

BIRMINGHAM CITY COUNCIL

CABINET

TUESDAY, 26 MAY 2020 AT 10:00 HOURS
IN ON-LINE MEETING, [VENUE ADDRESS]

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 APOLOGIES

To receive any apologies.

3 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

4 EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

a) To highlight reports or appendices which officers have identified as containing exempt information within the meaning of Section 100I of the Local Government Act 1972, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.

b) To formally pass the following resolution:-

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.

	5	<u>UPDATE ON COVID-19</u>	To receive a verbal update on Covid-19
<u>5 - 20</u>	6	<u>STATEMENT OF INTENT - ENERGY COMPANY OBLIGATION</u>	Report of Director of Public Health and Acting Director of Neighbourhoods
<u>21 - 30</u>	7	<u>PUTTING PREVENTION FIRST - AMENDMENT TO CONSULTATION STRATEGY FOR THE COMMISSIONING OF VULNERABLE ADULTS SUPPORT FOR DISABILITIES AND MENTAL HEALTH</u>	Report of Director for Adult Social Care
<u>31 - 52</u>	8	<u>QUEENSBURY SCHOOL CONVERSION FROM COMMUNITY SCHOOL TO ACADEMY STATUS AND FULL BUSINESS CASE</u>	Report of Director for Education & Skills
<u>53 - 66</u>	9	<u>BIRMINGHAM CHILDREN'S TRUST OUTTURN 2019/20 AND BUDGET 2020/21</u>	Report of Director for Education and Skills
<u>67 - 96</u>	10	<u>POLICY ON COMMUNITY LED HOUSING</u>	Report of Acting Director - Neighbourhoods
<u>97 - 122</u>	11	<u>BIRMINGHAM AND SOLIHULL INDUSTRIAL SYMBIOSIS (BASIS) - 3 YEAR EXTENSION</u>	Report of Interim Director, Inclusive Growth
<u>123 - 138</u>	12	<u>DISPOSAL OF 'THE CHAMBERLAIN BUILDINGS' CORPORATION STREET</u>	Report of Director of Inclusive Growth CMIS Ref. 007189/2020 (old)
<u>139 - 154</u>	13	<u>PROPERTY PROSPECTUS 2 - TENDERS FOR DISPOSAL OF LAND AT QUESLETT ROAD, OLD HORNS CRESCENT</u>	Report of Interim Director, Inclusive Growth
<u>155 - 166</u>	14	<u>PLANNED PROCUREMENT ACTIVITIES (JUNE 2020 – AUGUST 2020) AND QUARTERLY CONTRACT AWARD SCHEDULE (JANUARY 2020 – MARCH 2020)</u>	

15 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

Birmingham City Council

Report to Cabinet

26 May 2020



Subject:	STATEMENT OF INTENT – ENERGY COMPANY OBLIGATION
Report of:	Rob James - Acting Director, Neighbourhoods, Dr Justin Varney - Director of Public Health
Relevant Cabinet Member:	Cllr Sharon Thompson - Homes and Neighbourhoods, Cllr John Cotton - Social Inclusion, Community Safety and Equalities Cllr Paulette Hamilton - Health and Social Care Cllr Waseem Zaffar – Transport and Environment
Relevant O &S Chair(s):	Cllr Penny Holbrook - Housing and Neighbourhoods Councillor Rob Pocock - Health and Social Care Overview & Scrutiny Committee
Report author:	Guy Chaundy, Senior Manager Housing Strategy, Neighbourhoods Tel: 07766 924 420 Email: Guy.Chaundy@birmingham.gov.uk Monika Rozanski, Service Manager – Inequalities, Public Health Tel: 07742405225 Email: monika.rozanski@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007673/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

This report sets out the proposed City Council approach regarding establishing the Council's Flexible Eligibility 'Statement of Intent' (**Appendix 1**) as part of the Government's Energy Company Obligation (ECO) and how residents could qualify for discretionary help with keeping warm at home. The Council decision to approve this scheme is key to tackling fuel poverty in Birmingham and now also supports the Council effort to reduce the implications of COVID-19 in that it enables more citizens to secure the means to keep warm and stay well and safe.

2 Recommendations

- 2.1 Approves the Energy Company Obligation (ECO) Flexible Eligibility Statement of Intent (**Appendix 1**).
- 2.2 Authorises the Acting Director, Neighbourhoods to put all necessary steps in place to implement the Statement of Intent.
- 2.3 Authorises engagement with Agility Eco to support the delivery of this scheme.

3 Background

- 3.1 ECO is an obligation placed upon larger energy companies by the Government to help households reduce their energy bills and associated carbon emissions. Recent changes to ECO have obligated energy companies to achieve up to 10% of their Affordable Warmth targets in conjunction with local authorities via a new mechanism called ECO Flexible Eligibility.
- 3.2 Central Government (guidance dated April 2017) enabled Local Authorities to allow ECO to be flexible for vulnerable residents who fall outside of 'the normal' funding criteria. This is laid out in the proposed statement of intent and creates an additional layer of funding for vulnerable people, that can be helped out of fuel poverty.
- 3.3 ECO Flexible Eligibility allows local authorities to work with energy companies to identify eligible households for the installation of measures. There are two main categories of household that Government intends ECO Flexible Eligibility will benefit:
 - Fuel poor households, especially those that are not in receipt of ECO eligible benefits, and the estimated 20% of fuel poor households that are not in receipt of any benefits;
 - Low income households that are vulnerable to the effects of living in a cold home.
- 3.4 A prerequisite of the Flexible Eligibility mechanism is that local authorities produce and publish a Statement of Intent (SOI), which details how the Council will identify households as eligible, and the criteria which will be

adopted; allowing for transparency and public accountability of the scheme. The eligibility criteria for Birmingham households has been drawn based on the Government's guidance, through comparison with other Local Authorities across the West Midlands and in response to the level of need identified locally.

