grindrod
Roger Harmer	Deborah Harries	Kath Hartley
Adam Higgs	Des Hughes	Jon Hunt
Mumtaz Hussain	Mahmood Hussain	Shabrana Hussain
Timothy Huxtable	Mohammed Idrees	Zafar Iqbal
Katherine Iroh	Ziaul Islam	Morriam Jan
Kerry Jenkins	Meirion Jenkins	Jane Jones
Amar Khan	Saqib Khan	Izzy Knowles
Narinder Kaur Kooner	Chaman Lal	Mary Locke
Basharat Mahmood	Majid Mahmood	Rashad Mahmood
Lee Marsham	Karen McCarthy	Saddak Miah
Gareth Moore	Simon Morrall	Yvonne Mosquito
Richard Parkin	David Pears	Miranda Perks
Rob Pocock	Julien Pritchard	Hendrina Quinnen
Esther Rai	Darius Sandhu	Jamie Scott
Kath Scott	Shafique Shah	Rinkal Shergill
Sybil Spence	Saima Suleman	Jamie Tennant
Sharon Thompson	Paul Tilsley	Penny Wagg
Ian Ward	Clifton Welch	Waseem Zaffar

NOTICE OF RECORDING

- 21 The Lord Mayor advised that the meeting would be webcast for live and subsequent broadcasting via the Council's Public-I website and that members of the press/public may record and take photographs except where there were confidential or exempt items.
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DECLARATIONS OF INTERESTS

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

There were no declarations of interest made by Members.

MINUTES

- 23 It was moved by the Lord Mayor, seconded and –

RESOLVED:

That the Minutes of the meeting held on 18 June 2024 be taken as read and confirmed and signed.

LORD MAYOR'S ANNOUNCEMENTS

1 Death of Former Councillor Christine Ransome-Wallis

- 24 The Lord Mayor indicated his only announcement related to the death of former Councillor Christine Ransome-Wallis.

Christine served as a Councillor for Duddeston Ward from 1973 to 1980, and for Hall Green Ward from 1994 to 1998. During her time on the Council, she served on numerous Committees, Sub-Committees and outside bodies.

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

RESOLVED:-

That the Council placed on record its sorrow at the death of former Councillor Christine Ransome-Wallis and its appreciation of her devoted service to the residents of Birmingham. The Council extended its deepest sympathy to Christine's family in their sad

bereavement.

Members and officers stood for a minute's silence, following which tributes were made by Councillors Jon Hunt, John Cotton and Timothy Huxtable.

PETITIONS

Petitions Relating to City Council Functions Presented at the Meeting

25 The following petitions were presented:-

(See document No. 1, 'Additional Meeting Documents')

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

RESOLVED:-

That the petitions were received and referred to the relevant Chief Officer(s).

Petitions Update

26 A Petitions Update had been made available electronically:-

(See document No. 2, 'Additional Meeting Documents')

It was moved by the Lord Mayor, seconded and

RESOLVED:-

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

QUESTION TIME

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

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

KINGS NORTON NORTH AND NORTHFIELD BY ELECTION 4 JULY 2024 - RESULTS

28 A report of the Interim City Solicitor and Monitoring Officer was submitted:-

(See document No. 3, agenda item 7)

Councillor John Cotton moved the recommendations as outlined within the report.

It was therefore-

RESOLVED:-

1. That City Council noted that Carmel Corrigan (LAB) had been confirmed as the elected member for the Kings Norton North ward following the completion of the by election held on 4 July 2024.
2. That City Council noted that Esther Rai (LAB) had been confirmed as the elected member for the Northfield ward following the completion of the by election held on 4 July 2024.

UPDATE ON PROPORTIONALITY CALCULATIONS

29 A report of the Interim City Solicitor and Monitoring Officer was submitted:-

(See document No. 4, agenda item 7a)

Councillor John Cotton moved the recommendations as outlined within the report.

It was therefore-

RESOLVED:-

1. That the updated proportionality calculations, including changes to aggregate entitlement, set out in Appendix 1 were noted by City Council.
2. That the appointments made to committees on 21 May 2024, updated by Full Council on 18 June 2024, set out in Appendix 2, were noted.
3. That, in view of the changes to aggregate entitlement, the following amendment to committee appointments was made: the Liberal Democrats to give up a seat to Labour.

INDEPENDENT MEMBER (INDEPENDENT REMUNERATION PANEL) APPOINTMENT

30 A report of the Interim City Solicitor and Monitoring Officer was submitted:-

(See document No. 5, agenda item 7b)

Councillor John Cotton moved the recommendations as outlined within the report.

It was therefore-

RESOLVED:-

1. That City Council approved the following appointments to the Independent Remuneration Panel:
 2. Independent Remuneration Panel, Dr Declan Hall - 1 September 2024 - 31 August 2028.
 3. Independent Remuneration Panel - Co-Opted Member (re-appointment), Former Councillor Peter Fowler (1 September 2024 - 14 September 2026).
-

APPOINTMENTS BY THE COUNCIL

- 31 The Lord Mayor invited Groups to address the Council to advise of any changes to appointments.
- Councillors Baber Baz and Kathrine Iroh addressed the Council to request changes to appointments.

RESOLVED:-

1. That City Council noted that the Liberal Democrat Group would give up a seat on the Licensing and Public Protection Committee to the Labour Group. Councillor Izzy Knowles would no longer serve on this Committee.
 2. That City Council noted that Councillor Carmel Corrigan be appointed to the Licensing and Public Protection Committee.
 3. That City Council noted that Councillor Carmel Corrigan be appointed to the Trusts and Charities Committee.
 4. That City Council noted that Councillor Esther Rai be appointed to the Economy, Skills and Culture OSC.
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SCRUTINY INQUIRY ON ACTIVE TRAVEL SCHEMES: HOW CAN BIRMINGHAM DELIVER ACTIVE TRAVEL SCHEMES QUICKER AND MAKE CITY ROADS SAFER FOR ALL USERS?

- 32 A report of the Overview and Scrutiny Manager was submitted:-

(See document No. 6, agenda item 8)

Councillor Lee Marsham moved the recommendations which

were seconded by Councillor Timothy Huxtable.

The Lord Mayor advised Council that there was one amendment to be debated with this report.

Council Jon Hunt moved the amendment which was seconded by Councillor Izzy Knowles.

The amendment was as follows:

“In R03 delete words “(Excluding ward schemes)”:

A debate ensued.

Councillors Ziaul Islam, Waseem Zaffar, Julien Pritchard, Lisa Trickett, Martin Brooks, Colin Green, Majid Mahmood and David Barker spoke during the debate.

The Lord Mayor invited Councillor Lee Marsham to sum up.

Council then voted on the amendment proposed by Councillor Jon Hunt and seconded by Councillor Izzy Knowles.

Following a show of hands, the amendment was declared to be carried.

Council then voted on the report as amended.

Following a show of hands, the recommendations were carried.

RESOLVED:-

1. That City Council approved recommendations R01 to R13, set out in Appendix A (with recommendation R03 amended as per the carried amendment), and requested that the Executive pursued their implementation.

ADJOURNMENT

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

RESOLVED:-

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

The Council then adjourned at 1625 hours.

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

MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS

The Council proceeded to consider the Motions of which notice had been given in accordance with Council Rules of Procedure (B4.4 G of the Constitution).

A. Councillors Deirdre Alden and Robert Alden had given notice of the following Notice of Motion:-

(See document No. 7, agenda item 9)

Councillor Deirdre Alden moved the Motion which was seconded by Councillor Robert Alden.

In accordance with Council Rules of Procedure, Councillors Karen McCarthy and Miranda Perks gave notice of the following amendment to the Motion:-

(See document No. 8, 'Amendments – City Council')

Councillor Karen McCarthy moved the amendment which was seconded by Councillor Miranda Perks.

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

(See document No. 9, 'Amendments – City Council')

Councillor Roger Harmer moved the amendment which was seconded by Councillor Morriam Jan.

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

(See document No. 10, 'Amendments – City Council')

Councillor Julien Pritchard moved the amendment which was seconded by Councillor Rob Grant.

A debate ensued.

Councillors John Cotton, Meirion Jenkins, Sir Albert Bore, Fred Grindrod, Marje Bridle, Matt Bennett, Karen McCarthy and Lisa Trickett spoke during the debate.

The Lord Mayor invited Councillor Deirdre Alden to sum up.

The amendment to the Motion in the names of Councillors Karen McCarthy and Miranda Perks having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

The amendment to the Motion in the names of Councillors Roger Harmer and Morriam Jan having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

The amendment to the Motion in the names of Councillors Julien Pritchard and Rob Grant having been moved and seconded was put to the vote and by a show of hands was declared to be lost.

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

RESOLVED:-

“The commissioners recently told the Executive “Commissioners have made the point previously that the path to financial stability is very tight, with no room for missteps and delay. Exceptional Financial Support (EFS) is financed by capital receipts and potentially borrowing. It is certainly not a solution to the critical financial position the Council is in.”

Going on to add “Commissioners are very concerned that within the four months after Cabinet approved the budget, only £7m of new savings have been identified to address the residual gap in 2025/26 of £67m, and none to address what will be a significant gap in 2026/27”. Since this response was published, work has continued at pace to identify new savings to address the budget gap.

There is scope to transform services and make significant efficiencies, but only if work is undertaken now. The Council will use the time over the summer to identify credible savings.

This Council agrees that the path to financial stability is very tight, with no room for missteps and delays. That is why directorates are required to put forward savings proposals for 2025/2026 onwards by the end of July 2024 for consideration by the Cabinet and the Corporate Leadership Team.

These savings proposals will cover a wide range of areas, including:

- Commissioning and Procurement
- Energy and Heat – use and generation
- Agile Workforce
- Shared Services
- Use of Consultants
- Use of Agency

Council further calls on the Executive to review the way in which the contracts register is published on the City Observatory to ensure that it covers the requirements of the Procurement Act 2023 which comes into force in October 2024, that it covers all contracts in place across the

council, and in addition to ensuring this meets the minimum standards set out in the Local Government Transparency Code, also adds a field specifying the lead in time for contract reviews and renewals and a named cabinet member responsible for overseeing the officers who will lead this process.

These efficiency savings need to be delivered quickly to protect basic services from further unnecessary cuts

It was moved by Councillor John Cotton that the meeting be extended by approximately 20 minutes so that sufficient time could be given to consider the second Motion. This was seconded by Councillor Robert Alden

Council agreed to extend the meeting by 20 minutes.

B. Councillors Paul Tilsley and Gareth Mumtaz Hussain had given notice of the following Notice of Motion:-

(See document No. 11, agenda item 9)

Councillor Paul Tilsley moved the Motion which was seconded by Councillor Mumtaz Hussain.

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

(See document No. 12, 'Amendments – City Council').

Councillor Gareth Moore declared a non-pecuniary interest as he was trustee of Birmingham LGBT and Citizens Advice Birmingham who had contracts with the NHS.

Councillor Gareth Moore moved the amendment which was seconded by Councillor Adam Higgs.

A debate ensued.

Councillors Rob Pocock and Clifton Welch spoke during the debate.

The Lord Mayor invited Councillor Paul Tilsley to sum up.

The amendment to the Motion in the names of Councillors Gareth Moore and Adam Higgs having been moved and seconded was put to the vote and by a show of hands was declared to be carried.

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

RESOLVED:-

“This Council calls upon University Hospitals Birmingham to prioritise the upgrading of the A&E (Emergency Unit) at Heartlands Hospital, which serves the communities of East Birmingham and Solihull.

The Council recognises that it requires joint action by the UHB Foundation Trust Board, the Integrated Care Board and the City Council to press the Department of Health and Treasury to provide the capital allocation for investment in much needed provision which currently is not "fit for purpose", where staff work in antiquated conditions and provide dedicated medical support.

As well as investment in Heartlands Hospital, A&E provision needs to be maintained and improved across all UHB Trust sites in Birmingham (Queen Elizabeth and Good Hope) This should also include reopening Solihull Hospital A&E to help reduce pressure at Heartlands.

Council further believes that Urgent Treatment Centres provide much-valued and needed healthcare that reduces pressure on A&E departments. Therefore, they should remain fully open and located near to current locations at Warren Farm, Erdington High St, Katie Road, Summerfield, and Washwood Heath as well as looking at additional locations in the City as part of the upcoming review.

Council further believes that Community Diagnostics Centre, such as the one proposed at the Maypole can play an important role in improving health outcomes and reducing pressure on urgent care.

Council therefore calls on the NHS and Government to adequately fund and support improved A&E facilities, Urgent Treatment Centres, and Community Diagnostic Centres to ensure the most appropriate care can be provided at the most local level possible. Council asks the Executive to write to the Government and Integrated Care Board on these terms, including as part of the upcoming review of Urgent Treatment Centres.”

The meeting ended at 1915 hours.



CITY COUNCIL

9 JULY 2024

WRITTEN QUESTIONS TO CABINET MEMBERS

OFFICIAL

WRITTEN QUESTIONS

A To the Leader of the Council

1. Lendlease

From Councillor Robert Alden

2. St Joseph Homes Ltd

From Councillor Ewan Mackey

B To the Deputy Leader of the Council and Cabinet Member for Economy and Skills

NONE SUBMITTED

C To the Cabinet Member for Children, Young People and Families

1. EHCP with no Named Placement

From Councillor Clifton Welch

2. Personal Transport Budgets

From Councillor Debbie Clancy

3. Transport Appeals

From Councillor Adrian Delaney

D To the Cabinet Member for Digital, Culture, Heritage and Tourism

1. Missing Answers

From Councillor Ewan Mackey

2. CCTV Control Centre

From Councillor Ron Storer

3. CCTV Control Centre 2

From Councillor Robert Alden

E To the Cabinet Member for Environment and Transport

1. Agency use in Waste Collection

From Councillor Robert Alden

1

2. Waste Collection Fleet

From Councillor Richard Parkin

3. Dropped Kerb Reports

From Councillor Darius Sandhu

4. Dropped Kerb Investigations

From Councillor David Pears

5. Missed Collections

From Councillor Ewan Mackey

6. Glyphosate use

From Councillor Jon Hunt

7. Glyphosate use

From Councillor Izzy Knowles

F To the Cabinet Member for Finance

1. MOVED TO D2

2. MOVED TO D3

3. Perry Barr Village Costs

From Councillor Darius Sandhu

G To the Cabinet Member for Health and Social Care

NONE SUBMITTED

H To the Cabinet Member for Housing and Homelessness

1. Housing Applications Change of Circumstance

From Councillor Adrian Delaney

2. Housing Applications Change of Circumstance 2

From Councillor Gareth Moore

3. Housing Applications Closed

From Councillor Ewan Mackey

4. CCTV in Tower Blocks

From Councillor Robert Alden

I To the Cabinet Member for Social Justice, Community Safety and Equalities

NONE SUBMITTED

J To the Cabinet Member for Transformation, Governance and HR

NONE SUBMITTED

CITY COUNCIL – 9 JULY 2024

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

“Lendlease”

Question:

Please list all meetings that have taken place between Lendlease and the Council in the last 2 years, including which officers and Cabinet Member attended?

Answer:

SMITHFIELD BIRMINGHAM PROJECT MEETINGS

Note: Due to the deadline for responding to this enquiry, the information provided is not a full reflection of all the meetings held between Council Officers and Members and Lendlease, particularly with the meetings with officers that no longer work for the Council i.e. Ian MacLeod, Deborah Cadman and Paul Kitson.

Council Officers have met with Lendlease at least twice a week Since 4 July 2022. The frequent key officer meetings and Ad hoc meetings with officers and members and Lendlease are detailed in the table below. In addition, task and finish meetings with Council Officers relating to design and planning; arts, culture and leisure offer, bullring markets and EZ Outline Business Case Funding Application have also taken place. Dates of these meetings can be provided if required.

PERRY BARR REGENERATION PROJECT MEETINGS

The frequent key officer meetings and Ad hoc meetings with Council officers and members and Lendlease are detailed in the table below.

FREQUENT COUNCIL OFFICER MEETINGS WITH LENDLEASE		
Meeting Name	Officer Attendance	Frequency
Smithfield Project Team	Simon Garrad , Head of Project Delivery Marlene Slater , Project Delivery Manager Ashley Innis , Development Manager Rebecca Farr , Development Planning Manager	Weekly
Smithfield Catch-up	Simon Garrad , Head of Project Delivery Marlene Slater , Project Delivery Manager	Weekly
Smithfield Land Assembly Team Meeting	Ashley Innis , Planning Development Manager Rebecca Farr , Development Planning Manager Simon Garrad , Head of Project Delivery Ashley Byrne , Senior Solicitor, Finance and Governance	Fortnightly

FREQUENT COUNCIL OFFICER MEETINGS WITH LENDLEASE		
Meeting Name	Officer Attendance	Frequency
	Azmat Mir , Head Of Service BPS Saffia Anderson , Graduate Development Officer Gareth Blake , Senior Project Delivery Officer Maria Labrenz , Solicitor, Finance and Governance Doug Lee , Development Planning Manager James Hoskinson , Senior Planning Officer Allyson Marke Wilson , Valuations & Acquisitions Manager	
Smithfield Stakeholder Engagement and Communications	Simon Garrad , Head of Project Delivery Marlene Slater , Project Delivery Manager Gary Woodward , Development Planning Manager Rebecca Farr , Development Planning Manager Donna Bensley , Operations Manager Markets Service Emma Brady , Press & PR Officer Andrew Taylor , Markets Operations Team Leader	3 Weekly
Smithfield Meanwhile Uses	Simon Garrad , Head of Project Delivery Marlene Slater , Project Delivery Manager Gary Peal , Events Commissioning Manager Mahendra Khan , City Centre Operations Manager Philip Andrews , Head of Service	3 Weekly
Smithfield Joint Venture Board	Ian MacLeod , Director Inclusive Growth/Prosperity, Place and Sustainability. Philip Edwards – Assistant Director, Transportation and Connectivity Simon Delahunty- Forrest - Assistant Director Development (BCC) Alison Jarrett – AD Development and Commercial Finance Sushil Thobhani - Head of Law (BCC – Property, Planning and Regeneration) Ian Harris – Finance Manager – Development & Commercial Team Simon Garrad , Head of Project Delivery Marlene Slater , Project Delivery Manager Rebecca Farr , Development Planning Manager	Bi-Monthly
Perry Barr Project Board	Ian Macleod – Director of Planning, Transport & Sustainability Guy Olivant – Finance Business Partner Mumtaz Mohammed – Programme Manager Rebecca Farr , Planning Development Manager	Monthly
Perry Barr Project Team	Mumtaz Mohammed – Programme Manager	Weekly

AD HOC COUNCIL SENIOR OFFICER AND MEMBER MEETINGS		
Meeting Name	Attendees	Date
Smithfield Revised Planning Addendum	Cllr Yvonne Mosquito <i>LENDLEASE: Colin Murphy, Project Lead.</i>	11 Jun 24
Philip Nell/ Lendlease Introduction	Philip Nell	7 Jun 24
BCC Developer's Sounding Board	Philip Nell, Simon Delahunty-Forrest, Cllr Cotton, Cllr Thompson, <i>LENDLEASE: Colin Murphy, Project Lead and representatives of other developers</i>	9 May 24
Birmingham Indoor Market - Follow-up Discussion	Philip Nell, Sajeela Naseer	10 May 24
JV/PN/SD-F for CMO Visit	Justin Varney, Philip Nell, Simon Delahunty-Forrest	25 Apr 24
Smithfield Planning Application Informal Cabinet Briefing	Ian McLeod, Director Inclusive Growth, Cllr Ian Ward, Cllr Majid Mahmood, Cllr Jayne Francis, Cllr Liz Clements, Cllr John Cotton, Cllr Yvonne Mosquito, Cllr Brigid Jones, Cllr Mariam Khan, <i>LENDLEASE: Bek Seeley, Managing Director; Selina Mason, Director of Master Planning; Colin Murphy, Project Lead.</i>	12 Sep 23
Smithfield Catch-Up	Paul Kitson, Strategic Director Place, Prosperity & Sustainability <i>LENDLEASE: Bek Seeley, Managing Director</i>	6 Sep 23
Smithfield	Paul Kitson, Strategic Director Place, Prosperity & Sustainability <i>LENDLEASE: Bek Seeley, Managing Director</i>	9 Feb 23
Smithfield Site Visit	Deborah Cadman, CEO <i>LENDLEASE: Andrea Ruckstuhl, Europe CEO</i>	8 Jul 22

CITY COUNCIL – 9 JULY 2024

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

“St Joseph Homes Ltd”

Question:

Please list all meetings that have taken place between St Joseph Homes Ltd and the Council in the last 2 years, including which officers and Cabinet Member attended?

Answer:

Officers have collated a spreadsheet of all the meetings taken place between St Joseph and the council. Due to the timeframe available for responding to City Council Questions officers have focused on senior leaders and members.

Please see spreadsheet for details of the meetings.



Ladywood Meetings
- Aug 22 to Jan 24.xls

B

**PLEASE NOTE NO WRITTEN QUESTIONS WERE SUBMITTED FOR THE
DEPUTY LEADER OF THE COUNCIL AND CABINET MEMBER FOR
ECONOMY AND SKILLS**

CITY COUNCIL – 9 JULY 2024

WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE AND FAMILIES FROM COUNCILLOR CLIFTON WELCH

“EHCP with no named placement”

Question:

For a) secondary transfers and b) post-16 transfers, what was the total number and percentage of EHCP reviews completed by type (i.e. with no placement named) before the deadline and how many of these have since been updated to name a placement?

Answer:

- a) Secondary Transfer: The total number of EHCP phase transfers completed by type was 71 out of 704 decisions (10.1%) as at the 15 February 2024 deadline for this cohort. As at 3 July 2024, placements have been named for 46 of these.
- b) Post 16 Transfer: The total number of EHCP phase transfers completed by type was 241 out of 808 decisions (29.8%) as at the 31 March 2024 deadline for this cohort. As at 3 July 2024, placements have been named for 82 of these.

CITY COUNCIL – 9 JULY 2024

WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE AND FAMILIES FROM COUNCILLOR DEBBIE CLANCY

“Personal Transport Budgets”

Question:

How many children and young people, who were provided with special vehicle transport to school for the 23/24 academic year, have been told they will instead receive a personal transport budget for the 24/25 academic year?

Answer:

As at 3 July 2024, 54 children and young people who are receiving specialised transport for the 2023/24 academic year have been offered a personal transport budget for 2024/25.

Families unhappy with the decision made have the right of appeal.

CITY COUNCIL – 9 JULY 2024

WRITTEN QUESTION TO THE CABINET MEMBER FOR CHILDREN, YOUNG PEOPLE AND FAMILIES FROM COUNCILLOR ADRIAN DELANEY

“Transport Appeals”

Question:

How many appeals have been received so far against Home to School Transport decisions for the 24/25 academic year, and how many were received by the same point in each of the previous 3 years?

Answer:

As at 3 July 2024 132 appeals have been received.

As at 3 July 2023 52 appeals had been received.

Information for the same date in 2022 and 2021 is not available.

CITY COUNCIL – 9 JULY 2024

**WRITTEN QUESTION TO THE CABINET MEMBER FOR DIGITAL, CULTURE,
HERITAGE AND TOURISM FROM COUNCILLOR EWAN MACKEY**

“Missing answers”

Question:

At the June council meeting, in response to written questions D1 and D2, you promised to come back to members with a response to both questions, having failed to answer them in time for that meeting. For both questions, can you please provide a substantive response here so that they form part of the written record for council meetings?

Answer:

Response to D1 from Cllr Matt Bennett

“Oracle rFBC”

On 16 March 2021, Cabinet approved a revised full business case for the future delivery of the Council's ERP system. The report put before Cabinet did not include an actual copy of that revised full business case, just an overview of the cost changes. Despite the full information not forming part of the cabinet papers, Cabinet decided to approve the increase in spend, and authorise the future development and rollout of the system. Please provide a copy of the full business case, as revised, at the point Cabinet approved it without seeing it.

Answer:

Please find attached the revised version of the business case at the point of the Cabinet Meeting in March 2021 (commercially sensitive data has been redacted).



BCC ERP - Revised
Full Business Case v1.

Response to D2 from Councillor Bruce Lines



D2 - Digital 2 from
Cllr Lines.docx

CITY COUNCIL – 9 JULY 2024

WRITTEN QUESTION TO THE CABINET MEMBER FOR DIGITAL, CULTURE, HERITAGE AND TOURISM FROM COUNCILLOR RON STORER

“CCTV control centre 2”

Question:

Please provide a copy of the tender specification for the new CCTV control centre.

Answer:

Control Centre Relocation	25 July 2023 Cabinet Forecast	Latest Forecast Costs	Variance	Comments
CCTV systems integration and relocation of a variety of systems	£475,000	£475,000	£0	Infrastructure changes to commission one system to intergrade a variety of systems into one platform: alarms, radios communication, airwaves, telephony, Disaster Recovery lines, Fire alarms etc and the cost of integration were higher that originally estimated.
BCC Network and IT equipment including provision of 2 Virgin Network connections for resilience etc	£235,993	£256,000	£20,007	Infrastructure changes needed for new network set up at new location
CCTV - Front end system - Synergy system and all the associated hardware and software	£583,035	£583,035	£0	No Change
CCTV Monitor Wall - hardware to create one Monitor Wall in Control Room	£229,829	£229,829	£0	No Change
CCTV Cabling	£88,698	£96,000	£7,302	Infrastructure changes for network caballing with more extensive works that planned to build extra resilience
Hardware equipment including access control to new location to keep the site secure and hardware for other smaller Monitor Walls	£0	£301,722	£301,722	Infrastructure changes to provide access control to create a secure area
CCTV car parking camaras – current system obsolete - new system required and integration at 6 sites	£0	£153,420	£153,420	Infrastructure changes for new CCTV car parking cameras and system integration
Integration of CCTV and UTC cameras located on roof of Lancaster Circus, plus all traffic cameras – new system installation required	£0	£257,965	£257,965	Infrastructure changes to integrate into the main operational system – cameras will no longer be stand alone.
Decommission of all live kit and systems CCTV, UTC etc from all Comms rooms and equipment from old location	£0	£100,000	£100,000	Infrastructure decommission works - decommission all live system from old location.
Parking solution – system outdated intercom system upgrade required	£0	£134,249	£134,249	Infrastructure -the intercom system is obsolete, needs new systems instal and integrated into the main operational system
Gamma telephony, alarm and disaster recovery lines, etc	£0	£62,000	£62,000	Late infrastructure changes required to telephone, alarm systems.

BT - Fibre relocation of circuits and their migration	£432,321	£412,000	-£20,321	Infrastructure – undertaken statement of works refinements and costs savings post site survey and the scope of worked defined and agreed
Virgin Media Fibre relocation and fibre migration	£157,708	£126,000	-£31,708	Infrastructure - undertaken statement of works refinements and costs savings post site survey and the scope of worked defined and agreed
Total	£2,202,584	£3,187,220	£984,636	Infrastructure cost went up by 18% compared with £5.4m approved budget - high levels of variance due to larger infrastructure changes required, system integration or replacement of obsolete systems.
Refurbishment and construction office fit out at new location	£1,838,717	£2,172,000	£333,283	Construction fit out is now completed - several variations were required during the fit-out construction including H&S works, extra mechanical and electrical works, accelerated programme to coordinate with BT and Virgin fibre installation works and a platform roof with a small extension of time, etc
Office Furniture generic	£158,589	£96,000	-£62,589	Recycled and reused a lot of office furniture items from old location to reduce costs
Office Furniture for the control room operator and supervisors – that meets industry requirements for operating 24/7/365.	£93,635	£222,829	£129,194	Bespoke specialised furniture for Control Room operators
Systems Decommissioning from all other live systems from the old location BT, Virgin, etc	£188,000	£100,000	-£88,000	Revised costs for systems decommission of all comms rooms and active equipment once the service is relocated
Total construction costs	£2,279,232	£2,590,829	£311,888	Construction cost went up by 6.5% compared with £5.41m approved budget - expected levels of variance and in line with inflation levels in the construction industry
Total	£4,481,816	£5,778,049	£1,296,524	
Contingency	£927,960	£65,000	-£862,960	Contingency reduction from 20% to 2% as the projects is reaching the end of the relocation programme. If this is not be required, it will not be spent and returned to corporate fund
Total	£5,409,776	£5,843,049	-£433,273	

CITY COUNCIL – 9 JULY 2024

**WRITTEN QUESTION TO THE CABINET MEMBER FOR DIGITAL, CULTURE,
HERITAGE AND TOURISM FROM COUNCILLOR ROBERT ALDEN**

“CCTV control centre”

Question:

Please provide a full breakdown of the installation and maintenance costs of the new CCTV control centre.

Answer:

The total cost for the new Operations Centre including the fit out & the technical integration which includes all the CCTV, UTC and the Emergency Planning migration of the operational systems. was £5.843m

CITY COUNCIL – 9 JULY 2024

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

“Agency use in waste collection”

Question:

How many agency staff were employed in the waste collection in each month since April 2022?

Answer:

I can confirm that between April – June 2024 on average 191 agency employees were employed on waste collection.

I am happy to provide a more detailed response which would look back over the last 26 months, however it will take a little longer to provide these details.

CITY COUNCIL – 9 JULY 2024

**WRITTEN QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT AND
TRANSPORT FROM COUNCILLOR RICHARD PARKIN**

“Waste collection fleet”

Question:

How many vehicles did the waste collection service have in each month since April 2022 (split between owned, leased and hired)?

Answer:

Month/Year	Owned	Hired	Lease	Total
Apr-22	181	65	0	246
May-22	181	66	0	247
Jun-22	180	66	0	246
Jul-22	180	66	0	246
Aug-22	180	69	0	249
Sep-22	180	69	0	249
Oct-22	180	75	0	255
Nov-22	180	74	0	254
Dec-22	180	75	0	255
Jan-23	180	74	0	254
Feb-23	178	73	0	251
Mar-23	176	76	0	252
Apr-23	174	78	0	252
May-23	174	77	0	251
Jun-23	174	79	0	253
Jul-23	174	79	0	253
Aug-23	174	77	0	251
Sep-23	174	79	0	253
Oct-23	174	79	0	253
Nov-23	174	81	0	255
Dec-23	174	80	0	254
Jan-24	173	79	0	252
Feb-24	173	60	0	233
Mar-24	173	60	0	233
Apr-24	172	60	0	232
May-24	171	59	0	230
Jun-24	170	63	0	233

CITY COUNCIL – 9 JULY 2024

**WRITTEN QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT
AND TRANSPORT FROM COUNCILLOR DARIUS SANDHU**

“Dropped kerb reports”

Question:

In each of the last 4 years, how many reports of illegal dropped kerbs were received in each year?

Answer:

Year	Illegal dropped kerbs Reported
2021	<i>Figure unavailable</i>
2022	105
2023	206
2024 (Jan-June)	356

CITY COUNCIL – 9 JULY 2024

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

“Dropped kerb investigations”

Question:

In each of the last 4 years, how many investigations have been carried out into illegal dropped kerbs in each year?

Answer:

Year	Illegal dropped kerb Investigations
2021	<i>Figure unavailable</i>
2022	105
2023	206
2024 (Jan-June)	356

CITY COUNCIL – 9 JULY 2024

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

“Missed Collections”

Question:

At Cabinet in June, you said that residents now have confidence that if their collection is missed, it will be collected the very next day. In each month since April 2022, how many, and what percentage of reported missed collections were collected within 24 hours?

Answer:

The SLA for completing a reported missed collection is 2 working days e.g. a missed collection reported at 23:30 hours on a Monday evening should be resolved by close of business on Wednesday afternoon.

When business support teams close the missed collection worksheets, they record an outcome which determines whether the missed collection was resolved and whether it was completed within the SLA. Please see the table below that shows those completed within the SLA.

*Note the figure for June 2024 is provisional as of 3 July 2024. There may be a short delay in Business Support Teams closing worksheets, hence some missed collections in the final week of June 2024 may have been resolved within the SLA but are yet to be closed with the appropriate code. For this reason, we are unable to provide the percentage of reported missed collections collected in 24 hours too.

Month	Number of reported missed residual/recycling collections	Number closed by depot as "completed within SLA"	Percentage closed within SLA
04/2022	5880	695	12%
05/2022	4151	663	16%
06/2022	5965	851	14%
07/2022	7400	1223	17%
08/2022	8944	233	3%
09/2022	5325	18	0%
10/2022	3767	67	2%
11/2022	3928	555	14%
12/2022	3991	419	10%
01/2023	5301	431	8%
02/2023	2769	356	13%
03/2023	7425	254	3%
04/2023	2875	468	16%
05/2023	3298	751	23%
06/2023	3671	1104	30%

07/2023	2716	1081	40%
08/2023	3486	1861	53%
09/2023	4630	1568	34%
10/2023	4101	1255	31%
11/2023	5836	3153	54%
12/2023	4162	2472	59%
01/2024	7370	5113	69%
02/2024	2405	1574	65%
03/2024	3872	1106	29%
04/2024	5448	1844	34%
05/2024	4477	1292	29%
06/2024	12209	*2220	*18%

CITY COUNCIL – 9 JULY 2024

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

“Glyphosate use”

Question:

Please provide an update on the progress of steps being taken, as outlined in September 2023, to ensure that glyphosate is phased out for use in highways and parks.

Answer:

Further to the response provided in September 2023, in relation to Highways only, an update on the current position is:

We are seeking to reduce use of pesticides wherever possible. Alternatives to glyphosate-based chemicals will be investigated as and when these products are available. There have to date been no successful trials. The current alternatives, while having some plus points, also have a range of negative points in terms of effectiveness (more treatments required), other environmental impacts such as larger carbon footprint, higher water use, collateral damage (particularly with hot water/ foam-based products), and cost.

CITY COUNCIL – 9 JULY 2024

**WRITTEN QUESTION TO THE CABINET MEMBER FOR ENVIRONMENT AND
TRANSPORT FROM COUNCILLOR IZZY KNOWLES**

“Glyphosate use”

Question:

How much glyphosate-based weed killer has the council used each month since April 2023?

Answer:

Through services delivered under the Interim Services Contract the volume of glyphosate used monthly since April 2023 were:

Date (Month/Year)	Volume Used (L)
April 2023	560L
May 2023	885L
June 2023	475L
July 2023	655L
August 2023	740L
September 2023	465L
	Total 3,780L
April 2024	425L
May 2024	585L
June 2024	590L
July 2024	60L up to 03.07.24
	Total 1,660L

F1

**PLEASE NOTE WRITTEN QUESTION F1 - HAS NOW BEEN
REDIRECTED TO D2 – CABINET MEMBER FOR DIGITAL,
CULTURE, HERITAGE AND TOURISM**

F2

**PLEASE NOTE WRITTEN QUESTION F2 - HAS NOW BEEN
REDIRECTED TO D3 – CABINET MEMBER FOR DIGITAL,
CULTURE, HERITAGE AND TOURISM**

CITY COUNCIL – 9 JULY 2024

**WRITTEN QUESTION TO THE CABINET MEMBER FOR FINANCE FROM
COUNCILLOR DARIUS SANDHU**

“Perry Barr Village costs”

Question:

The business case for the Perry Barr Village forecast sales proceeds of £317.1m to repay the borrowing for the scheme. If it is the case that the sale of the site, or some of the site, will now be going towards the £750m target to repay the Exceptional Financial Support, does that mean that this borrowing will have to be repaid through revenue instead, and if so what is the total cost of this over the terms of the loan? If not, please provide an explanation of how the scheme is being funded and any borrowing costs are being repaid.

Answer:

If the borrowing is not paid from the capital receipt it will need to be paid by annual financing costs from the revenue budget.

The Council does not borrow specific loans for specific projects.

The Council keeps records of borrowing funded projects and sets aside revenue provision based on Statutory Guidance.

Based on forecast prudential borrowing of £311.6m on the Perry Barr Residential Scheme, the annual financing costs will be £17.2m for 40 years. This comprises both debt repayment and interest costs.

PLEASE NOTE NO WRITTEN QUESTIONS WERE SUBMITTED FOR THE
CABINET MEMBER FOR HEALTH AND SOCIAL CARE

CITY COUNCIL – 9 JULY 2024

WRITTEN QUESTION TO THE CABINET MEMBER FOR HOUSING AND HOMELESSNESS FROM COUNCILLOR ADRIAN DELANEY

“Housing applications Change of Circumstance”

Question:

In each month since January 2022 what was the average time to assess a change of circumstance for a housing application?

Answer:

The average time to assess a change of circumstances differs month on month depending on how many are outstanding each month.

The calculations below show the average number of days for each month taking into account of how many change of circumstances were outstanding for each of those months.

2022

Month and Year	Average waiting time to assess a change in circumstances
Jan-22	321
Feb-22	323
Mar-22	322
Apr-22	333
May-22	326
Jun-22	323
Jul-22	320
Aug-22	282
Sep-22	287
Oct-22	246
Nov-22	215
Dec-22	228

2023

Month and Year	Average waiting time to assess a change in circumstances
Jan-23	252
Feb-23	273

Mar-23	295
Apr-23	319
May-23	344
Jun-23	369
Jul-23	399
Aug-23	412
Sep-23	417
Oct-23	432
Nov-23	461
Dec-23	484

2024

Month and Year	Average waiting time to assess a change in circumstances
Jan-24	512
Feb-24	529
Mar-24	555
Apr-24	572
May-24	586
Jun-24	581

Housing applicants can actively bid for properties during the time a change of circumstances submission is pending. For successful applicants shortlisted, changes of circumstances are assessed as part of this process to ensure any letting meets the current circumstances of the household.

CITY COUNCIL – 9 JULY 2024

**WRITTEN QUESTION TO THE CABINET MEMBER FOR HOUSING AND
HOMELESSNESS FROM COUNCILLOR GARETH MOORE**

“Housing Applications Change of Circumstance 2”

Question:

As of the first of each month, in each month since January 2022, how many people were currently waiting for a change of circumstance to a housing application to be assessed, and so unable to bid on a property?

Answer:

Housing applicants who have been accepted onto the housing register are not restricted from bidding whilst waiting for a change of circumstances to be assessed.

Having placed bids and if successfully shortlisted, changes of circumstances are assessed at that time.

CITY COUNCIL – 9 JULY 2024

WRITTEN QUESTION TO THE CABINET MEMBER FOR HOUSING AND HOMELESSNESS FROM COUNCILLOR EWAN MACKEY

“Housing Applications closed”

Question:

In each month since January 2022 how many housing applications were closed as 'incomplete'?

Answer:

There are a range of reasons for closure of housing applications. This includes instances where housing applicants have submitted housing applications and not provided a copy of all documents requested.

Other reasons include the following:

1. Applicant(s) requested closure.
2. Re-housed.
3. Found own accommodation.
4. No longer requires housing.
5. Not eligible/no longer eligible.
6. Does not qualify/no longer qualifies.
7. Change of Circumstances.
8. Gone away/failed to respond.

The specific reasons for the closure of applications are not possible to report and therefore the overall number of closures per month are provided below:

2022

Month and Year	Closed Housing Applications
Jan-22	1826
Feb-22	2224
Mar-22	2210
Apr-22	1708
May-22	1557
Jun-22	1553
Jul-22	1595
Aug-22	1661
Sep-22	1765
Oct-22	1274
Nov-22	2743

Dec-22	4092
--------	------

2023

Month and Year	Closed Housing Applications
Jan-23	1213
Feb-23	967
Mar-23	1047
Apr-23	842
May-23	1060
Jun-23	1049
Jul-23	947
Aug-23	949
Sep-23	1001
Oct-23	1079
Nov-23	1097
Dec-23	724

2024

Month and Year	Closed Housing Applications
Jan-24	768
Feb-24	966
Mar-24	2005
Apr-24	2205
May-24	2620
Jun-24	2216

CITY COUNCIL – 9 JULY 2024

WRITTEN QUESTION TO THE CABINET MEMBER FOR HOUSING AND HOMELESSNESS FROM COUNCILLOR ROBERT ALDEN

“CCTV in tower blocks”

Question:

Please provide a copy of the full dataset used to assess which tower blocks were selected to be part of the pilot for the new CCTV, including the number of ASB and crime reports for every tower block in the city?

