

BIRMINGHAM CITY COUNCIL

CABINET MEETING TUESDAY, 17 OCTOBER 2023

**MINUTES OF A MEETING OF THE CABINET COMMITTEE HELD ON
TUESDAY 17 OCTOBER 2023 AT 1000 HOURS IN COMMITTEE ROOMS
3&4, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB**

PRESENT: - Councillor John Cotton, Leader in the Chair

Councillor Nicky Brennan, Cabinet Member for Social Justice, Community Safety and Equalities
Councillor Liz Clements, Cabinet Member for Transport
Councillor Jayne Francis, Cabinet Member for Housing and Homelessness
Councillor Brigid Jones, Cabinet Member for Finance and Resources
Councillor Majid Mahmood, Cabinet Member for Environment
Councillor Karen McCarthy, Cabinet Member for Children, Young People and Families
Councillor Saima Suleman, Cabinet Member for Digital, Culture, Heritage and Tourism

ALSO PRESENT:-

Councillor Robert Alden, Leader of the Opposition (Conservative)
Councillor Roger Harmer, Leader (Liberal Democrat)
Councillor Ewan Mackey, Deputy Leader of the Opposition (Conservative)
Janie Berry, City Solicitor and Monitoring Officer
Professor Graeme Betts, Director, Adult Social Care (DASS)
Richard Brooks, Director, Strategy Equalities and Partnerships
Cheryl Doran, Assistant Director and CIO, Digital and Customer Services
Fiona Greenway, Interim Finance Director and Section 151 Officer
Susan Harrison, Director for Children and Families
Paul Kitson, Strategic Director of Place, Prosperity and Sustainability
Paul Langford, Interim Strategic Director, City Housing
Alison Malik, Head of Commissioning (Regulated Care)
Sajeela Naseer, Director of Regulation and Enforcement
Stephen Philpott, Director, Housing Solutions and Support Service
Steve Sandercock, Assistant Director, Procurement
Jo Tonkin, Assistant Director, Partnerships Insight and Prevention
Errol Wilson, Committee Team Leader

NOTICE OF RECORDING/WEBCAST

- 233.** The Chair welcomed attendees and advised, and the Committee noted, that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the

press/public may record and take photographs except where there are confidential or exempt items.

APOLOGIES

234. Apologies for absence were submitted on behalf of, Councillors Sharon Thompson, Deputy Leader of the City Council and Mariam Khan. Deborah Cadman and Dr Justin Varney.
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DECLARATIONS OF INTERESTS

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

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

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

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

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

The Leader Councillor John Cotton declared his non-pecuniary interest in Agenda item 7, the Business Energy Advice Services on the basis that this was being taken through the Combined Authority Energy and Environment Board for which he is the Chair.

Councillor Majid Mahmood also declared his non-pecuniary interest in Agenda item 7 as he is a member of the Business Energy Advice Service West Midlands Combined Authority Energy and Environment Board.

MINUTES

236. **RESOLVED:** -

The Minutes of the meeting held on 5 October 2023, having been previously circulated, were confirmed and signed by the Chair.

EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

Cabinet Committee – 17 October 2023

The Chair advised that the reports at Agenda items 12, 13, 14 and 17 contained an exempt appendix within the meaning of Section 100I of the Local Government Act 1972.

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

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

237. RESOLVED:–

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

PROPOSED BALSALL HEATH NEIGHBOURHOOD COUNCIL: OUTCOME OF SECOND CONSULTATIVE BALLOT AND NEXT STEPS

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

Following a brief discussion it was

238. RESOLVED UNANIMOUSLY: -

That Cabinet supports recommendation one to rejected the current proposal for a new parish council in Balsall Heath. Cabinet took cognisance of the Commissioners advice and did not support recommendation two.

RESOURCES FOR BIRMINGHAM CITY COUNCIL PRIORITIES – BEAS ENERGY EFFICIENT GRANT (DEPARTMENT OF ENERGY SECURITY AND NET ZERO) FULL BUSINESS CASE

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

Paul Kitson, Strategic Director of Place, Prosperity and Sustainability noted Councillor Ewan Mackey's comment in relation to item 14 on the Risk Register and stated that it was not a high likelihood that funding would not be forthcoming but by default it would be a high impact to the programme if the funding was not forthcoming. The risk of the delivery of the programme he was comfortable with as the team was skilled and had a high reputation of delivering programme like this and will amend . The Risk Register fully articulate the risks

facing the programme and we have good system in place, but we needed to add something about Oracle and will amend the point about risk 14.

239. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- a. Approved the Full Business Case (FBC) (attached at Appendix 1 to the report) for the BEAS Energy Efficiency Grant Programme, which will provide a package of energy efficiency grant to Small and Medium Enterprises (SMEs) to mitigate against the impact of high energy cost and the transition to net zero;
- b. Approved the City Council acting as the lead delivery partner for the BEAS Energy Efficiency Grant Programme and accepts the offer of BEAS Energy Efficiency Grant of £10,500,000 over 18-months, which is being matched against an equivalent amount of private sector expenditure;
- c. Delegated the award of specific financial assistance grants between £1,000 to £100,000 to SME up to the total of £10,500,000 over 18-months to the Strategic Director of Place, Prosperity and Sustainability; and
- d. Authorised the City Solicitor (or their delegate) to negotiate, execute, and complete all necessary documentation to give effect to the above decisions.

DLUHC FUNDING - LOCAL AUTHORITY HOUSING FUND ROUND 2 (LAHF R2)

Councillor Jayne Francis, Cabinet Member for Housing and Homelessness presented the item and drew the attention of Cabinet to the information contained in the report.

Stephen Philpott, Director, Housing Solutions and Support Service noted Members comments concerning the Commissioners comments on the report, the programming of reports for Cabinet and the purchasing of homes in the exempt supported market and made the following statements:-

- a. In relation to the Commissioners comments they were seeking to ensure that we had got the necessary approvals to make the bid outside of waiting for the Cabinet dates and so we secured and assured that that was done appropriately.
- b. In terms of timescales we worked to the timescales in terms of those advised to us in relation to where we could come to Cabinet.
- c. With regard to the purchasing of homes in the exempt supported market our desire would be to see these homes that were lost as family homes in Birmingham that they become multi person homes exempt supported prior rates and brought back.

Cabinet Committee – 17 October 2023

- d. As we talked to those doing the purchasing on our behalf and the programme as far as that was concerned and working with the exempt supported strategy which was about trying to halve the number of supported units in the city as these things were tied together.
- e. At the same time we still saw the number of claims for exempt supported accommodations rising so we were trying to purchase against the market which was strong. Those landlords were still finding people to rent to and still finding means to make more money through those properties than we were able to.
- f. We were having conversations continually with exempt supported providers about their future plans and how we could change those opportunities which included purchasing properties from them.
- g. We acknowledged that this was in some ways filling a gap which was the fact we did not have sufficient supplies of affordable homes being built. This was trying to do something better as per our temporary accommodation strategy as we did not want to keep people in B&B.
- h. We had to change the market somehow and to do that in a short period of time involved purchasing. We had thought about the longer-term purchasing strategy which was up to 3 – 5 years programme. This gave us more opportunity to buy off market in terms of development sites rather than just family homes. We were trying to shift the market somewhat in terms of doing that.
- i. The commitment and vision was to build more affordable homes in the city so that we did not have to buy existing family homes in this way so that vulnerable families could have a home rather than a hotel room.

240. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- 1. Agreed to submit a bid to DLUHC LAHF R2 and accepted capital grant funding of up to £6.996m if approved, to support the acquisition of 66 family sized properties, of which 6 are to be allocated to Afghan households currently in Bridging Accommodation and 60 to households in need of TA in Birmingham;
- 2. Authorised the Strategic Director for City Housing to enter into a Memorandum of Understanding with DLUHC setting out DLUHC's commitments and the Council's commitments to deliver the LAHF programme, alongside the associated monitoring arrangements;
- 3. Agreed to extend Birmingham City Council's pledge towards Government refugee resettlement schemes (namely, the Afghan Citizens Resettlement Scheme) to include any individuals accommodated by properties acquired through this funding. This cannot be specified at this stage but could be in the region of 30-50 additional individuals;
- 4. Accepted the integration funding associated with refugee resettlement at a per capita rate of £20,520 per individual minimum. The total value will depend on the number of bed spaces procured by the Bridging element of the Housing Fund but based on 30-50 individuals this would be £615,600 to £1,026,000; and

5. Authorised the City Solicitor (or their delegate) to negotiate, agree and complete all legal documents necessary to give effect to the above decisions.
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RATIFICATION OF SELECTIVE LICENCE FEE

Councillor Jayne Francis, Cabinet Member for Housing and Homelessness introduced the item and drew the attention of Cabinet to the information contained in the report.

Councillor Alden referred to the reasons for the report not being on the Forward Plan, but that it did not mention what the judicial review was that the Council was facing. He requested information as to what the judicial review was about and the Council's chances of success.

Sajeela Naseer, Director of Regulation and Enforcement advised that a judicial review was brought against the Council by a sector of letting agencies – the Build to Rent Sector. We were due to go to review at the end of October. They had questioned the fees and the levels. As such we had reflected on the fees and the fee levels and had noticed the inaccuracy and thought it was prudent to bring it back even though the fee itself was correct.

241. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- i. Noted the correct apportionment of the £700 licence fee. That apportionment being Part A £375 and Part B £325; and
 - ii. Ratified its decision of the 1st March 2022 to approve the authority's selective licensing scheme in which the selective licence fee is £700 with an apportionment of Part A £375 and Part B £325.
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PUBLIC SECTOR DECARBONISATION SCHEME EXTERNAL FUNDING APPLICATION FOR HIGHBURY

Councillor Mahmood, Cabinet Member for Environment referred to Councillor Robert Alden's comment in relation to the Commissioners comments concerning the reports and highlighting that the Commissioners comments were for a different report and their second comment was for more detail around the retrospective approval of the report which were included in more detail now. Councillor Majid Mahmood, then introduced the item and drew the attention of Cabinet to the information contained in the report.

Councillor Mahmood stated that he had consulted with the leaders of the Conservative, Liberal Democrat and Green Groups on the Council who had all supported the bid. He expressed thanks to Councillors Robert Alden, Roger Harmer and Julien Prichard for their support.

Cabinet Committee – 17 October 2023

Councillor Mahmood noted Councillor Alden's comments concerning timeliness and the Risk Register and stated that with regard to timeliness it was lessons learnt going forward. Regarding the Risk Register, if we were not successful with the project it would not have happened and there was not much comment we could put on that issue. In terms of the Lottery bid funding if we were not successful in that application the project would not go ahead. Councillor Mahmood referred to Councillor Harmer's comments on Net Zero and low carbon technology and whether the project could be used as a showcase and confirmed that this would be done.

242. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- (i) Retrospectively authorised submission of the bid for £1.152m to the Public Sector Decarbonisation Scheme Phase 3;
- (ii) Authorised resubmission of the bid for £1.152m to the Public Sector Decarbonisation Scheme during Phase 3 if the October submission is unsuccessful, and on the basis that the criteria, scope and value remains unchanged;
- (iii) Noted the acceptance of funding, approval to spend funding and procure partners to deliver the works will be subject to a separate report.

The Leader agreed for Agenda items 11 and 12 to be taken together but for the decisions to be taken separately.

FULL BUSINESS CASE AND CONTRACT AWARD – FLAT ROOFING, DAMP AND STRUCTURAL WORKS AT COFTON PRIMARY SCHOOL

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

Councillor McCarthy noted Councillor Macke's comments concerning the Risk Register and the contingency fund and stated that the skill in identifying the correct level of risks lies in rejecting both complacency and catastrophising this. She added that we will go back and look at that again. Regarding the contingency the usual methodology had been followed. However, if Councillor Mackey wanted any further information the author of the technical report would supply that to him.

243. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- ❖ Approved the project costs for roofing, damp and structural works at Cofton Primary School at a total project cost of up to £1,289,090;

Cabinet Committee – 17 October 2023

- ❖ Approved the Full Business Case appended to the report;
- ❖ Approved the award of a contract for Flat roofing, damp and structural works at Cofton Primary School to Graham Facilities Management Limited; and
- ❖ Authorised the City Solicitor and Monitoring Officer to execute and complete all necessary documents to give effect to the above decisions.

FULL BUSINESS CASE AND CONTRACT AWARD – REFURBISHMENT AND EXTENSION WORKS AT COFTON PRIMARY SCHOOL

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

244. RESOLVED UNANIMOUSLY: -

That Cabinet:-

1. Approved the project costs for the installation of a modular building on a temporary basis and the associated enabling works and the extension and refurbishment works to the existing building at Cofton Primary School at a total project cost of up to £1,897,272;
2. Approved the Full Business Case appended to the report;
3. Noted that a Pre-Construction Services Agreement (PCSA) was entered into with Seddon for the initial design stage to be completed for the estimated value of up to £42,500 and approved under Chief Officer delegated authority to enable the works to meet the deadline for the completion of the works;
4. Delegated authority to the Director of Children and Families in conjunction with the Assistant Director, Procurement, the Interim Director of Finance (Section 151 Officer) and the City Solicitor & Monitoring Officer (or their delegates) to award a contract for the Works after completion of the PCSA stage, subject to the value being within the approved budget; and
5. Authorised the City Solicitor and Monitoring Officer to execute and complete all necessary documents to give effect to the above decisions.

ALLOCATION OF THE MARKET SUSTAINABILITY AND IMPROVEMENT FUND, WORKFORCE FUND AND ADULT SOCIAL CARE DISCHARGE FUND

In the absence of Councillor Mariam Khan the Leader presented the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

Professor Graeme Betts noted Councillor Mackey's comments concerning the Risk Register and gave assurance that we have been dealing with these grants for the past three years and that we have our own systems and processes in place and had good relationships with the providers. This enabled us to have a high degree of confidence about fraud and all of those issues.