- 3.5 The Council will not decide which household is successful in receiving energy saving measures and will not undertake any of the work in terms of assessing suitability of applications. A decision will be made by the energy company and will depend upon:
- (i) a survey carried out by the energy suppliers' agents or contractors and installation costs calculated,
 - (ii) energy savings that can be achieved and
 - (iii) whether suppliers have achieved their targets or require further measures to meet their ECO targets.
- 3.6 The Energy company will submit its declaration of intent to the Local Authority for a formal sign off in line with the eligibility criteria prior to work being undertaken, then undertake the work and draw down the government funding for it. The work will be carried out at no cost to the local authority.
- 3.7 Following putting in place a SOI, the Council's role is to:
- sign off declarations of intent to supply energy saving measures made by energy companies
 - undertake a percentage audit of applications and
 - monitor outcomes through the KPIs set out in the Statement of intent.
- 3.8 Birmingham City Council intends to work with Agility ECO in order to fulfil its obligations under the SOI. Agility ECO is an organisation recognised as a leader in low carbon, energy efficiency and fuel poverty services. It provides funding, management and delivery of energy efficiency programmes, including those for vulnerable citizens through a strong liaison with energy providers.
- 3.9 Agility ECO draws its funding from the bigger energy companies under the ECO scheme and has contracts in place with 8 of the suppliers, including British Gas and Scottish Power, to deliver their ECO obligations.
- 3.10 The statement of intent (flexible ECO) allows Local Authorities to enable '*additional support*' for our vulnerable residents. We have selected Agility ECO, as the Council has a history of working with LEAP and Agility through the previous affordable warmth programme. We are not aware of any other organisation that offers the level of project delivery support, managing obligations under ECO for Local Authorities and the level of policy knowledge in this area. Agility undertake work for OFGEM and other Local Authorities.

- 3.11 Agility ECO will administrate the scheme on behalf of BCC and assess Birmingham's ECO declarations at no cost to the Council. Agility ECO cannot sign the declarations off, but they can check them on the Council's behalf, if the Council intends to take up this expert offer, as they would do as part of their usual provision. They would also undertake an audit trail of all declarations submitted and approved by the Council and monitor outcomes through KPIs.
- 3.12 Agility Eco do not have exclusivity with BCC and any resident of Birmingham can access ECO funding through a delivery agent who installs a measure, such as loft insulation on behalf of an energy supplier. If the SOI application is for a measure under the Agility ECO's contract with a supplier, Agility ECO will absorb the cost as part of their provision under the contract. Otherwise, an administration fee of £30.00 will be levied. BCC would not be charged, or process any finance, as they do not hold the funds.
- 3.13 Based on experience in other Local Authority areas, it is unlikely for the number of SOI applications to exceed 333 in one year, therefore the indirect costs to energy companies with whom Agility ECO do not have contractual arrangements to deliver the scheme is unlikely to exceed £10,000 per annum.
- 3.14 The current ECO scheme runs until March 2022. Once the Cabinet's approval is received (which we are keen to obtain in order to implement the scheme before winter), we will work with Corporate Procurement and Legal Services to put in place a Memorandum of Understanding, which may mean using Agility in the first instance and then subsequently review.
- 3.15 The Memorandum of Understanding that will be drawn with Agility ECO will specify their responsibilities and cooperation with BCC, which includes information sharing under GDPR provisions.

4 Options considered and Recommended Proposal

- 4.1 Do Nothing - If the Council does not approve the ECO Flexible Eligibility Statement of Intent, this means Birmingham citizens cannot access ECO flexible funding for energy improvements for their homes.
- 4.2 Approve ECO Flexible Eligibility Statement of Intent - If approved the Statement of Intent will be accessible to all citizens who meet the eligibility criteria.

5 Consultation

- 5.1 Public Health Officers, the Financial Inclusion Partnership and the Health and Wellbeing Board have been consulted on this proposal and endorse it.
- 5.2 Energy companies are aware of the scheme, as they provide their energy saving services under this Government's scheme in other parts of the country and across the West Midlands. They have been consulted by the Government prior to the introduction of the scheme and remain engaged, as the scheme

evolves. Agility ECO are engaged with the energy companies operating in Birmingham.

6 Risk Management

6.1 No significant risks have been identified for the Council.

The following medium to low risks and mitigation have been identified.