Answer:

Housing officers selected the blocks based on feedback from tenants, and leaseholders as well as insight from key performance indicators and stakeholder information such as police data, which showed spikes in calls from the public.

The data was collated and used to identify the blocks at a point in time. Recently, refurbished blocks have also been chosen in order to protect investment.

During the course of the pilot programme, if further blocks are identified as meeting the criteria for consideration, these will be addressed on a case-by-case basis.

The data set to inform the CCTV pilot is appended.



CCTV Dataset.xlsx

PLEASE NOTE NO WRITTEN QUESTIONS WERE SUBMITTED FOR THE
CABINET MEMBER FOR SOCIAL JUSTICE, COMMUNITY SAFETY AND
EQUALITIES

Birmingham City Council

Report to City Council

17 September 2024



Title:	APPOINTMENT OF INDEPENDENT CHAIR OF AUDIT COMMITTEE
Lead Cabinet Portfolio:	Councillor Robert Pocock, Cabinet Member for Transformation, Governance and HR
Relevant Overview and Scrutiny Committee:	N/A
Report Author:	Robert Connelly, Assistant Director - Governance Legal and Governance 0121 303 2443 robert.connelly@birmingham.gov.uk
Authorised by:	Marie Rosenthal, Interim Monitoring Officer & City Solicitor Legal & Governance
Is this a Key Decision?	Not Applicable
If this is a Key Decision, is this decision listed on the Forward Plan?	Not Applicable
Reason(s) why not included on the Forward Plan:	Not Applicable
Is this a Late Report?	No
Reason(s) why Late:	Not Applicable
Is this decision eligible for 'call in?'	Not Applicable
If not eligible, please provide reason(s):	Not Applicable

Wards: All

Does this report contain exempt or confidential information? No

Has this decision been included on the Notification of Intention to consider Matters in Private? Not Applicable

Reasons why not included on the Notification: Not Applicable

1 EXECUTIVE SUMMARY

- 1.1 The report seeks to appoint an Independent Chair of the Audit Committee.

2 COMMISSIONERS' REVIEW

- 2.1 Commissioners support the recommendation to appoint the Independent Chair of the Audit Committee.

3 RECOMMENDATIONS

That City Council approves the appointment of Andrew Hardingham as Independent Chair of the Audit Committee for the municipal year 2024/25.

4 KEY INFORMATION

- 4.1 A comprehensive review of the Council's Constitution was conducted earlier this year as part of the Stabilisation Plan to improve the Council's governance arrangements. At the annual meeting on 21 May; Council agreed a number of amendments to the Constitution recommended by the review, including in relation to the role of the Audit Committee.
- 4.2 The Council agreed that an Independent Person to function as Chair to the Audit Committee should be appointed on an annual basis and approved by Council. The Independent Person appointed to act as the Chair of the Committee is not a voting member thus the Chair's casting vote does not apply to this role.
- 4.3 A recruitment campaign seeking suitably qualified candidates was run during May and June 2024. An interview Panel comprising the Leader of the Council, Cllr John Cotton; the Leader of the Opposition Cllr Robert Alden; the Leader of the Liberal Democrats, Cllr Roger Harmer; and Commissioners Max Caller and Chris Tambini met on 24 June and 22 July to interview shortlisted candidates.
- 4.4 The interview Panel agreed unanimously to recommend the appointment of Andrew Hardingham to Council for appointment. Andrew Hardingham has served as the independent advisor to the Audit Committee over the last two years. We have received very satisfactory references of Mr Hardingham's financial skill and good character.

5 IMPACT AND IMPLICATIONS

Finance

- 5.1 Spending control approval has been given to pay Mr Hardingham a fee of £800 per day plus reasonable travelling expenses.

Legal

- 5.2 As detailed in the report

Equalities

- 5.3 There are none arising from this report.

Procurement

- 5.4 This report has no implications to Corporate Procurement.

People Services

- 5.5 This report has no implications to People Services.

Climate Change, Nature and Net Zero

- 5.6 This report has no implications to climate change, nature, and net zero.

Corporate Parenting

- 5.7 This report has no implications to Corporate Parenting.

Other

- 5.8 No additional implications arising from this report.

6 APPENDICES

- 6.1 None

7 BACKGROUND PAPERS

- 7.1 None

Birmingham City Council

Report to City Council

17 September 2024



Title:	EDUCATION, CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE - APPOINTMENT
Report Author:	Ben Patel-Sadler, Senior Committee Manager Legal and Governance (Council Management) Ben.Patel-Sadler@birmingham.gov.uk
Authorised by:	Marie Rosenthal, Interim City Solicitor and Monitoring Officer Legal and Governance (Council Management)
Is this a Key Decision?	Not Applicable
If this is a Key Decision, is this decision listed on the Forward Plan?	Not Applicable
Reason(s) why not included on the Forward Plan:	Not Applicable
Is this a Late Report?	No
Reason(s) why Late:	Not Applicable
Is this decision eligible for 'call in?'	Not Applicable
If not eligible, please provide reason(s):	Not Applicable
Wards:	Not Applicable.

Does this report contain exempt or confidential information? No

Has this decision been included on the Notification of Intention to consider Matters in Private? Not Applicable

Reasons why not included on the Notification: Not Applicable

1 EXECUTIVE SUMMARY

- 1.1 Following the resignation of Ted Hammond as the Roman Catholic diocese representative on the Education, Children and Young People Overview and Scrutiny Committee, there is now a vacancy on the Committee in relation to this appointment.
- 1.2 Committee Services has been informed that Steve Bell has been nominated to fill this vacancy with effect from 17 September 2024.

2 COMMISSIONERS' REVIEW

- 2.1 There were no comments from Commissioners in relation to this report.

3 RECOMMENDATIONS

- 3.1 That City Council notes the appointment as Steve Bell as the Roman Catholic diocese representative on the Education, Children and Young People Overview and Scrutiny Committee with effect from 17 September 2024.

4 IMPACT AND IMPLICATIONS

Finance

- 4.1 There are none arising from this report.

Legal

- 4.2 There are none arising from this report.

Equalities

- 4.3 There are none arising from this report.

5 APPENDICES

- 5.1 None.

6 BACKGROUND PAPERS

- 6.1 None.

Birmingham City Council

Report to City Council

17 September 2024



Title:	EXECUTIVE BUSINESS REPORT
Lead Cabinet Portfolio:	Councillor Majid Mahmood, Cabinet Member for Environment and Transport Councillor Rob Pocock, Cabinet Member for Transformation, Governance and Human Resources
Relevant Overview and Scrutiny Committee:	N/A
Report Author:	Councillor Majid Mahmood, Cabinet Member for Environment and Transport Councillor Rob Pocock, Cabinet Member for Transformation, Governance and Human Resources
Authorised by:	Graeme Betts, Acting Chief Executive
Is this a Key Decision?	No
If this is a Key Decision, is this decision listed on the Forward Plan?	N/A
Reason(s) why not included on the Forward Plan:	N/A
Is this a Late Report?	Yes
Reason(s) why Late:	Amendments to the report were requested by Commissioners in advance of the meeting. The amendments could not be undertaken until after the agenda publication deadline has passed. The report was circulated to Members at the earliest possible opportunity following the completion of the amendments.
Is this decision eligible for 'call in?'	N/A
If not eligible, please provide reason(s):	N/A

Wards: All

Does this report contain exempt or confidential information? No

1 EXECUTIVE SUMMARY

- 1.1 This Executive Business Report will provide an update of the ongoing work in two Cabinet Member portfolios over the past year:

1.1.1 Environment and Transport

1.1.2 Transformation, Governance and Human Resources

2 COMMISSIONERS' REVIEW

- 2.1 Commissioners approved the recommendations.

3 RECOMMENDATIONS

- 3.1 That the report be noted by the City Council.

4 KEY INFORMATION

Context

- 4.1 On 10 September 2019, Full Council accepted the recommendations of the Coordinating O&S Committee review in respect of changes to the Full Council agenda.
- 4.2 Recommendation 3 of the review requested that the Executive provide an update to Full Council on its work via the provision of an Executive Business Report (EBR). It was agreed that EBRs would be provided to Full Council four times per municipal year and will include details of progress made in relation to Council strategic outcomes and priorities linked to two Cabinet Member portfolios.

5 APPENDICES

- 5.1 None.

6 BACKGROUND PAPERS

- 6.1 N/A

Environment and Transport

7 Introduction

- 7.1 The Cabinet Member for the Environment and Transport portfolio took on this new portfolio in May 2024. The portfolio spans a large number of service areas and encompasses a wide range of activity.
- 7.2 We know there are issues that need to be tackled across the portfolio. In Transport, a regional road safety emergency was declared in July, confirming the Council's intent to reduce road harm and to work at pace with partners to make our roads safer.
- 7.3 Within the Environment side of the portfolio, there is a lot of work ongoing in the transformation of the Street Scene area in order to improve the service that residents receive.
- 7.4 We continue to work towards our net zero targets. We are leading in environmental action and transparency, as certified by our 'A' grade from the Carbon Disclosure Project, but need to continue to take action to realise our ambitions for our city.
- 7.5 The report will firstly look at transport elements of the portfolio, and then move onto the environment areas, including net zero and street scene.

8 Highways and Infrastructure

- 8.1 The Highways and Infrastructure Division enables Birmingham residents, communities and business to thrive and safely connect to the people, places and businesses that matter to them through safe and well-maintained highway network infrastructure and assets.
- 8.2 This service ensures that as well as meeting statutory obligations, the highway network is safe and accessible and supports keeping the city moving and open for business.

Contribution to Council Priorities

- 8.3 Investment and maintenance in the Council's 2,500km highway network and Council-owned infrastructure helps to keep the city and region moving and open for business, helping improve the attractiveness of the city for inward investment.
- 8.4 Maintenance and future investment in street lighting contributes to citizens feeling safer and helps reduce the nighttime fear of crime. The Division regularly carries out joint enforcement operations with West Midlands Police which contribute to Road Harm Reduction.
- 8.5 Investment in maintenance of footways and cycleways supports Active Travel choices which contributes to the health and wellbeing of citizens.

- 8.6 Investment and maintenance upgrades to street lighting technologies and future planned investment in LED street lighting enables the city to manage and reduce its highway infrastructure energy use. The use of sustainable material choices, recycled materials and sustainable techniques in highway maintenance help reduce carbon the Council's carbon footprint.

Citizen Priorities and Social Responsibility

- 8.7 Citizens' priorities reflect that road and pavement repairs are the fourth highest priority in the city for citizens.
- 8.8 BHL/Kier and NSL, two major contractors working with the division are signatories to Birmingham Business Charter for Social Responsibility.

Budget

- 8.9 The Division manages significant revenue and income budgets, primarily:
- The Highways PFI Contract
 - Highways Services (including streetlighting energy)
 - Parking Services

Improvement and Recovery Plan

- 8.10 The items below list the Savings and IRP activity underway within the Division.
- 8.11 A full review of all non-statutory service provision was undertaken in September 2023 and non-statutory services put forward for cessation or for continuation through alternate, non-general fund sources of funding.

Streetlighting Energy

- 8.12 As part of its savings proposals, the division implemented further Dimming and Trimming of streetlighting in 23/24 to reduce energy consumption and save circa £900k in equivalent energy costs. Energy consumption is being monitored through 24/25 post implementation of the change in lighting levels and timings to confirm the equivalent reduction in cost.
- 8.13 The savings and transformation proposals were proposed to:
- Drive out systemic, long-term performance in both services with regard to customer and business performance.
 - Bring together like services to allow efficiencies and savings to be gained from undertaking a multi-skilled approach.
- 8.14 Completion of the work and delivery of the savings is scheduled for end of September 2024.

- 8.15 Additionally, £5.5m of net surplus CAZ revenues have been allocated towards the investment in LED street lighting upgrades on active travel corridors that will not only support greater levels of walking and cycling, but improve personal safety, help offset proposed reductions in the highways maintenance budget, reduce general fund utilities costs and drive a reduction in carbon emissions to contribute to our route to net zero agenda.

Reduced Spend on Highway Maintenance

- 8.16 The Council undertook a successful Judicial Review of governments decision to cease funding of the Highways Management and Maintenance PFI Contract. The decision has been quashed and must now be re-made lawfully.
- 8.17 In the event of the Highways Management and Maintenance PFI Contract not receiving government approval, £12m of savings have been proposed in 24/25 with a further £8m in 25/26 from programmed maintenance. Savings of £750k have also be proposed to the Highways PFI Management Budget with the same conditions applied.
- 8.18 Should the Highways PFI Contract receive government approval, the proposed savings will not be delivered by Highways. The savings will become a corporate saving to be redistributed and plans for a corporate approach to cover the shortfall are being developed.

Local Engineering

- 8.19 Local Engineering, whilst providing a valuable interface for elected members and the public, undertake majority non-statutory work. As such the service was put forward to be ceased and the general fund elements removed as a saving. An alternative proposal from staff was reviewed and implemented as part of consultation which proposed a smaller, more focused service operating on a cost recoverable basis using funding from the now new Environment and Transport Neighbourhoods Fund (ETNF).
- 8.20 Restructuring of the team and delivery of the savings is scheduled for end of September 2024.

Major Decisions

- 8.21 Three major decisions were taken forward by the Division in the last twelve months:
- A report to Cabinet on the extension of the Interim Service Contract (ISC) with BHL/Kier to enable the delivery of statutory services whilst a decision was awaited on the future of the Highways PFI Contract.
 - The proposal for and outcome of the Judicial Review of the Highways PFI Contract, which the Council was successful in.
 - The entry into a two-year Parking Contract with Marston/NSL to allow time for the Parking Services Review to be undertaken and a new contact scope

developed for Parking Enforcement fit to meet the future needs of the city. The contract is valued at approximately £4m per annum.

Risks and challenges

8.22 The significant risk and challenges facing the Division in the next nine months are:

8.23 Tame Valley Viaduct (TVV)

8.23.1 This project is for strengthening the viaduct supporting the A38 Expressway. The Baseline budget and project costs to cover Professional Fees (Project management, Design & Supervision etc), Land Expenditure, Land Risk & Inflation, Construction works & risks, STATS / Utilities, Inflation and BCC Fees. was circa £95m with a planned completion Date of 26th December 2026. The forecasted budget (as of 31st July) is £108.81m (including forecasted risks), with a forecasted contract completion date of 30th October 2027.

8.23.2 The keys risks include for

8.23.3 **Works and Services:** Contractor overspend, additional project management services, cancellations for network rail possessions, concrete repairs, weather; in addition to contractor risks - the overall value for the risk pot is **£4.19m**

8.23.4 **Inflation:** As of 31/07/24, the overall cost of inflation is **£12.23m** (£4.42 implemented and £7.75m in forecast) having an impact of **£11.03m** on the overall cost of the project.

8.23.5 **Internal paint system:** incurred an additional cost and time impact of **£5.41m**

8.23.6 **Latent defects:** Unforeseeable defects creating an overall cost and time impact at circa **£8m**

8.23.7 An independent review of the TVV project has been commissioned with Arup to provide the Council with assurance on the overall performance of the projects, including if the project will deliver on time and on budget. The review team consists of specialists in construction risk management, commercial management, risk management and structural engineering. All aspects of the project will be reviewed including risk management, governance, financial management, engineering management.

8.24 Impact of Non PFI/descoping

8.24.1 The uncertainty of the future of the Highways PFI remains a key risk for the Division. This is mitigated to a degree with pre-planning for alternative service delivery models ahead of a decision been made. Should the PFI not be taken forward, alternate delivery arrangements will be put in place to ensure the council discharges its statutory obligations under the Highways act. These will, through financial necessity, be at a significantly descoped level of

service. This will result in a worsening network condition over time and while the asset management strategy in place will look to mitigate this as far as is practicable, the condition will reflect the level of investment.

8.25 Flood Risk

8.25.1 2023 recorded some of the highest rainfall levels on record. There are increased numbers of flooding incidents, and the risks associated from surface water and ground water flood risk are rising. Further flood risk modelling is being undertaken to better understand future risk for the city and division.

Looking Ahead 24/25:

8.26 Parking Services Review

8.26.1 A full review of all aspects of Parking Services within the city has been commissioned with independent specialists Parking Matters. Parking Matters will review all aspects of Parking Services including fees, charges, enforcement, contract models, BCC operating model, policies, assets, governance, data and information.

8.26.2 The aim of the review is to ensure the Parking Service and its future enforcement contract provide a sustainable, optimised, financially sound and flexible capability for the Council going forward. The review will include significant benchmarking with other comparable authorities to ensure best practice and latest industry innovations are identified and built into the future BCC operating model.

8.27 Highways PFI Government Decision/Contingency Planning

8.27.1 The future of the Highways PFI Contract will now need to be remade lawfully by Government. This and the associated contingency planning activity in the event of support being withdrawn will remain a significant piece of activity for the next 12 months.

8.28 Integration with City Operations – Operations Hub/Enforcement

8.28.1 The division will continue to capitalise on the opportunities within City Operations to amalgamate and combine service delivery to provide better quality and more efficient services to customers. Services currently under review are Highway Enforcement with the potential for a combined Enforcement Hub being explored, and optimising service delivery such as removal of graffiti.

8.29 Closure of first phase transformation

8.29.1 As detailed above the Dropped Kerb service, Specified Licence service, Highway Permit service, and Local Engineering service have all been subject to transformation and savings initiatives. Concluding this work and moving

the service into a new optimised steady state will be a key activity during quarters 3 and 4 of 2024.

8.30 Energy and lighting

8.30.1 An asset management strategy for streetlighting powered apparatus is being developed for the division by Arup. This will enable the Council to maximise further energy and carbon reductions from adaptive management of lighting levels, and enable a long term asset management strategy to be developed for the replacement of aging lighting technologies with more efficient LED based luminaires.

8.31 Fees charges and income

8.31.1 A full review of all Highways fees and charges is being undertaken, including benchmarking with other authorities, to ensure charging is fair and robust, and income levels are optimised.

9 Strategic Transport

9.1 The [Birmingham Transport Plan](#) (BTP), agreed by Cabinet on 12 October 2021, sets out the vision, principles and strategic objectives for the city.

9.2 The Birmingham Transport Plan Delivery Plan will be published in Autumn 2024.

Contribution to Council Priorities

A Bold Prosperous Birmingham

9.3 Transforming central Birmingham and reallocating road space are key priorities of the BTP. This is essential to connecting people with jobs, skills and services and to unlocking sites for regeneration.

9.4 The City Centre Movement and Access Strategy will rationalise routings for through trips by private vehicles while enhancing connections for active travel and public transport.

9.5 Delivery of the traffic management cells has been underway since 2020, with public consultation on the most recent plans for Great Charles Street Queensway, Colmore Row, Southside and Digbeth concluded in August 2024.

9.6 There are a variety of projects ongoing aiming to upgrade active travel and public transport:

- The current phase of retail core public realm works is nearing completion, with the river water feature, new granite paving to Victoria Square, Colmore Row and Waterloo Street, and hostile vehicle mitigation measures protecting Victoria Square due to be complete for the 2024 Frankfurt Market.
- Snow Hill traffic management delivery expected to begin in 2025 with future phases revised following feedback from the Commissioners and currently expected to commence in 26/27.

- Public consultation on the Digbeth active travel and streets project took place in June 2024 and the business case is now being developed. Following feedback from the Commissioners, funding options are being explored.
- The One Station project to transform Moor Street Queensway and link Curzon, Moor Street and New Street stations is expected to go to public consultation in quarter three of 2024.
- The permanent scheme for Southside public realm has been designed and funding has been revised following Commissioner feedback. Construction will be scheduled once a contractor has been procured.
- Work continues on Metro extensions, and additional bus improvements in the city centre, led by Transport for West Midlands.
- Significant upgrades have been completed on the Dudley Road corridor.

9.7 Work is underway with WMCA to explore options for the future operation of bus services, including bus franchising. However, the recent change in Government and the forthcoming Better Buses Bill may bring forward further options for consideration.

Bold Safe Birmingham

9.8 Safety on the city's roads is a concern and in August regional road safety emergency was declared with BCC, West Midlands Combined Authority and West Midlands Police holding regular Gold Command meetings to effect urgent changes.

9.9 Key to tackling road harm is delivering a significant reduction in the speed and volume of vehicles on our roads, reinforced with strategic enforcement activities, particularly on higher volume roads.

9.10 By adopting the Healthy Streets approach, the Council plans to reduce the volume of motor vehicles, whilst improving access for all and investing in arterial route corridors. These principles are laid out in the Road Harm Reduction Strategy, which was subject to public consultation in the first quarter of 2024 and is planned to be adopted in November 2024.

9.11 The Full Business case for the standardisation of speed limits from 40mph to 30mph across Birmingham has been approved as a priority action and after consultation will follow the statutory TRO process.

9.12 A new Joint Working Agreement for speed enforcement by camera is in development to enable increased enforcement and a more financially sustainable model. Representation has also been made to the Secretary of State for revenue from Fixed Penalty Notices to be retained and reinvested in the region, which would allow further expansion of camera enforcement.

9.13 Plans to trial use of the Council's powers for camera enforcement of moving traffic offences (such as yellow boxes and banned turns) will be proceeding to full business case in quarter 4 of 2024.

- 9.14 Several traffic signals have been re-timed to prioritise people walking and cycling above motor vehicles. Pending evaluation of these trial sites, it is planned to amend timing on traffic signals city-wide in line with a revised policy.
- 9.15 Work has begun on a review of road classifications in Birmingham to balance the need to ensure equity of access with reducing volumes of vehicular traffic in residential areas. Following this, a new Network Management Plan for the city's roads will be developed.

A Bold Healthy Birmingham

- 9.16 Active travel provides many benefits for physical and mental health and supports community cohesion.
- 9.17 Work to make permanent various temporary active travel schemes, funded through the Department for Transport's Active Travel Fund is nearing completion:
 - 9.17.1 An audit of schools to determine suitability for a Car Free School Street (CFSS) has been undertaken and new schemes launched in three new schools in September 2023 with five schools expected in the next phase. Work is ongoing in two existing CFSS locations to pilot further infrastructure enhancements.
 - 9.17.2 Specialist support has been secured to develop a potential further phase of the successful Big Birmingham Bikes giveaway scheme, working through community groups and linked to provision of Bikeability cycle training.
 - 9.17.3 In early 2024, public consultation took place on the connecting Bordesley Green project, aiming to improve the area for people walking, wheeling and cycling and the business case is now being developed.

A Bold Green Birmingham

- 9.18 The BTP Delivery Plan identified the urgent and drastic need to cut carbon emissions from transport and to continue efforts to improve air quality.
- 9.19 The Council has a statutory duty to monitor and report on air quality. The 2023 Air Quality Annual Status Report, approved by the Department for Environment, Food and Rural Affairs, showed that city wide levels of NO2 are falling and most monitoring locations show an annual average below the legal limit. Plans are being developed to address areas where exceedances occur.
- 9.20 Levels of PM10 and PM2.5 did not exceed air quality objectives at any monitoring location.
- 9.21 The Brum Breathes Clean Air Strategy sets out actions to tackle air pollution, with the Clean Air Zone (CAZ) being a key instrument. Since the introduction of the CAZ, the percentage of non-compliant vehicles entering the zone has dropped from 15.2% to 4.8% (June 2024).

- 9.22 Net surplus revenue from the CAZ must be spent on projects to further improve air quality, as set out by national legislation and in the CAZ charging order. As of June 2024, £82m of revenue has been allocated to such work.
- 9.23 The air quality monitoring for schools project continues to offer sensors for all schools in Birmingham, which will enable educational activities around different sources and types of air pollution and to build an evidence base around levels of particulate matter.

Budget

- 9.24 The 2024/5 to 2029/30 Transport and Highways Delivery Programme (THDP) was approved by Cabinet on 25 June 2024 with a total estimated programme value of £308.372m.
- 9.25 No funding within the THDP comes from the Council's general fund; the largest sources are grants from Central Government, Clean Air Zone (CAZ) revenue (ring-fenced by legislation and the CAZ charging order) and devolved funding provided through West Midlands Combined Authority.
- 9.26 Prior to approval of the THDP, significant engagement with the Commissioners took place, resulting in a streamlined and robust programme.
- 9.27 To enable robust procurement and delivery, new frameworks for works and professional services for transport schemes are being developed.

Improvement and Recovery Plan

- 9.28 Transport funding is external and ring-fenced and cannot directly contribute to the savings target. However, in the context of the Improvement and Recovery Plan, it is vital that projects deliver value for money and consider opportunities for income generation. As future programmes are developing, opportunities will be sought to offset reductions in related budgets, help support current savings proposals, generate future savings and efficiencies, and reduce and/or remove calls for Council borrowing and general fund expenditure.
- 9.29 A 'back to basics' approach is being applied to current delivery, delivering simple changes which benefit citizens in their everyday trips and which create a strong foundation for future, larger scale changes.

Risks and challenges

- 9.30 The environment for implementation of the Birmingham Transport Plan presents several challenges. While strong political support remains a key strength, risks around funding, resources, governance and project delivery remain likely. A risk assessment was conducted for the THDP which provides further details and similar risks were reported by the Active Travel Scrutiny Inquiry including rising costs of materials and labour and shortage of skills.

- 9.31 The directorate has a robust risk management process whereby risks are regularly reviewed, and appropriate mitigations put in place.

Look Ahead 24/25

Back to Basics

- 9.32 The Birmingham Transport Plan is bold in ambition but many of the key aspects can be delivered with relatively simple, lower cost interventions.
- 9.33 While longer term planning and development of strategic schemes is ongoing, the next 12 months will see a concentration of effort on establishing the Environment and Transport Neighbourhood Fund and on bringing forward these interventions:

	Corridors	Neighbourhoods	Centres and city centre
Tackle illegal, dangerous and antisocial parking	✓ Targeted civil enforcement	<ul style="list-style-type: none"> ✓ Targeted civil enforcement ✓ Controlled Parking Zones ✓ Stopping illegal dropped kerbs 	<ul style="list-style-type: none"> ✓ Targeted civil enforcement ✓ Review pricing of on and off-street parking ✓ Off-street car parks review
Reduce traffic speed/volume and stop 'rat running'	<ul style="list-style-type: none"> ✓ Review and amend road classifications ✓ 30mph speed limits ✓ Average Speed Enforcement cameras 	<ul style="list-style-type: none"> ✓ 20mph speed limits ✓ Lower cost traffic calming/management 	✓ Complete movement and access strategy (traffic management, directional signage)
Attractive, reliable public transport	<ul style="list-style-type: none"> ✓ Public transport priority at signals ✓ Accelerate delivery of bus priority projects 	✓ 20mph speed limits	✓ Public transport priority
Safer and healthier streets	✓ Pedestrian priority at crossings and signals	<ul style="list-style-type: none"> ✓ School Streets ✓ Pavement /drainage improvements ✓ LED street lighting ✓ Declutter ✓ Bike hangars ✓ Trees and planting 	<ul style="list-style-type: none"> ✓ Reallocate road space to pedestrians ✓ Declutter

Ongoing Delivery of Birmingham Transport Plan / Transport and Highways Delivery Programme

- 9.34 In the next 12 months, delivery of the activities and initiatives as set out in the summary of progress above will continue with key project milestones already described.

9.35 Of particular note are the following:

- Launch of the Birmingham Transport Plan Delivery Plan – Autumn 2024
- Adoption of the Road Harm Reduction Strategy – November 2024
- New Speed Enforcement Joint Working Agreement – April 2025
- Develop and deliver priority road safety actions in line with the emerging action plan from the Road Safety Gold Command, including 40mph to 30mph speed limits.
- Continue to work with WMCA to explore options for regulation of bus services.
- Work across the Council and with partners to deliver the recommendations of the Active Travel Scrutiny Review and forthcoming Road Safety Scrutiny Review.
- In the interests of leading by example, bring forward a new Travel Plan for the Council House.
- Progress new framework for works and professional services for transport schemes.
- Work with Transport for West Midlands to develop Local Transport Plan 5 (statutory transport plan) with a local area strategy for Birmingham setting out investment priorities for transport in line with the Birmingham Transport Plan.

10 Route to Net Zero

Contribution to Council Priorities

A Bold Green Birmingham

- 10.1 Using nationally derived statistics, the City of Birmingham is realising a level of greenhouse gas emissions reduction in line with UK Core Cities, but which will continue to be highly influenced by UK carbon budget policies e.g. speed of electricity grid decarbonisation. BCC's Climate Emergency ambition – 'seek to be net zero carbon by 2030 – again ensuring that this is just' will require significant system and organisational change beyond areas in the direct control or influence of local government and which will need to balance economic, environmental and social outcomes in speed of implementation. A 2030 net zero ambition is very difficult to achieve in relation to the City of Birmingham's greenhouse gas emissions, although within its areas of influence, the Council is making positive progress as well as exploring local metrics against which performance towards net zero can be measured. Meeting the 2030 target will require significant external support.
- 10.2 The Council's scope 1 and 2 emissions have been calculated and scope 3 emissions have been screened to identify the council's greatest emissions sources. These emissions are the focus of the Council's decarbonisation efforts, and the Route to Net Zero team are working with Council directorates, departments and services to identify emissions reductions opportunities. The

team will also continue to improve the scope, availability and quality of emissions data.

- 10.3 The Council's direct emissions contribute a small overall percentage - 0.9% - to the city's total greenhouse gas emissions, however the council has place-shaping powers to facilitate reductions, particularly in the built environment, transport, and some waste sectors. The council's significant annual supply chain spend also presents opportunities to specify environmentally sustainability products and practice. Key place-shaping activities targeted at driving down the city's emissions include:
- 10.3.1 A new set of planning policies aimed at accelerating the reduction of embodied and operation greenhouse gas emissions from the built environment. These new policies are expected to commence in 2026.
 - 10.3.2 Preparation of a heat network strategy to direct the significant opportunity that heat network zoning powers present to the city of Birmingham. 20% or more of existing heat demand could be supported by heat networks, tackling one of the most complex decarbonisation challenges.
 - 10.3.3 We cannot tackle the climate emergency without fundamental changes to the way people and goods move around our city – and transport can be an enabler of transformational changes. We know that we need to achieve a rapid shift away from single occupancy private car use. The adopted Birmingham Transport Plan sets out the dramatic decrease in vehicle kilometres travelled required to deliver transport decarbonisation in Birmingham and outlines how the city's transport system needs to be transformed to meet the challenges of the next decade.
 - 10.3.4 Our Sustainable Supply Chain programme, engaging with the council's supply chain to increase knowledge on the City's procurement activities to support their decarbonisation activities and develop recommendations for procurement policy and monitoring.
 - 10.3.5 A Waste Strategy Review to align the city's future municipal waste responsibilities with net zero ambitions.
- 10.4 Birmingham City Council scored an 'A' from the Carbon Disclosure Project for environmental action & transparency, which is the highest rating available, recognising Birmingham as a leading city in this area.
- 10.5 The Council has produced the Climate Change Briefing Book making data more open, accessible & engaging and delivered Carbon Literacy Training to Council officers.
- 10.6 Various funding streams secured to support SMEs, improve energy efficiency in all housing and to retrofit council housing
- 10.7 Prepared a climate change evidence base for Birmingham Local Plan.

- 10.8 Secured funding to develop a roadmap to decarbonise the Birmingham District Energy Company.

Budget

- 10.9 During the financial year 2023-24 successful applications for £1,863,547 revenue and £1,174,697 capital were achieved.
- 10.10 The Route to Net Zero team is also working across the Council to explore the delivery of savings and new approaches where they align with and support the Council's net zero commitments, including:
- Corporate Landlord programme and procurement to establish an energy management function, deliver savings and reduce GHG emissions.
 - Procurement to improve their undertaking of the Council's supply chain impacts and inform decisions regarding opportunities to make GHG emissions and cost savings.
 - Strategic Housing and Housing Asset Management to attract greater investment through the ECO retrofit programme with the potential to create significant savings to the HRA.
 - Housing and corporate landlord colleagues to identify suitable projects for devolution funding for building retrofit.
- 10.11 The Route to Net Zero team is also exploring opportunities where net zero can be harnessed to draw investment into the city and reduce Council and city emissions with partners such as the UK Infrastructure Bank and 3Ci.

Improvement and Recovery Plan

- 10.12 The IRP includes net zero as a cross-cutting IRP corporate priority, committing the Council to "working in a way which embeds climate action at the heart of the future Council and Council decision-making, ensuring that all directorates make the necessary changes to deliver these outcomes".
- 10.13 The existing Environmental Sustainability Assessment (ESA) requirement for Cabinet reports is a key tool for supporting the alignment of Council decisions with positive environmental outcomes. 134 Environment and Sustainability Assessments (ESA) have been prepared and a review of the process is underway to embed them into the earliest stages of project conception.

Looking ahead 24/25

- 10.14 In partnership with the University of Birmingham, (UOB) a [Climate Risk and Vulnerability Assessment was developed](#) for Birmingham. Also, in partnership with UOB and the UK Met Office, £1.2m was secured to explore the use of new satellite derived heat imaging.

- 10.15 From January 2024, all new developments must deliver measurable increases in biodiversity, on alternative sites if necessary and the Council has been working closely with the WMCA on the implementation of net gain requirements.
- 10.16 Through the Urban Nature Development programme, a Nature Recovery Network has been defined and over 600 open spaces identified with opportunities for investment in habitat creation and enhancement.
- 10.17 The Council has partnered with the National, Woodland and Community Forest Trusts to establish the Urban Forest Accelerator (UFA) Project, supporting community tree planting across the city.
- 10.18 In 2023, the £1.7m Natural Rivers and Green Corridors project to restore watercourses and habitats through the Upper Rea catchment through to Cannon Hill Park was completed. Its success has secured additional funds to further existing flood risk management works to remove further weirs and reprofile water courses to improve ecological connectivity while delivering an element of flood risk alleviation.
- 10.19 The council is using its place shaping powers and leading several initiatives, including the Birmingham Local Plan Review and the Advanced Zoning programme to help tackle and reduce the city's greenhouse gas emissions.
- 10.20 A Retrofit Strategy for council housing assets is in development and the procurement of partners to support the scaled-up delivery of ECO4 funded retrofit measures has been launched to help ensure households maximise access to energy efficiency measures. Partners will be appointed in early Autumn. ECO will also provide retrofit funding for council owned homes.
- 10.21 A strategy to realise the significant opportunity for heat network zones in Birmingham is now being prepared in readiness for zoning legislation in 2025. Opportunities for renewable energy generation are also being explored as part of the emerging energy management function.

Budget

- 10.22 The following successful funding applications were made:
- CARMINE – European funding through Innovate UK - £84,549.05 revenue.
 - The National Trust funded the Council's nature work with the Nature Towns and Cities project - £55,000 revenue.

Improvement and Recovery Plan

- 10.23 The existing Environmental Sustainability Assessment (ESA) requirement for Cabinet reports is a key tool for supporting the alignment of Council decisions with positive environmental outcomes. This ESA process has been improved to support assessment earlier in the project or policy development process.

Risks and challenges

- 10.24 The introduction of new mandatory requirements for Biodiversity Net Gain and the extended Biodiversity duty through the implementation of the Environment Act 2021 requires an increase in capacity and capability. Funding for resourcing this will need to be explored and developed to ensure compliance.

Look Ahead 24/25

- 10.25 The City Council has made good progress in delivering against their natural environment and climate adaptation goals. The review of the local plan's existing policies and green infrastructure evidence base will bring them in line with new and emerging legislation. This has been supported through collaboration with the University of Birmingham to develop the Climate Risk and Vulnerability Assessment for Birmingham.
- 10.26 The Council will continue working with other city stakeholders and our citizens. The new Climate Change Engagement Framework and Action Plan will guide work with partners to share knowledge, expertise and experience, and explore opportunities to collectively take action to tackle Birmingham city's emissions.

11 Pest control

- 11.1 From 1 April 2024, pest control has been a chargeable service, which is aimed at being a contributory cost for the provision of the service. The charge is £24 (£20 plus VAT) and covers a single treatment for rats in domestic properties either inside the property or within a garden.
- 11.2 As of July 2024, the Council's Housing Department has agreed to pay for these treatments directly for their own tenants.
- 11.3 During 2023/24, we received 12,710 requests for treatment of rats, which is consistent with the preceding year of 12,384 requests.
- 11.4 Pest control continue to offer paid treatments for cockroaches, bedbugs, wasps, fleas, ants and mice. They also operate and promote a Property Clearance Service to internal (particularly Birmingham Property Services) and external partners. The role has grown in terms of capability, size of land and size of contracts. In addition, work enquiries for clearance work have increased. They work extensively with Land and Property Team to carry out this work.
- 11.5 The current reduction in service demand, is projected to put a budget pressure on the service in 2024/25. As a result, Regulation and Enforcement are actively looking at a new operating model that will be cost neutral to the Council. The new service would prioritise delivery of domestic rat treatments, with a contributory charge, and a commercial team to raise the required income to offset all overheads.

12 Street Scene

- 12.1 Street Scene plays a crucial role in shaping our communities and influencing our well-being. The purpose is to enhance the quality of life for residents and visitors. Well-maintained streets contribute to a sense of pride, safety, and belonging. When people take pride in their surroundings, they are more likely to engage in community activities, support local businesses, and actively participate in neighbourhood improvement initiatives.
- 12.2 Street Scene contributes to our aim to improve street cleanliness.
- 12.3 The division comprises of four functional service areas:
- Waste collection
 - Street cleansing and grounds maintenance
 - Green Infrastructure
 - Fleet

Budget

- 12.4 Given the Council's financial challenges, various cost saving targets have been set and a total of £15.4 million of savings is on track to be delivered in 24/25 financial year.
- 12.5 There are financial savings predicted upon improving the efficiency of the waste operations. As part of the 2024/5 budget process, the Council approved the implementation of some key changes within waste, including the introduction of fortnightly collection of residual waste, with a budgeted saving of £4.5m in 2025/6 and the remodelling of recycling collection rounds, to be implemented in the current financial year, with a budget of £0.85m.

Improvement and Recovery plan

- 12.6 Below is a summary of activities underway that are included in the plan.
- 12.7 A review of the services within Street Scene has been undertaken. Plans are in place that reflect the Council's aims in the Improvement and Recovery plan.

Waste Transformation

- 12.8 At the beginning of 2024, in discussion with the Council Leadership Team, Commissioners and Cabinet, a transitional leadership team was assembled with the aim of tackling issues within Street Scene.
- 12.9 The team is almost complete, and an entirely new leadership team is moving forward with the necessary improvements needed to improve the Street Scene services for the citizens of Birmingham.
- 12.10 On 23 July, Cabinet approved a strategically significant report, which approved the replacement of the Council's oldest and most unreliable refuse collection

vehicles (RCVs). This represents an investment of £30.8m. It will also address one of the underlying performance issues, which is the unreliability of the current fleet. The procurement process is now underway with the delivery of new vehicles expected to commence in 2025.

- 12.11 In April 2024 the street cleansing service and grounds maintenance function amalgamated. This is to create neighbourhood specific teams who will work together and thus reduce any duplication of work and improve performance efficiencies.
- 12.12 A new 10-year contract with Veolia was signed in January 2024. Part of this new contract involves several construction programmes to improve the waste disposal infrastructure across the City that benefits the residents. This includes the Work at the Castle Bromwich household waste recycling centre (HWRC) has already begun. It also includes redevelopment of the Lifford Lane depot and HWRC, due to start in December 2024. An additional re-use facility at Kings Norton is to be created and will work alongside the one at Tyseley.
- 12.13 A new website is being developed so community groups and schools can easily book slots to visit the waste treatment site at Tyseley. The site visit enables visitors to learn more about what happens to our waste and why it is so important to either reduce, reuse or recycle.