Alison Malik, Head of Commissioning (Regulated Care) advised that the equality of provisions across the city was an improving picture, but we did not commission all of the providers. We have a process whereby we focused on quality, and we commission not only the highest rated provisions for our citizens e.g. the 22 rated inadequate providers we did not commission those providers. However, what we do know was that quality was directly affected by staffing levels and the availability of high quality well skilled staff within the Care Sector. This money being put through to those fees as care providers would make a difference to enable them to take steps and increase the capacity of the workforce and invest in training and arranging other measures that will help support, retain and recruit appropriate workforce for the delivery of services to our citizens.

245. RESOLVED UNANIMOUSLY: -

That Cabinet:-

- (i) Accepted the grant funding in the total amount of £25,131,141, broken down as follows:
 - a. £3,780,199 from the previous Market Sustainability and Fair Cost of Care Fund element of the Market Sustainability and Improvement Fund (published on 4 April 2023) the "MS&IF".
 - b. £9,333,826 from the new element of the Market Sustainability and Improvement Fund (published on 4 April 2023) the "MS&IF".
 - c. £8,517,116 from the new Market Sustainability and Improvement Fund – Workforce Fund (published on 28 July 2023) the "MS&IFW".
 - d. £3,500,000 from the Adult Social Care Discharge Fund (published on 4 April 2023) the "ASCDF".
- (ii) Approved the allocation of £17,781,141 of the MS&IF and MS&IFW monies to commissioned adult social care providers. The overall approach to these allocations is in accordance with the Grant Determination Notice and are set out in Appendix 1, to the report;
- (iii) Approved the allocation of £3,850,000 of the MS&IF and MS&IFW monies to be spent by Birmingham City Council on measures to reduce adult social care waiting times. The details of these allocations are in accordance with the Grant Determination Notice and are set out in Appendix 1, to the report and currently includes (but not limited to); increasing staff capacity to support those with mental health needs awaiting an assessment; increasing staff capacity to support people awaiting an assessment/review in our Constituency

Cabinet Committee – 17 October 2023

Social Work teams; additional short term capacity to remove backlogs of young people awaiting an assessments from our Transitions Service; and additional short term capacity to remove Deprivation of Liberty Safeguard backlogs. All spending of this element of the Grant, will be delegated to the Corporate Director of Adult Social Care;

(iv) Approved allocation of £54k MS&IF to Adult Social Care budgets to cover the cost of administering the Grant (as allowed for in the Grant Conditions);

(v) Approved the allocation of £3,500,000 from the Adult Social Care Discharge Fund to adult social care providers commissioned by the Council. The details of these allocations are in accordance with the Grant Determination Notice and the Better Care Fund Plan (approved by the Birmingham Health and Wellbeing Board on 18th July 2023) and as set out Appendix 1, to the report;

(vi) Approved allocation of the MS&IF, M&IFW and ASCDF for 24/25 in accordance with the same principles as set out in Appendix 1, to the report. Any material variations to be delegated to Corporate Director of Adult Social Care in consultation with Cabinet Members for Health and Adult Social Care and Cabinet Member for Finance & Resources.

KEY DECISION PLANNED PROCUREMENT ACTIVITIES (NOVEMBER 2023 – JANUARY 2024)

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

Councillor Robert Alden referred to the concierge support service and requested that a Member briefing be done as this was a service that a lot of Members paid attention to as there were issues in their Wards, and it would be useful to have a Member briefing.

Councillor Jayne Francis commented that she was happy for this to be done.

246. RESOLVED UNANIMOUSLY: -

That Cabinet approved the planned procurement activities as set out in Appendix 1, to the report and approved Chief Officer delegations, set out in the Constitution, for the subsequent decisions around procurement strategy and contract awards.

NON-KEY DECISION PLANNED PROCUREMENT ACTIVITIES (NOVEMBER 2023 – JANUARY 2024)

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

247. RESOLVED UNANIMOUSLY: -

That Cabinet noted the planned procurement activities as set out in Appendix 1, to the report and Chief Officer delegations, set out in the Constitution, for the subsequent decisions around procurement strategy and contract awards.

APPOINTMENTS TO OUTSIDE BODIES

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

Councillor Robert Alden requested that Councillor Alex Yip replaced Councillor Ewan Mackey on the Contest Board (replaced the Public Service Project Management Board – Prevent Programme – Preventing Violent Extremism).

Cabinet agreed Councillor Alden's request.

248. RESOLVED UNANIMOUSLY: -

That Cabinet:-

(i) Agreed the nomination of Councillor Darius Sandhu as an additional nominative trustees for the Birmingham Bodenham Trust from the 17 October 2023 expiring on the 30 June 2026; and

(ii) That Councillor Ewan Mackey be replaced by Councillor Alex Yip on the Contest Board (replaced the Public Service Project Management Board – Prevent Programme – Preventing Violent Extremism).

OTHER URGENT BUSINESS

249. No item of urgent business was raised.

The meeting ended at 1046 hours.

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CHAIRPERSON