Risk Analysis			
Identified Risk	Likelihood	Impact	Actions to Manage Risk
BCC is the only Local Authority in the West Midlands that does not operate ECO flex scheme	Medium (this is currently the case)	High - the most vulnerable fuel poor households do not receive the support they are eligible for	Approve and implement the Statement of Intent and ECO Flexible scheme in Birmingham
Once approved and implemented the take up of the scheme is low and having little impact	Low	Medium – many of fuel poverty households remain in fuel poverty	The risk can be minimised through effective promotional activity through BCC communication channels and supported by Agility ECO and energy companies
Agility ECO does not wish to continue their service free of charge	Low	Medium – BCC would need to put a service in place to assess energy company declarations	The risk would be managed by establishing an internal process
If the SOI is not approved before summer we will not have enough time to implement the scheme before the winter	Medium	High – many of fuel poverty households remain in fuel poverty; this may have	The risk can be reduced by approving the SOI in spring 2020

		an impact on recovery from Covid-19	
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7 Compliance Issues

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

The SOI has been designed to mirror the City Council's priorities within the Council Plan 2018-2022 (2019 update) as follows:

- 7.1.1 The ECO Flexibility scheme is a key priority under the cities Financial Inclusion Strategy
- 7.1.2 A fulfilling city to age well in = Aging well priorities. Birmingham Public Health indicator in reducing the excess emergency admissions for over 65s in winter months
- 7.1.3 A great city to live in = Healthy environment priorities by improving the wellbeing of the most disadvantaged
- 7.1.4 Birmingham housing strategy outlines the importance of tackling fuel poverty to improve health, well-being and financial inclusion.
- 7.1.5 Public Health priorities are supported by an overarching commitment to reduce health inequalities (a duty of the Local Council under the Health and Social Care Act 2012). Additionally, this scheme will support Birmingham City Council in the fight against COVID19 to maintain better health & wellbeing of our citizens in warm homes.
- 7.1.6 Birmingham Home Energy Conservation Act (HECA) is responsible for reporting on Birmingham City Council progress in improving energy efficiency and tackling fuel poverty
- 7.1.7 Climate Change agenda by reducing energy consumption and fuel emissions.

7.2 Legal Implications

- 7.2.1 The key requirements on flexible eligibility are set out in The Electricity and Gas (Energy Company Obligation) Order 2018 and The Electricity and Gas (Energy Company Obligation) (Amendment) Order 2019. It establishes the Energy Company Obligation scheme for the period to 31st March 2022 for the promotion of measures for reducing the cost to individuals of heating their homes. The current Government guidance

for local authorities produced by the department for Business, Energy and Industrial Strategy is. The Energy Company Obligation: ECO3, 2018-22 Flexible Eligibility Guidance, dated February 2019.

- 7.2.2 Implementation of the Council's Flexible Eligibility 'Statement of Intent' scheme to support fuel poor and low-income households that are vulnerable to the effects of living in a cold home is made pursuant to the general power of competence under Section 1 of the Localism Act 2011.

7.3 Financial Implications

- 7.3.1 There are no direct financial implications for the City Council to deliver its obligations under this scheme. The proposal will enable energy providers to meet their obligation to reduce carbon emissions and tackle fuel poverty as required by Central Government directives, using these additional criteria, for the vulnerable residents of Birmingham.
- 7.3.2 Agility ECO, who will administrate the scheme on behalf of BCC as part of its business as usual provision, draws its funds from the bigger energy companies under the ECO scheme and has contracts in place with 8 of the suppliers. If the SOI application is for a measure not under the Agility ECO's contract with a supplier, an administration fee of £30.00 will be levied by Agility ECO. Based on experience across other Local Authorities who are part of the scheme, it is highly unlikely for more than 333 SOI applications to be made within one year, therefore the indirect cost to suppliers is unlikely to exceed £10,000.
- 7.3.3 There is an insignificant human resource (up to 0.2fte) implication to monitor and sign off the shortlisted applications, this will be met from within existing resources in the Neighbourhoods Directorate.
- 7.3.4 The Council may also undertake additional marketing activity to support Agility ECO and the energy companies to promote the scheme, which could be absorbed through the communications services already being provided to and resourced by Housing/ Neighbourhoods and Public Health.

7.4 Procurement Implications (if required)

- 7.4.1 The proposed arrangements with Agility ECO lend themselves to a concession arrangement. The estimated value of the concession over a two year period is circa £20,000 based on the information provided above. This is significantly below the concession threshold pursuant to the Concession Contract Regulations 2016 and therefore, there is no requirement to undertake a full procurement exercise.
- 7.4.2 Given the need for expediency and the extensive reach in terms of relationships that Agility ECO has with the main energy providers and the

fact that the estimated value falls below the EU procurement threshold, a direct appointment is the most suitable approach in the circumstances.

- 7.4.3 Whilst the Council's relationship with Agility ECO is a partnership arrangement that does not involve exchange of funding, it will nevertheless be governed by a Memorandum of Understanding.

7.5 Human Resources Implications (if required)

- 7.5.1 A member of staff from the Neighbourhood directorate has been identified to process the authorisation of the Energy Company declarations. There is no additional cost, as this task will be absorbed within their current role.

7.6 Public Sector Equality Duty

- 7.6.1 Initial Equality Impact Assessment submitted (**Appendix 2**) - no adverse impact identified.