Parks

- 12.14 The service is committed to the advancement of a green, sustainable city providing parks, open spaces and services that are accessible to all. With 640 parks and open spaces in the city, our natural environment is undoubtedly one of Birmingham's greatest assets.
- 12.15 Our Future City Plan introduces the vision for Birmingham becoming a city of nature. The current phase of delivery is focused on the most deprived wards and a Green Infrastructure plan has been put in place. Various grants and S106 funding have been secured to deliver the plan. BCC is also working in partnership with Birmingham City of Nature Alliance (a conduit for direct citizen engagement). The National Trust led Urban Forest Accelerator project, funded by DEFRA continues at pace and due to finish by the end of 2024.
- 12.16 Birmingham also retained its Tree City of the World status for another year.
- 12.17 The Cabinet Member recently attended the formal opening of Primrose Park, a brand-new park in Kings Norton.
 - 12.17.1 This was a part of a housing regeneration project in the area. The park has wildflower areas and new trees which will significantly improve the biodiversity of the area, as well as including new facilities for play and sport.
 - 12.17.2 This includes the first teqball (a sport using a football played on a curved table) installed in a Birmingham park.

- 12.18 The service will continue to make Birmingham one of the greenest cities in the country.

Friends of Parks

- 12.19 Friends of communities across Birmingham continue to do fantastic work in the city's parks and open spaces. In the year from April 2023-March 2024, Birmingham Open Spaces Forum calculated that Friends Groups spent:
- 42,469 hours spent on conservation, gardening and infrastructure.
 - 15,085 hours spent on events.
 - 21,523 hours spent on back office support.
 - 26,680 hours spent on additional support, including litter picks and security.
- 12.20 This represents a combined total of 105,757 hours, which, based on the current living wage rate, would equate to almost £1.3m. This is an outstanding contribution to city life, supporting our parks and green spaces.

Pocket Parks

- 12.21 Pocket Parks is a partnership between the Council's East Birmingham Programme Team and the National Trust. Working together and being led by the local community in each area, 4 new Pocket Parks have been created at Bromford (Bromford Drive), Ward End (St Margaret's Road), Alum Rock (Naseby Youth Centre) and Stechford (Stechford Village Green). This was made possible with £100,000 funding from the UK Shared Prosperity Fund, with National Trust contributing a further £20,000 in kind.
- 12.22 At each of the 4 Pocket Parks, the designs have been created by the community, working in co-production with the local architects (Intervention Architecture at Bromford and Ward End) and our BCC Landscape Practice Group (at Naseby Youth Centre and Stechford). Local communities not only co-design the vision for these spaces but also co-developed each of the pocket parks. An additional £5,000 Maintenance Grant has been awarded to the lead community groups for each Pocket Park to enable the legacy of the project.
- 12.23 In addition to this, a further £165,000 UKSPF funding has been provided for the regeneration of Glebe Farm Park – allowing the council to install 1,000 metres of new pathway, new litter bins, mature trees and replace damaged play equipment – that the community had been requesting for a number of years.
- 12.24 Combined, these projects have physically transformed 26,706m² of green space in East Birmingham, increased community ownership and upskilled local people to take responsibility for maintaining these spaces. It has also been an important step to transforming Birmingham's underutilised green spaces and allowed the Council to provide much needed investment via external funding; a model we wish to develop further in the months and years ahead.

- 12.25 The success of these projects has led to a second round of Pocket Parks funding – allowing the Council to select a further 4 spaces for completion in East Birmingham before April 2025. The call is now open: [East Birmingham Pocket Parks Project Grant Application](#).

Street Cleansing and grounds maintenance

- 12.26 The Street Cleansing Service is responsible for ensuring the cleanliness of the city to the standards specified by the Environmental Protection Act of 1990.
- 12.27 Approximately 1200 km of highway is cleansed daily by various methods, from mechanical sweeping vehicles to traditional hand cleansing. The services provided are tailored and scheduled to meet anticipated levels of littering at differing locations.

Risks and challenges

- 12.28 The main risks and challenges for the Division in the next nine months are:
- 12.29 Due to the Council's financial challenges, there has been significant cuts in many of the Street Scene services which is having an impact on operational performance. For example, Flytipping has increased significantly in the wards with the highest instances being predominantly the inner-city high-density wards. Changes to routes and schedules have been made to make regular visits to these areas to keep on top of the reported incidence.
- 12.30 Currently, each service is reliant on an aging fleet, which is why Cabinet has approved the purchase of 132 new waste vehicles. Vehicles in street cleansing and grounds maintenance will also need to be upgraded.

Looking ahead to the next 12 months

Waste

- 12.31 As part of the waste transformation programme, the rationalisation of recycling rounds for 3% (16,000) of residents will be rolled out in October/November 2024. The last review of rounds was undertaken in 2011, so this will help to ensure that these rounds are fit for purpose.
- 12.32 There is a drive to radically improve recycling rates in the city too. Presently, only 22% of waste is recycled in Birmingham compared to the national average of 44.6% (as from 2021).
- 12.33 At the time of writing, the report to September Cabinet has yet to occur, which will propose the roll-out of an additional 180L wheeled bin for paper and card, to replace the current inserts. This will increase the amount of recycling capacity residents have available and reduce the amount of material contamination.

- 12.33.1 A communications campaign will run alongside this introduction to encourage residents to increase their recycling and show them what can and cannot be recycled. It is predicted that this change will see the level of contaminations fall below 15% avoiding the additional processing charges and also increase the Council's recycling rate through increased volumes of kerbside mixed paper recycling. In partnership with Veolia, the Council is working towards achieving a 70% recycling rate by 2040.
- 12.34 There is a statutory requirement for the waste collection service to introduce weekly food collection by March 2026, which Cabinet approved in July.
- 12.34.1 Starting in April 2025 there will be a phased approach to roll out a weekly food waste service across the whole of Birmingham. Concurrently, the recycling and residual waste services will become fortnightly.
- 12.34.2 To aid the smooth transition, a comprehensive communications campaign will be carried out to ensure all residents have a clear understanding of what to expect and why.
- 12.34.3 DEFRA has allocated capital grant funding of £6.825m to the Council to support the introduction of the weekly food waste collection consisting of the following: kitchen caddies (£0.955m), kerbside caddies (£1.763m), communal wheelie bins (£0.526m) and vehicles (£3.580m).
- 12.34.3.1. Following Cabinet approval, the procurement process is underway to purchase 28 food waste collection vehicles and 340,00 7L and 340,000 23L food caddies.
- 12.35 An upgraded mobile IT software system for waste collection will be introduced in the coming months. This will be integral to improving performance standards across the service.
- 12.35.1 Importantly, this new system will also allow us to upload the new collection rounds data to optimise the rounds. The current waste collection and disposal software expires in April 2025.
- 12.35.2 In addition to the in-cab device, new vehicles will be procured with 360-degree CCTV cameras and telematics installed, this allows for data integration with back-office systems.
- 12.35.3 Officers from Digital Technology Services will lead on system architecture and integration and take a collaborative approach to deployment given the interdependencies.
- 12.35.4 The implementation of the new system will be complemented by a training programme for waste collection staff to ensure confidence and consistency in the effective use of this technology to realise the intended benefits.
- 12.36 Commercial waste is being structured to become a stand-alone entity. This will help the team to focus on growing the business and providing a quality service to businesses and institutions in Birmingham.

Fleet

- 12.37 A new fleet strategy is being developed to improve the management of Street Scene fleet and extend the approach to other fleet management activities within the wider City Operations directorate. As part of this review, a project is underway to identify key areas for cross-council efficiencies.

Street Cleansing and grounds maintenance

- 12.38 The Street Cleansing team is looking to build partnerships and collaborate with a variety of different internal services, including City Housing and Waste Enforcement.
- 12.39 City Housing are working on a partnership with Street Scene that allows street cleansing to remove waste on estates property. The agreement will cover the city and help with Flytipping problems.
- 12.40 Grounds maintenance, through an internal contract, will maintain the grass cutting and hedgerow maintenance. Other opportunities within the joined-up approach are also being explored.

Keep Britain Tidy

- 12.41 The team previously had a partnership with KBT, which ended in April 2024 due to savings considerations.
- 12.42 However, there is some credit which will be used to train staff to carry out street assessments, monitor and manage the street and open space cleanliness. This is a great way to invest in staff and audit the cleanliness of the streets and open spaces effectively.

13 Conclusion

- 13.1 The report above demonstrates the vast array of activity ongoing in the portfolio, and the strides being made to make the savings vital to the Council. The importance of the services in the portfolio to citizens cannot be understated.
- 13.2 A lot of major decisions have been taken in the period, for example the extension of interim contract during the pending Highways PFI decision, as well as the undertaking of the Parking Services Review.
- 13.3 Key Cabinet decisions such as the purchase of new waste fleet vehicles will help to improve the services that citizens are receiving, day after day.
- 13.4 This report also lays out the Cabinet Member's and the services' ambitions for the year ahead, where they will continue to work to deliver further savings and increase the quality of services that the Council provides.

Transformation, Governance and HR

14 Introduction

14.1 The Transformation, Governance and Human Resources portfolio is a new portfolio, created at the start of the municipal year in May. The prime purpose of this role is to lead and drive forward the radical and far-reaching changes needed across the Council, to remedy historic failings and to rebuild a City Council fit for the future. Key to this will be:

- a) ensuring delivery of the Improvement and Recovery Plan (IRP);
- b) improving performance management, accountability and risk management across the authority amongst both officers and the executive;
- c) challenging Directorates in making truly transformational changes to the way services are designed and delivered;
- d) rebuilding citizens' trust and confidence in their local services;
- e) improving productivity, stripping out duplication, modernising processes, exploiting digitisation and new automation technology;
- f) and to support the cross-cutting work required to reverse an over-siloed approach, create a one-Council culture, and support the Council in its improvement journey.

14.2 It cannot be understated that this has been a year of exceptional challenges for Birmingham City Council. Historic weak governance and a poor accountability culture within the Council can be seen as of equal importance as the financial difficulties, in having led to the current external intervention. A start has been made in recent months in putting things right. But there has been, and continues to be, a lot of hard work involved to deliver the immense scope and scale of whole Council change that will be needed to get the Council back on its feet as a well-run authority fit for the future.

14.3 Nevertheless, there has been good work done so far in our improvement journey by officers across the Council. This report details some of that early progress. Examples of these are reviews of key corporate services being underway, a refreshed set of more tightly defined and relevant KPIs, progress in resolving the equal pay challenge, and savings programmes are ongoing, with careful and regular monitoring.

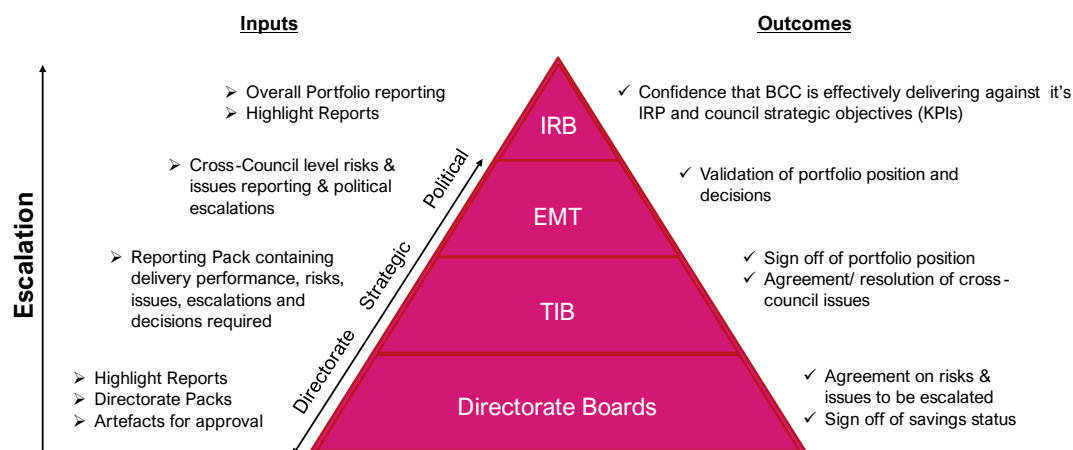
15 Improvement and Recovery Plan and Corporate Portfolio Management Office

15.1 Recognising the change in focus within the organisation to Improvement and Recovery, a Portfolio management approach has been developed in the

Corporate Portfolio Management Office (CPMO). The CPMO works closely with Senior Accountable Officers, Responsible Delivery Leads and Directorates to enable delivery and provide visibility of progress, risk and benefits to the Transformation and Improvement Board (TIB) and Members, as well as Commissioners via the Improvement and Recovery Board (IRB).

- 15.2 Providing a view of the Corporate Portfolio is vital in maintaining oversight and alignment to aims and objectives. To support the change in approach, BCC has been supported by EY who have been brought in for six months to help kick start the process and also by Kivue who have implemented a proof of value of their Perform reporting system.
- 15.3 Earlier this year it was agreed a phased approach to reporting and assurance across the Improvement and Recovery Plan (IRP) was necessary to meet the urgent requirements for savings reporting. Therefore, delivery reporting and assurance of the 2024/25 savings has been the primary focus of the CPMO since March, establishing the governance framework and reporting process has been critical in enabling grip, oversight and the ability to quickly address issues.
- 15.4 The reporting process has been up and running for 4 cycles now with the governance framework (6 Directorate Boards, TIB and EMT) allowing for issue resolution at each level. The CPMO are working directly with Directorate delivery teams to support and enable delivery and facilitate early identification and resolution of issues, whilst ensuring appropriate challenge and assurance of progress is provided to the organisation.

Governance boards – Escalation/Issue resolution hierarchy



- 15.5 During July, reporting and assurance on the full set of IRP priority programmes has begun.
- 15.6 Following approval of the Improvement and Recovery Plan at Full Council on 16th April, work has been mobilised on the IRP priority programmes that weren't

already in flight and progress has continued to be made on those already established.

- 15.7 The reporting and assurance approach relies upon establishing clear reporting accountabilities from the outset. Effective collaboration between Directorates, and the CPMO will be essential to deliver on-time inputs to reporting and to ensure that the reporting of the progress of the Council's Improvement and Recovery Plan is robust, timely and enables delivery.
- 15.8 The outputs from this approach will provide TIB and elected members with a clear view of what has been achieved to date and progress against key delivery milestones. It should be noted that the first cycles are likely to be a learning curve for all stakeholders and the CPMO will continue to learn from each cycle and iteratively review and improve the process and outputs to enable decision making and provide oversight for key stakeholders.
- 15.9 Working with EY, a new Target Operating Model and strategic playbook are being developed for the CPMO. A plan to improve maturity and support strategic alignment will be outlined. This will support the embedding of the Portfolio approach and ensure the CPMO fully adopts its orchestrator role within the organisation, to architect and enable the delivery of the transformation.

16 Corporate Performance

Improvement and Recovery Plan

- 16.1 Work to improve performance management has progressed over the last quarter and a refreshed corporate Key Performance Indicator (KPI) set being introduced. The corporate KPI set now focusses more strongly on core service delivery to citizens, alongside a small number of organisational health indicators.
- 16.2 There has also been significant work to improve the content and clarity of the quarterly performance reporting product. All KPIs now have a numerical target, and performance is RAG (red, amber or green) rated accordingly.
- 16.3 We are also presenting benchmarking data wherever available to allow comparison of performance and targets with similar authorities. Performance reports are also being published on the City Observatory, enhancing accessibility for citizens and members.

Risks and challenges

- 16.4 Changes to the performance monitoring arrangements of the organisation have so far focussed on corporate-level reporting. There is a need to ensure alignment across the Council and at all levels with a single set of priorities if we are to become a well-run Council, and for everyone to play their part in achieving this.

Looking ahead to the next 12 months

- 16.5 An internal audit of Corporate Performance is taking place over the next 6 months which should lead to further recommendations to support the improvement of performance management across BCC.
- 16.6 Proposal for the reintroduction of the corporate approach to business planning as part of the overall performance framework improvement is being developed to coincide with the launch of a new corporate plan and in response to the challenge highlighted above.
- 16.7 Continuous improvement of the corporate performance reporting products and mechanisms to increase accountability for, and transparency of, performance data will remain a priority.

17 Legal Services

- 17.1 Legal Services is currently undergoing a transformation. A new structure will be in place from 1 September 2024, reflecting a modern law practice with revised job titles and roles, with a focus on providing opportunities for current employees wishing to develop their careers within the legal team of the Council.
- 17.2 The ongoing transformation over the coming months seeks to establish a culture of continuous improvement and excellence, providing essential legal advice and support to the Council. Successful recruitment into newly created and vacant posts and creating a stable and permanent workforce is now the priority.
- 17.3 Legal Services are on track to deliver the savings proposals put forward for 24/25 and have developed further proposals to achieve efficiencies in 25/26.
- 17.4 Officers within Legal Services have delivered workstreams within the stabilisation plan and are now working on the Governance and Relationship programme within the IRP, as well as providing legal support to all areas of the Council in the delivery of savings, restructures, and service changes.
- 17.5 A challenge for the service is having sufficient resource to deliver an excellent service, and to meet that challenge we are developing new ways of working and continue to review the demands of the work.

18 Early Intervention and Prevention

- 18.1 The Early Intervention and Prevention Programme business case was agreed at Cabinet on 25 April 2023. The programme has since been moving quickly to achieve its aim of the Council becoming an early intervention and prevention led organisation.
- 18.2 The principles of having a roof over your head, money in your pocket, help to get a job and then a better job and connection to community assets through things to do and places to be, are fundamental to enabling citizens and communities to remain and be independent.

- 18.3 A strong digital front door is key to transforming the way that an EI&P led organisation will operate in the future, building upon the success of the WMCA funded 'Nudge Pilot', which used data and insight to proactively target households that may be at risk of financial hardship and statutory service.
- 18.4 EI&P, in partnership with the Cost-of-Living Programme, are working to scale up our approach using digital triage, a virtual hub and a single view of the citizen platforms. The aim of which is to target potential vulnerability, get to people sooner and ensure that people have good quality information available to them to either self – serve or be supported into the right pathways for support.
- 18.5 Successful workshops have been held with the Executive Management Team over June and July to agree and commence phase 3 of the EI&P transformation programme to accelerate our journey to becoming an Early Intervention and Prevention Led Council. Over the next few months, the EI&P team will engage with individual directorates to work up the detail and delivery plans.

19 Human Resources

Equal Pay

- 19.1 The programme is focused on completing job information and evaluation of benchmark roles by 30 September 2024, which is a key milestone.
- 19.2 Work is ongoing to develop a set of pay and grading principles, which will allow the current job evaluation data and any revisions following the benchmarking activity to inform the design of a sustainable pay and grading structure.
- 19.3 Completing evaluations of our benchmark roles will also help validate the proposed pay and grading structure and give assurance to key stakeholders that it is sustainable and will achieve the objective of implementation by 01 April 2025.
- 19.4 Our aim is to get a collective agreement with the Trade Unions before the end of 2024.

2024/25 savings programme

- 19.5 A programme of work to undertake the consultation with our recognised Trade Union partners around the potential impact to employees of the savings proposals commenced in January 2024.
- 19.6 29 Business Cases have commenced to date, with consultation and subsequent amendments and activities for the avoidance of redundancy whilst achieving savings being considered.
- 19.7 41 employees have been redeployed through the Priority Movers process, enabling the identified saving whilst retaining the knowledge, skills and experience within the council.
- 19.8 241 redundancies have been confirmed, all through voluntary redundancy with no requirement for compulsory redundancy to date.

- 19.9 Further Business Cases and subsequent consultation will follow as any further organisational change is proposed.

HRSS service implementation

- 19.10 Activity to reset the People Services service to the Organisation commenced in 2023/24 and continues in 2024/25. The focus for 2024 has been the completion of a redesigned Employee Relations restructure. This has now concluded (as at 21/08/24) and the business case with the Trade Unions closed. This will allow a more directive, focussed and professional service to our people.
- 19.11 Further areas for service improvement within the People Services operation include areas such as resourcing, workforce planning, compliance and data, analytics and Insight.

Industrial Relations

- 19.12 Despite several incidences of industrial action, and the potential of future dispute as a result of the challenges the council faces, good working relationships have been established with key unions stakeholders which are proving effective in working the various issues through to resolution.
- 19.13 NJC Members Appeals against dismissal have been replaced by appeals to be heard by JNC Officers.
- 19.14 Consultation is being finalised on a new BCC Sickness Absence Policy & Procedure.

Culture Change & Organisational Design

- 19.15 The Culture Change & Organisation Design workstream has been identified as a core underpinning of the IRP and the future of the council. Whilst the change in officer leadership since the workstream was planned has impacted upon timeframes and approach both activities have commenced within 2024 and are being managed to slightly revised schedules and deliverables to enable the IRP. The two key items that make up this workstream are both large with long timeframes for deliverables and to see the impact of the changes so the work in this space will continue through 2024 and 2025.
- 19.16 In early 2024, as part of the Stabilisation Plan response to the review by the Centre for Governance and Scrutiny, the Values and Behaviours of the council were reviewed and refreshed to create greater accessibility and understanding. These were then aligned to a refreshed Appraisal to support discussion around individual's adherence to, or championing of, the Values and Behaviours.

Equity, Diversity, Inclusion and Belonging (EDI&B)

- 19.17 There has been the establishment of a small team within People Services focused upon EDI&B for the staff of the council in 2024. Full resourcing of this team as well as the consolidation of roles undertaking internally focused EDI&B

roles within the wider council to create a coordinated council wide approach and experience and ensure that best practice is shared.

- 19.18 The commissioned timeframe for Everyone's Battle, Everyone's Business (EBEB) ceased in March 2024. A proposed EDI&B strategy has been created, the content of which continues and grows upon the principles of EBEB whilst creating measurable actions to bring focus and delivery.
- 19.19 The Equal Group Report on People Services from early 2023 was published, for transparency, on the intranet. This highlighted a number of issues within People Services and more widely within leadership with regard to how people from disadvantaged groups are treated in relation to protection and support. The proposals of actions from the report have been incorporated into the deliverable actions from the EDI&B strategy and action plan.
- 19.20 Staff Networks were feeling disengaged, with limited meetings taking place between Networks and Officers, leading to significant distrust. Re-engagement with Staff Networks has been a particular focus with listening sessions with the Acting CEO and employing an approach to collaborate around both the suitability of the EDI&B strategy and action plan as well as the measurement approach.
- 19.21 Subsequently, People Services ran engagement sessions with our Corporate Leadership Team and Staff Networks, reshaping the relationships and commitment to our networks. The outputs from this session will form the approach to future enhanced support for the Staff Networks and enablement for the EDI&B action plan.

Talent Portfolio

- 19.22 A programme has been planned and commenced in 2024 for the build of a coordinated approach to development of staff across the council. The programme will enable the development of an Early Careers Strategy covering Graduates, Apprenticeships, Work Experience and school, college and university engagement. The programme will also enable the development of a Leadership Development approach covering development of existing leadership, identification and development of future leaders, as well as identifying any potential future equitable leadership training opportunities.
- 19.23 The programmes are intended to future-proof the council and its staff, investing in the existing talent within the council and identifying and investing in the local future potential employees of the council.
- 19.24 These programmes are large and have a long timeframe for delivery so will continue development through 2024 and 2025.
- 19.25 The annual Employee Appraisal process has been reviewed and refreshed as part of the Stabilisation Plan response to the review by the Centre for Governance and Scrutiny. This refresh made the Appraisal more approachable, aligned it to the Values and Behaviours of the council and added in enhanced communication and support materials for those completing it. Completion rate for the 2024

Appraisal was up 100% year-on-year against 2023. The Appraisal will continue to be developed based upon feedback during and following the 2024 process.

- 19.26 Corporate Induction has been redesigned and relaunched in June 2024 as part of the approach to enhance onboarding and early engagement with staff.

Employee Engagement

- 19.27 People Services led on the new Colleague Community; a growing number of colleagues who are available to problem solve, innovate, and share their experiences to help the IRP programmes. So far 186 colleagues have been involved in shaping the communications, the Colleague Community itself and providing cost-saving ideas.
- 19.28 People Services launched a new Managers Insights Webinar, bringing to life every month the communications from People Services, giving clear call-to-actions, and listening to our c.2,000 line managers.
- 19.29 People Services are working with DTS and Oracle to find a solution to communicate and engage direct with offline colleagues, where 35% of the workforce, around 3550 colleagues, have no access to Microsoft licenses, the intranet etc. A Frontline Workers Bulletin has been produced, sending key short information to frontline colleagues to around 1000 frontline managers with talk points, posters of the bulletin, and a shareable digital newsletter of the same content so the information is accessible.
- 19.30 A Colleague Engagement Survey will launch in November 2024, 5 years after the last survey. This will be our most accessible survey (contact centre telephone line, frontline visits, manager webinars, QR codes etc.) where we want equitable access for all colleagues to have their opinions heard on engagement, wellbeing, inclusion and belonging. From the results, action plans will enable co-creation of key areas of opportunities and strengths with directorate staff to drive the changes in their own areas.

Occupational Health, Safety & Wellbeing

- 19.31 Primary focus continues to be in relation to supporting directorates to reduce ill health, the risk of physical injury, sickness absence and the management of corporate risk.
- 19.32 Progress against priorities has been strong, implementing a new Employee Assistance Programme in June 2024 and engagement with the service is growing month on month.
- 19.33 A Speak Up service has been implemented in August 2024 delivered by a third party provider to support the internal Whistleblowing Policy, improve employee engagement, encourage issues to be raised proactively and anonymously and to afford us the earliest opportunity to address potential risks.

- 19.34 The overarching Occupational Health, Safety and Wellbeing policy was rewritten and submitted to CLT in June 2024 which places a greater emphasis on local ownership and accountability of associated issues. In relation to this the team have been asked to support compliance in a number of higher risk service areas.

Summary

- 19.35 In summary, the People Services team has commenced and progressed rectification for significant long-term issues for the council in the past year and remains on course to deliver these challenging but necessary changes for the council through 24/25 and beyond.

20 Conclusion

- 20.1 There is still a lot to be done in order to become a financially sustainable and well-run Council delivering consistently best value services for our residents. This report highlights some of the corporate work being done to pave the way towards the major long term transformational journey that still lies ahead, to enable us to reach the standards we have set for ourselves as a trusted, efficient and effective public service that puts partners, communities and citizens first. I look forward to reporting back to City Council on progress made at the next opportunity.

Birmingham City Council

Report to City Council

17 September 2024



Title:	PROPOSED CHANGES TO THE COUNCIL'S PROCUREMENT AND CONTRACT GOVERNANCE RULES
Lead Cabinet Portfolio:	Councillor Karen McCarthy, Cabinet Member for Finance
Relevant Overview and Scrutiny Committee:	Councillor Albert Bore, Chair of the Corporate and Finance Overview and Scrutiny Committee
Report Author:	Mike Smith, Head of Procurement People Category Directorate or Name of External Organisation Phone Number 07827 367139 Email: mike.smith@birmingham.gov.uk
Authorised by:	Maria Huggon, Interim Commercial & Procurement Director
Is this a Key Decision?	No
If this is a Key Decision, is this decision listed on the Forward Plan?	Not Applicable
Reason(s) why not included on the Forward Plan:	Not Applicable.
Is this a Late Report?	No
Reason(s) why Late:	Not Applicable.
Is this decision eligible for 'call in?'	No
If not eligible, please provide reason(s):	Not Applicable.

Wards: All

Does this report contain exempt or confidential information? No

Has this decision been included on the Notification of Intention to consider Matters in Private? No

Reasons why not included on the Notification: Not Applicable.

1 EXECUTIVE SUMMARY

This report seeks consideration of changes to the Council's Procurement and Contract Governance Rules and makes recommendations for approval by the City Council.

Members are reminded that the Procurement and Contract Governance Rules establishes how the Council procures, enters into and manages contracts with third party suppliers. In addition, the rules form part of the formal constitution of the Council and are otherwise referenced as the Council's Contract Standing Orders.

The changes made in this revision of the Procurement and Contract Governance Rules are to accommodate two sets of new procurement legislation; namely The Procurement Act 2023 and The Provider Selection Regime (for health-related contracts).

2 COMMISSIONERS' REVIEW

2.1 Following the UK's exit from the European Union, the government took the opportunity to develop public sector procurement rules to create a more flexible approach to enable public sector bodies to achieve better value for money. The new Procurement Act will come in to force on 28th October 2024.

The proposed changes to the Council's procurement processes and governance reflect these changes. However, the re-issue of these "procurement and contract governance rules" surfaces the need for BCC to specifically:

- Ensure the Commercial and Procurement Service provide overall strategic ownership of procurement and commercial activity for the Council. This includes a range of activities detailed in the new procedures.
- Prior to commencing a procurement process and the commencement of a Tender, a Procurement Strategy Report briefly outlining the proposed activity is required.
- Contract management must be an integral part when seeking to award a new Contract. Contract management is best practice and is proven to deliver greater value to the customer.
- Utilise frameworks, either BCC specific or other appropriate/available frameworks e.g. CCS frameworks.

Commissioners require the establishment of a BCC Procurement Board to review and assess material procurements sufficiently ahead of contract end dates to allow for greater strategic and business alignment preparation. The Council must also develop and maintain a comprehensive contract register, owned by the Procurement and Commercial Service.

Commissioners support this Cabinet submission

RECOMMENDATIONS

That City Council:

- 3.1 Approves the changes presented in the updated Procurement and Contract Governance Rules (Appendix 1) as part of the new Contract Standing Orders for the Council and that they are incorporated into the Council's Constitution.
- 3.2 Approves that delegate authority be granted to the Section 151 Officer and Monitoring Officer to agree any final minor changes and edits to the Contract Standing Orders and supporting procedural notes in conjunction with the Cabinet Member for Finance.

3 KEY INFORMATION

Context

- 3.1 The Council needs to have a set of clearly understood rules for procurement and contract activity which ultimately form the Contract Standing Orders for the Council and are part of the Council's Constitution.

The current rules (known as Procurement Governance Arrangements) have been subject to a thorough review undertaken during winter 2021 / spring 2022 with Overview and Scrutiny Committee with the latest set being approved in March 2024.

- 3.2 Amendments to the current rules are required to reflect new legislation in the form of the Procurement Act 2023 and the Provider Selection Regime (for health-related contracts), and as such are not required to be referred to Full Council for approval but can be approved by this Committee.
- 3.3 The proposed revisions to the rules will affect both Officers across the Council in how they tender and contract manage contractual arrangements and also suppliers who either currently provide, or those who seek to provide, supplies, services or works to the Council.

Proposal and Reasons for Recommendations

- 3.4 As noted, this set of amendments is necessary to reflect the legislative changes that have been introduced.

Other Options Considered

- 3.5 The only other option would be to not update the constitution to reflect the new legislation, however this would leave the Council with a dysfunctional set of Procurement and Contract Governance Rules.

4 RISK MANAGEMENT

- 4.1 The implementation of the new Procurement and Contract Governance Rules greatly reduces the risk of non-compliance with the Council's Statutory requirements.

5 CONSULTATION

- 5.1 The Cabinet Member for Finance and officers from Legal Services have been consulted on the changes to the Constitution and in the production of this report.

5.2 IMPACT AND IMPLICATIONS

Finance

- 5.3 There are no direct Financial Implications in relation to this report. However, the new Competitive Flexible Procedure introduced by the Procurement Act 2023, will afford greater flexibility in allowing commercial discussions as part of procurement processes as appropriate.

Legal

- 5.4 Section 135 of the Local Government Act 1972 requires the Council to make standing orders with respect to contracts for the supply of goods or services or for the execution of works which provide for securing competition and regulation of the manner in which tenders are invited

Equalities

- 5.5 There are no equality implications arising directly from the recommendations set out in the report.

Procurement

- 5.6 The subject of this report sets out the fundamental principles for how the Council undertakes procurement and contract management arrangements. It is a legal requirement for the Council to have formal Contract Standing Orders, which is what is proposed with the report.
- 5.7 The Contract Standing Orders are required to work alongside the public sector procurement legislation and the review has taken this into account.
- 5.8 The Procurement Act 2023 brings wide-ranging changes, particularly in respect of:
- 5.8.1 the Council's Transparency requirements (which are now far more wide-ranging);
 - 5.8.2 greater rigour in contract management (with the identification and publication of contractual KPIs for certain contracts);

- 5.8.3 more formal approaches to preliminary market engagement;
 - 5.8.4 the use of Open frameworks and Dynamic Markets;
 - 5.8.5 greater rigour in respect of Conflicts of Interests; and
 - 5.8.6 more flexibility in how the Council can design its procurement processes.
- 5.9 The amendments to the constitution to accommodate the new Act are included, as tracked-changes, in Appendix 1, with a clean version at Appendix 2.
- 5.10 The Provider Selection Regime, which covers health related contracts, gives a greater emphasis on direct awards where appropriate to do so. The amendments to the constitution to accommodate the new Regime are included, as tracked-changes, in Appendix 1, with a clean version at Appendix 2. A Briefing Note explaining the general context and application of the Provider Selection Regime is included in Appendix 3.

People Services

There are no People Services implications in respect of this report

Climate Change, Nature and Net Zero

- 5.11 There are no Climate Change, Nature and Net Zero implications in respect of this report.

Corporate Parenting

- 5.12 There are no Corporate Parenting implications in respect of this report.

6 APPENDICES

- 6.1 Appendix 1 – The Changes to Part D of the Constitution
- 6.2 Appendix 2 – Clean version – Part D of the Constitution
- 6.3 Appendix 3 – Briefing Note – The Provider Selection Regime

7 BACKGROUND PAPERS

- 7.1 Not applicable.



Birmingham City Council Constitution

Part D – Finance, Procurement and Contract Governance Rules
September 2024



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D1. FINANCIAL REGULATIONS

1.1 Financial Regulations

- i. Financial Regulations set out the key rules for the management of the Council's Finances that must be observed by all employees and Members and anyone acting for the Council in a consultancy or interim capacity.
 - ii. These Financial Regulations link closely to the Financial Arrangements that set out the responsibilities of Members, The Chief Finance Officer and Directors to ensure compliance with these regulations.
- FR1. All employees and all Members must at all times when engaged on Council activities act in the interests of the Council as a whole.
- FR2. All employees and all Members must adopt the highest standards of financial probity, including declaring all relevant financial interests to the Monitoring Officer or their Director as appropriate.
- FR3. All employees and all Members have a duty to report any unlawful or potentially unlawful spending or financial irregularity at the earliest opportunity.
- FR4. All employees and all Members must comply with the Financial Approval Framework which sets out the parameters for making financial decisions (Appendix A).
- FR5. The Council appoints a Chief Finance Officer under S151 of the Local Government Act 1972, who is responsible for the proper administration of the City Council's Financial Affairs.
- FR6. All employees and all Members must comply at all times with Financial Regulations and the associated Financial Regulatory Framework established and maintained by the S151 Officer, including: -
- a) Financial Regulations
 - b) Financial Governance Framework
 - c) Financial Procedures
 - d) Financial Management Tool "My Finance"
- FR7. All employees and all Members must act reasonably and within the spirit of the financial regulatory framework.
- FR8. Financial Regulations and the Financial Governance Framework will be reviewed annually by the Chief Finance Officer and approved by Council. The Chief Finance Officer is responsible for setting Financial Procedures and the Financial Management Tool "My Finance" and ensuring that these remain up to date.
- FR9. All activities must be in accordance with:
- a) Legislation.

- b) Approved Council strategies.
 - c) Approved revenue budgets and capital programmes.
 - d) Relevant Council policies.
 - e) All appropriate professional codes of practice (e.g. CIPFA codes).
- FR10. Best value and value for money must be sought in all activities, including the procurement and commissioning of goods and services and the acquisition and disposal of assets.
- FR11. All employees and all Members have a duty to maintain the security of Council assets and computer systems that contain financial, commercial, and personal information.
- FR12. All managers have a duty to identify, assess and mitigate existing and emerging risks facing the Council and ensure that there are appropriate insurance arrangements in place to manage those unmitigated risks.
- FR13. The Council, assisted by the Cabinet, will maintain financial oversight of all financial activities in line with the Financial Accountability Framework supported by the Chief Finance Officer, who delivers appropriate transparency and reporting on the delivery of this framework.
- FR14. The Council will appoint an Audit Committee to keep under review its risk management and internal control processes and advise it on any changes that need to be made to strengthen governance arrangements.
- FR15. The Chief Finance Officer will fulfil their statutory responsibility in line with the Chief Finance Officer Protocol at Appendix B to ensure there are appropriate and adequate systems and procedures within the Council to:
- a) Ensure that financial plans are realistic and affordable.
 - b) Report to the Council if they consider that it no longer has sufficient resources to deliver its financial plans (S114 report).
 - c) Account for all income and expenditure.
 - d) Protect assets from loss, waste, theft, or fraud.
- FR16. The Chief Finance Officer, or their representative, has the right to be present and give appropriate advice, at all meetings, where the Council's financial arrangements are discussed.
- FR17. Directors, under the Financial Accountability Framework are responsible for the control and management of all resources of all kinds, including capital and revenue budgets made available to them and must ensure that they and all of their staff comply with all relevant financial guidance and controls in managing those resources.
- FR18. Directors must provide an annual assurance statement to the Chief Finance Officer, in the format prescribed by the Chief Finance Officer, to confirm that their Directorate has complied with Financial Regulations and Financial Procedure rules. This will set out clearly how they have gained this assurance.

- FR19 All references within this document to employees include consultants or anyone acting on a temporary or interim basis for the Council.
- FR20 These regulations also apply to all Council bodies, trading bodies or associated organisations unless the Chief Finance Officer specifically agrees that other arrangements will be followed. The Financial Regulations exclude schools for which separate regulations apply.
- FR21 Failure to comply with Financial Regulations, or instructions issued under them, may constitute misconduct.

1.2 Financial Accountability Arrangements to Deliver Sound Financial Management

- i. Financial Accountability Arrangements set out the role of Members, the Chief Finance Officer and Directors in delivering sound financial management across the Council.

THE ROLE OF MEMBERS

- ii. The [Constitution](#) sets out the specific roles of Council and Cabinet and the extent to which Cabinet will fulfil the roles set out below.

FA1 Financial Planning & Control

The Council sets the spending plans for Birmingham City Council on an annual basis, advised by the S151 Officer, to conform with all necessary legislation and will: -

- (i) approve the Annual Financial Plan (including the revenue and capital budget) for each financial year before the preceding 10 March.
- a. Medium Term Financial Plan
 - b. Reserves Strategy and Policy
 - c. Charging Policy and associated fees & charges
 - d. Capital Strategy and associated five-year capital programme
 - e. Treasury Management Strategy
- (ii) approve the level of Council Tax in accordance with the Local Government Finance Act 1992.

FA2 Financial Management

The Council or Cabinet will approve significant in-year variations to the Revenue Budget or the Capital Programme, in line with the agreed thresholds set out in Annex A. This includes:

- (i) Virement of significant sums of money between budget headings.
- (ii) Substantial new additional spending not included within revenue budget plans.
- (iii) Significant variations to the Capital Programme.
- (iv) The creation or unplanned use of reserves not included within the approved Revenue Budget or Capital Programme.
- (v) The carry-forward of unspent revenue or capital budgets at the year end.

FA3 Financial Assurance and Oversight

The Council gains assurance that its financial plans are being delivered effectively and within available resources by:

- (i) Quarterly Monitoring Reports on the Revenue Budget and Capital Programme.
- (ii) Half-yearly reports on the implementation of the Treasury Management Strategy.
- (iii) The out-turn report.
- (iv) The Annual Statement of Accounts, including the Annual Governance Statement.
- (v) The Annual report of the Audit Committee.

FA4 Financial Governance

The Council will appoint an Audit Committee to oversee financial governance

- (i) The Audit Committee agrees the annual audit plan and internal audit protocol.
- (ii) The Assistant Director Internal Audit & Risk Management reports to the Audit Committee on at least a quarterly basis on the implementation of the Audit Plan and key recommendations.
- (iii) The Audit Committee approves the Annual Governance Statement, prior to sign off and receives the report of the External Auditor on their audit of the City Council's accounts.

FA5 Core Strategies that support Sound Financial Management

The Council agrees core strategies that support Sound Financial Management including:

- (i) Anti-Fraud & Corruption Strategy.
- (ii) Anti - Money Laundering Policy.
- (iii) Whistle-blowing Strategy.
- (iv) Risk Management Strategy.
- (v) Insurance Strategy.
- (vi) Contracts and Procurement Regulations.

FA6 Delivery and adherence to Core Strategies

The Council monitors the delivery and adherence to core strategies by receiving reports on at least an annual basis on their implementation.

THE CHIEF FINANCE OFFICER (S151 Officer)

- iii. The Chief Finance Officer has a statutory responsibility for the proper administration of the Council's financial affairs. CIPFA, the public sector professional finance body have set out five principles that define core activities and behaviours that belong to the role of the Chief Finance Officer:
 - a. The Chief Finance Officer should be a key member of the Leadership Team, helping the organisation to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest.

- b. The Chief Finance Officer must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered, and aligned with the organisation's financial strategy.
- c. The Chief Finance Officer must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently, and effectively.
- d. To deliver these responsibilities the Chief Finance Officer must lead and direct a finance function that is resourced to be fit for purpose; and
- e. The Chief Finance Officer must be professionally qualified and suitably experienced.

FB1 Financial Planning

- (i) Advising on the completeness of financial estimates.
- (ii) Assessing the robustness of reserves to support the revenue budget.
- (iii) Preparing a reserves strategy to support the revenue budget and capital programme.
- (iv) Preparing and keeping under review a medium-term financial plan.
- (v) Ensuring that the financial implications of the Capital Strategy and Capital Programme are affordable as measured by Prudential Indicators.
- (vi) Preparing an annual Treasury Management Strategy.
- (vii) Ensuring that all Council tax calculations accord with statutory requirements.

FB2 Financial Management & Control

- (i) Overseeing the delivery of the budget and capital programme within the parameters set by the Council.
- (ii) Establishing processes to ensure that any spending or virement that exceeds the set parameters is brought to the appropriate Cabinet/Council for decision.
- (iii) Establishing processes to prioritise capital and revenue spending against key Council aims and objectives.
- (iv) Establishing a business case process for capital and revenue funding bids.
- (v) Establishing a gateway process for all new capital schemes to ensure that they align with core council aims and objectives and its capital strategy.
- (vi) Advising, developing, and leading on plans to achieve a balanced budget and manage projected medium-term budget deficits.

FB3 Financial Oversight

- (i) Preparing at a minimum *quarterly* monitoring reports on the revenue budget and capital programme, including an update on the medium-term financial plan on a half yearly basis.
- (ii) Bringing to the prompt attention of Members any significant overspending or potentially unlawful spending.
- (iii) Preparing a half-yearly report on the implementation of the Treasury Management Strategy.

- (iv) Preparing annual accounts, including the Annual Governance Statement in accordance with all necessary statutory requirements, and within statutory timescales.

FB4 Financial Governance

- (i) Ensuring an appropriate system of internal control exists throughout the Council including issuing financial procedure rules and the “My Finance” financial management toolkit to make all officers aware of their responsibilities regarding sound financial management.
- (ii) Ensuring that appropriate arrangements are in place to deliver an effective internal audit service in line with the Accounts and Audit (England) Regulations 2015.
- (iii) Making appropriate arrangements for external audit in line with Local Audit & Accountability Act.
- (iv) Ensuring open and unfettered access for internal and external auditors throughout the Council.

FB5 Core Strategies that Support the Budget

- (i) In consultation with the Assistant Director (Internal Audit & Risk Management) preparing and keeping under review an Anti-Fraud and corruption strategy.
- (ii) Ensuring that the Risk Management Strategy highlights the financial impact of all risks facing the Council and this informs financial plans.
- (iii) Preparing an Insurance Strategy .
- (iv) Ensuring that contracts and procurement guidelines are followed in the ordering and procurement of goods and services.

FB6 Delivery and Adherence to Core Strategies

- (i) Preparing an annual report on the delivery of the Anti-fraud and corruption strategy
- (ii) Reporting on at least a half-yearly basis to the Audit Committee on the risk management strategy and key risks facing the Council.
- (iii) Preparing an annual report on the implementation of the insurance strategy.
- (iv) Annual report on contracts awarded and tender waivers.
- (v) Reporting annually on the operation of the Anti-Money Laundering Policy.

ROLE OF DIRECTORS

- iv. For the purposes of these regulations this means the Chief Executive, Monitoring Officer and All Directors of Birmingham City Council, together with the Chief Executive and Directors of other associated organisations, who adopt the financial regulations of Birmingham City Council. Directors have prime responsibility for their budgets and ultimate responsibility for the financial management of all resources allocated to them.

FC1 Financial Planning & Control

- (i) Ensuring that the Chief Finance Officer is aware of new service and financial pressures that impact on the medium-term financial plan.

- (ii) Preparing financial estimates in accordance with financial guidance.
- (iii) Ensuring that proper and legal budgets have been set that accord with the overall Council budget.
- (iv) Maintaining and collecting sufficient performance information to assess the financial impact of changing demand for the service.
- (v) Preparing Equality Impact Needs Assessments for their areas of responsibility and for any proposals for major change, in a format specified by the Cohesion and Partnerships Manager.
- (vi) Preparing plans and strategies that support the Capital Strategy, including the IT and Digital strategy, Asset Management Plan, Estates Strategy.

FC2 Financial Management

- (i) Ensuring that net expenditure (revenue and capital) in their areas of responsibility does not exceed the annual budgets set for their services and projects.
- (ii) Ensuring that each budget has a designated budget holder and that each capital project has a designated project manager.
- (iii) Ensuring that monitoring and forecasting of in-year spending is realistic and accurately reflects current and future demand and commitments for the service.
- (iv) Complying with all financial guidance concerning the preparation of business cases and the gateway process.
- (v) Ensuring that the financial implications of key decisions are included within any report seeking additional in-year revenue or capital funding.
- (vi) Complying with all financial limits concerning the virement of budgets or the in-year approval of new capital and revenue spending.
- (vii) Developing and implementing plans to contribute to a balanced budget as part of the overall budget management strategy lead by the Chief Finance Officer.
- (viii) Ensuring the identification, reconciliation, recording and security of all income due/received.
- (ix) Ensuring the security, custody, and management of all assets.

FC3 Financial Oversight

- (i) Ensuring that all expenditure is lawful (intra vires), has been properly authorised and all necessary processes have been complied with.
- (ii) Ensuring there are adequate controls and procedures in operation within their department.
- (iii) Each Director must report to the Monitoring Officer and the Chief Finance Officer where there is doubt over the legality of proposed, or already incurred, expenditure and or actions.
- (iv) Complying with all financial procedures and requirements to maintain accurate and comprehensive financial records.
- (v) Observing all year end processes and timetables to prepare financial information to be consolidated within the Council's statement of accounts, including robust and evidence-based forecasting of spend as part of the closedown process.

FC4 Financial Governance

- (i) Co-operating and engaging effectively with their Finance Business Partner to ensure that the Business Partner is involved in all key financial decisions affecting their directorate.
- (ii) Ensuring they have appropriate organisational structures in place to achieve effective financial administration in the fulfilment of their service responsibilities and to comply with the financial regulatory environment.
- (iii) Ensuring they have effective financial systems, processes and procedures in place that meet the requirement of the Chief Finance Officer.
- (iv) Ensuring that all of their employees receive up to date financial and systems training to properly perform their duties.
- (v) Providing open and unfettered access to internal and external auditors.
- (vi) Implementing agreed internal audit recommendations within agreed timescales.

FC5 Core Strategies that Support the Budget

- (i) Ensuring that designated risk owners are appointed for all risks identified and managed within their directorate.
- (ii) *Ensuring that appropriate insurance is arranged in line with the Insurance strategy.*
- (iii) Preparing and keeping under review the Whistle Blowing Policy (Monitoring Officer).

FC6 Delivery and Adherence to Core Strategies

- (i) Directors will maintain appropriate systems to enable the Chief Finance Officer to collect information on the adherence to core strategies.

Appendix A: Financial Approval Framework

CFO – Chief Finance Officer

		Within Director Delegations (note 1)	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 – up to £500,000	£500,000 (revenue)
1.	Revenue Budget and Resources Approvals			
1.1	Allocation of corporate revenue budgets	CFO (in consultation with the Chief Exec and Leader if £100,000 or more)	Cabinet	Cabinet
1.2	Allocation of general revenue Policy Contingency			
1.3	Virement or reallocation of revenue budgets between Directorates			
1.4	Virement or reallocation of revenue budgets held by Directorates.	Relevant Director	Either relevant Cabinet Member or Regulatory Committee	Cabinet
1.5a	Approval to bid for external revenue resources (including any associated Accountable Body Roles) to be included in an Outline Business Case Report.	Relevant Director with CFO	Either relevant Cabinet Member with CFO, or Regulatory Committee	Either relevant Cabinet Member with CFO, or Regulatory Committee
1.5b 1.6	Approval to accept external revenue resources (including any associated Accountable Body Roles) Approval to incur expenditure funded by accepting external revenue resources (including any associated Accountable Body roles) including where 1.5 is not applicable (e.g. where no bid submission was required). (Specific Government Grants and similar funding are excluded from this and are covered by 1.8) <i>In consultation with the ward members (where applicable)</i>	Relevant Director with CFO	Either relevant Cabinet Member with CFO, or Regulatory Committee	Cabinet

1.7	Technical revenue budget reallocations or adjustments (e.g. resulting from reorganisation) (note 3)	Chief Finance Officer	Chief Finance Officer	Chief Finance Officer
1.8	Allocations of Revenue Grant and Ring-Fenced related reserves – resulting expenditure is approved if it is in accordance with the grant conditions or ring-fenced related reserve purpose			
1.9	Allocation of specific revenue Policy Contingency in line with the approved Financial Plan and Budget – resulting expenditure is approved if it is in accordance with the specific policy contingency purpose			
1.10	Allocation of specific revenue Policy Contingency not in line with approved Financial Plan and Budget – resulting expenditure is approved if it is in accordance with the specific policy contingency purpose	Cabinet	Cabinet	Cabinet
1.11	Allocation of General Reserves and Balances, and Earmarked Reserves			
1.12	Creation of Reserves			

CFO – Chief Finance Officer

		Within Director Delegations (note 1)	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 up to £1m	from £1m
2.	Capital Budget and Resources Approvals			
2.1	Approval to changes to the capital budget, subject to limitations and policies in the Council's Financial Plan. This includes increases funded from capital receipts; revenue budgets; the capital fund; specific resources (note 5); or prudential borrowing - provided the borrowing costs can be funded from additional income, redirection of ongoing revenue budgets, or treasury management budgets for borrowing costs.	Chief Finance Officer	Cabinet	Cabinet
2.2	Allocation of Capital Policy Contingency.			

CFO – Chief Finance Officer		Within Director Delegations (note 1)	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 up to £1m	from £1m
2.3	Virement or reallocation of capital budgets from one project or programme to another (including use of underspends) (note 6).	Chief Finance Officer	Cabinet	Cabinet
2.4	Allocation of a budget to fund overspends.			
2.5	Resource allocations in kind, e.g. asset swaps, appropriations between HRA and General Fund, and discounted asset sales.			
2.6	Allocation of approved general programme capital budgets to individual projects within the existing policy framework.	Relevant Director	Either relevant Cabinet Member with relevant Director, or Regulatory Committee, CFO	Either relevant Cabinet Member with relevant Director, or Regulatory Committee
2.7a	Approval to bid for external capital resources (including any associated Accountable Body roles) – this should be sought as part of an Outline Business Case Report.	Relevant Director jointly with the CFO	Either relevant Cabinet Member with relevant Director and CFO, or Regulatory Committee	Either relevant Cabinet Member with relevant Director and CFO, or Regulatory Committee
2.7b	Approval to accept external capital resources (including any associated Accountable Body roles) – this should be sought as part of an Outline Business Case Report.	Relevant Director jointly with the CFO	Either relevant Cabinet Member with relevant Director and CFO, or Regulatory Committee	Cabinet
2.8	Approval to incur expenditure funded by accepting external capital resources (including any associated Accountable Body roles) where 2.7 is not applicable (e.g. where no bid submission was required).	Relevant Director jointly with the CFO	Either relevant Cabinet Member with relevant Director and CFO, or Regulatory Committee	Cabinet
2.9	Technical capital budget reallocations or adjustments (e.g. resulting from reorganisation) (note 3).	Chief Finance Officer	Chief Finance Officer	Chief Finance Officer

CFO – Chief Finance Officer		Within Director Delegations (note 1)	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 – below £500,000 (Revenue)/up to £1m (Capital)	£500,000 (revenue) / from £1m+ (capital)
3.	“Gateway” Business Case Approvals			
3.1	Outline Business Case and Full Business Case reports based on estimated whole project cost (note 2). (Discretion to Chief Finance Officer to vary Business Case requirements according to circumstances).	Relevant Director (reporting formats to be determined locally)	Either relevant Cabinet Member or Regulatory Committee;	Cabinet
3.2	Post Implementation Review reports where required.			
3.3	Contract Strategy and Contract Award.	Approvals are set out in the Procurement Governance Arrangements in the Constitution		
3.4	Capital Project and Programme overspends compared to the originally approved Full Business Case value.	Amount of overspend to be approved in a revised Full Business Case by the relevant decision maker in line with resource thresholds in 3.1 above. Any additional budget must be approved under 2.4 above (note 12).		

4.1 Loans, other investments, guarantees, and underwritings made to Other Organisations (Note 14)

4.1	Budget allocation approval in accordance with Section 2 above.	Chief Finance Officer	Cabinet	Cabinet
4.2	Business Case approval in accordance with Section 3 above. This must include Treasury Management assessment in accordance with the Financial Management Tool and must comply with the Council's investment limit where applicable.	Relevant Director and CFO	Either relevant Cabinet Member with CFO, or Regulatory Committee	Cabinet

5. Property Transactions

Specific delegations relating to property transactions are contained in Birmingham City Council Constitution, Part E Scheme of Delegations, section E3 Delegations to Chief Officers, 3.2 General Delegations, *Chief Executive and the Director, Inclusive Growth*

Financial Approval Framework – Supporting Notes

Thresholds

- 1) The Director delegation level is below £200,000. In relation to Emergency Health and Safety works there is an exception to the usual Gateway reporting requirements. Schools have a delegated authority to incur spend up to £500,000 whilst all other directorates can incur less than £200,000 under chief officer delegations (see Part E Scheme of Delegations). Any spend above these levels need to be approved by the relevant decision maker as soon as practicably possible.
- 2) “Whole Project Cost” means the entire gross capital cost of the investment to the City Council, however funded (including for example expenditure funded by capital grants).

Technical budget adjustments

- 3) These may be needed for various reasons including (but not limited to):
 - Restructuring that takes place after the budget has been set and that sees the service being provided with the same budget via a different reporting hierarchy (i.e. the overall budget for the specific service being provided remains in line with that approved by the Council). Virements should only be used when it is not possible to reappoint an entire fund centre within hierarchies.
 - Changing Directorates’ uncontrollable costs such as Central Support Costs (CSC) and asset charges.
 - Savings that have been approved in the budget but have been held corporately and require reallocating.
 - Changes to Direct Schools Grant (DSG) and changes as a result of schools academisation.
 - Adjustments to Traded Services as a result of changes in year to the volume of services provided to schools and / or changes to pricing structures (e.g. Cityserve).
 - Any budget virement required as a result of technical accounting issues.

Corporate and Specific Capital Resources

- 4) Corporate capital resources are those which the Council can use for any purpose or with wide discretion as to their use, including all capital receipts, earmarked capital receipts, ‘service’ and ‘corporate’ prudential borrowing, un-ringfenced capital grants, and other general resources as determined by the Chief Finance Officer; it excludes Specific capital resources. Corporate resources are predominantly allocated in the annual capital budget process. Although Cabinet may approve further allocations at other points during the year, this will not generally be done.

- 5) Specific capital resources are all other resources which have a restricted purpose and include external grants and contributions as well as revenue contributions from a Directorate's own budget. Specific resources may be added to the capital budget by Cabinet during the year when there is reasonable certainty that the resources are available.

Capital budget virements within a project

- 6) Capital virements within a project (e.g. from one Work Breakdown Structure element to another) can be approved by the Project's Board through a documented change control request (an example is in the Major Projects Financial Management Standard in the Financial Management Tool).

Gateway Reports

- 7) The required templates for OBC and FBC reports are included in Financial Management Tool. OBCs and FBCs are an appendix to the normal Executive decision report.
- 8) The report formats for Director approval are determined locally. They must support good decision making and provide adequate justification for the proposal being put forward. It is recommended that the Executive report format is used to ensure all relevant issues are addressed. Decisions made by relevant Cabinet Members and relevant Directors/Regulatory Committees must be made using the Executive Decision Report template and recorded on CMIS.

Scope of Capital Gateway approvals

- 9) 'Capital Gateway' means any capital expenditure, including projects, ongoing programmes, and capital grants to third parties. A programme of capital works (such as an annual programme of repairs or minor works) can be treated as a single project with a business case report to approve the programme before it starts. The approach to these reports should be agreed with the relevant Business Partner, which may include the consideration of wider delegations to officers as appropriate.
- 10) Gateway approvals will also apply to Revenue Projects where the Chief Financial Officer so decides.
- 11) Capital projects where the City Council is the 'accountable body', but the expenditure decision is assessed and approved under the associated governance process of the delegated body, will not require further 'Gateway' Options Appraisal or FBC approvals, as long as the assessment/appraisal process has been reviewed by the Corporate Director of Finance and Governance and is of a comparable or higher standard than the BCC gateway appraisal process.
- 12) Additional capital budgets (however funded) which are required to fund overspends, must be approved in accordance with section 2.4 above.

Outline Business Cases

- 13) Outline Business Cases will require a recommendation to release development funding. Approval to external funding will also need to be included in these reports in order to comply with 2.9 and 2.10.

Loans, other investments, guarantees and underwritings

- 14) These transactions are not always treated as capital expenditure but are all subject to the approvals in sections 1 and 2 above. This includes investments in Wholly Owned Entities. The decision thresholds apply to the value of the loan, investment, guarantee or underwriting.

Loans and other investments are a technically specialist activity and are subject to CIPFA and MHCLG statutory guidance and Council limits. The Treasury team must be involved in the clearance of all decision reports proposing loans/investments.

D2. PROCUREMENT AND CONTRACT GOVERNANCE RULES

Section1 - Introduction

Introduction and Purpose

- 1.1 The Procurement and Contract Governance Rules (the “Rules”) shall be regarded as the Procurement and Contract Standing Orders of the Council and form part of the Constitution.
- 1.2 The Rules set out the required approach for procurement and contracting with third parties on behalf of the Council, for the purchase of Supplies, Services and Works.
- 1.3 In addition to the Rules there are supporting guidance and procedures which can be found here: [Procurement Procedures](#).
- 1.4 The Rules as set out in the following sections:
 - i. Section 1: Introduction
 - ii. Section 2: Details the roles and responsibilities that apply to anyone who purchases Supplies, Services or Works on behalf of the Council.
 - iii. Section 3. The Thresholds to be applied related to the different levels of spend and approvals.
 - iv. Section 4: Explains the Rules to be followed throughout the commissioning, procurement and contract management process.
 - v. Section 5: Sets out the defined terms within this document. Defined terms being emphasised by capital letters at the start of each word.

Principles to be applied

- 1.5 Section 135 of the Local Government Act 1972 requires the Council to make standing orders with respect to contracts for the supply of goods or services or for the execution of works which provide for securing competition and regulation of the manner in which tenders are invited. The intention of these Rules is therefore, to ensure the Council:
 - i. Obtains Value for Money and Best Value.
 - ii. Avoids and prevents corruption or the suspicion of it.
 - iii. Is fair and equitable in the treatment of all suppliers.
 - iv. Is transparent in how it conducts its procurement activities.
 - v. Promotes Social Value, including the Council’s Birmingham Business Charter for Social Responsibility, local economy and environmental sustainability, to the extent that it is legally permitted and pertains to the Public Services (Social Value) Act 2012.

Scope

- 1.6 These Rules shall apply to the procurement of the following types of contracts by or on behalf of the Council (e.g. agency staff, agents or consultants):
- i. purchasing of any Supplies (goods or materials).
 - ii. Purchasing of any Services, including professional services.
 - iii. Purchasing/ordering of any Works (such as building and engineering).
 - iv. Contract management of all third party spend.
- 1.7 In application of these Rules the following shall be undertaken:
- i. Observe all applicable legislative requirements related to how public sector organisations undertake procurement activity and / or arrange Concession Contracts.
 - ii. Ensure compliance with the Council's Financial Regulations and Scheme of Delegation.
 - iii. Provide clear and consistent record keeping ensuring audit and accountability in how decisions are taken.
 - iv. Apply proportionality to procurement activity considering value and associated risks.
 - v. Use the Council's standard Terms and Conditions for Contracts entered into with third parties, seeking Legal Services input for all Above Threshold Contracts and on a case by case basis for Below Threshold.
 - vi. Maintain compliance with requirements of the Council's Social Value Policy, including the Real Living Wage Accreditation, Birmingham Business Charter for Social Responsibility and Armed Forces Covenant.
 - vii. Make legitimate efforts to promote local business and Small Medium Enterprises (SME) through our commercial arrangements.
 - viii. Ensure capital funded projects to be considered in line with capital programme.
 - ix. Give due consideration to alignment to the Council's Procurement Strategy.

Out of Scope

- 1.8 These Rules do not apply in the following circumstances:
- i. Procurement activity undertaken by Council maintained schools in accordance with their own delegated budget, and formal procurement and contractual rules as would be set out in the Schools Financial Procedures Manual.
 - ii. Transactions regarding the purchase or lease of property, acquisition, disposal, transfer of land, or any interest in land which includes regulatory licenses (excluding consideration of Concession Contracts).
 - iii. Legal charges, awards and disbursements (including all associated costs and fees) in connection with any and all legal proceedings governed by Civil Procedure rules.

- iv. Contract offers of employment which makes an individual an employee of the Council.
 - v. Settlement of insurance claim compensation.
 - vi. Treasury transactions as outlined within the Council's Treasury Management Strategy.
 - vii. Non-contractual funding arrangements (including Grant agreements under which the Council gives a Grant to third parties) provided that the terms of the funding arrangements do not constitute a contract. Grants are to be awarded in line with the Council's conditions of Grant Aid. However, where the Council is using Grant monies itself or passing it on to a third party, the application of that money is subject to these Rules in addition to grant funding conditions.
 - viii. Specific licencing requirements (such as TV Licence or Public Entertainment Licence) or subscriptions to national organisations (such as the Local Government Association: LGA).
 - ix. Contracts for the execution of either Works (or provision of Supplies or Services) where the Council has no discretion regarding whether Works are required or who must deliver them as in the case of Work to be provided by a Statutory Undertaker, e.g. works to Public telecommunications network.
 - x. Services with a national remit, for example hosting England Illegal Money Lending Team (EIMLT), which may have requirements to comply with purchasing arrangements set out by funding body and as such those would take precedent.
 - xi. Appointment of external auditors outside of the control of the Council.
 - xii. Appointment of barristers, or legal firm where in the opinion of the City Solicitor (or delegate) urgent advice is needed to protect the interests of the Council.
 - xiii. Disposal of Supplies deemed surplus to the Council needs.
- 1.9 The above list is not exhaustive, and advice should always be sought from Commercial and Procurement Services where there is uncertainty.
- 1.10 For Expenditure with Wholly Owned Council Companies with Teckal status that can provide goods, works or services to the Council, advice should be sought from Legal Services and Commercial and Procurement Services as to whether any direct award is out of scope for the purposes of these Rules. Teckal status may apply to both above and below threshold arrangements.
- 1.11 In consideration of the above and where these Rules do apply care must be taken to ensure compliance with the Council Constitution as a whole and applicable legislation is duly considered and applied.

Compliance

- 1.12 Where these Rules apply compliance is deemed mandatory and is an essential part of the overall Constitution of the Council. Those with responsibility for fulfilling their

duties in line with these Rules are required to maintain ongoing knowledge and awareness to ensure compliance.

- 1.13 Where reference is made to, and / or is applicable, to the UK Public Sector Procurement legislation (the “Act”) then the Act needs to be referred to and complied with. The Act is not extracted or transposed into these Rules.
- 1.14 This process shall be consistently applied across the Council and directorates should not need to add any additional processes. The relevant Chief Officer / Director is responsible for ensuring these Rules are followed and all approvals required are in place before any contract is awarded.

Waiver of the Rules

- 1.15 Any requirement of these Rules may be waived by application of the Waiver procedure but only where it is satisfied that it is justified and legal to do so.
- 1.16 Waivers to these Rules must be sought prior to acting and in accordance with the Waiver Procedure. If a Waiver is sought retrospectively to the action being carried out this will be deemed a potential Breach and investigated as such.
- 1.17 Waivers to the Rules are required for all spend over £5,000.
- 1.18 Where a Waiver is approved, officers must:
- i. ensure a formal contract is put in place;
 - ii. undertake appropriate due diligence and proportionate contract management; and
 - iii. ensure there is the necessary authority in place from the decision maker in accordance with the Scheme of Delegation to award the contract.
- 1.19 Any Waiver granted for Above Threshold contracts approves only the anticipated non-compliance with the Council’s Rules, it does not excuse or mitigate the risks associated with non-compliance with the Act.
- 1.20 Use of the Waiver Procedure should not be used to circumvent due process in line with these Rules because of insufficient planning and / or activity resulting in insufficient time to procure the requirements as set out in these Rules.

Breach Procedure

- 1.21 Failure to comply with these Rules will be considered a Breach.
- 1.22 It will be the responsibility of all officers (including those with line management responsibilities) to address non-compliance swiftly and in the most appropriate way according to the circumstances.
- 1.23 Means of reporting concerns can also be raised anonymously in line with the Council’s [Whistleblowing Policy](#).
- 1.24 Officers should remain alert to fraud throughout the procurement life cycle and any concerns of fraud or corruption must be reported to the Corporate Fraud Team within Birmingham Audit, at the earliest opportunity, by emailing FraudHotline@birmingham.gov.uk.

- 1.25 Failure to comply with these Rules may constitute a disciplinary matter that may be pursued as appropriate, in accordance with the relevant Human Resources policy framework.
- 1.26 Officers must follow the Code of Conduct for employees.
- 1.27 Councillors are not permitted to form part of the process once a procurement exercise is active and must ensure that their actions do not compromise or impact on the due process that has been set out.
- 1.28 Concerns related to Councillor intervention may be subject to Standards Board investigation.
- 1.29 Further details regarding investigation of Breaches of the Rules and their consequences can be found in the Procedural Note: Breaches.
- 1.30 Reports on the number of confirmed Breaches to be sent to the Section 151 Officer on a quarterly basis.

Emergency Process

- 1.31 The use of the emergency process shall only be carried out where a genuine emergency exists and a Contract cannot be awarded based on a competitive Tender or following the Rules, and the reasons are not attributable to any act or omission by the Council.
- 1.32 A genuine emergency would be considered as having to deal with an immediate and extreme risk which could not have reasonably been foreseen, including but not limited to:
 - i. Major disaster or genuine emergency involving immediate risk to persons, property, and / or
 - ii. An event or occurrence which is creating serious disruption to Council services and / or
 - iii. An event or occurrence resulting in significant financial loss to the Council,
- 1.33 Where such a situation presents, then the Rules can be set aside to deal with the immediate response.
- 1.34 Once the immediate risks of that genuine emergency or major disaster have been duly mitigated, any follow up actions (which would be required to follow the Rules) must be implemented as soon as possible following the emergency actions taken.
- 1.35 The use of the emergency process shall be used for proportional period to remedy the immediate and present situation.
- 1.36 To act in line with the emergency process the Chief Officer shall in consultation with the relevant Cabinet Member issue instruction that the emergency process has been enabled.
- 1.37 As soon as reasonably possible post the emergency a report shall be taken to update Cabinet, with the report including:
 - i. A record of the actions taken to deal with the genuine emergency.

- ii. The justification to the reasons behind enabling the emergency process.
- iii. Any related implications because of the actions taken.

Conduct and Conflict of Interest (Procurement)

- 1.38 A Councillor or Officer must not seek or receive any bribe, gift, or inducement of any kind in respect of any award or performance of any Contract. Any Councillor or Officer who has either been offered a bribe, gift, or inducement, or is aware or suspects that another Councillor or Officer has been, shall report it to the Assistant Director (Audit & Risk Management) and / or Monitoring Officer.
- 1.39 If an Officer is or could be in a position where they have a family, personal or financial relationship with an organisation bidding for a Contract, they must not be involved in any way in the procurement exercise or seek to influence it.
- 1.40 Officers and Councillors shall be aware of the requirements of the appropriate codes of conduct and must declare any direct or indirect interest in accordance with Bribery Act 2010.
- 1.41 For all Above Threshold Tenders, Conflict of Interest Forms shall be completed by all directly involved in the Tender and for Quotations / Tenders Below Threshold only where there is a positive declaration to be made.
- 1.42 Conflict of Interest Forms shall be completed prior to any involvement in a procurement process, including those involved in the development specifications through to being part of an evaluation team. If changes to any potential conflicts occur during the process, then these must be updated as soon as they become known.
- 1.43 Conflict of Interest Forms shall be maintained by Corporate Procurement Services for record and accounting purposes in line with the Council's Corporate Retention Schedule, typically 6 years.
- 1.44 In all cases it will be the responsibility of the individual involved to make the declaration as set out above and that the declaration is in their belief true and accurate.

Section 2 - Roles and Responsibilities

Roles and Responsibilities

2.1 In carrying out their duties officers shall ensure:

- i. They comply with these Rules.
- ii. Procurement activity which they undertake supports all relevant Council plans, priorities and objectives.
- iii. Suitable records are maintained for audit, accountability and reporting purposes in line with the document retention policy, the Act and any external funding arrangements.
- iv. Relevant and proportional due diligence and assurance is undertaken and, where required, advice sought in a timely manner.
- v. They have provided an up to date Conflict of Interest form to CPS in accordance with these Rules.
- vi. Compliance with the Scheme of Delegation and the Council's formal decision-making requirements.

Specific

2.2 Specific responsibilities can be found in Table A below:

TABLE A – Specific responsibilities

ROLE	AREA OF RESPONSIBILITY
Chief Officer	<p>Chief Officers must ensure the following arrangements are in place within their Directorate to:</p> <ul style="list-style-type: none"> • Ensure their staff comply with the Rules. • Ensure adherence to the application of supporting guidance in their role as a signatory for Waivers and Emergency process where required. • Approvals of the commercial business case, route to market strategy and contract management arrangements subject to compliance with the corresponding assurance requirements under these Rules. • Ensure that contract award decisions are made in accordance with the Council's Constitution and Scheme of Delegation. • Ensure active and timely engagement with the Commercial and Procurement Service in development of forward work plan of procurement activity and the maintenance of a contracts register, to include identifying a named contract manager for each Contract awarded.
Director (Procurement)	<ul style="list-style-type: none"> • Overall ownership of these Rules and ensuring that the overall governance and assurance framework for commercial considerations is complied with robustly and effectively.

ROLE	AREA OF RESPONSIBILITY
Authorised Officer	<p>Authorised Officer is the individual with responsibilities in respect to the service area requiring application of spend in line with these Rules:</p> <ul style="list-style-type: none"> • Ensuring projects (Quotations, Tenders or contract extensions and/or renewals) are appropriately planned to ensure the Rules are applied. • Ensuring there is a genuine and legitimate business requirement for the spend and an approved budget. • Ensuring that the appropriate approvals have been received in respect to committing spend. • Drafting a fit for purpose specification that includes appropriate contract management arrangements. • Supporting the definition of an appropriate route to market for each contract is followed and justification for any deviation from the approved approach. • Genuine estimating the total contract value prior to any procurement activity. • Conducting procurement and contract modifications / extensions under £30k total contract value. • Mandatory engagement with Commercial and Procurement Service for all Above Threshold procurements and any necessary proportional engagement with Commercial and Procurement Services on application of the Rules for processes over £30k up to Above Threshold. • Where required undertake, appropriate application of the Waiver Procedure. • Meeting the requirements of the Contract Management Framework. • Engaging with the Commercial and Procurement Services as required. • Having authority to act, for example be the Budget Holder, or acting with the authority of the Budget Holder including seeking spend authorisations as appropriate.
Councillors (Cabinet Members)	<ul style="list-style-type: none"> • Make strategic decisions in line with the Constitution including overall budgetary and policy framework within which procurement plans are developed and implemented. • Approve Decisions in line with Authorisations process and Constitution. • Where they have specific responsibilities in the procedural aspects, comply with these Rules and follow supporting guidance. • Ensuring compliance with the Members' Code of Conduct, including in relation to any interests they may have.

ROLE	AREA OF RESPONSIBILITY
Commercial and Procurement Service	<p>On behalf of the Council provide overall strategic ownership of procurement and commercial activity. Officers working within Commercial and Procurement Services must ensure the following arrangements are in place to:</p> <ul style="list-style-type: none"> • Proactively engage with Directorates to determine the forward plan of procurement activity and how this is enabled in a proportional and timely manner, in particular for engagement of activity above £30k. • Support Directorates in assessing the commercial considerations at the design stage, drafting of the route to market strategy for procurement activity and putting the contract management arrangements in place in accordance with the contract management framework. • Work with Directorates to develop proportional and informed category strategies. • Explore options for using pre-existing Public Sector compliant contractual arrangements that allow the Council's participation and compliantly use where this is the best value option. • Explore options for collaboration with other contracting authorities where appropriate. • Ensure the compliance of all procurement processes over £30k with the Rules and the Act, and monitoring and intervention as appropriate below £30k. • Through category management seek to develop strategic opportunities for synergy between contracts to enable the Council to get better value.

Section 3 - Thresholds

Thresholds

- 3.1 This section sets out the details in relation to financial Thresholds, the activities to be applied in procurements and authorisations in respect of related procurement activities.
- 3.2 Reference should also be taken in respect of Section 4 – Process and whether a procurement process is required or not, for example consideration of make or buy.

Estimated Contract Values

- 3.3 No contract shall be subdivided into smaller contracts so as to avoid compliance with these Rules.
- 3.4 For the purposes of the Financial Thresholds as set out in Table 1, calculation of estimated Contract value shall consider the whole life value or estimated whole life value (in pounds sterling or equivalent value) for any purchase (including any extensions or potential variations available) calculated as follows:
- i. For a fixed term Contract, by taking the total price to be paid or which might be paid during the whole of the fixed term period.
 - ii. For purchases that involve recurrent transactions for the same type of item, across the Council as a whole, by aggregating the estimated value of those transactions over the life expectancy of the Contract.
 - iii. In accordance with the Act and where the Contract is for an uncertain duration, by multiplying the monthly payment by the number of months in the proposed new contract.
- 3.5 The value for a proposed Contract must be a genuine pre-estimate with due consideration given to all associated costs (for example consideration to be given to repair, maintenance, spare parts etc.).
- 3.6 Where there is a requirement for similar Supplies, Services or Works, this spend should be aggregated. There shall be no disaggregation of requirements from across the Council to avoid the Thresholds.
- 3.7 All figures in Standing Orders are exclusive of VAT.
- 3.8 When calculating the estimated Contract values to determine which process to follow and whether the Act applies, the contract value estimation should be inclusive of VAT (where applicable).
- 3.9 For the purposes of advertising Above Threshold Tenders, the related Act's Thresholds include VAT (where applicable).
- 3.10 The default for calculating VAT to be against the prevailing current standard rate of VAT. Where a purchase is exempt from VAT, or is zero rated VAT, no allowance needs to be made for VAT.

TABLE 1: *Process – Table 1 deleted due to fundamental changes being made, see separate document with new tables.*

Table 2: *Authorisations and Approvals (for both Procurement Act 2023 and Provider Selection Regime)*

Thresholds (excluding VAT)	Pre-procurement (Authorising procurement activity)	Post-procurement (Awarding of procurement activity)⁻¹	Contract (as a minimum)
Up to £10k	Budget Holder (or Officer delegated by Budget Holder) within Service area in line with the Scheme of Delegation by means of relevant and proportional information and details for means of audit purposes as needed, e.g. emails.	Budget Holder (or Officer delegated by Budget Holder) within Service area in line with the Scheme of Delegation by means of relevant and proportional information and details for means of audit purposes as needed, e.g. emails.	Purchase Order
£10k up to £30k	Budget Holder (or Officer delegated by Budget Holder) within Service area in line with the Scheme of Delegation by means of relevant and proportional information and details for means of audit purposes as needed, e.g. emails.	Budget Holder (or Officer delegated by Budget Holder) within Service area in line with the Scheme of Delegation by means of relevant and proportional information and details for means of audit purposes as needed, e.g. emails.	Purchase Order and where relevant agreed terms and conditions pertinent to the Quotation / Tender process.
Supplies and Services: £30k to Below Threshold relevant Act (inc. For Light Touch / Concessions / Utilities Contracts) ⁻⁴	Budget Holder (or Officer delegated by Budget Holder) within Service area in line with the Scheme of Delegation by means of relevant and proportional information and details for means of audit purposes as needed, e.g. emails. Where 3 quotations are not invited (for Notifiable Below Threshold Contracts), prior approval by means of a Delegated Procurement Report (DPR) is required.	Contract Award Report ⁻²⁻³ Chief Officer (in accordance with Directorate Scheme of Delegation approval level).	Purchase Order and where relevant agreed terms and conditions pertinent to the Quotation / Tender process.

Thresholds (excluding VAT)	Pre-procurement (Authorising procurement activity)	Post-procurement (Awarding of procurement activity) ⁻¹	Contract (as a minimum)
Works Contracts: Low Value Quotation (£30k - £250k) or to relevant Threshold (Concessions / Utilities Contracts)⁻⁴	Budget Holder (or Officer delegated by Budget Holder) within Service area in line with the Scheme of Delegation by means of relevant and proportional information and details for means of audit purposes as needed, e.g. emails. Where 3 quotations are not invited (for Notifiable Below Threshold Contracts), prior approval by means of a Delegated Procurement Report (DPR) is required.	Contract Award Report ⁻²⁻³ Chief Officer (in accordance with Directorate Scheme of Delegation approval level) Concessions / Utilities Contracts – In accordance with the Directorate Scheme of Delegation approval level.	Purchase Order and where relevant agreed terms and conditions pertinent to the Quotation / Tender process.
Works Contracts: Over £250k but Below Threshold (or Concessions / Utilities Contracts)⁻⁴	Planned Procurement Activity Report (PPAR) for Cabinet approval then Strategy Report by means of Delegated Procurement Report (DPR).	Contract Award Report ⁻²⁻³ by means of Delegated Procurement Report (DPR) subject to Cabinet confirming delegated approval permitted at pre-procurement stage.	Purchase Order and relevant agreed terms and conditions pertinent to the Tender process plus Works Contract which exceeds £250,000 in value, shall be sealed with the Common Seal ⁻⁵ of the Council and shall be executed as a Deed.