8 Appendices

- 8.1 **Appendix 1** – Statement of Intent
- 8.2 **Appendix 2** – Equality Impact Assessment

Local Authority Flexible Eligibility Statement of Intent

Local Authority: Birmingham City Council

Date of publication:

Version: 1.0

1. Introduction

This Statement sets out Birmingham City Council's Flexible Eligibility Energy Company Obligation (ECO) Criteria to tackle fuel poverty.

The ECO is a government energy efficiency scheme designed to help reduce carbon emissions and tackle fuel poverty. It places an obligation on energy suppliers to help households cut their energy bills and reduce carbon emissions by installing energy saving measures.

Local authorities are responsible for determining eligibility criteria for measures through what is known as a Statement of Intent (Sol) which must be published before any scheme can be implemented. The Sol is intended to state publicly the criteria that a LA intends to use to identify households that meet the criteria under ECO and will need to demonstrate transparency and public accountability.

Meeting the eligibility criteria does not guarantee that any individual household will benefit from energy saving improvements. This decision rests with obligated energy suppliers or their contractors.

The Flexible Eligibility ECO supports Birmingham City Council's ambitions to tackle fuel poverty and provide affordable warmth for low income households across all housing tenures.

2. How the LA intends to identify eligible households

In Birmingham, there are two 'flexible eligibility' criteria identifying households that may benefit from the installation of energy efficiency measures:

- a. People living in fuel poverty (FP) and not in receipt of eligible benefits for standard ECO funding,
- b. People living on a low income and vulnerable to the effects of living in a cold home (LIVC).

2.1. Criteria for identifying households in fuel poverty

The Government calculates Fuel Poverty by taking into consideration both income and costs. Households are in fuel poverty if they have both:

- higher than average required fuel costs; and
- if spending this amount on fuel would push residual income below the official poverty line.

For Birmingham residents to be considered eligible for ECO flexibility funding under this section they must meet **both** parts one (i) and two (ii) and of the criteria listed below and have savings that are less than £8000 (single person household), or less than £12,000 (more than one-person household):

- (i) Resident's disposable household income is less than £27,200 (the provisional estimate of median UK household disposable income for financial year ending 2017 as sourced from the Office of National Statistics). Disposable income is the amount of money that households have available for spending and saving after direct taxes (such as Income Tax and Council Tax) have been accounted for. It includes earnings from employment, private pensions and investments as well as cash benefits provided by the state.
- (ii) Resident has High Heating Costs in accordance with the property qualification table below – a score of 50 points or more is required to qualify):

Question	Response	Score
Number of rooms in the home	1	0
	2	10
	3	30
	4	40
	5	50
	6 or more	60
Are energy payments made by Direct Debit?	Yes	0
	No	15
Property Type	Flat	0
	Terraced	20
	Semi Detached	30
	Detached	30
	Park Home	60
Tenure	Local authority	0
	Owner occupied	0
	Registered Social Landlord	0
	Private Rented	15
Does the home use a boiler?	Yes	0
	No	5
Was the home built before 1976?	No	0
	Yes	25
What is the main fuel type used in the home?	Gas	0
	Other	15
	Electricity	30
TOTAL SCORE		

2.2. Criteria for identifying low income and vulnerability to cold

For Birmingham residents to be considered eligible for ECO flexibility funding under this qualification they must meet only **one** of the four criteria listed below and have savings that are less than £8000 (single person household), or less than £12,000 (more than one-person household):

- (i) The resident has one of the following illnesses and has an annual household disposable income of less than £27,200 (the provisional estimate of median household disposable income for financial year ending 2017 as sourced from the Office of National Statistics). Disposable income is the amount of money that households have available for spending and saving after direct taxes (such as

Income Tax and Council Tax) have been accounted for. It includes earnings from employment, private pensions and investments as well as cash benefits provided by the state.

- a. Chronic Respiratory Condition e.g. COPD / Asthma / Pneumonia
 - b. Diabetes
 - c. Cardiovascular condition e.g. Coronary Heart Disease, high blood pressure, stroke, heart attack, poor circulation
 - d. Cancer
 - e. Mental Health Condition
 - f. Musculoskeletal conditions (Osteoarthritis, Rheumatoid Arthritis etc.)
 - g. Long Term Illness made worse in Winter (i.e. Arthritis)
 - h. Blood conditions e.g. Sickle Cell Anaemia
 - i. Disability or Restricted Mobility
 - j. Neurological Condition (including dementia, Parkinson's Disease, multiple sclerosis, epilepsy etc.)
- (ii) The resident is aged over 60 and has an annual household disposable income of less than £27,200
- (iii) The resident is pregnant and has an annual household disposable income of less than £27,200
- (iv) The resident has young children under the age of 5 years and has an annual household disposable income of less than £27,200

3. Acting on behalf of another local authority

This Statement of Intent is solely for the use of Birmingham Council and its residents. It is not the council's intention to act on behalf of other authority.

4. Governance

Once households have applied for help through their chosen contractor, provided they meet the Flexible Eligibility criteria, their information will be passed to the local authority to agree a Declaration. The local authority being:

Birmingham City Council
Waterloo Street
Birmingham
B1 1BB

All data received by the Council will be stored and managed in accordance with relevant legislation current at the time of collection.

Contractors will explain to applicant that their information will be shared with the LA for processing and that the LA will hold details for 12 months from the date of registration. A signed applicant agreement evidencing this must be obtained from the contractor and passed to the LA at the same time as the declaration.

Applicants should be aware that any contract or agreement will be between them and the installer, not Birmingham City Council.

5. Referrals

It is anticipated that contractors will undertake their own marketing, although the Council may wish to carry out some high-level advertisement of the scheme. The Council will assist on request by helping to enable effective targeting of areas of the city deemed to be in fuel poverty

Birmingham City Council will confirm with contractors when Declarations of Intent have been approved and signed copies will be returned to them. Referrals will then be passed by the contractor to the Energy Supplier for processing.

6. Evidence, monitoring and reporting

Declarations received by the Council will be recorded and monitored to enable on-going assessment of the effectiveness of the scheme and resident eligibility in terms of both household income, savings and secondary eligibility criteria at the time of approval.

The Council will carry out an audit of approximately 1 in 10 Declarations initially, reducing this to 1 in 20 for contractors that have proven performance and reliability. Residents will be asked to complete a brief satisfaction survey to ensure they are happy with the process.

Contractors will be expected to provide feedback regarding the type and number of measures installed.

7. Key performance Indicators – Quarterly Reporting structure

Activity	Q1	Q2	Q3	Q4
Declarations received by Local Authority				
Declarations approved by Local Authority				
Loft insulations completed				
Cavity Wall Insulation completed				
Boiler replacements				
Other measures				
Number of installations audited				
Customer satisfaction forms received				

In addition to above KPIs annual outcome reports will capture what has been delivered to particular cohorts in identified fuel poor areas.

EQUALITY IMPACT ASSESSMENT

Title of proposed EIA Energy Company Obligation (ECO) Flexible Eligibility Statement of Intent

Reference No EQUA496

EA is in support of New Service

Review Frequency Annually

Date of first review 23/03/2021

Directorate Assistant Chief Executive

Division Public Health - Partnership, Insight & Prevention

Service Area Inequalities team

Responsible Officer(s)

Quality Control Officer(s)

Accountable Officer(s)

Purpose of proposal

To establish the service is equitable for 9 protected characteristics under the equality act.

Data sources relevant reports/strategies

Please include any other sources of data

It is estimated that 69,692 households in Birmingham are fuel poor. This represents 16.2% of all households. The England figure was of the core cities (Manchester 11.9%, Liverpool 17.6%) Public Health Outcome Framework.

<https://fingertips.phe.org.uk/profile/public>-Department for Business, Energy & Industrial Strategy - a report which outlines where Birmingham stands with regards to keeping actions are need to be undertaken in the future -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/639118/Fuel_Poverty_Statistics_The Home Energy Conservation Act (HECA) report 2017 states Birmingham's Housing Strategy says that: "Every citizen should have and warm home within a neighbourhood they are proud of". The strategy outlines the importance of tackling fuel poverty to improve financial inclusion. This is highlighted as a cross-cutting issue within the council's Vision and Priorities statement. The strategy also established "Stay Warm Stay Well" programme that delivers practical solutions to vulnerable people affected by fuel poverty.

The NICE guidelines NG6 "Excess winter deaths and illness on the health risks associated with cold homes" - identifies citizens with pregnancy as being vulnerable. <https://www.nice.org.uk/guidance/ng6/resources/excess-winter-deaths-and-morbidity-and-the-51043484869>

National Energy Action (NEA) provide statistics on fuel poverty <https://www.nea.org.uk/>

ASSESS THE POTENTIAL IMPACT AGAINST THE PROTECTED CHARACTERISTICS

Protected characteristic: Age Service Users / Stakeholders; Wider Community

Age details: There are no age restrictions, this service available to all citizens who meet the criteria.

For Birmingham citizens to be considered eligible for ECO flexibility funding they must meet only one of the four criteria listed below than £8000 (single person household), or less than £12,000 (more than one-person household):

i. The citizen has one of the following illnesses and has an annual household disposable income of less than £27,200 (the provisional household disposable income for financial year ending 2017 as sourced from the Office of National Statistics). Disposable that households have available for spending and saving after direct taxes (such as Income Tax and Council Tax) have been from employment, private pensions and investments as well as cash benefits provided by the state.

a. Chronic Respiratory Condition e.g. COPD / Asthma / Pneumonia

b. Diabetes

c. Cardiovascular condition e.g. Coronary Heart Disease, high blood pressure, stroke, heart attack, poor circulation

d. Cancer

e. Mental Health Condition

f. Musculoskeletal conditions (Osteoarthritis, Rheumatoid Arthritis etc.)

g. Long Term Illness made worse in Winter (i.e. Arthritis)

h. Blood conditions e.g. Sickle Cell Anaemia

i. Disability or Restricted Mobility

j. Neurological Condition (including dementia, Parkinson's Disease, multiple sclerosis, epilepsy etc.)

ii. The citizen is aged over 60 and has an annual household disposable income of less than £27,200

iii. The citizen is pregnant and has an annual household disposable income of less than £27,200

iv. The citizen has young children under the age of 5 years and has an annual household disposable income of less than £27,200

While the health of all ages is affected by cold homes older people (over 65 years) are more likely to suffer health problems. The over 85 years are most vulnerable. Cold homes may also pose a risk to the health of children under five years.