Thresholds (excluding VAT)	Pre-procurement (Authorising procurement activity)	Post-procurement (Awarding of procurement activity)⁻¹	Contract (as a minimum)
Above Threshold Supplies, Services, Works to £10m (see thresholds for Concessions and Light Touch or Concessions or Utilities Contracts) ⁻⁴	Planned Procurement Activity Report (PPAR) for Cabinet approval then Strategy Report by means of Delegated Procurement Report (DPR).	Contract Award Report ⁻²⁻³ by means of Delegated Procurement Report (DPR) subject to Cabinet confirming delegated approval permitted at pre- procurement stage.	Purchase Order and relevant agreed terms and conditions pertinent to the Tender process plus every contract (and all Framework agreements) for Supplies or Services which exceeds £1,000,000 in value, shall be sealed with the Common Seal ⁻⁵ of the Council and shall be executed as a Deed.
Over £10m	Consultation with Cabinet Member(s) and relevant Scrutiny Chair(s) 3 months prior to Cabinet. Inclusion on Forward Plan, Formal Cabinet Report including the Procurement Strategy.	Contract Award Report for Cabinet approval (where the decision to award has not been delegated).	Purchase Order and relevant agreed terms and conditions pertinent to the Tender process plus it shall be sealed with the Common Seal ⁻⁵ of the Council and shall be executed as a Deed.

Thresholds (excluding VAT)	Pre-procurement (Authorising procurement activity)	Post-procurement (Awarding of procurement activity)⁻¹	Contract (as a minimum)
Direct Awards - £25k to £200k (revenue or capital)	Direct Award Report by sign off by Chief Officer (in accordance with Directorate Scheme of Delegation approval level) and the Assistant Director (Procurement).	Further signature of the Section 151 Officer (or their delegate) is required on the Direct Award Report.	Purchase Order and where relevant agreed terms and conditions pertinent to the Contract Negotiations.
Direct Awards - £200k to £500k (revenue) £200k to £1million (capital)	Direct Award Report submitted as an appendix for Cabinet approval by way of a Directorate led Formal Cabinet Report.	Contract Award Report ⁻² by means of Delegated Procurement Report (DPR) subject to Cabinet confirming delegated approval permitted at pre-procurement stage.	Purchase Order and relevant agreed terms and conditions pertinent to the Tender process plus for Works Contract which exceeds £250,000 and over £1m for Supplies and Service in value, shall be sealed with the Common Seal ⁻⁵ of the Council and shall be executed as a Deed.
Direct Award Contracts – above £500k (revenue) or above £1million (capital)	Consultation with Cabinet Member(s) and relevant Scrutiny Chair(s) prior to Cabinet. Inclusion on Forward Plan, Formal Cabinet Report including the Procurement Strategy.	Contract Award Report for Cabinet approval .	Purchase Order and relevant agreed terms and conditions pertinent to the Tender process plus it shall be sealed with the Common Seal ⁻⁵ of the Council and shall be executed as a Deed.

1 - Where the estimated value of a contract is under £10,000,000, the contract award decision shall normally be delegated to Chief Officer / Director in accordance with the Scheme of Delegation; provided that the tolerances in the Decision Making and Tolerances section of this document are not exceeded, in which case such contract award decision will be made by the Cabinet Member, Finance and Resources on a report of the relevant Chief Officer.

2 - Where it is likely that the award of the contract will result in staff employed by the Council transferring to the successful contractor under TUPE the decision must be made by Cabinet.

3 - Frameworks Where the rules of the Framework Agreement require opening up competition between the Framework suppliers, then a report shall be issued to the Decision Maker under the Evaluation and Award section setting out the reason for the award to the particular contractor and how the price payable by the Council has been reached.

4 - In accordance with 4.37 where a Quotation or Tender is a "call off" from a compliant Framework the Contract Award Report can be combined with the Strategy Report.

5 - Execution of Contracts

5.1 – Sealing

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

5.2 - Signing

Subject to Footnote 5.1 (Table 2) every Contract shall be signed on behalf of the Council either by a senior lawyer who is duly authorised by the Council or an authorised officer.

5.3 - Members

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

Section 4 - Process

Processes

- 4.1. This Section sets out details as to the procurement processes to be followed, which will vary depending on the respective spend Thresholds as set out elsewhere in these Rules.

Pre-Procurement Stage

Make or Buy Considerations

- 4.2. Before undertaking a new procurement, the following approaches should be used in the first instance where these options are deemed fit for purpose, available for use and able to demonstrate Best Value:
- i. Use of internal Council service(s) or establishment of such service(s) where they don't currently exist.
 - ii. Use of an existing compliant Council Framework.
 - iii. Award of a Contract to the Council's wholly owned Company with Teckal status or in establishing, or implementing a public contract with another public sector entity, or using another public sector entities Framework or Contract.
- 4.3. Proceeding to undertake a formal Quotation or Tender process shall only be permitted where the following conditions are met:
- i. Make or Buy process should ensure the In-house Preferred Test has been followed and can be demonstrated conditions as set out do not apply.
 - ii. Best Value can be demonstrated.
 - iii. Sufficient time has been allowed to ensure required outcomes are achieved.

Route to Market

- 4.4. Where relevant and proportionate to do so, preliminary market engagement is permitted and encouraged with the intention of informing the procurement process and potential suppliers. Where such consultation takes place, care shall be taken it is in line with the Act. Where preliminary market engagement is carried out, a Preliminary Market Engagement Notice must be published before publishing a Tender Notice, or provide reasons for not doing so in the Tender Notice.
- 4.5. A procurement process should not be commenced unless:
- i. A genuine and timely pre-estimate of the Contract value has been completed.
 - ii. In the case of a Contract for the execution of any Works, a business case has been prepared and includes an estimate of the annual running costs of the works after completion.
 - iii. There is an approved budget, or relevant approval by Chief Officer.
 - iv. Strategy report (where applicable) has been approved.
 - v. A contract manager for the Contract has been identified.

- 4.6. A Tender Notice should not be published unless:
The use of Lots has been considered.
- 4.7. A Tender Notice, Transparency Notice or Dynamic Market Notice must not be published unless:
A conflict of interests assessment has been prepared in relation to the procurement in accordance with the Act and maintained during the life of the contract.
- 4.8. Consideration of route to market shall include options for the Council to undertake its own procurement process or consider awarding Contracts in line with the conditions of a compliant Framework available to the Council to use.
- 4.9. The route to market consideration shall consider the procurement procedures available to the Council with due regard to the Act. Where Above Threshold, strict accordance to the Act shall be followed in application of the chosen route to market.
- 4.10. For audit and transparency purposes proportional details and records on justification of the chosen route to market should be kept, along with the record-keeping obligations set out in the Act during the award of an above-threshold contract.

Prior information and Public Reports

- 4.11. To aid transparency and market readiness for all upcoming Tenders above £2m the Council shall publish on the Council website a pipeline notice of upcoming Tender opportunities in accordance with the Act.
- 4.12. In addition, and where reasonably possible, the Council will also seek to publish all Above Threshold Tender pipeline opportunities as a minimum on the Council website.
- 4.13. In line with the Act the Council is not required to publish or otherwise disclose information which would undermine the safeguarding of national security or which information is commercially sensitive.

Planned Procurement Activities Report (PPAR)

- 4.14. For all spend above the Threshold for Supplies and Services or £250k and above for Works (see Table 1) then the Director – Procurement shall present a monthly Planned Procurement Activities Report (PPAR) to Cabinet and copy to the Resources Overview and Scrutiny Committee.
- 4.15. All relevant planned procurement activity (“Planned Procurement Activities Report”) over the following quarter. The report shall include:
- i. Details of the Supplies, Services or Works required with a suitable brief description.
 - ii. Estimated timescales.
 - iii. Estimated contract values (noting some may be exempt from public disclosure subject to the public interest test in accordance with Schedule 12A of the Local Government Act 1972).

4.16. This purpose of the PPAR report is:

- i. To notify Cabinet and the Resources Overview & Scrutiny Committee of planned procurement activities over the following quarter with reference to Key Decisions, seeking any recommended decisions.
- ii. To act as a sounding for Members for the planned activities where decisions are delegated to Chief Officers;
- iii. For Cabinet to identify any sensitivities or requirements that necessitate a procurement report to be presented to Cabinet for an Executive Decision prior to starting the procurement rather than delegating the decision to Chief Officers.

4.17. Any planned procurements can, at the discretion of Cabinet, be brought back to Cabinet for an Executive Decision.

4.18. Where possible, any Tender which is required to be included on the PPAR report should be included at a suitable practical early stage to provide genuine insight as to planned tendering activity.

4.19. The requirement for the inclusion of Tender on a Planned Procurement Activity Report should not limit any necessary early engagement or feasibility work prior to the submission of the PPAR, for example to determine route to market.

4.20. Any deviation from this PPAR process will require approval via the Waiver Procedure.

4.21. Where an agreed procurement process has commenced in line with such an approval this must be included on the next available PPAR report and highlighted to identify that a procurement process has commenced.

4.22. No Contract or commitment to form a contract shall be permitted prior to the PPAR being signed off by Cabinet.

Procurement Strategy Report

4.23. In line with Table 2, prior to commencing a procurement process and the commencement of a Tender, a Procurement Strategy Report briefly outlining the proposed activity will be prepared by the relevant Directorate Chief Officer(s), seeking approval from:

- i. Finance – to validate that the anticipated benefits including savings can be realised and to confirm the budget is available; and
- ii. Commissioning and Procurement Services – to confirm that the strategy demonstrates the best form of procurement / route to market, is likely to secure effective competition, deliver best value and approve the market engagement strategy and, where relevant, seeks to maximise Social Value outcomes.
- iii. The Contract Owner shall gain approval to the content of the Strategy Report from Section 151 Officer and Director (Procurement), or their delegates.

4.24. Where appropriate, Executive Decision on awarding of a Contract as a result of a compliant Quotation or Tender will be delegated to the relevant Chief Officer.

Competitive Procurement Stage

Drafting Quotation and Tender Documents

- 4.25. All above threshold tenders must be undertaken in accordance with the Act for competitive tendering procedures. All Quotation or Tender invitations shall clearly set out the procurement process for suppliers to follow for submitting bids, with bids required to be submitted in accordance with those requirements.
- 4.26. All Quotation and Tender documents shall be based on the Council's approved templates and include the Council's terms and conditions relevant to the nature of the contract, along with the mandatory clauses.

Submission and opening of Quotations and Tenders

- 4.27. Those undertaking the opening / unlocking of Quotation or Tender on the Council's E-tendering System shall be responsible for ensuring that there is an accurate record of the receipt for accounting purposes.
- 4.28. Opening of Quotations or Tenders is not permitted until after the deadline has passed for the receipt of the Quotation or Tender.
- 4.29. If a Quotation or Tender is received after the specified date and time or where information is felt to be missing or omitted then reference should be made to the Late, Missing or Omitted Materials procedure.
- 4.30. Where use of the Council's electronic tendering system is optional (See Table 1 above) quotations may be received by email according to the terms of the Quotation Document. The same rigour applies for the opening and recording of quotations as above.

Evaluation and Award

- 4.31. All invitations for Quotations or Tenders shall specify the conditions for participation or selection criteria (where used) and award criteria at the time of advertising or publishing to the market, and the evaluation of Quotation or Tenders must take place in accordance with the published criteria.

Contract Award Report (including modifications and extensions where conditions 4.38i or ii do not apply)

- 4.32. Where applicable and in line with Table 2 – Authorisations and Approvals for Contract Value, at the end of the Quotation or Tender a Contract Award Report shall be produced in accordance with the Act, for authorisation by the relevant Authorised Officer.
- 4.33. The Contract Award Report should make clear where authorisation is being sought to delegate to the appropriate Chief Officer the taking up of the option to extend, in whole or in part, or Contract modifications by written notice to the contractor(s), subject to satisfactory performance and funding availability.
- 4.34. The Contract Award Report shall be in line with Table 2: Authorisations and Approvals and in the same final version of the Contract Award Report having been seen and authorised by all parties.

- 4.35. The Contract Award Report shall set out the timing and format of the mandatory Contract Review Gate as required by the Procurement Gateway Process.
- 4.36. Following the authorisation of the Contract Award Report, all tenderers shall be notified in writing of the outcome, subject to the requirements of the Act e.g. assessment summaries, standstill periods etc., Notices shall be issued in accordance with Tables 1 a-c above.
- 4.37. Where a Quotation or Tender is a “call off” from a compliant Framework the Contract Award Report can be combined with the Strategy Report in accordance with Table 2 above.

Contract Extension and Modifications

- 4.38. Contracts shall only be amended or extended where:
 - i. The Contract permits the amendment and/or extension;
 - ii. It is in accordance with the Act (as amended and/or any successor legislation); or
 - iii. Approval is sought in accordance with the Scheme of Delegation.
- 4.39. Approvals to extend or modify a Contract must be formally recorded as part of accountability and transparency and recorded on the Contract Register as appropriate.
- 4.40. Contract extensions and modifications will be subject to the Act applicable at the time their procurement was commenced, except in the case of Health-related contracts which will be subject to the Regulations applicable at the time.
- 4.41. Before implementing any contract modification a Contract Change Notice must be published where it is required by the Act, or in the case of Health-related contracts – a Modification Notice within 30 days of the modification.
- 4.42. Where a contract extension is required that does not comply with 4.38, then this will need to follow the Rules applicable to waivers and breaches. Actions should be taken to put in place a new compliant process which will need to follow the governance set out in Table 2 above, having due regard for the Act.
- 4.43. Where a contract extension is required that was not provided for in the original contract, then this will need to follow the governance set out in Table 2 above, having due regard for the Act.
- 4.44. In line with the rules applicable to waivers and breaches, due consideration should be taken on whether a formal report to Cabinet is required outlining the circumstances relating to the Contract and what actions are to be taken to mitigate and remedy the Breach.

Contract Management

- 4.45. Proportionate contract management, taking into account risks to the Council, must be an integral part of the consideration when seeking to award a new Contract. This will

include establishing dedicated contract managers and contract management systems, including a detailed knowledge of the provisions of the Contract.

- 4.46. Contract managers must be familiar with the requirements of the Act in respect of letting and managing contracts, the identification of Key Performance Indicators (KPIs) and the transparency requirements in respect of the publication of KPIs and their monitoring; together with the transparency requirements in respect of the award of call-off contracts.
- 4.47. Payments to suppliers, and where applicable, their sub-contractors, shall be made in accordance with the Contract terms and the Act and done in a timely manner to avoid the payment of any interest charges.
- 4.48. During the life of a Contract, the contract manager must monitor the Contract in line with any approved Contract Management Framework
- 4.49. If a contractor fails to comply with any of the provisions of a Contract, the contract manager must try to secure compliance in accordance with the Contract. Proper records must be kept regarding Contract failings and any corrective measures put forward.
- 4.50. If this is not successful, the matter should be referred promptly to Commercial and Procurement Service and their advice sought as to what action should be taken to protect the Council's interests.
- 4.51. If there is contract dispute, the contract manager must follow the dispute resolution provisions contained in the Contract and seek legal advice from Legal Services where necessary. Advice should also be sought from the Section 151 Officer (as delegated) for advice about the financial implications.

Other considerations

- 4.52. In addition to the above processes the following considerations should apply:

Due Diligence

- 4.53. Relevant subject matter experts (e.g. service area teams, Legal Services, Finance, IT&D, HR (People Services), Property, Information Security, Data Protection, etc.) are to be consulted at appropriate times during the procurement process, with the respective services to engage as appropriate.

Clarifications

- 4.54. Where Quotations or Tenders are placed via the Council's e-Tendering System, clarifications on the procurement are only permitted via that system in order to ensure a full audit trail and details that may form part of the resulting Contract(s).
- 4.55. Discussions with tenderers after submission of a Tender and before the award of a Contract, with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) is generally not be permitted. If this is considered necessary, then advice must be sought from Commercial and Procurement Service.
- 4.56. Planned and structured supplier contact in the form of a Bidder's day or dialogue / negotiation as part of a prescribed procedure are permitted.

Frameworks

- 4.57. Where the Council has established the award of a Framework Agreement which has been approved by a Cabinet Member or by a Chief Officer (in accordance with the Scheme of Delegation), then Chief Officers (or as delegated) may issue further orders under the Framework agreement provided that they comply with the scope of the agreement and Framework conditions and this is noted in the framework award report.
- 4.58. Where calling off from a single contractor Framework the issuing of individual orders for supplies, services or works within the scope of that Contract shall be permitted up to the agreed levels of spend and authorisations.
- 4.59. When more than one contractor is on the Framework Agreement then the issuing of individual call off orders from Frameworks shall be in accordance with the Framework call off conditions.
- 4.60. All Framework Agreements, Open Framework Agreements and Dynamic Markets must be awarded, set up and managed strictly in accordance with the Act, where applicable.
- 4.61. In looking to establish a Framework , Open Framework or Dynamic Market , due consideration must be given to sub-dividing the Contract into lots and the reasoning provided where it is decided that this is not appropriate.
- 4.62. Frameworks are to be monitored to ensure that spend does not exceed what is permitted under the framework.
- 4.63. Contracts to be concluded by a call off from a Framework Agreement established by another Contracting Authority shall be carried out in accordance with the rules for the operation of that Framework Agreement; ensuring that the scope covers the Council as an eligible participant to which the Framework is open.
- 4.64. Framework Awards – The further award of contracts under frameworks (either Council-owned or other legally compliant framework), needs to comply with the requirements for Contract Award Notices and Contract Details Notices as set out in Table 1a above and required by the Act. Frameworks awards for below-threshold call-offs require a Contracts Details Notice whilst framework awards for above-threshold call-offs require both a Contract Award Notice and Contract Details Notice.

Direct Awards

- 4.65. The criteria for directly awarding a contract without competition shall only be deemed appropriate for the execution of supply of Supplies or Services or the execution of Works under the following circumstances:
 - i. The public contract concerns the production of a prototype, or supply of other novel goods or services, for the purpose of testing the suitability of the goods or services, researching the viability of producing or supplying the goods or services at scale and developing them for that purpose, or other research, experiment, study or development.
 - ii. The public contract concerns the creation or acquisition of a unique work of art or artistic performance.

- iii. The following conditions are met in relation to the public contract—
due to a particular supplier having intellectual property rights or other exclusive rights, only that supplier can supply the goods, services or works required, and there are no reasonable alternatives to those goods, services or works.
- iv. The following conditions are met in relation to the public contract—
due to an absence of competition for technical reasons, only a particular supplier can supply the goods, services or works required, and
there are no reasonable alternatives to those goods, services or works.

Additional or repeat goods, services or works

- i. The public contract concerns the supply of goods, services or works by the existing supplier which are intended as an extension to, or partial replacement of, existing goods, services or works in circumstances where—
a change in supplier would result in the contracting authority receiving goods, services or works that are different from, or incompatible with, the existing goods, services or works, and the difference or incompatibility would result in disproportionate technical difficulties in operation or maintenance.
- ii. The public contract concerns the supply of goods, services or works by the existing supplier that are similar to existing goods, services or works where—
the existing goods, services or works were supplied under a public contract that was awarded in accordance with a competitive tendering procedure within the period of five years ending with the day on which the transparency notice is published, and
the tender notice or any tender document in respect of that earlier contract set out—
 - a) the contracting authority's intention to carry out a subsequent procurement of similar goods, services or works in reliance on this direct award justification, and
 - b) any other information specified in regulations under section 95.
- iii. Where, in relation to Health-related services covered by the NHS England Provider Selection Regime, direct-award processes A, B or C, or the Most Suitable Provider process, can be evidenced as being applicable to a particular contract.
- iv. The public contract concerns goods purchased on a commodity market.
- v. The award of the public contract to a particular supplier will ensure terms particularly advantageous to the contracting authority due to the fact that a supplier, whether or not the one to whom the contract is to be awarded, is undergoing insolvency proceedings.
- vi. Where
 - a) the goods, services or works to be supplied under the public contract are strictly necessary for reasons of extreme and unavoidable urgency, and

- b) as a result the public contract cannot be awarded on the basis of a competitive tendering procedure.
 - vii. The public contract is a contract for the supply of user choice services and the conditions of the Act are met.
 - viii. Where the conditions of the Act are met in relation to defence and security contracts
- 4.66. Evidence is to be provided which demonstrates that as a result of a market investigation there is only one contractor that can meet the Council's requirements for that Contract in line with the criteria.
- 4.67. Where use of a Direct Award has been approved a Quotation or Tender will not be applicable.
- 4.68. Where appropriate officers must comply with the need to issue notices in accordance with the Act as set out in Table 1a.
- 4.69. For Direct Awards Above Threshold, two separate reports are required – one for the approval to commence negotiations and then one for the award of contract following the outcome of those negotiations.
- 4.70. For Direct Awards Below Threshold a single report is required for the approval to commence negotiations. Following the conclusion of negotiations, a further signature of the Section 151 Officer (or their delegate) is required for that report to confirm the contract value and allow the award of contract.
- 4.71. For Direct Award reports procedures applicable please refer to Table 2: Authorisations and Approvals.
- 4.72. Where it is deemed negotiations are required with more than one supplier due regard must be given to the Act around what is permitted in respect of negotiations and / direct awards.
- 4.73. Entering into a Direct Award process to award a contract without competition is not to be used as a means to extend contracts that have failed to be re-procured in sufficient time. In such cases these would be investigated as part of the Breach Procedure.
- 4.74. Where an appointment of a Supplier(s) is through the application of a Direct Award a formal Contract must be formed with the Supplier(s) which shall include a formal acceptable quotation from the Supplier and registered on the Council's Contract Register and all necessary due diligence shall be applied to that supplier.

Decision Making and Tolerances

- 4.75. If a project within the Planned Procurement Activity Report is not approved for the Supplies, Services or Works required, then an Executive Decision will need to be made by Cabinet (or the relevant Cabinet Member on a report of the relevant Chief Officer if it is within the appropriate financial limits).
- 4.76. In addition, the following are decisions that must also go to Cabinet where:

- i. Submitted bids are above the estimated total value of the Contract where they exceed the figure stated in the Planned Procurement Activities Report by 20% or £500,000 (whichever is the lower), or exceeds £10,000,000;
 - ii. the proposed length of the Contract exceeds by more than 12 months the term stated in the Planned Procurement Activities Report;
 - iii. there is a material change to the scope of the contract as set out in the Planned Procurement Activities Report;
 - iv. there is a material change to the procurement approach set out in the Planned Procurement Activities Report.
- 4.77. If the decision within the Cabinet Report was delegated and the submitted bids are above the estimated total value of the Contract by not more than 20% or £500,000 then the DPR award report process may still be applied.

Record of decisions

- 4.78. The Director (Procurement) shall maintain a record of all decisions of the following:
- i. a record of all decisions made by Chief Officers; and a
 - ii. Report on a quarterly basis to Cabinet on all decisions taken by Chief Officers during the previous quarter to which these Rules apply.

Equalities Impact Assessments

- 4.79. Prior to commencement of a procurement due regard should be given as to whether an Equalities Impact Assessment should be completed.

Subsidy Control

- 4.80. Subsidy Control rules must be considered in situations or circumstances where the proposed arrangement may provide an advantage through state resources on a selective basis to any organisation(s) that could potentially distort international competition and / or trade.
- 4.81. All relevant Government guidance should be applied where subsidy control rules may apply. Advice from Legal Services should also be sought in such circumstances.

Section 5 – Definitions

The Act	<p>Means the Procurement Act 2023 (as amended and/or any successor legislation), or, in the case of Health-related services, NHS England's Provider Selection Regime.</p> <p>The Procurement Act 2023 do not apply retrospectively, therefore procurements commenced before their implementation shall be subject to the Public Contracts Regulations 2015 (as amended) applicable at the time of commencement.</p>
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Above Threshold	Means spend threshold above the UK Government thresholds for Local Councils setting out requirements to advertise on “Find a Tender” (Find high value contracts in the public sector – GOV.UK (www.gov.uk)).
Authorised Officer	Means the Officer as set out in Roles and Responsibilities – Section 2.
Below Threshold	Means spend falling below the UK Government requirement to advertise on “Find a Tender”.
Best Value	Means the duty placed on the Council to secure Best Value in line with statutory duties.
Birmingham Business Charter	Means the Birmingham Business Charter for Social Responsibility (BBC4SR).
Breach	Means an act or action undertaken which is counter to the requirements as set out in these Rules.
Breach Procedure	Means the procedure to be undertaken to investigate and determine if a Breach to these Rules has occurred.
Budget Holder	Means the Authorised Officer with overall responsibility for the financial budget.
Chief Officer	Means Officers reporting to the Chief Executive including all Strategic Directors and the Director of Strategy, Equality and Partnerships.
Commissioning and Procurement Gateway Process	Means the Gateway process that provides the series of reports that are required by these Governance Rules.
Concession (Contract)	As defined within the Act, typically for granting of rights to operate as a Concession on public services.
Conflict of Interest Forms	Means the form under which Conflicts of Interest Declarations are to be recorded in line.
Contract	Means a formal agreement between the Council and a Supplier that has been set up with the expressed intention of supporting the delivery of Supplies, Services or Works or Concessions arrangements.
Contract Award Report	Means the formal Council defined Award Report in relation to contract awards with third party suppliers.
Contract Register	Means the electronic register for storing and documenting Contract information and associated documents. At the time of drafting these Rules shall mean Oracle.

Contract Standing Orders	Means these Rules which form the Standing Orders in relation to Contract spend In line with section 135 of the Local Government Act 1972.
Council	Means Birmingham City Council.
Council's Corporate Retention Schedule	Means the Council's formal Retention Schedule setting out the relevant time frames for how long certain types of documents and records need to be kept for.
Council's E-Tendering System	Means the Council's preferred electronic system for advertising of contracts and opportunities, i.e. Oracle or its successor.
Decision Maker	Means the Council, Cabinet, Cabinet Member, Committee or Sub-Committee (including any District Committee), or Authorised Officer to whom a function has been delegated in accordance with the Council's Constitution.
Direct Award	Means a negotiated contract awarded without competition – as defined in the Act (Schedule 5 – Direct Award Justifications).
Dynamic Market(s)	Means dynamic arrangements and / systems as set out in the Act.
Financial Regulations	Means the formal Financial Regulations of the Council which form part of the overall Council constitution.
Framework Agreement (including open frameworks)	Means agreements as set out in the Act.
Framework Award	Means a contract awarded via a legally compliant framework, either with or without competition in accordance of that Framework Agreement. A Framework award does not need to satisfy the criteria for a Direct Award as set out in the Act.
Grant	Means a payment made by the Council to help the recipient (e.g. charity) to delivery an agreed outcome but has no contractual basis. Whilst typically provided subject to conditions that state how the Grant shall be used (for example to support the wider objectives of the Council in promoting the social, economic or environmental well-being within their communities) the grant funder (e.g. the Council) gets no direct service delivery in return. Usually preceded for award of a Grant by a call for proposals. The Grant offer letter will be in line with the Grant Policy (Condition of Grant Aid) normally set out general instructions as to how this is to be achieved and any particular conditions in regard to clawback if those wider objectives are not met.

In-house Preferred Test	Means the Council's internal measure for determining if the requirements are best suited to be delivered through internal mechanisms, e.g. internal service area, Council owned company or partnership where the Council is a majority partner versus a competitive process.
Light Touch	Means appropriate Contracts which able to be subject to Light Touch procedure as defined within the Act.
Local	Means within a 30 mile radius of the Council House
PPAR	Planned Procurement Activity Report.
Procurement and Contract Governance Rules	Means this document, also referred to as the Rules.
Rules	Means the defined reference for The Procurement and Contract Governance Rules which form the Council's Procurement and Contract Standing Orders within the constitution, i.e. this document.
Scheme of Delegation	Means the Council's rules in respect of authorisations of spend in line with individual responsibilities of Officers and the elected Members of the Council.
Services	Means the provision spend on Services for the Council as set out in the Act.
Social Value	Means the duty on the Council to consider the Public Services (Social Value) Act 2012 when commissioning a public service to consider how the service that is being procured might bring added economic, environmental and social benefits.
Social Value Policy	Means the Council's formally adopted Social Value Policy setting out the approach to be adopted in applying Social Value in relation to spend with third parties.
Subsidy Control	Means State Subsidy as set out in the Subsidy Control Bill that sets out a legal framework and setting out conditions within which public authorities can provide subsidies to businesses. The Bill places an obligation on public authorities to consider seven subsidy control principles before granting a subsidy - https://www.gov.uk/government/collections/subsidy-control-bill
Supplies	Means the provision spend on Supplier for the Council as set out in the Act.
Teckal	As defined in the Act (as amended and/or any successor legislation).
Terms and Conditions (Council)	Means the Council's formally agreed Terms and Conditions.
Thresholds	Means general spend thresholds related to spend with third parties.
Value for Money	Means optimum combination of whole-life cost and quality (or fitness for purpose) to meet the customer's requirement which includes consideration of Social Value.

Waiver	Means an agreed action to set aside a requirement or requirements as strictly set out within these Rules.
Waiver Procedure	Means the procedure to be undertaken to give consideration to whether a Waiver is granted to set aside a requirement or requirements as set out in these Rules.
Works	Means the provision spend on Works for the Council as set out in the Act.



Birmingham City Council Constitution

Part D – Finance, Procurement and Contract Governance Rules
September 2024



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D1. FINANCIAL REGULATIONS

1.1 Financial Regulations

- i. Financial Regulations set out the key rules for the management of the Council's Finances that must be observed by all employees and Members and anyone acting for the Council in a consultancy or interim capacity.
 - ii. These Financial Regulations link closely to the Financial Arrangements that set out the responsibilities of Members, The Chief Finance Officer and Directors to ensure compliance with these regulations.
- FR1. All employees and all Members must at all times when engaged on Council activities act in the interests of the Council as a whole.
- FR2. All employees and all Members must adopt the highest standards of financial probity, including declaring all relevant financial interests to the Monitoring Officer or their Director as appropriate.
- FR3. All employees and all Members have a duty to report any unlawful or potentially unlawful spending or financial irregularity at the earliest opportunity.
- FR4. All employees and all Members must comply with the Financial Approval Framework which sets out the parameters for making financial decisions (Appendix A).
- FR5. The Council appoints a Chief Finance Officer under S151 of the Local Government Act 1972, who is responsible for the proper administration of the City Council's Financial Affairs.
- FR6. All employees and all Members must comply at all times with Financial Regulations and the associated Financial Regulatory Framework established and maintained by the S151 Officer, including: -
- a) Financial Regulations
 - b) Financial Governance Framework
 - c) Financial Procedures
 - d) Financial Management Tool "My Finance"
- FR7. All employees and all Members must act reasonably and within the spirit of the financial regulatory framework.
- FR8. Financial Regulations and the Financial Governance Framework will be reviewed annually by the Chief Finance Officer and approved by Council. The Chief Finance Officer is responsible for setting Financial Procedures and the Financial Management Tool "My Finance" and ensuring that these remain up to date.
- FR9. All activities must be in accordance with:
- a) Legislation.

- b) Approved Council strategies.
 - c) Approved revenue budgets and capital programmes.
 - d) Relevant Council policies.
 - e) All appropriate professional codes of practice (e.g. CIPFA codes).
- FR10. Best value and value for money must be sought in all activities, including the procurement and commissioning of goods and services and the acquisition and disposal of assets.
- FR11. All employees and all Members have a duty to maintain the security of Council assets and computer systems that contain financial, commercial, and personal information.
- FR12. All managers have a duty to identify, assess and mitigate existing and emerging risks facing the Council and ensure that there are appropriate insurance arrangements in place to manage those unmitigated risks.
- FR13. The Council, assisted by the Cabinet, will maintain financial oversight of all financial activities in line with the Financial Accountability Framework supported by the Chief Finance Officer, who delivers appropriate transparency and reporting on the delivery of this framework.
- FR14. The Council will appoint an Audit Committee to keep under review its risk management and internal control processes and advise it on any changes that need to be made to strengthen governance arrangements.
- FR15. The Chief Finance Officer will fulfil their statutory responsibility in line with the Chief Finance Officer Protocol at Appendix B to ensure there are appropriate and adequate systems and procedures within the Council to:
- a) Ensure that financial plans are realistic and affordable.
 - b) Report to the Council if they consider that it no longer has sufficient resources to deliver its financial plans (S114 report).
 - c) Account for all income and expenditure.
 - d) Protect assets from loss, waste, theft, or fraud.
- FR16. The Chief Finance Officer, or their representative, has the right to be present and give appropriate advice, at all meetings, where the Council's financial arrangements are discussed.
- FR17. Directors, under the Financial Accountability Framework are responsible for the control and management of all resources of all kinds, including capital and revenue budgets made available to them and must ensure that they and all of their staff comply with all relevant financial guidance and controls in managing those resources.
- FR18. Directors must provide an annual assurance statement to the Chief Finance Officer, in the format prescribed by the Chief Finance Officer, to confirm that their Directorate has complied with Financial Regulations and Financial Procedure rules. This will set out clearly how they have gained this assurance.

- FR19 All references within this document to employees include consultants or anyone acting on a temporary or interim basis for the Council.
- FR20 These regulations also apply to all Council bodies, trading bodies or associated organisations unless the Chief Finance Officer specifically agrees that other arrangements will be followed. The Financial Regulations exclude schools for which separate regulations apply.
- FR21 Failure to comply with Financial Regulations, or instructions issued under them, may constitute misconduct.

1.2 Financial Accountability Arrangements to Deliver Sound Financial Management

- i. Financial Accountability Arrangements set out the role of Members, the Chief Finance Officer and Directors in delivering sound financial management across the Council.

THE ROLE OF MEMBERS

- ii. The [Constitution](#) sets out the specific roles of Council and Cabinet and the extent to which Cabinet will fulfil the roles set out below.

FA1 Financial Planning & Control

The Council sets the spending plans for Birmingham City Council on an annual basis, advised by the S151 Officer, to conform with all necessary legislation and will: -

- (i) approve the Annual Financial Plan (including the revenue and capital budget) for each financial year before the preceding 10 March.
 - a. Medium Term Financial Plan
 - b. Reserves Strategy and Policy
 - c. Charging Policy and associated fees & charges
 - d. Capital Strategy and associated five-year capital programme
 - e. Treasury Management Strategy
- (ii) approve the level of Council Tax in accordance with the Local Government Finance Act 1992.

FA2 Financial Management

The Council or Cabinet will approve significant in-year variations to the Revenue Budget or the Capital Programme, in line with the agreed thresholds set out in Annex A. This includes:

- (i) Virement of significant sums of money between budget headings.
- (ii) Substantial new additional spending not included within revenue budget plans.
- (iii) Significant variations to the Capital Programme.
- (iv) The creation or unplanned use of reserves not included within the approved Revenue Budget or Capital Programme.
- (v) The carry-forward of unspent revenue or capital budgets at the year end.

FA3 Financial Assurance and Oversight

The Council gains assurance that its financial plans are being delivered effectively and within available resources by:

- (i) Quarterly Monitoring Reports on the Revenue Budget and Capital Programme.
- (ii) Half-yearly reports on the implementation of the Treasury Management Strategy.
- (iii) The out-turn report.
- (iv) The Annual Statement of Accounts, including the Annual Governance Statement.
- (v) The Annual report of the Audit Committee.

FA4 Financial Governance

The Council will appoint an Audit Committee to oversee financial governance

- (i) The Audit Committee agrees the annual audit plan and internal audit protocol.
- (ii) The Assistant Director Internal Audit & Risk Management reports to the Audit Committee on at least a quarterly basis on the implementation of the Audit Plan and key recommendations.
- (iii) The Audit Committee approves the Annual Governance Statement, prior to sign off and receives the report of the External Auditor on their audit of the City Council's accounts.

FA5 Core Strategies that support Sound Financial Management

The Council agrees core strategies that support Sound Financial Management including:

- (i) Anti-Fraud & Corruption Strategy.
- (ii) Anti - Money Laundering Policy.
- (iii) Whistle-blowing Strategy.
- (iv) Risk Management Strategy.
- (v) Insurance Strategy.
- (vi) Contracts and Procurement Regulations.

FA6 Delivery and adherence to Core Strategies

The Council monitors the delivery and adherence to core strategies by receiving reports on at least an annual basis on their implementation.

THE CHIEF FINANCE OFFICER (\$151 Officer)

- iii. The Chief Finance Officer has a statutory responsibility for the proper administration of the Council's financial affairs. CIPFA, the public sector professional finance body have set out five principles that define core activities and behaviours that belong to the role of the Chief Finance Officer:
 - a. The Chief Finance Officer should be a key member of the Leadership Team, helping the organisation to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest.

- b. The Chief Finance Officer must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered, and aligned with the organisation's financial strategy.
- c. The Chief Finance Officer must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently, and effectively.
- d. To deliver these responsibilities the Chief Finance Officer must lead and direct a finance function that is resourced to be fit for purpose; and
- e. The Chief Finance Officer must be professionally qualified and suitably experienced.

FB1 Financial Planning

- (i) Advising on the completeness of financial estimates.
- (ii) Assessing the robustness of reserves to support the revenue budget.
- (iii) Preparing a reserves strategy to support the revenue budget and capital programme.
- (iv) Preparing and keeping under review a medium-term financial plan.
- (v) Ensuring that the financial implications of the Capital Strategy and Capital Programme are affordable as measured by Prudential Indicators.
- (vi) Preparing an annual Treasury Management Strategy.
- (vii) Ensuring that all Council tax calculations accord with statutory requirements.

FB2 Financial Management & Control

- (i) Overseeing the delivery of the budget and capital programme within the parameters set by the Council.
- (ii) Establishing processes to ensure that any spending or virement that exceeds the set parameters is brought to the appropriate Cabinet/Council for decision.
- (iii) Establishing processes to prioritise capital and revenue spending against key Council aims and objectives.
- (iv) Establishing a business case process for capital and revenue funding bids.
- (v) Establishing a gateway process for all new capital schemes to ensure that they align with core council aims and objectives and its capital strategy.
- (vi) Advising, developing, and leading on plans to achieve a balanced budget and manage projected medium-term budget deficits.

FB3 Financial Oversight

- (i) Preparing at a minimum *quarterly* monitoring reports on the revenue budget and capital programme, including an update on the medium-term financial plan on a half yearly basis.
- (ii) Bringing to the prompt attention of Members any significant overspending or potentially unlawful spending.
- (iii) Preparing a half-yearly report on the implementation of the Treasury Management Strategy.

- (iv) Preparing annual accounts, including the Annual Governance Statement in accordance with all necessary statutory requirements, and within statutory timescales.

FB4 Financial Governance

- (i) Ensuring an appropriate system of internal control exists throughout the Council including issuing financial procedure rules and the “My Finance” financial management toolkit to make all officers aware of their responsibilities regarding sound financial management.
- (ii) Ensuring that appropriate arrangements are in place to deliver an effective internal audit service in line with the Accounts and Audit (England) Regulations 2015.
- (iii) Making appropriate arrangements for external audit in line with Local Audit & Accountability Act.
- (iv) Ensuring open and unfettered access for internal and external auditors throughout the Council.

FB5 Core Strategies that Support the Budget

- (i) In consultation with the Assistant Director (Internal Audit & Risk Management) preparing and keeping under review an Anti-Fraud and corruption strategy.
- (ii) Ensuring that the Risk Management Strategy highlights the financial impact of all risks facing the Council and this informs financial plans.
- (iii) Preparing an Insurance Strategy .
- (iv) Ensuring that contracts and procurement guidelines are followed in the ordering and procurement of goods and services.