Protected characteristic: Disability Service Users / Stakeholders; Wider Community

Disability details: This service is available to all citizens who meet the criteria of the programme.

NICE guidelines NG6 "Excess winter deaths and illness on the health risks associated with cold homes" identifies people with disabilities, Health conditions being vulnerable. According to the Public Health Outcomes Framework there were 734 excess winter deaths in and over.

The scheme benefits those in receipt of a wide range of disability benefits, which means people with disabilities are more likely to household.

Evidence suggests the cold conditions associated with fuel poverty have a significant effect on the mental health of adults, young suggests living in fuel poverty leads to further depression and potential suicide.

Protected characteristic: Gender Service Users / Stakeholders; Wider Community

Gender details: This service is available to both male and female citizens who meet the criteria.

Kathy Lee

Julie Bach

Justin Varney

Responsibility for a household is more likely to fall to a woman (Bond and Christie 2000). Energy poverty can cause gender divisions, experiencing poverty may sacrifice food, clothing and other basic needs to put their families first. (Joseph Rowntree Foundation, The Poverty and Social Exclusion Survey found that women are 'more likely to be poor on all four dimensions (lacking two or more per cent median income, subjective poverty and receiving Income Support) Bradshaw et al, 2003,p3.

Protected characteristics: Gender Reassignment Not Applicable

Gender reassignment details: This service is available to all citizens who meet the criteria of the programme.

Protected characteristics: Marriage and Civil Partnership Not Applicable

Marriage and civil partnership details: This service is available to all citizens who meet the criteria of the programme.

Protected characteristics: Pregnancy and Maternity Service Users / Stakeholders; Wider Community

Pregnancy and maternity details: The NICE guidelines NG6 "Excess winter deaths and illness on the health risks associated with cold homes" identifies pregnant women Cold housing and fuel poverty can negatively affect children's educational attainment, emotional well-being and resilience. Birmingham in low income families compared to England's average 17.0%.

Poverty is a potential risk factor in infant mortality and Birmingham's infant mortality is significantly worse than England's average. briefing paper 2018 identified that a baby born in a cold home is 3 x more likely to suffer coughing, wheezing and respiratory illness. conditions have a 30% greater risk of admission to hospital or primary care facilities. However this scheme may have a positive impact on low income households that have recently had children as they will be in receipt Credit.

Protected characteristics: Race Service Users / Stakeholders; Wider Community

Race details: This service is available to all citizens who meet the criteria of the programme.

Women's poverty is affected by their diverse identities, for example 20% of white women are living in poverty but the figures are Pakistan and Bangladeshi women (Fawcett Society and Women's Budget Group, 2006,p2)

Black and Minority Ethnic and Polish are more likely to be represented within the lower socio-economic groups in Birmingham, therefore from this scheme.

Protected characteristics: Religion or Beliefs Not Applicable

Religion or beliefs details: This service is available to all citizens regardless of any belief as long as they meet the criteria of the programme.

Protected characteristics: Sexual Orientation Not Applicable

Sexual orientation details: This service is available to all citizens regardless of sexual orientation who meet the criteria of the programme.

Please indicate any actions arising from completing this screening exercise.

Birmingham's 2017 housing strategy states that " Every citizen should have the opportunity to live in a safe and warm home within proud of". The strategy outlines the importance of tackling fuel poverty to improve health, well-being and financial inclusion. This issue within the Council's Vision and Priorities statement. The strategy refers to the "Stay Warm Stay Well" programme vulnerable people affected by fuel poverty. The adoption of this scheme will be in line with the governments fuel poverty target fuel poor homes as reasonably practicable to a minimum energy efficiency rating of Band C by the end of 2030. It aims to reduce low income and vulnerable households on a long term, sustainable basis and minimize the impact fuel poverty has on their health where it is needed will support those not in fuel poverty but vulnerable to the effects of a cold home, for example elderly people underlying health condition. The drivers of fuel poverty (low income, poor energy efficiency and energy prices) are strongly linked home is associated with poor health outcomes and an increased risk of morbidity and mortality for all groups. The percentage of poverty based on "low income, high cost" methodology for Birmingham is 16.2% (69,692) compared to England which is 10.9%. The scope of available energy efficiency measures for low income, fuel poverty and vulnerable citizens. This will improve the well-and fuel poor households and will potentially improve the communities they live in.

The scheme has a positive impact on all citizens under the 9 protected characteristics who meet the criteria of the programme which households and those with health conditions who may be at greatest risk or living in fuel poverty. The benefits of this scheme will potential savings for health provision and improve productivity. The delivery approach of this scheme needs to be clear and simple customer service. We must ensure the citizen is at its heart and reflects how people think and behave. At the end of March we will identify its effectiveness and determine whether a full Equality Assessment will be required. Birmingham City Council will initially carry 1 in 10 declarations reducing this to 1 in 20 for contractors that have proven performance and reliability to ensure the declarations households meet with the criteria. Citizens participating in the programme will be asked to complete a brief satisfaction survey process.

Consultation has not taken place at this point; however we will start to review the process at the end March 2021. The scheme has people with protected characteristics as the eligibility criteria for the scheme includes all groups as long as they meet the criteria. by Birmingham City Council will be recorded and monitored to enable an ongoing assessment of the effectiveness of the scheme both household income, savings and secondary eligibility criteria at the time of approval.