FB6 Delivery and Adherence to Core Strategies

- (i) Preparing an annual report on the delivery of the Anti-fraud and corruption strategy
- (ii) Reporting on at least a half-yearly basis to the Audit Committee on the risk management strategy and key risks facing the Council.
- (iii) Preparing an annual report on the implementation of the insurance strategy.
- (iv) Annual report on contracts awarded and tender waivers.
- (v) Reporting annually on the operation of the Anti-Money Laundering Policy.

ROLE OF DIRECTORS

- iv. For the purposes of these regulations this means the Chief Executive, Monitoring Officer and All Directors of Birmingham City Council, together with the Chief Executive and Directors of other associated organisations, who adopt the financial regulations of Birmingham City Council. Directors have prime responsibility for their budgets and ultimate responsibility for the financial management of all resources allocated to them.

FC1 Financial Planning & Control

- (i) Ensuring that the Chief Finance Officer is aware of new service and financial pressures that impact on the medium-term financial plan.

- (ii) Preparing financial estimates in accordance with financial guidance.
- (iii) Ensuring that proper and legal budgets have been set that accord with the overall Council budget.
- (iv) Maintaining and collecting sufficient performance information to assess the financial impact of changing demand for the service.
- (v) Preparing Equality Impact Needs Assessments for their areas of responsibility and for any proposals for major change, in a format specified by the Cohesion and Partnerships Manager.
- (vi) Preparing plans and strategies that support the Capital Strategy, including the IT and Digital strategy, Asset Management Plan, Estates Strategy.

FC2 Financial Management

- (i) Ensuring that net expenditure (revenue and capital) in their areas of responsibility does not exceed the annual budgets set for their services and projects.
- (ii) Ensuring that each budget has a designated budget holder and that each capital project has a designated project manager.
- (iii) Ensuring that monitoring and forecasting of in-year spending is realistic and accurately reflects current and future demand and commitments for the service.
- (iv) Complying with all financial guidance concerning the preparation of business cases and the gateway process.
- (v) Ensuring that the financial implications of key decisions are included within any report seeking additional in-year revenue or capital funding.
- (vi) Complying with all financial limits concerning the virement of budgets or the in-year approval of new capital and revenue spending.
- (vii) Developing and implementing plans to contribute to a balanced budget as part of the overall budget management strategy lead by the Chief Finance Officer.
- (viii) Ensuring the identification, reconciliation, recording and security of all income due/received.
- (ix) Ensuring the security, custody, and management of all assets.

FC3 Financial Oversight

- (i) Ensuring that all expenditure is lawful (intra vires), has been properly authorised and all necessary processes have been complied with.
- (ii) Ensuring there are adequate controls and procedures in operation within their department.
- (iii) Each Director must report to the Monitoring Officer and the Chief Finance Officer where there is doubt over the legality of proposed, or already incurred, expenditure and or actions.
- (iv) Complying with all financial procedures and requirements to maintain accurate and comprehensive financial records.
- (v) Observing all year end processes and timetables to prepare financial information to be consolidated within the Council's statement of accounts, including robust and evidence-based forecasting of spend as part of the closedown process.

FC4 Financial Governance

- (i) Co-operating and engaging effectively with their Finance Business Partner to ensure that the Business Partner is involved in all key financial decisions affecting their directorate.
- (ii) Ensuring they have appropriate organisational structures in place to achieve effective financial administration in the fulfilment of their service responsibilities and to comply with the financial regulatory environment.
- (iii) Ensuring they have effective financial systems, processes and procedures in place that meet the requirement of the Chief Finance Officer.
- (iv) Ensuring that all of their employees receive up to date financial and systems training to properly perform their duties.
- (v) Providing open and unfettered access to internal and external auditors.
- (vi) Implementing agreed internal audit recommendations within agreed timescales.

FC5 Core Strategies that Support the Budget

- (i) Ensuring that designated risk owners are appointed for all risks identified and managed within their directorate.
- (ii) *Ensuring that appropriate insurance is arranged in line with the Insurance strategy.*
- (iii) Preparing and keeping under review the Whistle Blowing Policy (Monitoring Officer).

FC6 Delivery and Adherence to Core Strategies

- (i) Directors will maintain appropriate systems to enable the Chief Finance Officer to collect information on the adherence to core strategies.

Appendix A: Financial Approval Framework

CFO – Chief Finance Officer

		Within Director Delegations (note 1)	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 – up to £500,000	£500,000 (revenue)
1.	Revenue Budget and Resources Approvals			
1.1	Allocation of corporate revenue budgets	CFO (in consultation with the Chief Exec and Leader if £100,000 or more)	Cabinet	Cabinet
1.2	Allocation of general revenue Policy Contingency			
1.3	Virement or reallocation of revenue budgets between Directorates			
1.4	Virement or reallocation of revenue budgets held by Directorates.	Relevant Director	Either relevant Cabinet Member or Regulatory Committee	Cabinet
1.5a	Approval to bid for external revenue resources (including any associated Accountable Body Roles) to be included in an Outline Business Case Report.	Relevant Director with CFO	Either relevant Cabinet Member with CFO, or Regulatory Committee	Either relevant Cabinet Member with CFO, or Regulatory Committee
1.5b 1.6	Approval to accept external revenue resources (including any associated Accountable Body Roles) Approval to incur expenditure funded by accepting external revenue resources (including any associated Accountable Body roles) including where 1.5 is not applicable (e.g. where no bid submission was required). (Specific Government Grants and similar funding are excluded from this and are covered by 1.8) <i>In consultation with the ward members (where applicable)</i>	Relevant Director with CFO	Either relevant Cabinet Member with CFO, or Regulatory Committee	Cabinet

1.7	Technical revenue budget reallocations or adjustments (e.g. resulting from reorganisation) (note 3)	Chief Finance Officer	Chief Finance Officer	Chief Finance Officer
1.8	Allocations of Revenue Grant and Ring-Fenced related reserves – resulting expenditure is approved if it is in accordance with the grant conditions or ring-fenced related reserve purpose			
1.9	Allocation of specific revenue Policy Contingency in line with the approved Financial Plan and Budget – resulting expenditure is approved if it is in accordance with the specific policy contingency purpose			
1.10	Allocation of specific revenue Policy Contingency not in line with approved Financial Plan and Budget – resulting expenditure is approved if it is in accordance with the specific policy contingency purpose	Cabinet	Cabinet	Cabinet
1.11	Allocation of General Reserves and Balances, and Earmarked Reserves			
1.12	Creation of Reserves			

CFO – Chief Finance Officer

		Within Director Delegations (note 1)	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 up to £1m	from £1m
2.	Capital Budget and Resources Approvals			
2.1	Approval to changes to the capital budget, subject to limitations and policies in the Council's Financial Plan. This includes increases funded from capital receipts; revenue budgets; the capital fund; specific resources (note 5); or prudential borrowing - provided the borrowing costs can be funded from additional income, redirection of ongoing revenue budgets, or treasury management budgets for borrowing costs.	Chief Finance Officer	Cabinet	Cabinet
2.2	Allocation of Capital Policy Contingency.			

CFO – Chief Finance Officer		Within Director Delegations (note 1)	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 up to £1m	from £1m
2.3	Virement or reallocation of capital budgets from one project or programme to another (including use of underspends) (note 6).	Chief Finance Officer	Cabinet	Cabinet
2.4	Allocation of a budget to fund overspends.			
2.5	Resource allocations in kind, e.g. asset swaps, appropriations between HRA and General Fund, and discounted asset sales.			
2.6	Allocation of approved general programme capital budgets to individual projects within the existing policy framework.	Relevant Director	Either relevant Cabinet Member with relevant Director, or Regulatory Committee, CFO	Either relevant Cabinet Member with relevant Director, or Regulatory Committee
2.7a	Approval to bid for external capital resources (including any associated Accountable Body roles) – this should be sought as part of an Outline Business Case Report.	Relevant Director jointly with the CFO	Either relevant Cabinet Member with relevant Director and CFO, or Regulatory Committee	Either relevant Cabinet Member with relevant Director and CFO, or Regulatory Committee
2.7b	Approval to accept external capital resources (including any associated Accountable Body roles) – this should be sought as part of an Outline Business Case Report.	Relevant Director jointly with the CFO	Either relevant Cabinet Member with relevant Director and CFO, or Regulatory Committee	Cabinet
2.8	Approval to incur expenditure funded by accepting external capital resources (including any associated Accountable Body roles) where 2.7 is not applicable (e.g. where no bid submission was required).	Relevant Director jointly with the CFO	Either relevant Cabinet Member with relevant Director and CFO, or Regulatory Committee	Cabinet
2.9	Technical capital budget reallocations or adjustments (e.g. resulting from reorganisation) (note 3).	Chief Finance Officer	Chief Finance Officer	Chief Finance Officer

CFO – Chief Finance Officer		Within Director Delegations (note 1)	Above Director Delegation & below Key Decision	Key Decision
		Below £200,000	£200,000 – below £500,000 (Revenue)/up to £1m (Capital)	£500,000 (revenue) / from £1m+ (capital)
3.	“Gateway” Business Case Approvals			
3.1	Outline Business Case and Full Business Case reports based on estimated whole project cost (note 2). (Discretion to Chief Finance Officer to vary Business Case requirements according to circumstances).	Relevant Director (reporting formats to be determined locally)	Either relevant Cabinet Member or Regulatory Committee;	Cabinet
3.2	Post Implementation Review reports where required.			
3.3	Contract Strategy and Contract Award.	Approvals are set out in the Procurement Governance Arrangements in the Constitution		
3.4	Capital Project and Programme overspends compared to the originally approved Full Business Case value.	Amount of overspend to be approved in a revised Full Business Case by the relevant decision maker in line with resource thresholds in 3.1 above. Any additional budget must be approved under 2.4 above (note 12).		

4.1 Loans, other investments, guarantees, and underwritings made to Other Organisations (Note 14)

4.1	Budget allocation approval in accordance with Section 2 above.	Chief Finance Officer	Cabinet	Cabinet
4.2	Business Case approval in accordance with Section 3 above. This must include Treasury Management assessment in accordance with the Financial Management Tool and must comply with the Council's investment limit where applicable.	Relevant Director and CFO	Either relevant Cabinet Member with CFO, or Regulatory Committee	Cabinet

5. Property Transactions

Specific delegations relating to property transactions are contained in Birmingham City Council Constitution, Part E Scheme of Delegations, section E3 Delegations to Chief Officers, 3.2 General Delegations, *Chief Executive and the Director, Inclusive Growth*

Financial Approval Framework – Supporting Notes

Thresholds

- 1) The Director delegation level is below £200,000. In relation to Emergency Health and Safety works there is an exception to the usual Gateway reporting requirements. Schools have a delegated authority to incur spend up to £500,000 whilst all other directorates can incur less than £200,000 under chief officer delegations (see Part E Scheme of Delegations). Any spend above these levels need to be approved by the relevant decision maker as soon as practicably possible.
- 2) “Whole Project Cost” means the entire gross capital cost of the investment to the City Council, however funded (including for example expenditure funded by capital grants).

Technical budget adjustments

- 3) These may be needed for various reasons including (but not limited to):
 - Restructuring that takes place after the budget has been set and that sees the service being provided with the same budget via a different reporting hierarchy (i.e. the overall budget for the specific service being provided remains in line with that approved by the Council). Virements should only be used when it is not possible to reappoint an entire fund centre within hierarchies.
 - Changing Directorates’ uncontrollable costs such as Central Support Costs (CSC) and asset charges.
 - Savings that have been approved in the budget but have been held corporately and require reallocating.
 - Changes to Direct Schools Grant (DSG) and changes as a result of schools academisation.
 - Adjustments to Traded Services as a result of changes in year to the volume of services provided to schools and / or changes to pricing structures (e.g. Cityserve).
 - Any budget virement required as a result of technical accounting issues.

Corporate and Specific Capital Resources

- 4) Corporate capital resources are those which the Council can use for any purpose or with wide discretion as to their use, including all capital receipts, earmarked capital receipts, ‘service’ and ‘corporate’ prudential borrowing, un-ringfenced capital grants, and other general resources as determined by the Chief Finance Officer; it excludes Specific capital resources. Corporate resources are predominantly allocated in the annual capital budget process. Although Cabinet may approve further allocations at other points during the year, this will not generally be done.

- 5) Specific capital resources are all other resources which have a restricted purpose and include external grants and contributions as well as revenue contributions from a Directorate's own budget. Specific resources may be added to the capital budget by Cabinet during the year when there is reasonable certainty that the resources are available.

Capital budget virements within a project

- 6) Capital virements within a project (e.g. from one Work Breakdown Structure element to another) can be approved by the Project's Board through a documented change control request (an example is in the Major Projects Financial Management Standard in the Financial Management Tool).

Gateway Reports

- 7) The required templates for OBC and FBC reports are included in Financial Management Tool. OBCs and FBCs are an appendix to the normal Executive decision report.
- 8) The report formats for Director approval are determined locally. They must support good decision making and provide adequate justification for the proposal being put forward. It is recommended that the Executive report format is used to ensure all relevant issues are addressed. Decisions made by relevant Cabinet Members and relevant Directors/Regulatory Committees must be made using the Executive Decision Report template and recorded on CMIS.

Scope of Capital Gateway approvals

- 9) 'Capital Gateway' means any capital expenditure, including projects, ongoing programmes, and capital grants to third parties. A programme of capital works (such as an annual programme of repairs or minor works) can be treated as a single project with a business case report to approve the programme before it starts. The approach to these reports should be agreed with the relevant Business Partner, which may include the consideration of wider delegations to officers as appropriate.
- 10) Gateway approvals will also apply to Revenue Projects where the Chief Financial Officer so decides.
- 11) Capital projects where the City Council is the 'accountable body', but the expenditure decision is assessed and approved under the associated governance process of the delegated body, will not require further 'Gateway' Options Appraisal or FBC approvals, as long as the assessment/appraisal process has been reviewed by the Corporate Director of Finance and Governance and is of a comparable or higher standard than the BCC gateway appraisal process.
- 12) Additional capital budgets (however funded) which are required to fund overspends, must be approved in accordance with section 2.4 above.

Outline Business Cases

- 13) Outline Business Cases will require a recommendation to release development funding. Approval to external funding will also need to be included in these reports in order to comply with 2.9 and 2.10.

Loans, other investments, guarantees and underwritings

- 14) These transactions are not always treated as capital expenditure but are all subject to the approvals in sections 1 and 2 above. This includes investments in Wholly Owned Entities. The decision thresholds apply to the value of the loan, investment, guarantee or underwriting.

Loans and other investments are a technically specialist activity and are subject to CIPFA and MHCLG statutory guidance and Council limits. The Treasury team must be involved in the clearance of all decision reports proposing loans/investments.

D2. PROCUREMENT AND CONTRACT GOVERNANCE RULES

Section1 - Introduction

Introduction and Purpose

- 1.1 The Procurement and Contract Governance Rules (the “Rules”) shall be regarded as the Procurement and Contract Standing Orders of the Council and form part of the Constitution.
- 1.2 The Rules set out the required approach for procurement and contracting with third parties on behalf of the Council, for the purchase of Supplies, Services and Works.
- 1.3 In addition to the Rules there are supporting guidance and procedures which can be found here: [Procurement Procedures](#).
- 1.4 The Rules as set out in the following sections:
 - i. Section 1: Introduction
 - ii. Section 2: Details the roles and responsibilities that apply to anyone who purchases Supplies, Services or Works on behalf of the Council.
 - iii. Section 3. The Thresholds to be applied related to the different levels of spend and approvals.
 - iv. Section 4: Explains the Rules to be followed throughout the commissioning, procurement and contract management process.
 - v. Section 5: Sets out the defined terms within this document. Defined terms being emphasised by capital letters at the start of each word.

Principles to be applied

- 1.5 Section 135 of the Local Government Act 1972 requires the Council to make standing orders with respect to contracts for the supply of goods or services or for the execution of works which provide for securing competition and regulation of the manner in which tenders are invited. The intention of these Rules is therefore, to ensure the Council:
 - i. Obtains Value for Money and Best Value.
 - ii. Avoids and prevents corruption or the suspicion of it.
 - iii. Is fair and equitable in the treatment of all suppliers.
 - iv. Is transparent in how it conducts its procurement activities.
 - v. Promotes Social Value, including the Council’s Birmingham Business Charter for Social Responsibility, local economy and environmental sustainability, to the extent that it is legally permitted and pertains to the Public Services (Social Value) Act 2012.

Scope

- 1.6 These Rules shall apply to the procurement of the following types of contracts by or on behalf of the Council (e.g. agency staff, agents or consultants):
- i. purchasing of any Supplies (goods or materials).
 - ii. Purchasing of any Services, including professional services.
 - iii. Purchasing/ordering of any Works (such as building and engineering).
 - iv. Contract management of all third party spend.
- 1.7 In application of these Rules the following shall be undertaken:
- i. Observe all applicable legislative requirements related to how public sector organisations undertake procurement activity and / or arrange Concession Contracts.
 - ii. Ensure compliance with the Council's Financial Regulations and Scheme of Delegation.
 - iii. Provide clear and consistent record keeping ensuring audit and accountability in how decisions are taken.
 - iv. Apply proportionality to procurement activity considering value and associated risks.
 - v. Use the Council's standard Terms and Conditions for Contracts entered into with third parties, seeking Legal Services input for all Above Threshold Contracts and on a case by case basis for Below Threshold.
 - vi. Maintain compliance with requirements of the Council's Social Value Policy, including the Real Living Wage Accreditation, Birmingham Business Charter for Social Responsibility and Armed Forces Covenant.
 - vii. Make legitimate efforts to promote local business and Small Medium Enterprises (SME) through our commercial arrangements.
 - viii. Ensure capital funded projects to be considered in line with capital programme.
 - ix. Give due consideration to alignment to the Council's Procurement Strategy.

Out of Scope

- 1.8 These Rules do not apply in the following circumstances:
- i. Procurement activity undertaken by Council maintained schools in accordance with their own delegated budget, and formal procurement and contractual rules as would be set out in the Schools Financial Procedures Manual.
 - ii. Transactions regarding the purchase or lease of property, acquisition, disposal, transfer of land, or any interest in land which includes regulatory licenses (excluding consideration of Concession Contracts).
 - iii. Legal charges, awards and disbursements (including all associated costs and fees) in connection with any and all legal proceedings governed by Civil Procedure rules.

- iv. Contract offers of employment which makes an individual an employee of the Council.
 - v. Settlement of insurance claim compensation.
 - vi. Treasury transactions as outlined within the Council's Treasury Management Strategy.
 - vii. Non-contractual funding arrangements (including Grant agreements under which the Council gives a Grant to third parties) provided that the terms of the funding arrangements do not constitute a contract. Grants are to be awarded in line with the Council's conditions of Grant Aid. However, where the Council is using Grant monies itself or passing it on to a third party, the application of that money is subject to these Rules in addition to grant funding conditions.
 - viii. Specific licencing requirements (such as TV Licence or Public Entertainment Licence) or subscriptions to national organisations (such as the Local Government Association: LGA).
 - ix. Contracts for the execution of either Works (or provision of Supplies or Services) where the Council has no discretion regarding whether Works are required or who must deliver them as in the case of Work to be provided by a Statutory Undertaker, e.g. works to Public telecommunications network.
 - x. Services with a national remit, for example hosting England Illegal Money Lending Team (EIMLT), which may have requirements to comply with purchasing arrangements set out by funding body and as such those would take precedent.
 - xi. Appointment of external auditors outside of the control of the Council.
 - xii. Appointment of barristers, or legal firm where in the opinion of the City Solicitor (or delegate) urgent advice is needed to protect the interests of the Council.
 - xiii. Disposal of Supplies deemed surplus to the Council needs.
- 1.9 The above list is not exhaustive, and advice should always be sought from Commercial and Procurement Services where there is uncertainty.
- 1.10 For Expenditure with Wholly Owned Council Companies with Teckal status that can provide goods, works or services to the Council, advice should be sought from Legal Services and Commercial and Procurement Services as to whether any direct award is out of scope for the purposes of these Rules. Teckal status may apply to both above and below threshold arrangements.
- 1.11 In consideration of the above and where these Rules do apply care must be taken to ensure compliance with the Council Constitution as a whole and applicable legislation is duly considered and applied.

Compliance

- 1.12 Where these Rules apply compliance is deemed mandatory and is an essential part of the overall Constitution of the Council. Those with responsibility for fulfilling their

duties in line with these Rules are required to maintain ongoing knowledge and awareness to ensure compliance.

- 1.13 Where reference is made to, and / or is applicable, to the UK Public Sector Procurement legislation (the “Act”) then the Act needs to be referred to and complied with. The Act is not extracted or transposed into these Rules.
- 1.14 This process shall be consistently applied across the Council and directorates should not need to add any additional processes. The relevant Chief Officer / Director is responsible for ensuring these Rules are followed and all approvals required are in place before any contract is awarded.

Waiver of the Rules

- 1.15 Any requirement of these Rules may be waived by application of the Waiver procedure but only where it is satisfied that it is justified and legal to do so.
- 1.16 Waivers to these Rules must be sought prior to acting and in accordance with the Waiver Procedure. If a Waiver is sought retrospectively to the action being carried out this will be deemed a potential Breach and investigated as such.
- 1.17 Waivers to the Rules are required for all spend over £5,000.
- 1.18 Where a Waiver is approved, officers must:
- i. ensure a formal contract is put in place;
 - ii. undertake appropriate due diligence and proportionate contract management; and
 - iii. ensure there is the necessary authority in place from the decision maker in accordance with the Scheme of Delegation to award the contract.
- 1.19 Any Waiver granted for Above Threshold contracts approves only the anticipated non-compliance with the Council’s Rules, it does not excuse or mitigate the risks associated with non-compliance with the Act.
- 1.20 Use of the Waiver Procedure should not be used to circumvent due process in line with these Rules because of insufficient planning and / or activity resulting in insufficient time to procure the requirements as set out in these Rules.

Breach Procedure

- 1.21 Failure to comply with these Rules will be considered a Breach.
- 1.22 It will be the responsibility of all officers (including those with line management responsibilities) to address non-compliance swiftly and in the most appropriate way according to the circumstances.
- 1.23 Means of reporting concerns can also be raised anonymously in line with the Council’s [Whistleblowing Policy](#).
- 1.24 Officers should remain alert to fraud throughout the procurement life cycle and any concerns of fraud or corruption must be reported to the Corporate Fraud Team within Birmingham Audit, at the earliest opportunity, by emailing FraudHotline@birmingham.gov.uk.

- 1.25 Failure to comply with these Rules may constitute a disciplinary matter that may be pursued as appropriate, in accordance with the relevant Human Resources policy framework.
- 1.26 Officers must follow the Code of Conduct for employees.
- 1.27 Councillors are not permitted to form part of the process once a procurement exercise is active and must ensure that their actions do not compromise or impact on the due process that has been set out.
- 1.28 Concerns related to Councillor intervention may be subject to Standards Board investigation.
- 1.29 Further details regarding investigation of Breaches of the Rules and their consequences can be found in the Procedural Note: Breaches.
- 1.30 Reports on the number of confirmed Breaches to be sent to the Section 151 Officer on a quarterly basis.

Emergency Process

- 1.31 The use of the emergency process shall only be carried out where a genuine emergency exists and a Contract cannot be awarded based on a competitive Tender or following the Rules, and the reasons are not attributable to any act or omission by the Council.
- 1.32 A genuine emergency would be considered as having to deal with an immediate and extreme risk which could not have reasonably been foreseen, including but not limited to:
 - i. Major disaster or genuine emergency involving immediate risk to persons, property, and / or
 - ii. An event or occurrence which is creating serious disruption to Council services and / or
 - iii. An event or occurrence resulting in significant financial loss to the Council,
- 1.33 Where such a situation presents, then the Rules can be set aside to deal with the immediate response.
- 1.34 Once the immediate risks of that genuine emergency or major disaster have been duly mitigated, any follow up actions (which would be required to follow the Rules) must be implemented as soon as possible following the emergency actions taken.
- 1.35 The use of the emergency process shall be used for proportional period to remedy the immediate and present situation.
- 1.36 To act in line with the emergency process the Chief Officer shall in consultation with the relevant Cabinet Member issue instruction that the emergency process has been enabled.
- 1.37 As soon as reasonably possible post the emergency a report shall be taken to update Cabinet, with the report including:
 - i. A record of the actions taken to deal with the genuine emergency.

- ii. The justification to the reasons behind enabling the emergency process.
- iii. Any related implications because of the actions taken.

Conduct and Conflict of Interest (Procurement)

- 1.38 A Councillor or Officer must not seek or receive any bribe, gift, or inducement of any kind in respect of any award or performance of any Contract. Any Councillor or Officer who has either been offered a bribe, gift, or inducement, or is aware or suspects that another Councillor or Officer has been, shall report it to the Assistant Director (Audit & Risk Management) and / or Monitoring Officer.
- 1.39 If an Officer is or could be in a position where they have a family, personal or financial relationship with an organisation bidding for a Contract, they must not be involved in any way in the procurement exercise or seek to influence it.
- 1.40 Officers and Councillors shall be aware of the requirements of the appropriate codes of conduct and must declare any direct or indirect interest in accordance with Bribery Act 2010.
- 1.41 For all Above Threshold Tenders, Conflict of Interest Forms shall be completed by all directly involved in the Tender and for Quotations / Tenders Below Threshold only where there is a positive declaration to be made.
- 1.42 Conflict of Interest Forms shall be completed prior to any involvement in a procurement process, including those involved in the development specifications through to being part of an evaluation team. If changes to any potential conflicts occur during the process, then these must be updated as soon as they become known.
- 1.43 Conflict of Interest Forms shall be maintained by Corporate Procurement Services for record and accounting purposes in line with the Council's Corporate Retention Schedule, typically 6 years.
- 1.44 In all cases it will be the responsibility of the individual involved to make the declaration as set out above and that the declaration is in their belief true and accurate.

Section 2 - Roles and Responsibilities

Roles and Responsibilities

2.1 In carrying out their duties officers shall ensure:

- i. They comply with these Rules.
- ii. Procurement activity which they undertake supports all relevant Council plans, priorities and objectives.
- iii. Suitable records are maintained for audit, accountability and reporting purposes in line with the document retention policy, the Act and any external funding arrangements.
- iv. Relevant and proportional due diligence and assurance is undertaken and, where required, advice sought in a timely manner.
- v. They have provided an up to date Conflict of Interest form to CPS in accordance with these Rules.
- vi. Compliance with the Scheme of Delegation and the Council's formal decision-making requirements.

Specific

2.2 Specific responsibilities can be found in Table A below:

TABLE A – Specific responsibilities

ROLE	AREA OF RESPONSIBILITY
Chief Officer	Chief Officers must ensure the following arrangements are in place within their Directorate to: <ul style="list-style-type: none">• Ensure their staff comply with the Rules.• Ensure adherence to the application of supporting guidance in their role as a signatory for Waivers and Emergency process where required.• Approvals of the commercial business case, route to market strategy and contract management arrangements subject to compliance with the corresponding assurance requirements under these Rules.• Ensure that contract award decisions are made in accordance with the Council's Constitution and Scheme of Delegation.• Ensure active and timely engagement with the Commercial and Procurement Service in development of forward work plan of procurement activity and the maintenance of a contracts register, to include identifying a named contract manager for each Contract awarded.
Director (Procurement)	<ul style="list-style-type: none">• Overall ownership of these Rules and ensuring that the overall governance and assurance framework for commercial considerations is complied with robustly and effectively.

ROLE	AREA OF RESPONSIBILITY
Authorised Officer	<p>Authorised Officer is the individual with responsibilities in respect to the service area requiring application of spend in line with these Rules:</p> <ul style="list-style-type: none"> • Ensuring projects (Quotations, Tenders or contract extensions and/or renewals) are appropriately planned to ensure the Rules are applied. • Ensuring there is a genuine and legitimate business requirement for the spend and an approved budget. • Ensuring that the appropriate approvals have been received in respect to committing spend. • Drafting a fit for purpose specification that includes appropriate contract management arrangements. • Supporting the definition of an appropriate route to market for each contract is followed and justification for any deviation from the approved approach. • Genuine estimating the total contract value prior to any procurement activity. • Conducting procurement and contract modifications / extensions under £30k total contract value. • Mandatory engagement with Commercial and Procurement Service for all Above Threshold procurements and any necessary proportional engagement with Commercial and Procurement Services on application of the Rules for processes over £30k up to Above Threshold. • Where required undertake, appropriate application of the Waiver Procedure. • Meeting the requirements of the Contract Management Framework. • Engaging with the Commercial and Procurement Services as required. • Having authority to act, for example be the Budget Holder, or acting with the authority of the Budget Holder including seeking spend authorisations as appropriate.
Councillors (Cabinet Members)	<ul style="list-style-type: none"> • Make strategic decisions in line with the Constitution including overall budgetary and policy framework within which procurement plans are developed and implemented. • Approve Decisions in line with Authorisations process and Constitution. • Where they have specific responsibilities in the procedural aspects, comply with these Rules and follow supporting guidance. • Ensuring compliance with the Members' Code of Conduct, including in relation to any interests they may have.

ROLE	AREA OF RESPONSIBILITY
Commercial and Procurement Service	<p>On behalf of the Council provide overall strategic ownership of procurement and commercial activity. Officers working within Commercial and Procurement Services must ensure the following arrangements are in place to:</p> <ul style="list-style-type: none"> • Proactively engage with Directorates to determine the forward plan of procurement activity and how this is enabled in a proportional and timely manner, in particular for engagement of activity above £30k. • Support Directorates in assessing the commercial considerations at the design stage, drafting of the route to market strategy for procurement activity and putting the contract management arrangements in place in accordance with the contract management framework. • Work with Directorates to develop proportional and informed category strategies. • Explore options for using pre-existing Public Sector compliant contractual arrangements that allow the Council's participation and compliantly use where this is the best value option. • Explore options for collaboration with other contracting authorities where appropriate. • Ensure the compliance of all procurement processes over £30k with the Rules and the Act, and monitoring and intervention as appropriate below £30k. • Through category management seek to develop strategic opportunities for synergy between contracts to enable the Council to get better value.

Section 3 - Thresholds

Thresholds

- 3.1 This section sets out the details in relation to financial Thresholds, the activities to be applied in procurements and authorisations in respect of related procurement activities.
- 3.2 Reference should also be taken in respect of Section 4 – Process and whether a procurement process is required or not, for example consideration of make or buy.

Estimated Contract Values

- 3.3 No contract shall be subdivided into smaller contracts so as to avoid compliance with these Rules.
- 3.4 For the purposes of the Financial Thresholds as set out in Table 1, calculation of estimated Contract value shall consider the whole life value or estimated whole life value (in pounds sterling or equivalent value) for any purchase (including any extensions or potential variations available) calculated as follows:
- i. For a fixed term Contract, by taking the total price to be paid or which might be paid during the whole of the fixed term period.
 - ii. For purchases that involve recurrent transactions for the same type of item, across the Council as a whole, by aggregating the estimated value of those transactions over the life expectancy of the Contract.
 - iii. In accordance with the Act and where the Contract is for an uncertain duration, by multiplying the monthly payment by the number of months in the proposed new contract.
- 3.5 The value for a proposed Contract must be a genuine pre-estimate with due consideration given to all associated costs (for example consideration to be given to repair, maintenance, spare parts etc.).
- 3.6 Where there is a requirement for similar Supplies, Services or Works, this spend should be aggregated. There shall be no disaggregation of requirements from across the Council to avoid the Thresholds.
- 3.7 All figures in Standing Orders are exclusive of VAT.
- 3.8 When calculating the estimated Contract values to determine which process to follow and whether the Act applies, the contract value estimation should be inclusive of VAT (where applicable).
- 3.9 For the purposes of advertising Above Threshold Tenders, the related Act's Thresholds include VAT (where applicable).
- 3.10 The default for calculating VAT to be against the prevailing current standard rate of VAT. Where a purchase is exempt from VAT, or is zero rated VAT, no allowance needs to be made for VAT.

Table 1a – Process and Transparency Notices (non Health-related services¹)

The following sets out the procurement process, including the required transparency notices to be published. Additionally, officers must be aware of the obligations for further notices as set out in Table 1b below as required by the Regulations.

Thresholds (excluding VAT)	Minimum Tender Process²	Advertising opportunity on Central Digital Platform	Contract Award Stage Central Digital Platform	Publishing on Contract Register	Use of electronic Tendering System	Minimum Tendering Timescales³
Up to £10k	Proceed to purchase	Not required	Not required	Not required	Not required	Not applicable
Low Value Quotation £10k to <£30k	Preference of three quotations (two from local suppliers or SMEs where available in the market), with a minimum of one quotation (local supplier or SME where available in the market)	Optional	Not required	Yes	Optional	5 to 7 working days but preferred 15 working days
Supplies and Services: £30k to Below Threshold (“Notifiable Below Threshold Contracts”) (inc. For Light Touch (LT) / Concessions / Utilities contracts)	Three quotations have been invited (to include a minimum of two local suppliers or SMEs where available in the market) ⁴	Below Threshold Tender Notice ⁵ (excluding Concessions and Utility contracts)	Below Threshold Contract Details Notice (excluding Concessions and Utility contracts)	Yes	Yes	15 working days

Thresholds (excluding VAT)	Minimum Tender Process	Advertising opportunity on Find a Tender / Central Digital Platform	Contract Award Stage	Publishing on Contract Register	Use of electronic Tendering System	Minimum Tendering Timescales
Works Contracts: Low Value Quotation ("Notifiable Below-threshold contracts") £30k - £250k	Three quotations have been invited (to include a minimum of two local suppliers or SMEs where available in the market) ⁴	Below Threshold Tender Notice[UK4] ⁵ (excluding Concessions and Utility contracts)	Below Threshold Contract Details Notice[UK7] (excluding Concessions and Utility contracts)	Yes	Yes	15 working days
Works Contracts: Over £250k but below 5m (or Concessions / Utilities Contracts)	Formal tender procedure compliant with the Rules and Regulations	Below Threshold Tender Notice[UK4] (excluding Concessions and Utility contracts)	Below Threshold Contract Details Notice[UK7] (excluding Concessions and Utility contracts)	Yes	Yes	20 working days
Works Contracts: above £5m – Works threshold (or Concessions / Utilities Contracts)	Formal tender procedure compliant with the Rules and Regulations	Below Threshold Tender Notice[UK4] (excluding Concessions and Utility contracts)	Contract Award Notice[UK6]; followed by Contract Details Notice[UK7]	Yes	Yes	As per Regulations

Thresholds (excluding VAT)	Minimum Tender Process	Advertising opportunity on Find a Tender / Central Digital Platform	Contract Award Stage	Publishing on Contract Register	Use of electronic Tendering System	Minimum Tendering Timescales
Works Contracts:- above Works threshold - £10m (or Concessions / Utilities Contracts)	Formal tender procedure compliant with the Rules and Regulations	Tender Notice[UK4]*	Contract Award Notice[UK6]; followed by Contract Details Notice[UK7] Followed by Copy of the contract must be published within 90 days (of the public contract being entered into)* (i)	Yes	Yes	As per Regulations

Thresholds (excluding VAT)	Minimum Tender Process	Advertising opportunity on Find a Tender / Central Digital Platform	Contract Award Stage	Publishing on Contract Register	Use of electronic Tendering System	Minimum Tendering Timescales
Above Threshold Supplies, Services, Works to £5m (or Light Touch or Concessions or Utilities Contracts)	Formal tender procedure compliant with the Rules and Regulations	Tender Notice[UK4] ⁶	Contract Award Notice[UK6]; followed by Contract Details Notice[UK7]	Yes	Yes	As per Regulations
Above Threshold Supplies, Services, Works to £5m - £10m (note relevant thresholds for , Light Touch or Utilities Contracts) Concession contracts between £5m and the threshold for concession contracts (£5.3m) also covered here.	Formal tender procedure compliant with the Rules and Regulations	Tender Notice[UK4] ⁶	Contract Award Notice[UK6]; followed by Contract Details Notice[UK7] Followed by Copy of the contract must be published within 90 days (of the public contract being entered into) ⁶	Yes	Yes	As per Regulations

Thresholds (excluding VAT)	Minimum Tender Process	Advertising opportunity on Find a Tender / Central Digital Platform	Contract Award Stage	Publishing on Contract Register	Use of electronic Tendering System	Minimum Tendering Timescales
Over £10m	Formal tender procedure compliant with the Rules and Regulations	Tender Notice[UK4] ⁶	Contract Award Notice[UK6]; followed by Contract Details Notice[UK7]; followed by Copy of the contract must be published within 90 days (of the public contract being entered into) ⁷	Yes	Yes	As per Regulations

Thresholds (excluding VAT)	Minimum Tender Process	Advertising opportunity on Find a Tender / Central Digital Platform	Contract Award Stage	Publishing on Contract Register	Use of electronic Tendering System	Minimum Tendering Timescales
Direct Award £30k - £5m (without competitive procedure) as Schedule 5 of the Regs	Appropriate Due diligence on supplier	Transparency Notice[UK5]	Contract Award Notice[UK6] Followed by Contract Details Notice[UK7]	Yes	Not Applicable	Not applicable
Direct Award Over £5m (without competitive procedure) as per Schedule 5 of the Regs	Appropriate Due diligence on supplier	Transparency Notice[UK5]	Contract Award Notice[UK6]; followed by Contract Details Notice[UK7]; followed by Copy of the contract must be published within 90 days (of the public contract being entered into) ⁸	Yes	Not applicable	Not applicable

¹ Health related services are those as defined by NHS England's Provider Selection Regime

² In establishing the Council's own Framework then the Thresholds would apply as established within Table 1a, subsequent call offs from such Frameworks would be deemed in line with the spend as authorised. For specific procurement activities requiring call-offs from compliant Frameworks, not all activities would be required, in particular the requirement for advertising the opportunity or the use of the Council's electronic tendering system. However, the subsequent award of contracts off a framework will require the publication of a Contract award Notice and Contract Details Notice. Timescales may be variable.

³ When setting the time limit for bidding due regard should be given to allowing sufficient timescales for suppliers to bid, including any Regulatory stipulations, consideration of the complexity of the proposed contract and the time required for drafting a tender response (including supplier's own sign off timescales); plus any impediments which may limit suppliers ability to respond such as peak holiday periods and likely reduced resources.

⁴ If the Authorised Officer is unable to secure the submission of three written quotations, then the Authorised Officer shall record, the reasons for audit purposes and proceed with a single quotation. For Light Touch, Concessions and Utilities contracts above the threshold value applicable to Supplies and Services, a formal tender procedure should be followed.

⁵ A Below Threshold Tender Notice is only required where the Council chooses to openly advertise the opportunity. The requirement to publish A Below Threshold Tender Notice does not apply if the Council only invites bids from particular (e.g. SME's, Local suppliers) or pre-selected suppliers (i.e. suppliers on a framework).

⁶ Where establishing a Dynamic Market, a Dynamic Market Notice will be issued in lieu of a Tender Notice

⁷ 180 days for Light Touch contracts – (publish contract). Exemptions & Confidentiality apply as per s. 94 (General exemptions from duties to publish or disclose information)

⁸ 180 days for light touch contracts – (publish contract).

Table 1b – Other Transparency Notices for above threshold procurements

Notice (and Section of the Regs)	Requirement and Function
Planned Procurement Notice (Section 15)	A non-mandatory notice announcing the intention to commence a specific procurement in the future. If it is a “qualifying” planned procurement notice it reduces the minimum timeframe for the tendering period to 10 days (subject to the general rules on setting reasonable and proportionate time limits).
Preliminary Market Engagement Notice (s.17)	A notice announcing the Council is planning to conduct, or has conducted, a pre-market engagement exercise. (Mandatory unless a justification for not publishing one is set out in the Tender Notice)
Procurement Termination Notice (s.55)	A mandatory notice setting out that the Council has decided not to award the contract after publishing a tender or transparency notice.
Contract Change Notice (s.75)	A mandatory notice setting out that the Council intends to modify a contract. (subject to percentage allowances of the modification of the value or term of the contract)
Contract Termination Notice (s.80)	A mandatory notice setting out that a contract has been terminated, required before the end of the period of 30 days beginning with the day on which a public contract is terminated. Here, ‘termination’ includes a reference to— (a) discharge, (b) expiry, (c) termination by a party, (d) rescission, or (e) set aside by court order
Pipeline Notice (published annually by CPS) (s.93)	Mandatory where the Council anticipates a total spend of over £100m in a financial year, setting out specified information about any proposed public contract with a value of more than £2m.

Table 1c – Process and Transparency Notices – Contracts for Health-related services¹

Provider Selection Regime Route (regardless of value)	Minimum Tender Process	Advertising opportunity on Find a Tender Service	Contract Award Stage	Publishing on Contract Register	Use of electronic Tendering System	Minimum Tendering Timescales
Direct Award – A	Appropriate Due-diligence on supplier	Not applicable	Contract Award Notice	Award details captured in publication of Annual Summary	Not Applicable	Not applicable
Direct Award – B	Set qualifying criteria for expressions of interest. Appropriate Due diligence on suppliers	Not applicable	Contract Award Notice; followed by Copy of the contract must be published within 90 days (of the public contract being entered into)*	Award details captured in publication of Annual Summary	Optional	Not applicable
Direct Award – C	Satisfy requirements of incumbent's performance and nature of contract	Not applicable	Intention to Award Notice; followed by	Award details captured in publication of Annual Summary	Not applicable	Not applicable

Provider Selection Regime Route (regardless of value)	Minimum Tender Process	Advertising opportunity on Find a Tender Service	Contract Award Stage	Publishing on Contract Register	Use of electronic Tendering System	Minimum Tendering Timescales
	Due diligence on supplier		Contract Award Notice			
Most Suitable Provider	Pre-market engagement to confirm comprehensive knowledge of market Due diligence on supplier	Notice of Intention to follow Most Suitable Provider process	Intention to Award Notice; followed by Contract Award Notice	Award details captured in publication of Annual Summary	Yes	Proportionate to requirement
Competitive Process	Formal tender process	Notice inviting Offers	Intention to Award Notice; followed by Contract Award Notice	Award details captured in publication of Annual Summary	Yes	Proportionate to requirement

¹ Health related services are those as defined by NHS England's Provider Selection Regime

Table 2: Authorisations and Approvals (for both Procurement Act 2023 and Provider Selection Regime)

Thresholds (excluding VAT)	Pre-procurement (Authorising procurement activity)	Post-procurement (Awarding of procurement activity) ⁻¹	Contract (as a minimum)
Up to £10k	Budget Holder (or Officer delegated by Budget Holder) within Service area in line with the Scheme of Delegation by means of relevant and proportional information and details for means of audit purposes as needed, e.g. emails.	Budget Holder (or Officer delegated by Budget Holder) within Service area in line with the Scheme of Delegation by means of relevant and proportional information and details for means of audit purposes as needed, e.g. emails.	Purchase Order
£10k up to £30k	Budget Holder (or Officer delegated by Budget Holder) within Service area in line with the Scheme of Delegation by means of relevant and proportional information and details for means of audit purposes as needed, e.g. emails.	Budget Holder (or Officer delegated by Budget Holder) within Service area in line with the Scheme of Delegation by means of relevant and proportional information and details for means of audit purposes as needed, e.g. emails.	Purchase Order and where relevant agreed terms and conditions pertinent to the Quotation / Tender process.
Supplies and Services: £30k to Below Threshold relevant Act (inc. For Light Touch / Concessions / Utilities Contracts) ⁻⁴	Budget Holder (or Officer delegated by Budget Holder) within Service area in line with the Scheme of Delegation by means of relevant and proportional information and details for means of audit purposes as needed, e.g. emails. Where 3 quotations are not invited (for Notifiable Below Threshold Contracts), prior approval by means of a Delegated Procurement Report (DPR) is required.	Contract Award Report ⁻²⁻³ Chief Officer (in accordance with Directorate Scheme of Delegation approval level).	Purchase Order and where relevant agreed terms and conditions pertinent to the Quotation / Tender process.

Thresholds (excluding VAT)	Pre-procurement (Authorising procurement activity)	Post-procurement (Awarding of procurement activity) ⁻¹	Contract (as a minimum)
Works Contracts: Low Value Quotation (£30k - £250k) or to relevant Threshold (Concessions / Utilities Contracts) ⁻⁴	Budget Holder (or Officer delegated by Budget Holder) within Service area in line with the Scheme of Delegation by means of relevant and proportional information and details for means of audit purposes as needed, e.g. emails. Where 3 quotations are not invited (for Notifiable Below Threshold Contracts), prior approval by means of a Delegated Procurement Report (DPR) is required.	Contract Award Report ⁻²⁻³ Chief Officer (in accordance with Directorate Scheme of Delegation approval level) Concessions / Utilities Contracts – In accordance with the Directorate Scheme of Delegation approval level.	Purchase Order and where relevant agreed terms and conditions pertinent to the Quotation / Tender process.
Works Contracts: Over £250k but Below Threshold (or Concessions / Utilities Contracts) ⁻⁴	Planned Procurement Activity Report (PPAR) for Cabinet approval then Strategy Report by means of Delegated Procurement Report (DPR).	Contract Award Report ⁻²⁻³ by means of Delegated Procurement Report (DPR) subject to Cabinet confirming delegated approval permitted at pre-procurement stage.	Purchase Order and relevant agreed terms and conditions pertinent to the Tender process plus Works Contract which exceeds £250,000 in value, shall be sealed with the Common Seal ⁻⁵ of the Council and shall be executed as a Deed.

Thresholds (excluding VAT)	Pre-procurement (Authorising procurement activity)	Post-procurement (Awarding of procurement activity) ⁻¹	Contract (as a minimum)
Above Threshold Supplies, Services, Works to £10m (see thresholds for Concessions and Light Touch or Concessions or Utilities Contracts) ⁻⁴	Planned Procurement Activity Report (PPAR) for Cabinet approval then Strategy Report by means of Delegated Procurement Report (DPR).	Contract Award Report ⁻²⁻³ by means of Delegated Procurement Report (DPR) subject to Cabinet confirming delegated approval permitted at pre-procurement stage.	Purchase Order and relevant agreed terms and conditions pertinent to the Tender process plus every contract (and all Framework agreements) for Supplies or Services which exceeds £1,000,000 in value, shall be sealed with the Common Seal ⁻⁵ of the Council and shall be executed as a Deed.
Over £10m	Consultation with Cabinet Member(s) and relevant Scrutiny Chair(s) 3 months prior to Cabinet. Inclusion on Forward Plan, Formal Cabinet Report including the Procurement Strategy.	Contract Award Report for Cabinet approval (where the decision to award has not been delegated).	Purchase Order and relevant agreed terms and conditions pertinent to the Tender process plus it shall be sealed with the Common Seal ⁻⁵ of the Council and shall be executed as a Deed.
Direct Awards - £25k to £200k (revenue or capital)	Direct Award Report by sign off by Chief Officer (in accordance with Directorate Scheme of Delegation approval level) and the Assistant Director (Procurement).	Further signature of the Section 151 Officer (or their delegate) is required on the Direct Award Report.	Purchase Order and where relevant agreed terms and conditions pertinent to the Contract Negotiations.
Direct Awards - £200k to £500k (revenue) £200k to £1million (capital)	Direct Award Report submitted as an appendix for Cabinet approval by way of a Directorate led Formal Cabinet Report.	Contract Award Report ⁻² by means of Delegated Procurement Report (DPR) subject to Cabinet confirming delegated approval permitted at pre-procurement stage.	Purchase Order and relevant agreed terms and conditions pertinent to the Tender process plus for Works Contract which exceeds £250,000 and over £1m for Supplies and Service in value, shall be sealed with the Common Seal ⁻⁵ of the Council and shall be executed as a Deed.

Thresholds (excluding VAT)	Pre-procurement (Authorising procurement activity)	Post-procurement (Awarding of procurement activity) ⁻¹	Contract (as a minimum)
Direct Award Contracts – above £500k (revenue) or above £1million (capital)	Consultation with Cabinet Member(s) and relevant Scrutiny Chair(s) prior to Cabinet. Inclusion on Forward Plan, Formal Cabinet Report including the Procurement Strategy.	Contract Award Report for Cabinet approval .	Purchase Order and relevant agreed terms and conditions pertinent to the Tender process plus it shall be sealed with the Common Seal ⁵ of the Council and shall be executed as a Deed.

1 - Where the estimated value of a contract is under £10,000,000, the contract award decision shall normally be delegated to Chief Officer / Director in accordance with the Scheme of Delegation; provided that the tolerances in the Decision Making and Tolerances section of this document are not exceeded, in which case such contract award decision will be made by the Cabinet Member, Finance and Resources on a report of the relevant Chief Officer.

2 - Where it is likely that the award of the contract will result in staff employed by the Council transferring to the successful contractor under TUPE the decision must be made by Cabinet.

3 - Frameworks Where the rules of the Framework Agreement require opening up competition between the Framework suppliers, then a report shall be issued to the Decision Maker under the Evaluation and Award section setting out the reason for the award to the particular contractor and how the price payable by the Council has been reached.

4 - In accordance with 4.37 where a Quotation or Tender is a "call off" from a compliant Framework the Contract Award Report can be combined with the Strategy Report.

5 - Execution of Contracts

5.1 – Sealing

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

5.2 - Signing

Subject to Footnote 5.1 (Table 2) every Contract shall be signed on behalf of the Council either by a senior lawyer who is duly authorised by the Council or an authorised officer.

5.3 - Members

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

Section 4 - Process

Processes

- 4.1. This Section sets out details as to the procurement processes to be followed, which will vary depending on the respective spend Thresholds as set out elsewhere in these Rules.

Pre-Procurement Stage

Make or Buy Considerations

- 4.2. Before undertaking a new procurement, the following approaches should be used in the first instance where these options are deemed fit for purpose, available for use and able to demonstrate Best Value:
- i. Use of internal Council service(s) or establishment of such service(s) where they don't currently exist.
 - ii. Use of an existing compliant Council Framework.
 - iii. Award of a Contract to the Council's wholly owned Company with Teckal status or in establishing, or implementing a public contract with another public sector entity, or using another public sector entities Framework or Contract.
- 4.3. Proceeding to undertake a formal Quotation or Tender process shall only be permitted where the following conditions are met:
- i. Make or Buy process should ensure the In-house Preferred Test has been followed and can be demonstrated conditions as set out do not apply.
 - ii. Best Value can be demonstrated.
 - iii. Sufficient time has been allowed to ensure required outcomes are achieved.

Route to Market

- 4.4. Where relevant and proportionate to do so, preliminary market engagement is permitted and encouraged with the intention of informing the procurement process and potential suppliers. Where such consultation takes place, care shall be taken it is in line with the Act. Where preliminary market engagement is carried out, a Preliminary Market Engagement Notice must be published before publishing a Tender Notice, or provide reasons for not doing so in the Tender Notice.
- 4.5. A procurement process should not be commenced unless:
- i. A genuine and timely pre-estimate of the Contract value has been completed.
 - ii. In the case of a Contract for the execution of any Works, a business case has been prepared and includes an estimate of the annual running costs of the works after completion.
 - iii. There is an approved budget, or relevant approval by Chief Officer.
 - iv. Strategy report (where applicable) has been approved.
 - v. A contract manager for the Contract has been identified.

- 4.6. A Tender Notice should not be published unless:
The use of Lots has been considered.
- 4.7. A Tender Notice, Transparency Notice or Dynamic Market Notice must not be published unless:
A conflict of interests assessment has been prepared in relation to the procurement in accordance with the Act and maintained during the life of the contract.
- 4.8. Consideration of route to market shall include options for the Council to undertake its own procurement process or consider awarding Contracts in line with the conditions of a compliant Framework available to the Council to use.
- 4.9. The route to market consideration shall consider the procurement procedures available to the Council with due regard to the Act. Where Above Threshold, strict accordance to the Act shall be followed in application of the chosen route to market.
- 4.10. For audit and transparency purposes proportional details and records on justification of the chosen route to market should be kept, along with the record-keeping obligations set out in the Act during the award of an above-threshold contract.

Prior information and Public Reports

- 4.11. To aid transparency and market readiness for all upcoming Tenders above £2m the Council shall publish on the Council website a pipeline notice of upcoming Tender opportunities in accordance with the Act.
- 4.12. In addition, and where reasonably possible, the Council will also seek to publish all Above Threshold Tender pipeline opportunities as a minimum on the Council website.
- 4.13. In line with the Act the Council is not required to publish or otherwise disclose information which would undermine the safeguarding of national security or which information is commercially sensitive.

Planned Procurement Activities Report (PPAR)

- 4.14. For all spend above the Threshold for Supplies and Services or £250k and above for Works (see Table 1) then the Director – Procurement shall present a monthly Planned Procurement Activities Report (PPAR) to Cabinet and copy to the Resources Overview and Scrutiny Committee.
- 4.15. All relevant planned procurement activity (“Planned Procurement Activities Report”) over the following quarter. The report shall include:
- i. Details of the Supplies, Services or Works required with a suitable brief description.
 - ii. Estimated timescales.
 - iii. Estimated contract values (noting some may be exempt from public disclosure subject to the public interest test in accordance with Schedule 12A of the Local Government Act 1972).

4.16. This purpose of the PPAR report is:

- i. To notify Cabinet and the Resources Overview & Scrutiny Committee of planned procurement activities over the following quarter with reference to Key Decisions, seeking any recommended decisions.
- ii. To act as a sounding for Members for the planned activities where decisions are delegated to Chief Officers;
- iii. For Cabinet to identify any sensitivities or requirements that necessitate a procurement report to be presented to Cabinet for an Executive Decision prior to starting the procurement rather than delegating the decision to Chief Officers.

4.17. Any planned procurements can, at the discretion of Cabinet, be brought back to Cabinet for an Executive Decision.

4.18. Where possible, any Tender which is required to be included on the PPAR report should be included at a suitable practical early stage to provide genuine insight as to planned tendering activity.

4.19. The requirement for the inclusion of Tender on a Planned Procurement Activity Report should not limit any necessary early engagement or feasibility work prior to the submission of the PPAR, for example to determine route to market.

4.20. Any deviation from this PPAR process will require approval via the Waiver Procedure.

4.21. Where an agreed procurement process has commenced in line with such an approval this must be included on the next available PPAR report and highlighted to identify that a procurement process has commenced.

4.22. No Contract or commitment to form a contract shall be permitted prior to the PPAR being signed off by Cabinet.

Procurement Strategy Report

4.23. In line with Table 2, prior to commencing a procurement process and the commencement of a Tender, a Procurement Strategy Report briefly outlining the proposed activity will be prepared by the relevant Directorate Chief Officer(s), seeking approval from:

- i. Finance – to validate that the anticipated benefits including savings can be realised and to confirm the budget is available; and
- ii. Commissioning and Procurement Services – to confirm that the strategy demonstrates the best form of procurement / route to market, is likely to secure effective competition, deliver best value and approve the market engagement strategy and, where relevant, seeks to maximise Social Value outcomes.
- iii. The Contract Owner shall gain approval to the content of the Strategy Report from Section 151 Officer and Director (Procurement), or their delegates.

4.24. Where appropriate, Executive Decision on awarding of a Contract as a result of a compliant Quotation or Tender will be delegated to the relevant Chief Officer.

Competitive Procurement Stage

Drafting Quotation and Tender Documents

- 4.25. All above threshold tenders must be undertaken in accordance with the Act for competitive tendering procedures. All Quotation or Tender invitations shall clearly set out the procurement process for suppliers to follow for submitting bids, with bids required to be submitted in accordance with those requirements.
- 4.26. All Quotation and Tender documents shall be based on the Council's approved templates and include the Council's terms and conditions relevant to the nature of the contract, along with the mandatory clauses.

Submission and opening of Quotations and Tenders

- 4.27. Those undertaking the opening / unlocking of Quotation or Tender on the Council's E-tendering System shall be responsible for ensuring that there is an accurate record of the receipt for accounting purposes.
- 4.28. Opening of Quotations or Tenders is not permitted until after the deadline has passed for the receipt of the Quotation or Tender.
- 4.29. If a Quotation or Tender is received after the specified date and time or where information is felt to be missing or omitted then reference should be made to the Late, Missing or Omitted Materials procedure.
- 4.30. Where use of the Council's electronic tendering system is optional (See Table 1 above) quotations may be received by email according to the terms of the Quotation Document. The same rigour applies for the opening and recording of quotations as above.

Evaluation and Award

- 4.31. All invitations for Quotations or Tenders shall specify the conditions for participation or selection criteria (where used) and award criteria at the time of advertising or publishing to the market, and the evaluation of Quotation or Tenders must take place in accordance with the published criteria.

Contract Award Report (including modifications and extensions where conditions 4.38 i or ii do not apply)

- 4.32. Where applicable and in line with Table 2 – Authorisations and Approvals for Contract Value, at the end of the Quotation or Tender a Contract Award Report shall be produced in accordance with the Act, for authorisation by the relevant Authorised Officer.
- 4.33. The Contract Award Report should make clear where authorisation is being sought to delegate to the appropriate Chief Officer the taking up of the option to extend, in whole or in part, or Contract modifications by written notice to the contractor(s), subject to satisfactory performance and funding availability.
- 4.34. The Contract Award Report shall be in line with Table 2: Authorisations and Approvals and in the same final version of the Contract Award Report having been seen and authorised by all parties.

- 4.35. The Contract Award Report shall set out the timing and format of the mandatory Contract Review Gate as required by the Procurement Gateway Process.
- 4.36. Following the authorisation of the Contract Award Report, all tenderers shall be notified in writing of the outcome, subject to the requirements of the Act e.g. assessment summaries, standstill periods etc., Notices shall be issued in accordance with Table 1 a-c above.
- 4.37. Where a Quotation or Tender is a “call off” from a compliant Framework the Contract Award Report can be combined with the Strategy Report in accordance with Table 2 above.

Contract Extension and Modifications

- 4.38. Contracts shall only be amended or extended where:
 - i. The Contract permits the amendment and/or extension;
 - ii. It is in accordance with the Act (as amended and/or any successor legislation); or
 - iii. Approval is sought in accordance with the Scheme of Delegation.
- 4.39. Approvals to extend or modify a Contract must be formally recorded as part of accountability and transparency and recorded on the Contract Register as appropriate.
- 4.40. Contract extensions and modifications will be subject to the Act applicable at the time their procurement was commenced, except in the case of Health-related contracts which will be subject to the Regulations applicable at the time.
- 4.41. Before implementing any contract modification a Contract Change Notice must be published where it is required by the Act, or in the case of Health-related contracts – a Modification Notice within 30 days of the modification.
- 4.42. Where a contract extension is required that does not comply with 4.38, then this will need to follow the Rules applicable to waivers and breaches. Actions should be taken to put in place a new compliant process which will need to follow the governance set out in Table 2 above, having due regard for the Act.
- 4.43. Where a contract extension is required that was not provided for in the original contract, then this will need to follow the governance set out in Table 2 above, having due regard for the Act.
- 4.44. In line with the rules applicable to waivers and breaches, due consideration should be taken on whether a formal report to Cabinet is required outlining the circumstances relating to the Contract and what actions are to be taken to mitigate and remedy the Breach.

Contract Management

- 4.45. Proportionate contract management, taking into account risks to the Council, must be an integral part of the consideration when seeking to award a new Contract. This will

include establishing dedicated contract managers and contract management systems, including a detailed knowledge of the provisions of the Contract.

- 4.46. Contract managers must be familiar with the requirements of the Act in respect of letting and managing contracts, the identification of Key Performance Indicators (KPIs) and the transparency requirements in respect of the publication of KPIs and their monitoring; together with the transparency requirements in respect of the award of call-off contracts.
- 4.47. Payments to suppliers, and where applicable, their sub-contractors, shall be made in accordance with the Contract terms and the Act and done in a timely manner to avoid the payment of any interest charges.
- 4.48. During the life of a Contract, the contract manager must monitor the Contract in line with any approved Contract Management Framework
- 4.49. If a contractor fails to comply with any of the provisions of a Contract, the contract manager must try to secure compliance in accordance with the Contract. Proper records must be kept regarding Contract failings and any corrective measures put forward.
- 4.50. If this is not successful, the matter should be referred promptly to Commercial and Procurement Service and their advice sought as to what action should be taken to protect the Council's interests.
- 4.51. If there is contract dispute, the contract manager must follow the dispute resolution provisions contained in the Contract and seek legal advice from Legal Services where necessary. Advice should also be sought from the Section 151 Officer (as delegated) for advice about the financial implications.

Other considerations

- 4.52. In addition to the above processes the following considerations should apply:

Due Diligence

- 4.53. Relevant subject matter experts (e.g. service area teams, Legal Services, Finance, IT&D, HR (People Services), Property, Information Security, Data Protection, etc.) are to be consulted at appropriate times during the procurement process, with the respective services to engage as appropriate.

Clarifications

- 4.54. Where Quotations or Tenders are placed via the Council's e-Tendering System, clarifications on the procurement are only permitted via that system in order to ensure a full audit trail and details that may form part of the resulting Contract(s).
- 4.55. Discussions with tenderers after submission of a Tender and before the award of a Contract, with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) is generally not be permitted. If this is considered necessary, then advice must be sought from Commercial and Procurement Service.
- 4.56. Planned and structured supplier contact in the form of a Bidder's Day or dialogue / negotiation as part of a prescribed procedure are permitted.

Frameworks

- 4.57. Where the Council has established the award of a Framework Agreement which has been approved by a Cabinet Member or by a Chief Officer (in accordance with the Scheme of Delegation), then Chief Officers (or as delegated) may issue further orders under the Framework agreement provided that they comply with the scope of the agreement and Framework conditions and this is noted in the framework award report.
- 4.58. Where calling off from a single contractor Framework the issuing of individual orders for supplies, services or works within the scope of that Contract shall be permitted up to the agreed levels of spend and authorisations.
- 4.59. When more than one contractor is on the Framework Agreement then the issuing of individual call off orders from Frameworks shall be in accordance with the Framework call off conditions.
- 4.60. All Framework Agreements, Open Framework Agreements and Dynamic Markets must be awarded, set up and managed strictly in accordance with the Act, where applicable.
- 4.61. In looking to establish a Framework , Open Framework or Dynamic Market , due consideration must be given to sub-dividing the Contract into lots and the reasoning provided where it is decided that this is not appropriate.
- 4.62. Frameworks are to be monitored to ensure that spend does not exceed what is permitted under the framework.
- 4.63. Contracts to be concluded by a call off from a Framework Agreement established by another Contracting Authority shall be carried out in accordance with the rules for the operation of that Framework Agreement; ensuring that the scope covers the Council as an eligible participant to which the Framework is open.
- 4.64. Framework Awards – The further award of contracts under frameworks (either Council-owned or other legally compliant framework), needs to comply with the requirements for Contract Award Notices and Contract Details Notices as set out in Table 1a above and required by the Act. Frameworks awards for below-threshold call-offs require a Contracts Details Notice whilst framework awards for above-threshold call-offs require both a Contract Award Notice and Contract Details Notice.

Direct Awards

- 4.65. The criteria for directly awarding a contract without competition shall only be deemed appropriate for the execution of supply of Supplies or Services or the execution of Works under the following circumstances:
 - i. The public contract concerns the production of a prototype, or supply of other novel goods or services, for the purpose of testing the suitability of the goods or services, researching the viability of producing or supplying the goods or services at scale and developing them for that purpose, or other research, experiment, study or development.
 - ii. The public contract concerns the creation or acquisition of a unique work of art or artistic performance.

- iii. The following conditions are met in relation to the public contract—
due to a particular supplier having intellectual property rights or other exclusive rights, only that supplier can supply the goods, services or works required, and there are no reasonable alternatives to those goods, services or works.
- iv. The following conditions are met in relation to the public contract—
due to an absence of competition for technical reasons, only a particular supplier can supply the goods, services or works required, and there are no reasonable alternatives to those goods, services or works.

Additional or repeat goods, services or works

- i. The public contract concerns the supply of goods, services or works by the existing supplier which are intended as an extension to, or partial replacement of, existing goods, services or works in circumstances where—
a change in supplier would result in the contracting authority receiving goods, services or works that are different from, or incompatible with, the existing goods, services or works, and the difference or incompatibility would result in disproportionate technical difficulties in operation or maintenance.
- ii. The public contract concerns the supply of goods, services or works by the existing supplier that are similar to existing goods, services or works where—
the existing goods, services or works were supplied under a public contract that was awarded in accordance with a competitive tendering procedure within the period of five years ending with the day on which the transparency notice is published, and
the tender notice or any tender document in respect of that earlier contract set out—
 - a) the contracting authority's intention to carry out a subsequent procurement of similar goods, services or works in reliance on this direct award justification, and
 - b) any other information specified in regulations under section 95.
- iii. Where, in relation to Health-related services covered by the NHS England Provider Selection Regime, direct-award processes A, B or C, or the Most Suitable Provider process, can be evidenced as being applicable to a particular contract.
- iv. The public contract concerns goods purchased on a commodity market.
- v. The award of the public contract to a particular supplier will ensure terms particularly advantageous to the contracting authority due to the fact that a supplier, whether or not the one to whom the contract is to be awarded, is undergoing insolvency proceedings.
- vi. Where
 - a) the goods, services or works to be supplied under the public

- contract are strictly necessary for reasons of extreme and unavoidable urgency, and
- b) as a result the public contract cannot be awarded on the basis of a competitive tendering procedure.
- vii. The public contract is a contract for the supply of user choice services and the conditions of the Act are met.
- viii. Where the conditions of the Act are met in relation to defence and security contracts
- 4.66. Evidence is to be provided which demonstrates that as a result of a market investigation there is only one contractor that can meet the Council's requirements for that Contract in line with the criteria.
- 4.67. Where use of a Direct Award has been approved a Quotation or Tender will not be applicable.
- 4.68. Where appropriate officers must comply with the need to issue notices in accordance with the Act as set out in Table 1a.
- 4.69. For Direct Awards Above Threshold, two separate reports are required – one for the approval to commence negotiations and then one for the award of contract following the outcome of those negotiations.
- 4.70. For Direct Awards Below Threshold a single report is required for the approval to commence negotiations. Following the conclusion of negotiations, a further signature of the Section 151 Officer (or their delegate) is required for that report to confirm the contract value and allow the award of contract.
- 4.71. For Direct Award reports procedures applicable please refer to Table 2: Authorisations and Approvals.
- 4.72. Where it is deemed negotiations are required with more than one supplier due regard must be given to the Act around what is permitted in respect of negotiations and / direct awards.
- 4.73. Entering into a Direct Award process to award a contract without competition is not to be used as a means to extend contracts that have failed to be re-procured in sufficient time. In such cases these would be investigated as part of the Breach Procedure.
- 4.74. Where an appointment of a Supplier(s) is through the application of a Direct Award a formal Contract must be formed with the Supplier(s) which shall include a formal acceptable quotation from the Supplier and registered on the Council's Contract Register and all necessary due diligence shall be applied to that supplier.

Decision Making and Tolerances

- 4.75. If a project within the Planned Procurement Activity Report is not approved for the Supplies, Services or Works required, then an Executive Decision will need to be made by Cabinet (or the relevant Cabinet Member on a report of the relevant Chief Officer if it is within the appropriate financial limits).
- 4.76. In addition, the following are decisions that must also go to Cabinet where:

- i. Submitted bids are above the estimated total value of the Contract where they exceed the figure stated in the Planned Procurement Activities Report by 20% or £500,000 (whichever is the lower), or exceeds £10,000,000;
 - ii. the proposed length of the Contract exceeds by more than 12 months the term stated in the Planned Procurement Activities Report;
 - iii. there is a material change to the scope of the contract as set out in the Planned Procurement Activities Report;
 - iv. there is a material change to the procurement approach set out in the Planned Procurement Activities Report.
- 4.77. If the decision within the Cabinet Report was delegated and the submitted bids are above the estimated total value of the Contract by not more than 20% or £500,000 then the DPR award report process may still be applied.

Record of decisions

- 4.78. The Director (Procurement) shall maintain a record of all decisions of the following:
- i. a record of all decisions made by Chief Officers; and a
 - ii. Report on a quarterly basis to Cabinet on all decisions taken by Chief Officers during the previous quarter to which these Rules apply.

Equalities Impact Assessments

- 4.79. Prior to commencement of a procurement due regard should be given as to whether an Equalities Impact Assessment should be completed.

Subsidy Control

- 4.80. Subsidy Control rules must be considered in situations or circumstances where the proposed arrangement may provide an advantage through state resources on a selective basis to any organisation(s) that could potentially distort international competition and / or trade.
- 4.81. All relevant Government guidance should be applied where subsidy control rules may apply. Advice from Legal Services should also be sought in such circumstances.

Section 5 – Definitions

The Act	<p>Means the Procurement Act 2023 (as amended and/or any successor legislation), or, in the case of Health-related services, NHS England's Provider Selection Regime.</p> <p>The Procurement Act 2023 do not apply retrospectively, therefore procurements commenced before their implementation shall be subject to the Public Contracts Regulations 2015 (as amended) applicable at the time of commencement.</p>
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Above Threshold	Means spend threshold above the UK Government thresholds for Local Councils setting out requirements to advertise on “Find a Tender” (Find high value contracts in the public sector – GOV.UK (www.gov.uk)).
Authorised Officer	Means the Officer as set out in Roles and Responsibilities – Section 2.
Below Threshold	Means spend falling below the UK Government requirement to advertise on “Find a Tender”.
Best Value	Means the duty placed on the Council to secure Best Value in line with statutory duties.
Birmingham Business Charter	Means the Birmingham Business Charter for Social Responsibility (BBC4SR).
Breach	Means an act or action undertaken which is counter to the requirements as set out in these Rules.
Breach Procedure	Means the procedure to be undertaken to investigate and determine if a Breach to these Rules has occurred.
Budget Holder	Means the Authorised Officer with overall responsibility for the financial budget.
Chief Officer	Means Officers reporting to the Chief Executive including all Strategic Directors and the Director of Strategy, Equality and Partnerships.
Commissioning and Procurement Gateway Process	Means the Gateway process that provides the series of reports that are required by these Governance Rules.
Concession (Contract)	As defined within the Act, typically for granting of rights to operate as a Concession on public services.
Conflict of Interest Forms	Means the form under which Conflicts of Interest Declarations are to be recorded in line.
Contract	Means a formal agreement between the Council and a Supplier that has been set up with the expressed intention of supporting the delivery of Supplies, Services or Works or Concessions arrangements.
Contract Award Report	Means the formal Council defined Award Report in relation to contract awards with third party suppliers.
Contract Register	Means the electronic register for storing and documenting Contract information and associated documents. At the time of drafting these Rules shall mean Oracle.

Contract Standing Orders	Means these Rules which form the Standing Orders in relation to Contract spend In line with section 135 of the Local Government Act 1972.
Council	Means Birmingham City Council.
Council's Corporate Retention Schedule	Means the Council's formal Retention Schedule setting out the relevant time frames for how long certain types of documents and records need to be kept for.
Council's E-Tendering System	Means the Council's preferred electronic system for advertising of contracts and opportunities, i.e. Oracle or its successor.
Decision Maker	Means the Council, Cabinet, Cabinet Member, Committee or Sub-Committee (including any District Committee), or Authorised Officer to whom a function has been delegated in accordance with the Council's Constitution.
Direct Award	Means a negotiated contract awarded without competition – as defined in the Act (Schedule 5 – Direct Award Justifications).
Dynamic Market(s)	Means dynamic arrangements and / systems as set out in the Act.
Financial Regulations	Means the formal Financial Regulations of the Council which form part of the overall Council constitution.
Framework Agreement (including open frameworks)	Means agreements as set out in the Act.
Framework Award	Means a contract awarded via a legally compliant framework, either with or without competition in accordance of that Framework Agreement. A Framework award does not need to satisfy the criteria for a Direct Award as set out in the Act.
Grant	Means a payment made by the Council to help the recipient (e.g. charity) to delivery an agreed outcome but has no contractual basis. Whilst typically provided subject to conditions that state how the Grant shall be used (for example to support the wider objectives of the Council in promoting the social, economic or environmental well-being within their communities) the grant funder (e.g. the Council) gets no direct service delivery in return. Usually preceded for award of a Grant by a call for proposals. The Grant offer letter will be in line with the Grant Policy (Condition of Grant Aid) normally set out general instructions as to how this is to be achieved and any particular conditions in regard to clawback if those wider objectives are not met.

In-house Preferred Test	Means the Council's internal measure for determining if the requirements are best suited to be delivered through internal mechanisms, e.g. internal service area, Council owned company or partnership where the Council is a majority partner versus a competitive process.
Light Touch	Means appropriate Contracts which able to be subject to Light Touch procedure as defined within the Act.
Local	Means within a 30 mile radius of the Council House
PPAR	Planned Procurement Activity Report.
Procurement and Contract Governance Rules	Means this document, also referred to as the Rules.
Rules	Means the defined reference for The Procurement and Contract Governance Rules which form the Council's Procurement and Contract Standing Orders within the constitution, i.e. this document.
Scheme of Delegation	Means the Council's rules in respect of authorisations of spend in line with individual responsibilities of Officers and the elected Members of the Council.
Services	Means the provision spend on Services for the Council as set out in the Act.
Social Value	Means the duty on the Council to consider the Public Services (Social Value) Act 2012 when commissioning a public service to consider how the service that is being procured might bring added economic, environmental and social benefits.
Social Value Policy	Means the Council's formally adopted Social Value Policy setting out the approach to be adopted in applying Social Value in relation to spend with third parties.
Subsidy Control	Means State Subsidy as set out in the Subsidy Control Bill that sets out a legal framework and setting out conditions within which public authorities can provide subsidies to businesses. The Bill places an obligation on public authorities to consider seven subsidy control principles before granting a subsidy - https://www.gov.uk/government/collections/subsidy-control-bill
Supplies	Means the provision spend on Supplier for the Council as set out in the Act.
Teckal	As defined in the Act (as amended and/or any successor legislation).
Terms and Conditions (Council)	Means the Council's formally agreed Terms and Conditions.
Thresholds	Means general spend thresholds related to spend with third parties.
Value for Money	Means optimum combination of whole-life cost and quality (or fitness for purpose) to meet the customer's requirement which includes consideration of Social Value.

Waiver	Means an agreed action to set aside a requirement or requirements as strictly set out within these Rules.
Waiver Procedure	Means the procedure to be undertaken to give consideration to whether a Waiver is granted to set aside a requirement or requirements as set out in these Rules.
Works	Means the provision spend on Works for the Council as set out in the Act.

Cabinet Member Information briefing

Briefing From: Mike Smith, Assistant Director – Procurement

Briefing For: Councillor Brigid Jones – Cabinet Member, Finance and Resources

Date: February 2024

Title: **New Provider Selection Regime for Health Contracts**

Purpose:

To update on the introduction of the new Provider Selection Regime for Health Contracts

Background and update

NHS England's 2019 engagement exercise found that the current competition and procurement rules are not well suited for arranging health care services, and:

- create barriers to integrating care,
- disrupt the development of stable collaborations, and
- cause protracted processes with wasteful legal and administration costs.

Current rules on procurement create an expectation that nearly all contracts for healthcare services should be advertised and awarded following a competitive tendering exercise. Where this does not make sense for the service, this can create uncertainty, upheaval and disruption among providers.

NHS England wanted to make it straightforward for the system to continue with existing service provision where the arrangements are working well and there is limited or no value in seeking an alternative provider. In doing so, this will allow commissioners and providers greater certainty and continuity of service provision to improve partnerships between providers and increase integration of services.

Where the system wants or needs to consider making changes to service provision, there needs to be in place a flexible, sensible, transparent and proportionate process for decision-making that allows shared responsibility to flow through it.

For many healthcare services, the choice of service provider will be constrained by the nature of the service and its interdependencies with other services. The Provider Selection Regime explicitly recognises this – and makes it clear that such core services can be arranged without unnecessary process/risk. However, there are circumstances in which competitive tendering can add value and should be used.

The Provider Selection Regime (PSR) has been designed to introduce:

- a flexible and proportionate process for selecting providers of health care services so that all decisions are made in the best interest of people who use the services
- the capability for greater integration and enhanced collaboration across the system, whilst ensuring that all decisions about how health care is arranged are made transparently
- opportunities to reduce bureaucracy and cost associated with the current rules

The PSR came into force on 1 January 2024 and replaced the:

- Public Contracts Regulations 2015, when procuring health care services
- National Health Service (Procurement, Patient Choice and Competition) Regulations 2013

Scope

Organisations, referred to as 'relevant authorities' under the PSR, are required to follow the PSR when arranging health care services, irrespective of whether the providers they are considering are from the NHS, the independent, or the voluntary sector.

Relevant authorities are:

- NHS England
- Integrated Care Boards (ICBs)
- NHS trusts and foundation trusts
- Local authorities or combined authorities.

Relevant authorities must continue to comply with other legal obligations and duties.

The PSR will apply to the arranging of health care services in England. Broadly, services within scope are:

- services that provide treatment, diagnosis or prevention of physical or mental health conditions to individuals or groups of individuals (i.e., patients or service users) such as hospital, community, mental health, primary health care, palliative care, ambulance, and patient transport services for which the provider requires CQC registration
- substance use treatment services, sexual and reproductive health, and health visitors arranged by local authorities.

Examples of procurements not in scope of this Regime include goods (i.e., medicines, medical equipment), social care services, non-health care services or health-adjacent services (i.e., capital works, business consultancy, catering) that do not provide health care to an individual. The PSR does not cover Communications campaigns.

The PSR covers services which have an impact on health – need to consider the service regardless of who the Provider is or how it is funded, also there is no minimum threshold for the application of the Regime.

Impact on BCC contracts

Corporate Procurement are working with Public Health colleagues to establish a pipeline of forthcoming contracts that will fall under the PSR.

Impact on governance

The Council's constitution in respect of Procurement and Contract Governance Rules will need to be amended to cover the new PSR process and the specific content of the Regime. In the interim, all Direct Awards under the PSR regulations will follow the Council's governance applicable to Negotiated Contracts without Competition.

Overview of Processes

There are 5 options available in terms of the process to be followed under the PSR, these are set out in the diagram below.

The intention is that these processes are considered from left-to-right, with Direct Awards being considered as options first, and a competitive process (far right) only being pursued if the other scenarios are not satisfactorily met.

Overview of the decision-making circumstances

Direct award processes			The most suitable provider process	The competitive process
A	B	C	Allows the relevant authority to make a judgement on which provider is most suitable based on consideration of the key criteria. Award without competitive tender.	Where the relevant authority cannot use any of the other processes or wishes to run a competitive exercise.
The existing provider is the only capable provider.	People have a choice of providers, and the number of providers is not restricted by the relevant authority.	The existing provider is satisfying the existing contract and will likely satisfy the proposed new contract, and the contract is not changing considerably.		

OFFICIAL

Birmingham City Council

Report to City Council

17 September 2024



Title:	MEMBER/OFFICER PROTOCOL
Lead Cabinet Portfolio:	Councillor Rob Pocock, Cabinet Member for Transformation, Governance and HR
Relevant Overview and Scrutiny Committee:	Corporate and Finance Overview and Scrutiny Committee
Report Author:	Julia Lynch, Assistant Director Legal Services - Litigation Law & Deputy Monitoring Officer Legal and Governance
Authorised by:	Marie Rosenthal, City Solicitor & Monitoring Officer Legal and Governance
Is this a Key Decision?	No
If this is a Key Decision, is this decision listed on the Forward Plan?	Not Applicable
Reason(s) why not included on the Forward Plan:	If yes, list reason(s). If no, insert 'Not Applicable'.
Is this a Late Report?	No
Reason(s) why Late:	Not Applicable
Is this decision eligible for 'call in?'	No
If not eligible, please provide reason(s):	Not Applicable
Wards:	Not Applicable

Does this report contain exempt or confidential information? No

Has this decision been included on the Notification of Intention to consider Matters in Private? No

Reasons why not included on the Notification: Not Applicable

1 EXECUTIVE SUMMARY

- 1.1 To agree a new Member / Officer protocol to govern relationships between Members and Officers at Birmingham City Council.

2 COMMISSIONERS' REVIEW

- 2.1 Commissioners are strongly supportive of the development of this protocol as a key element of the essential governance changes that are required within Birmingham City Council. It is commendable that this work has been progressed for agreement in this way. However, the proof of this protocol will be in its application and maturation over time. So Commissioners would expect a review of the application of the protocol should be reported to Council via the Standards Committee and Governance Board within a year.

3 RECOMMENDATIONS

- 3.1 That City Council approves the revised Member/Officer Protocol, set out in Appendix 1.

4 KEY INFORMATION

Context

- 4.1 Standards Committee, at its meeting in March 2024, approved a draft Member Officer Protocol. The committee recommended that Full Council adopted the new protocol, subject to any amendments that may be identified as a result of an analysis of the outcomes of the member survey and feedback from member engagement sessions. These amendments have now been made by the Monitoring Officer in consultation with the Chair of the Standards Committee.
- 4.2 A priority was identified in the Independent Review of Governance by the CfGS for the Council to develop a new Member/Officer protocol.
- 4.3 This report proposes the adoption of a new Member/Officer Protocol which reflects the ongoing work on wider culture change in the Council. At the time of writing there are several programmes of work being undertaken across the organisation that connect to this work, all of them seeking to support action to implement the Improvement and Recovery Plan.
- 4.4 Ultimately, the objective of this work must be to put in place a more effective and consistent framework for Member/Officer relations. The development of a protocol is an important point on this journey, but it is not the destination.
- 4.5 The agreement of the framework set out in the Protocol will need to be considered as the foundation for a broader and deeper conversation between Members, and between Members and Officers, about duties, roles and behaviours.

Proposal and Reasons for Recommendations

Research carried out by CfGS and the Council to Support the Drafting of a New Protocol

- 4.6 CfGS have carried out a review to identify the kinds of measures likely to be able to bring about shifts in attitudes and behaviours, paying particular attention to political relationships. The conclusions, principles and objectives deriving from this review are set out in the next sections. These outcomes have been informed by:
- Engagement with national sector partners.
 - Learning from approaches taken by other councils.
 - Structured conversations with key Members and Officers
- 4.7 A Member survey has been undertaken (from 6 March 2024 to 22 March 2024) to enable the Council to better understand Elected Members and their needs. Members were encouraged to be as candid as possible in their responses. The responses have been used to inform the protocol and related activities including Member development.
- 4.8 Engagement sessions on the proposed protocol have taken place between March and July. Specifically, engagement sessions have been undertaken with the following groups;
- Constitution Review Group
 - Corporate Leadership Team
 - Portfolio Holder Briefings
 - Extended Corporate Leadership Team
 - Group Leaders Meeting
 - Informal Cabinet
 - Executive Management Team
 - Audit Committee Members
 - Overview and Scrutiny Committee Members
 - Standards Committee Members
- 4.9 These sessions have been either in person or via Microsoft Teams meetings. In addition, the following activities were undertaken to achieve as much engagement with the draft protocol as possible:
- Two Question and Answer sessions were held online, week commencing 10 June, one in the evening and one in the daytime, to allow those members who hadn't been able to engage a further opportunity.

- The draft protocol was circulated by email to all members, inviting final comments, questions and feedback by 19 June.
- Group Leaders were encouraged to share the protocol within group meetings and provide feedback.
- Officers attended the Marketplace at the June full council meeting to allow a further opportunity for members to ask questions and provide feedback on the protocol.

4.10 As part of wider work on organisational culture forming part of the IRP, it is expected that a range of activity will also be carried out with the wider officer group. This may include surveys and engagement work which, depending on timings, will be used to inform the ongoing refinement and amendment to this protocol.

4.11 The protocol will be reviewed by the Standards Committee after adoption by Council; this will enable the Committee to consider the performance of the protocol, compliance with its principles and make any resulting necessary amendments.

The Current Member/Officer Relations Protocol

4.12 The Council's Constitution currently contains a protocol aimed at supporting effective Member/Officer relations.

4.13 However, given the failures identified in the Independent Governance Review, CfGS and the Council have concluded that the current Protocol is self-evidently not meeting its required purpose.

4.14 The current protocol is a discursive exploration of expected behaviours, and given that it sets no specific, consistent expectations of either Member or Officer conduct, does not provide the required framework for the development and maintenance of productive relationships.

4.15 The current protocol makes no reference to the different power dynamics applying to Member/Officer relationship in different circumstances, or the fact that "appropriate" and "inappropriate" conduct and relationships may therefore differ according to those circumstances.

4.16 The current protocol does not take account of wider arrangements in place for decision-making and oversight at the authority.

4.17 On account of these shortcomings, and wider challenges relating to some member-officer relationships, the independent Governance Review carried out in late 2023 by the Centre for Governance and Scrutiny highlighted the need for a new Protocol to be developed as part of the Governance Stabilisation Plan.

4.18 In doing so, the Council and CfGS note that the production of a new Protocol is one element of a wider programme of work with both members and officers to take forward behavioural change. The Council recognises that the Protocol will

not deliver that change on its own, which is why the learning and development activity set out in the “Next Steps” section.

Approaches Taken Elsewhere

- 4.19 Other Councils have taken variable approaches to the development of Member/Officer protocols. For the most part these tend to be quite perfunctory. Protocols might be updated at the same time as the wider constitution, but those updates are not informed by detailed member/officer dialogue, and do not connect to wider learning and development activity. For many Councils, these protocols may be very old – many date back over 15 years and reflect the now non-existent national standards regime.
- 4.20 Where Councils *have* undertaken more meaningful reviews of this material it has generally been in connection with a wider organisational objective – a move by a Council to a new operating model, a significant cultural change programme, or similar. The drafting of protocols themselves have under those circumstances been bookended by significant Member and Officer engagement.

Conclusions on what a Member-Officer Protocol Can (and Cannot) Do

- 4.21 CfGS and the Council have drawn from their research the following central principles, which have been used in the development of the Protocol as currently drafted.
- A protocol cannot bring about behavioural change on its own.
 - A protocol cannot specify, and create rules for, every single Member/Officer interaction, or type of interaction – it can set out general principles and expectations around certain elements of those relationships but can never be exhaustive.
 - A protocol can, and should, act as a basis for further conversation and action on these issues.
 - A protocol can – within certain parameters – be used as a mechanism to judge whether the Member, and Officer, Codes of Conduct have been followed/breached. In short, it needs to have “teeth”.
 - A protocol adopted wholesale from another Authority won’t achieve anything, because the value in producing it lies in the conversations that

underpin that production (and in learning and development work carried out after), rather than the finished document.

Objectives Underpinning the Development of a Member-Officer Protocol

4.22 A protocol should:

- Provide a clear explanation of the respective roles that members and officers perform, with a view to aiding mutual understanding.
- Be explicit about the exact behavioural expectations around Member/Officer relationships, and interactions.
- Be explicit around the interactions expected in respect of key governance activity – decision-making, challenge and oversight, ward work, and other activity where close member-officer liaison is expected.

4.23 Therefore, a protocol needs to do the following:

- Clearly set out Members' and Officers' respective roles – and highlight where those roles intersect.
- Highlight and affirm the core behaviours underpinning relationships – this may initially be through reference to the Nolan Principles, but any new values and behavioural expectations being developed as part of the Council's wider cultural change problem will need to be included.
- In doing so, make especially clear that this is about both Member and Officer relationships; it is important to emphasise that the drafting and development of a Member/Officer protocol is not seen as a measure primarily designed to "manage Member behaviours".
- Set out how relationships can be expected to be managed in respect of certain key areas of member-officer interactions –to include:
- Policy development and executive decision-making
- Decision-making and liaison on regulatory matters (e.g. planning and licensing).
- Expected relationships, ways of working and expectations with regard to the operational management of services.

- Highlight wider relationships, and how they intersect with member-officer relationships. Member/Officer relationships do not sit in a vacuum, and it is necessary to recognise the other relationships (and factors inherent to those relationship) that impacts on members-officer relations.
- Provide (fictional) worked examples of the above issues – making some of the potential pressures and conflicts more tangible. (This will be developed for the Member and Officer learning and development and appended to the Protocol before adoption by Council.)
- Connected to the above, provide for its use as a learning and development tool (i.e. the protocol itself should be used as the basis for ongoing learning and development activities) and for use in the induction process for new members and new officers, to ensure that people who are new to the authority are aware of expected behaviours and good and bad practice.
- Provide for ways for non-adherence to the protocol to be investigated, and action taken against potential breaches, in line with the Member and Officer Codes of Conduct.

4.24 As drafted, the Protocol submitted to members for approval at this meeting is intended to reflect these needs.

5 RISK MANAGEMENT

5.1 Effective member/officer relationships are an essential part of effective governance. Adopting a bespoke member officer protocol forms a building block to build effective governance and reduce the risk of poor governance in the Council.

6 IMPACT AND IMPLICATIONS

Finance

6.1 Based on the proposals outlined in this report, there are no additional financial implications. Any necessary training to adhere to member officer protocol is expected to be covered by the council's existing training budget.

Legal

6.2 The Monitoring Officer, in accordance with Local Government and Housing Act 1989, is responsible for matters relating to the conduct of members and officers. The Council has duties under the Localism Act 2011 to promote and maintain

high standards of conduct by members and co-opted members of the authority. This protocol is one part of the Monitoring Officer's and Council's tools to achieve these statutory obligations.

Equalities

- 6.3 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, and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.4 In adopting this new protocol, the Council is seeking to improve the relationship between officers and members, to prevent poor behaviours which will in turn contribute to the Council's duty to eliminate discrimination, harassment and victimisation.

People Services

- 6.5 In consideration of the proposals contained within this report, the delivery of the Learning and Development plan will have a resource requirement. Consideration should be given to how this is delivered in both the immediate and longer term.
- 6.6 Current, generic, resources are available through the People Services provision which may be of benefit and could be aligned to support ongoing development in this area.

7 APPENDICES

- 7.1 Appendix 1 - Member Officer Protocol June 2024

8 BACKGROUND PAPERS

- 8.1 Current Member Officer Protocol
- 8.2 CfGS Governance Review

Member Officer Protocol

1. Introduction

The Council's ability to operate effectively requires strong, productive working relationships between elected members and officers.

Members are democratically elected politicians who give overall direction to the Council using their knowledge of the needs and aspirations of the communities they represent.

Officers are members of staff at the Council. They carry out their work with political neutrality. They are employed to manage and deliver services day-to-day using their professional knowledge and skills.

One summary of how the roles should work together is that members set council policy, with the advice of officers, and officers implement that policy, under the scrutiny of members. It is essential for the effective running of a council and for public trust that these sets of roles are, and are seen to be, well synchronised.

The Council recognises that relationships between members and officers form the basis of an effective, high performing local authority. An environment where people are clear about their duties and responsibilities is one in which people can work together on behalf of our residents.

The Council recognises that a positive organisational culture is not something which can be "achieved" – development is a continual process of improvement.

Behaviours will never be perfect. The complexity of relationships and different peoples' motivations means that the Council expects that member-officer relationships – while governed by consistent and clear principles – may not always work smoothly and comfortably. This Protocol aims to provide a framework both for better relationships, and for clarity over what should happen when things don't go as expected.

In doing this, the Protocol aims to set out some behavioural expectations, and some principles around how those expectations will be embedded, enforced, and monitored. For this reason, the Protocol should be read alongside the Member Code of Conduct, and Officer Code of Conduct, and other codes, protocols and rules of procedure that relate to members' and officers' duties.

Members and officers of the Council are servants of the public. They are indispensable to one another. Mutual respect between members and officers is essential for good local government. Close personal familiarity, such as a lack of professionalism or informality, or personal relationships between individual members and officers can damage this dynamic, impact on decision making and on the wider culture of the organisation.



Situations should be avoided that could give rise to the appearance of improper conduct or behaviour and members and officers should consider whether personal interests should be registered and declared at meetings. The employee Code of Conduct requires employees to declare an interest where they *“have a close personal relationship with a person who has influence over [their] employment within the Council, for example, a councillor or senior officer, or with any person who [they] have authority over.”*

2. Ownership

The development of positive working behaviours is everyone’s responsibility. The Protocol seeks to outline the key roles in the ownership and promotion of these behaviours.

a) Members:

Executive responsibility for this Protocol, and action to implement and embed it, will be held by the Cabinet member responsible for this area of the Council’s work (**“portfolio holder”**). The **portfolio holder** will work with the Monitoring Officer and Director of People Services to develop and deploy ongoing learning and development activities around this Protocol, and the Codes of Conduct, to officers and members. The **portfolio holder** will also have regard to the Protocol’s overall use and effectiveness.

The **portfolio holder** will be held to account and supported in this task by the Council’s **Standards Committee**. The Standards Committee will be responsible for taking evidence, and reports, on a regular basis to allow it to determine whether the Protocol is being used effectively by the Council to frame and support member-officer relationships. This should include examples of positive working behaviours, and how lessons are being learned from those behaviours.

The Standards Committee will advise the **Audit Committee** as to the Council’s use of the Protocol, and the strength of the behaviours that underpin its effective operation. The Audit Committee will feed this insight into the Annual Governance Statement (AGS). Through this mechanism, a judgement on the effectiveness of the Protocol will be made on an annual basis by Council, further to its signoff of the AGS.

The Chair of Standards will regularly liaise with the **Whips of Political Groups** to highlight and deal with any general issues relating to the operation of this Protocol. Individual issues, and complaints, will be dealt with using the systems set out in “Identifying and acting on where things go wrong”, below.

Recognising the needs of **independent councillors**, who may not be part of a Political Group, the Chair of Standards will liaise directly with any such councillors.



b) Officers:

On the officer side, this Protocol will be held by the **Monitoring Officer** and the **Director of People Services**. They will ensure that appraisal and performance management arrangements for officers closely reflect the content of the Protocol and of the Codes of Conduct, in consultation with **Corporate Leadership Team**. The protocol will be part of the induction for new officers and members.

Officers in **Assistant Director**, and more senior posts, will hold a responsibility to implement this. They will personally model good behaviours, discussing them in supervision and team meetings, and taking other active steps to broadcast them amongst their teams. This activity will be monitored in supervision, performance management and appraisals.

3. Roles and Responsibilities

a) Members

This list is illustrative rather than exhaustive.

Task	Support from Officers
Executive decision-making (by Cabinet) Regulatory decision-making (on planning and licensing matters).	Access to the right information, at the right time. The officer support needed for these roles will be different.
Oversight of the Council’s work, through the audit and scrutiny functions.	Information, support, and advice from officers.
Specific statutory duties.	Certain duties may require that members work with officers, or oversee their work, in a different way. For example, councillors’ corporate parenting responsibilities.
Appointed or nominated by the Council to “outside bodies”.	Advice and support on how to discharge functions effectively on outside bodies.
Represent people in their wards, and of the residents, workers, and students of the wider city.	Support them to carry out work to support those people.

b) Officers

This list is illustrative rather than exhaustive.

Task	Support from Members
Officer delegated decision-making (under delegated powers granted by Council or Cabinet).	Officers need clear policies agreed by members, that they can use as the basis for operational decisions.
Operational management of services.	Officers need the space to make operational decisions independently.



	Members do, however, need to be notified of decisions that will affect policy or where there is operational failure.
Management of staff.	Corporate Plans created collaboratively with members' help. Officers direct their staff and prioritise work.

Officers are politically neutral but operate in a political space. Officers need to provide clear and independent advice on those areas covered by their professional responsibilities. This involves ensuring that appropriate advice, information, and support is provided to members of all political parties, not just the executive.

Detailed rules for the provision of support equally across political groups (in a way that recognises the need to act to fulfil the administration/executive's priorities) can be found in the Officer Code of Conduct. Detailed rules for the provision of information to members more generally can be found in the Council's Access to Information Procedure Rules.

c) **Examples of areas where members and officers will need to work together.**

These examples are not exhaustive but provide examples of where the principles set out above need to be put into practice.

- Policy-making, and executive decision-making.
 - This is an area where Cabinet members and officers will need to work closely together and ensure that there are clear written records of decisions and workings. Members will need to be able to clearly articulate their political policy objectives and the outcomes they are looking to achieve. Members can share local insights and experiences with Officers which can inform policy making. Officers will need to gather evidence and information to support the delivery of those objectives, and to bring members robust options for how those objectives can be delivered.
 - The needs of policymaking will also involve liaison with members from other political groups, and liaison with scrutiny members. Officers and members will need to work together to ensure that this work is constructive, focused, and proportionate.
 - Officers will need to provide briefings for members which are appropriate for the particular topic, purpose or situation, on various policy decisions and reports.
- Oversight and accountability.
This is about the way in which members and officers work together to keep services under review – monitoring spend, reviewing and improving performance, and describing and acting on risk.



- Members need to be assured that officers are bringing them timely, proportionate, and accurate information that meets their needs.
 - Officers need to understand members' needs and motivations in asking for information and need to be able to speak frankly and candidly in committee (and other formal spaces).
- Operational business.

The Council will undertake operational activity on a range of matters that will be led by officers. However, from time to time the nature of some operational activity will require that members be aware – often in advance – of that activity being undertaken.

 - Members will have an interest in operational business, where it relates to an issue raised by one of their constituents or in an area of leadership responsibility. The Council will review systems to provide assurance to members on operational action.
 - Where members and officers need to liaise with officers on operational concerns, issues and complaints, the relevant Assistant Director should be notified by the officer and always be aware of the engagement so that member expectations can be fully understood and met.
 - Where Officers need to engage with members on matters such as public consultations, planning or strategic programmes, the officer should ensure that the relevant Cabinet member is informed.
 - Where Officers are asked to provide a briefing to another Cabinet member, they should ensure that their portfolio holder is aware of that briefing.
 - Where members need to liaise with an officer on operational concerns, issues and complaints, members should be mindful of the seniority of the officer being approached and the potential power dynamics between the member and officer. Members will need to consider which officer it is most appropriate to approach.
 - Where officers propose to take major operational action in specific wards (including to remediate performance issues and/or to otherwise bring about substantive changes to certain services), the councillors representing those wards should be informed. This liaison should take place in the context of officers being entitled, through delegated powers, to make these operational decisions.
 - Where officers need to brief or consult a member, they should consider which member it is most appropriate to approach, considering the portfolios held, wards affected, and level of member input required.
 - Governance

Everyone has a responsibility towards the good governance of the authority.



- Members will respect the responsibilities of the statutory officers. The roles and responsibilities of the statutory officers are addressed in the Constitution.
- Officers will respect the responsibility of the cabinet members. The roles and responsibilities of the cabinet members are addressed in the Constitution.

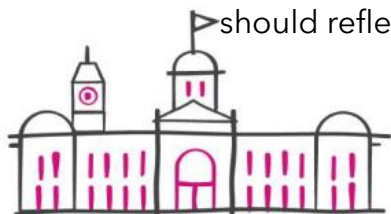
d) Behaviours that need to govern the member-officer relationship.

The relationship between members and officers will be governed by a commitment from all to the Nolan Principles. This commitment will be given at the point of recruitment/election. These are:

- **Selflessness.** Holders of public office should act solely in terms of the public interest.
- **Integrity.** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity.** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability.** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness.** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty.** Holders of public office should be truthful.
- **Leadership.** Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

The behaviours that will demonstrate adherence to these principles will differ from relationship to relationship, and between different parts of the Council. They are likely to include:

- **Frankness and candour.** People should be honest about what is needed and what is possible. Both officers and members need to have regard to the various restrictions applying to their roles relative to each other, and the pressure that puts people under. Recognising that disagreement is inevitable, members and officers need to work together to uncover possible problems as soon as possible.
- **Respect and understanding of mutual roles.** Member / officer relationships should reflect a familiarity with respective day-to-day, and wider strategic, roles



and responsibilities. Again, this will help people to understand pressures, constraints, and motivations.

- **Robust and constructive mutual challenge.** Power dynamics exist between members and officers which may make it difficult for them to engage as equals in every circumstance. Where disagreement arises and where accountability is needed, constructive challenge needs to take account of possible power differentials with a view to finding solutions.
- **Recognition of success and positive behaviours.** Members and officers need to model for others, and support in themselves, positive working behaviours.
- **A focus on purpose and outcome, not process for the sake of process.** Process is an important part of good governance; the way that process is used and followed by both members and officers needs to be informed by the desire purpose and outcomes. Having clarity on shared purpose and outcomes will ensure that the right, and most proportionate, processes can be followed – and that the need for these processes is understood.
- **An open and honest approach to communication.** Members and officers are not all the same. Developing positive working relationships means ensuring that those relationships work for the people within them. Communication over needs and motivations, and desired outcomes, needs to happen.
- **Dignity and Courtesy.** Members and Officers should communicate with each other with dignity and courtesy, creating an environment where discourteous and bullying behaviour is called out and not tolerated.

This list is illustrative, not exhaustive. It should be seen as reflecting overall the behaviours that both members and officers should demonstrate, rather than as a tick box to define the effectiveness of individual interactions. That said, this list of behaviours should still provide the basis for a judgement as to where things may have gone wrong – including the exercise of sanctions for wrongdoing in the most serious cases.

These behaviours are explained, and explored, in scenarios produced to accompany this Protocol. The Council commits to the regular refinement of these scenarios, and of other material produced in support of this Protocol (including learning and development material).

4. Relationships with Others

As set out above, the behaviours that members and officers exhibit are central to the success of relationships, including these relationships. For example, members and officers must not allow themselves to be put under any obligation which may mean that they are inappropriately influenced, they should not act or take decisions to gain financial or other material benefits for themselves or friends and family, they should act as leaders and treat others with respect. These principles apply to all relationships with third parties.



The Council recognises that there are a number of stakeholders and partners that members and officers work with on a regular basis, including developers, businesses, trade unions, voluntary organisations, the best value commissioners ("the commissioners") and other organisations and bodies that may seek to lobby for policy change.

It is crucial to the effective operation of the organisation that these are positive, constructive, healthy relationships.

Members need to be particularly careful to ensure that they do not seek to influence operational matters, whether in formal meetings or otherwise, which could directly or indirectly affect any body of which they are a member. Further, in accordance with the Code of Conduct, members are required to register and declare their interests which can include membership of bodies and organisations.

The Council recognises the important relationship with the Government appointed commissioners, members, and officers.

The Commissioners are accountable to the Secretary of State. The Directions issued by the Secretary of State enable the Commissioners to exercise various functions. Most decisions will continue to be made by the Council, but with the oversight of the Commissioners: they will uphold proper standards and due process and recommend action to the Council.

The directions require the Council "to allow the Commissioners at all reasonable times, such access as appears to the Commissioners to be necessary: to any premises of the Authority; to any document relating to the Authority; and to any employee or member of the Authority."

Regard should be had to the role of the Commissioners in Council procedures and processes, by members and officers, to ensure timeliness of reports and information sharing.

5. Learning lessons from where things go well.

The council recognises that it needs to understand where behaviours and relationships work well, and to use lessons from those experiences to inform its wider work.

For example:

- Officers and members might work together to develop and refine a policy, or decision, on a complex and politically sensitive issue.



- Officers and members might resolve a challenging problem that is affecting local people (or that joint working may simply be about ensuring a swift, comprehensive solution to a problem affecting just one person).
- Scrutiny Committees and Members might constructively hold officers to account on an area of service in a way that leads to positive improvement.

Members and officers should think regularly about where they have achieved results, at least in part, through positive member-officer relationships. These examples should be highlighted, through relevant Assistant Directors, to the Monitoring Officer for reporting into the ongoing monitoring arrangements for this Protocol. (monitoringofficer@birmingham.gov.uk)

6. Identifying and acting on where things go wrong.

There will be instances where there is disagreement between members and officers. This section provides a framework for resolving these disagreements.

The Monitoring Officer will put in place mechanisms to ensure that the effectiveness / success of the Protocol can be meaningfully measured. The Standards Committee, exercising oversight, may seek assurance from the Monitoring Officer on the effectiveness of these mechanisms. They may include:

- Ongoing employee and councillor surveys. Questions may focus on aspects like communication, collaboration, job satisfaction, and perceptions of leadership. Comparing results over time can show trends and areas of improvement or concern.
- Focus groups and interviews. These may use existing formal and informal spaces (such as staff forums) for evidence-gathering, and reflection.
- Workshops where attendees can work through examples of behaviour / interactions and discuss appropriate responses and outcomes.
- Observation of council meetings and interactions.
- Incident reports. Where problems occur (as set out in the section below) recording and analysis of measures taken to resolve the situation can be aggregated.
- Specific performance metrics. The Council recognises that measurable metrics will be difficult to find on some of these behavioural issues but may involve proxies such as a reduction in sickness absence, and a reduction in churn rates in both councillors and officers.

There will be instances where a member, or members, or an officer, or officers, consider that the terms and expectations of this Protocol have not been met. This may be because:

- A member or officer's behaviour falls short of the expected standards. For example:



- It is suggested that a member has sought to “direct” a member of staff to carry out their duties in a certain way, contrary to the scheme of delegation.
 - It is suggested that an officer has deliberately misled a formal committee.
- There is a disagreement about respective duties, or responsibilities, that cannot be resolved by the individuals involved.

In resolving these issues, members and officers are expected to:

- Have regard to the principles, behaviours and expectations set out in this Protocol in finding resolution to problems where they occur.
- Where necessary, proactively draw in advice from others, in a way that is not seen as adding unnecessarily to the pressure on other people. For example, it might not always be appropriate if a member, dissatisfied with a response to a query raised with an officer, were to immediately approach the relevant chief officer to resolve the issue. It will be important for those who “own” the issue, and the relationship, to keep hold of it to find their own resolution where possible, rather than relying on others in more senior positions.

Where necessary, and where resolution has proven impossible, agree to escalate the matter to others to deal with.

7. Breach of this Protocol

These arrangements form an important part of the Council’s governance framework. As with other parts of the Constitution, members and officers are under a duty to adhere to the expectations in this Protocol.

Where the behaviour in question relates to a member, the Monitoring Officer and relevant Whip should liaise to determine the seriousness of the issue and the nature of the sanction, or support, that should be put in place.

Where the behaviour in question relates to an officer, the Monitoring Officer and Director of People Services should liaise with the individual’s line manager to determine the seriousness of the issue and the nature of the sanction, or support, that should be put in place.

Usually, a failure to behave in a way that reflects the values and behaviours set out in this Protocol will result in informal action through the provision of further advice and training. This may include:

- The provision of words of advice from a manager, from a Whip, or from the Monitoring Officer.
- The provision of further training, learning and development. Specific material will be drafted and made available for this purpose.



Sometimes, a failure may be so serious that it warrants more formal action. These sanctions should be imposed in line with the terms of the Member and Officer Codes of Conduct and the Arrangements for dealing with standards complaints under the Localism Act 2011 ("the Arrangements") [Procedure for complaints | Birmingham City Council](#).

As an example, they may include:

- In the case of members, disciplinary action within a political group. This may include removal of a member from a committee (or committees) or other similar sanctions.
- In the case of members, a prohibition on contact with a certain officer, a group of officers or all officers, for a defined period or indefinitely (subject to amendments being made to the Arrangements).
- In the case of officers, formal disciplinary action.

A pattern of behaviours that require repeated informal intervention may, cumulatively, lead to a situation where more formal steps, including those described above, need to be taken.

Some behaviours may be so serious that they demand that associated action be taken for safeguarding reasons, and/or that external bodies like the police be involved.



Birmingham City Council

Report to City Council

17 September 2024



Title: **POLICY ON THE APPOINTMENT AND REMOVAL OF THE TITLE OF HONORARY ALDERMAN**

Report Author: Robert Connelly, Assistant Director – Governance
Legal & Governance
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Email: robert_connelly@birmingham.gov.uk

Authorised by: Marie Rosenthal, Interim City Solicitor & Monitoring
Legal & Governance

Is this a Key Decision? Not Applicable

If this is a Key Decision, is this decision listed on the Forward Plan? Not Applicable

Reason(s) why not included on the Forward Plan: Not Applicable.

Is this a Late Report? No
Reason(s) why Late: Not Applicable.

Is this decision eligible for 'call in?' Not Applicable

If not eligible, please provide reason(s): Not Applicable.

Wards: All

Does this report contain exempt or confidential information?

No

Has this decision been included on the Notification of Intention to consider Matters in Private? Not Applicable

Reasons why not included on the Notification: Not Applicable.

1 EXECUTIVE SUMMARY

- 1.1 Following the resolution of Council at its extraordinary meeting on 9 January 2024, this report sets out a draft policy on the appointment and removal of the title of Honorary Alderman.

2 COMMISSIONERS' REVIEW

- 2.1 There were no comments from Commissioners in relation to this report.

3 RECOMMENDATIONS

- 3.1 That the Council adopts the policy as set out in appendix 1.
- 3.2 If the policy is adopted by Council, any current petitions relating to the removal of any honourable titles be considered under the policy

4 KEY INFORMATION

- 4.1 At its meeting on 9th January 2024 Council considered a petition that had been received to call an extraordinary meeting to consider the removal of the title of honorary Alderman from former Councillor Muhammed Afzal.
- 4.2 A copy of the agenda and reports can be found at [Microsoft Word - Agenda CC 06012015.doc \(cmis.uk.com\)](#)
- 4.3 At that meeting Council resolved that:

“That Council would review its policies in terms of the appointment and removal of the title of Honorary Alderman with a report to be brought back to Council to consider. This review should be completed within 6 months and be reported back to an ordinary meeting of the Full Council before the end of July 2024.

This review should not seek to diminish or remove the role of Honorary Alderman itself in any way, and only concern itself with how the role can be protected from individuals bringing it into disrepute”.

- 4.4 The draft policy in appendix 1, looks to deal with both the appointment and removal of Honorary Alderman.

5 IMPACT AND IMPLICATIONS

Finance

- 5.1 There are none arising from this report.

Legal

- 5.2 There are none other than those set out in the report of 9 January 2024.

Equalities

- 5.3 There are none arising from this report.

6 APPENDICES

- 6.1 Appendix 1

7 BACKGROUND PAPERS

- 7.1 Agenda and report to Council dated 9th January 2024

Appendix 1

Birmingham City Council

Policy for the appointment and removal of the honour of Alderman of Birmingham City Council

1. Introduction

- 1.1 This policy sets out the criteria to be considered prior to the appointment or subsequent removal of the status of an Honorary Alderman bestowed to former Councillors.

2. Background

- 2.1 Section 249 of the Local Government Act allows a Council to confer the title of Honorary Alderman on any former Councillor, who in the opinion of that Council has rendered eminent services to the Council.
- 2.2 In order to bestow the title of Honorary Alderman a resolution must be passed by not less than two thirds of the members voting on it at a meeting of the Council specially convened for the purpose, usually by way of an extraordinary general meeting.
- 2.3 Birmingham City Council has instituted a Roll of Honorary Aldermen for former councillors of the Council (or the former borough of Sutton Coldfield), who have:
- (a) Rendered a minimum of 15 years' service as an elected member.
 - (b) Served for at least 12 years as an elected member and given particularly notable service. Notable service is defined as someone who has held the position of Cabinet member, Chair of a Scrutiny or Regulatory Committee or held some other position that which was recognised by a Special Responsibility Allowance.
- 2.4 Once admitted to the Roll of Honorary Aldermen, Honorary Aldermen are entitled to:

- The same parking privileges as Councillors
- A limited number of business cards
- A limited number of letterheads
- If attending City Council meetings, they may sit in the Honorary Aldermen's box

3. Prior to the appointment

- 3.1 Prior to the appointment of an Honorary Alderman, any former Councillor must fulfil the criteria set out in 2.3 above.
- 3.2 The Council should also then consider whether the proposed appointee has any existing or pending criminal convictions, and/ or has acted in breach of the Nolan Principles or in a manner that could be considered a breach of the Councillors' Code of Conduct.
- 3.3 Whilst former members are not bound by the Councils Code of Conduct, it is important that any person being considered for the honour of Alderman (or is already an Alderman) abides by the Nolan principles and acts in a way that is associated with the role.
- 3.4 When considering whether an appointee is in breach of the Councils Code of Conduct, the Council need not consider whether they were acting in an official or private capacity.
- 3.5 Any prospective Honorary Aldermen is obliged to disclose any previous and/or pending criminal convictions, or past instances of behaviour which may be in breach of the Nolan Principles to the Council's Monitoring Officer. Failure to do so may result in the honour being subsequently removed
- 3.6 Furthermore prior to an appointee's name being put forward as a Honorary Alderman, the appointee must agree to undertake a Standard DBS check.
- 3.7 If there are any adverse entries as a result of the DBS check or the appointee discloses any past behaviour which could amount to a breach of the Councils Code of Conduct, the process in section 3 will be followed.

4. Review of an appointee's suitability

- 4.1 Where any potential breaches of the Council's Code of Conduct or the Nolan Principles have been highlighted, the Monitoring Officer, in

consultation with the Councils Independent Person and/or the Independent Chair of the Standards Committee, will prepare a report for Council Business Management Committee to consider whether the appointee's name should be put forward to a meeting of the Council to receive the honour of Alderman.

- 4.2 To respect an individual's privacy any such report will need to be considered as an exempt report.

5. Removal of a current Alderman's honours, titles, and privileges

- 5.1 Should a Honorary Alderman be convicted of a criminal offence, and/or acted in such a way that there is a potential breach of the Nolan Principles or the Council's Code of Conduct for Councillors, this will be referred to the Monitoring Officer. The Monitoring Officer will seek the views of the Councils Independent Person and/or the Independent Chair of the Standards Committee.
- 5.2 The Monitoring Officer will then prepare a report to be considered by the Standards Committee.
- 5.3 The Standards Committee can then report to Council with its view on whether to remove any honorary titles.
- 5.4 The potential recommendations that the Committee can make include (but are not limited to):
- a. The removal of any formal honorary titles held that may be used when acting in an official capacity.
 - b. They may no longer cover any civic engagement on behalf of the Lord Mayor.
 - c. They may no longer sit in the Honorary Aldermen's box if attending City Council meetings.
 - d. They may no longer receive the same parking privileges as Councillors.
 - e. They may no longer receive a limited number of business cards.
 - f. They may no longer receive a limited number of letterheads.

ENDS

Birmingham City Council

Report to City Council

17 September 2024



Title:	MOTIONS FOR DEBATE FROM INDIVIDUAL MEMBERS
Report Author:	Ben Patel-Sadler, Senior Committee Manager Legal and Governance (Council Management) 07395 883 886 Ben.Patel-Sadler@birmingham.gov.uk
Authorised by:	Marie Rosenthal, Interim City Solicitor and Monitoring Officer Legal and Governance (Council Management)
Is this a Key Decision?	Not Applicable
If this is a Key Decision, is this decision listed on the Forward Plan?	Not Applicable
Reason(s) why not included on the Forward Plan:	Not Applicable
Is this a Late Report?	No
Reason(s) why Late:	Not Applicable
Is this decision eligible for 'call in?'	Not Applicable
If not eligible, please provide reason(s):	Not Applicable
Wards:	Not Applicable

Does this report contain exempt or confidential information? No

Has this decision been included on the Notification of Intention to consider Matters in Private? Not Applicable

Reasons why not included on the Notification: Not Applicable

1 RECOMMENDATIONS

- 1.1 To consider the following Motions of which notice has been given in accordance with Council Procedure Rules (section B4.4 G of the Constitution).

2 NOTICES OF MOTION

A. Councillors Roger Harmer and Izzy Knowles have given notice of the following Notice of Motion:-

"In recognition of the road safety emergency in Birmingham, this council resolves to:

Implement the following measures by the end of this council's term (specifically by the end of April 2026)

- Reduce speeding
 - Treble the number of average speed cameras – based on the number we have today and placed on roads with high frequency of traffic collisions and/ or issues with speeding.
- Reduce dangerous driving
 - Implement the pilot for traffic violation cameras as passed by Cabinet in December 2022.
- Engage communities
 - Consult communities to identify local hot spots that should be prioritised for action via ward forums, consultation via Birmingham Be heard and other channels.
- Improve school safety
 - Review the measures taken thus far to improve school safety and develop a plan to roll out best practice across the city.
- Be transparent
 - Report publicly on the number of speeding fines, poor parking fines, dangerous driving arrests and convictions.
- Prevent dangerous parking
 - Ensure road markings are clear. Work with the police to enforce penalties for poor parking.

Set up a taskforce who will meet monthly until such time that the road safety emergency can be deemed as resolved. This group can oversee the implementation of the measures outlined above and will include:

- The WMCA Mayor
- The West Midlands PCC
- Representation from West Midlands Police who can report on road related crime prevention, deterrence and progress.
- The Cabinet member representing the transport portfolio
- Representatives from opposition parties
- Representatives from local community groups that have a specific and direct interest in road safety.”

B. Councillors Nicky Brennan and Raqeeb Aziz have given notice of the following Notice of Motion:-

“This council notes that:

The recent scenes of organised racist violence that unfolded across the country have caused understandable concern within communities across Birmingham.

The work of council officers, the police, and partners across the city helped to soothe tensions in the days following the violence, with the Community Safety and Cohesion teams coordinating the local response and conducting reassurance visits to local mosques, and meeting with community and faith representatives alongside the police.

Muslim communities, and mosques, were targeted across the country by far-right rioters. This required the Home Office to provide an emergency Protective Security Support scheme, under which twenty local mosques in Birmingham have received additional protective security.

7 in 10 councillors reported experiencing abuse or intimidation in the last year according to the LGA's 2022 councillor census.

Members have expressed concerns about their own safety across the city.

In signing up to the Diverse Councils Declaration, it committed to taking a zero-tolerance approach to bullying and harassment of members including through social networks.

This council believes that:

All violent forms of protest, whatever their claimed cause or motive, should be condemned. There is no place for violence, abuse or intimidation in a democratic society.

Every person, whether a citizen of the United Kingdom or an individual seeking asylum, whatever their faith or belief, and whatever their identity, must feel safe in our city.

The government's swift response to the violent riots is to be praised, and the robust sentences being handed down to those who were directly involved in, or encouraged, the violence sends a clear message that this will not be tolerated. The bravery of police officers, and other emergency service workers, in responding to the scenes of violence should be commended.

This council resolves to:

Continue its work to build bridges between our diverse communities and to tackle those who seek to divide people through the peddling of hatred and division.

Step up our work with the Government and other agencies to tackle hatred and improve support for communities who have been subjected to harassment, intimidation and violence.

Work with the Government on the delivery of measures to protect Mosques and Synagogues across the city to ensure that all our residents are free to worship without fear.

Provide evidence on electoral intimidation to the government's Defending Democracy taskforce.

Invite the Home Secretary to the city to witness the work that is carried out to build community cohesion and develop stronger ties."

3 IMPACT AND IMPLICATIONS

Finance

- 3.1 There are none arising from this report.

Legal

- 3.2 There are none arising from this report.

Equalities

- 3.3 There are none arising from this report.

APPENDICES

None.

BACKGROUND PAPERS

None.