In view of the current situation with the Coronavirus this is likely to disrupt many more lives causing financial hardship and have

Please indicate whether a full impact assessment is recommended NO

What data has been collected to facilitate the assessment of this policy/proposal?

Consultation analysis.

Adverse impact on any people with protected characteristics.

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

How will the effect(s) of this policy/proposal on equality be monitored?

What data is required in the future?

Are there any adverse impacts on any particular group(s) No

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

Consulted People or Groups Not required

Informed People or Groups Not required

Summary and evidence of findings from your EIA Not required

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing? No

Quality Control Officer comments Feedback has been included in the report.

Decision by Quality Control Officer Proceed for final approval

Submit draft to Accountable Officer? Yes

Decision by Accountable Officer Approve

Date approved / rejected by the Accountable Officer 24/03/2020

Reasons for approval or rejection Appropriate consideration of protected characteristics

Please print and save a PDF copy for your records Yes

Julie Bach

Person or Group

Content Type: Item

Version: 111.0

Created at 17/03/2020 04:35 PM by

Last modified at 24/03/2020 01:58 PM by Workflow on behalf of

Julie Bach

Kathy Lee

Justin Varney

Sense checked: 08 April 2020, by Kwabena Osayande

Birmingham City Council

Report to Cabinet

26th May 2020



Subject: PUTTING PREVENTION FIRST: AMENDMENT TO CONSULTATION STRATEGY FOR THE COMMISSIONING OF VULNERABLE ADULTS SUPPORT FOR DISABILITIES AND MENTAL HEALTH

Report of: Professor Graeme Betts
Director for Adult Social Care

Relevant Cabinet Member: Cllr Paulette Hamilton - Health & Social Care
Cllr Tristan Chatfield - Finance & Resources

Relevant O &S Chair(s): Cllr Robert Pocock - Health and Social Care
Cllr Sir Albert Bore - Resources

Report author: Kalvinder Kohli
Head of Service Commissioning Adult Social Care
Tel: 0121 303 6135
Email: Kalvinder.Kohli@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007664/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 This report provides details of progressing consultation in alignment to refreshed timetabling requirements for the recommissioning of the Integrated Prevention

Services (CO218) contract (Tranche 2). The existing contracts for these services were due to expire on 30th June 2021.

- 1.2 These services are vital in delivering against several Council priorities, which include corporate parenting, improved health and wellbeing, building resilient and independent communities and access to suitable and sustainable housing options for the most vulnerable.
- 1.3 Co-design activities had commenced with providers, key stakeholders and service users to begin to develop a picture of what the current market looks like and what we may wish to see in the future. This will help inform the consultation documents and shape future services.
- 1.4 Further targeted engagement, workshops and coproduction activities with providers, stakeholders and service users were planned to run alongside the proposed online consultation from 26th March 2020 – 6th May 2020.
- 1.5 Cabinet approval had been granted on 17th March 2020 to initiate the proposed online consultation via Be-Heard.
- 1.6 Because of the current circumstances related to Covid – 19 it is proposed to defer the consultation period to progress in alignment with the new proposed commissioning timetabling requirements, which will be outlined in a future report when circumstances are less challenging.

2 Recommendations

2.1 That Cabinet is requested to; -

- 2.1.1 Approve amendment to the recommendation made on 17th March 2020 to approve commencement of the proposal to undertake a 42-day public consultation via Be Heard on the recommissioning of Integrated Prevention Services (CO218) contract (Tranche 2).
- 2.1.2 Approve deferring the Cabinet approved 42-day public consultation via Be Heard on the recommissioning of Integrated Prevention Services (CO218) contract (Tranche 2) to progress in alignment to refreshed timetabling requirements due to the impact of Covid-19.
- 2.1.3 Note that a new proposed commissioning timetabling, including consultation, will be outlined in a future report when circumstances are less challenging. The new timetabling requirements will be dependent on a proposed 6- or 12-month contract extensions, which will also be outlined in a future report.

3 Background

- 3.1 On 16th April 2019 a report to Cabinet for the recommissioning of 'Vulnerable Adults Housing and Wellbeing Support Services' was agreed. This was part one of commissioning, which included support services for homelessness, domestic

abuse, young people, and people leaving institutional settings. These contracts went live on 1st December 2019

- 3.2 We are now commencing the second phase of recommissioning that covers the disabilities and mental health client groups.
- 3.3 The approach is like the first phase of commissioning, with a Positive Pathway consideration being used. Commissioners are working closely with CCG partners to ensure that there is a seamless step down for citizens, who move through statutory health and social care services into community-based living.
- 3.4 The current contracts (CO218) contract (Tranche 2) come to an end on 30th June 2021 with the new contracts expected to start 1st July 2021.
- 3.5 The current annual budget for current prevention services is £7.474m and is confirmed up to 30th June 2021.
- 3.6 The services are for vulnerable adults who:
- Have poor mental health
 - Have a learning, physical or sensory disability.
- 3.7 The types of services to be commissioned include:
- **Universal Prevention** - Services will be available to all vulnerable adults and will focus on self-enablement and accessing local community assets such as Neighbourhood Networks.
 - **Targeted Prevention** - Services will be client specific and delivered by a Navigator service to provide face to face support and access to relevant services aimed at providing prevention activity. Part of the Navigator and co-location of Navigator services is being considered with NHS commissioned mental health Hubs to enable support and medical requirements to be accessed in the same place. Lead Workers will provide a longer term and more personalised service including; initial and on-going engagement with clients and development of support plans. The intention is to provide support individuals need to overcome challenges and equip them to face and deal with challenges in the future.
 - **Transition** – services will provide support delivered into accommodation and maybe short or longer term delivered by a range of providers. There will also be an enablement service for people with learning disabilities.
- 3.8 Commissioned Services Alignment and Integration:

The design and specification of the services will facilitate clear pathways for support and ensure that a strong prevention first focus is built into every stage.

Dialogue relating to alignment, integration and opportunities for joint commissioning with partners is continually taking place in order to secure access into services for the most vulnerable. These include:

- Development of a joint mental health pathway with CCG and NHS provider trusts.
- Potential to co-locate services with NHS provider trusts.
- Access to community assets and local neighbourhood networks services, migration and resettlement support.

3.10 Existing Contractual Arrangements for these Services:

The existing Vulnerable Adult Support for disabilities and mental health contracts are due to expire on 30th June 2021. The future commissioning will continue to provide services to the existing cohorts of vulnerable adults; however, the design of future services will reflect a pathway approach as set out within this report.

3.11 Proposed Changes:

- 3.11.1 On 17th March 2020 Cabinet approved a 42 days consultation period commencing 26th March to 6th May 2020. But, due to potential changes to the procurement process timetables this will need to be deferred and aligned to progress with refreshed timetabling requirements.
- 3.11.2 At the current time with the impact of Covid-19 across the country our providers are focused on ensuring vulnerable adults with poor mental health or a learning disability can receive the support they require. Needs may now be new or different due to social isolation such as delivery of food or medication.
- 3.11.3 If the original procurement timetable is followed it would mean providers would have to divert valuable staff resources from the current pressures faced to bid writing and consultation is likely to be a low priority for recipients at this time.
- 3.11.4 A Covid-19 risk assessment can be seen at **Appendix A**. This was circulated to all providers seeking their views on the best way forward for our vulnerable adult clients. The feedback was in favour of deferring any commissioning plans including:
 - All staff resources are being diverted into front line duties.
 - Impact of Covid-19 is likely to continue into the autumn.
 - No resources to write bids.
 - Option 3 of the risk assessment to extend current contracts for 6 months was supported as it incurs the lowest risk and supports providers at this time to cover critical provision, but a year's extension provides the opportunity for providers and service users to stabilise again.
 - Providers are managing to keep services and customers at safe levels at this stage, but it is uncertain what we will face in the future.

- Focus needs to be on reducing impact for city and NHS.
- Midland Mencap stated “We think it’s best looking objectively at resources and scenarios, that we all focus on caring and protecting the vulnerable”.

4 Options considered and Recommended Proposal

4.1 Option 1:

Not undertake any further engagement with stakeholders. This is on the basis that whilst the proposed services will provide a very effective prevention response to vulnerable adults and will prevent or slow down the escalation of need into more costly statutory responses, the proposed services do not deliver direct care to individuals as a result of a statutory assessment.

4.2 Option 2: Recommended Option

To undertake a 60 day Be–Heard consultation for completeness to progress in alignment to refreshed timetabling requirements.

This recommended proposal will demonstrate an openness and desire to harvest any additional thoughts, views and opinions from service recipients, stakeholders and citizens. This will allow enough time for stakeholders and citizens to respond to the consultation considering their needs and vulnerabilities. By progressing the consultation in alignment to refreshed timetabling requirements citizens and stakeholders will be able to focus on the consultation at reflect their needs which may well be different at this current time due to Covid-19.

5 Consultation

- 5.1 Co design work commenced July 2019, with citizens, providers and a range of key stakeholders. This includes partners from across health, housing, social care, neighbourhoods, community and voluntary sector organisations.
- 5.2 NHS mental health commissioning partners have been involved in the design of the pathway to ensure links to their own commissioned services and pathways.
- 5.3 The vulnerable adults Citizens Panel have been consulted and engaged in the co-design of proposed services.
- 5.4 Alongside the proposed online consultation period, commissioning officers will be meeting with providers, key stakeholders and service users to help to refine commissioning principles. The proposed new timetable for consultation, procurement and mobilisation for 6- and 12-month contract extension period is shown in the table below.

Process	6 months	12 months
Be-Heard Online Consultation start	1 st November 2020	1 st May 2021
Be-Heard Online Consultation finish	30 th December 2020	30 th June 2021
Cabinet Approval (Procurement Strategy following consultation)	March 2021	October 2021
Proposed Procurement Timeline		
Invitation to Tender – Issue	6th July 2021	6 th January 2022
Invitation to Tender – Return	September 2021	March 2022
Evaluation Period	September/ November 2021	March/May 2022
DPR Approval (Award)	November 2021	May 2022
Contract Award	December 2021	June 2022
Mobilisation period including TUPE transfer	1st January – 30 th June 2022	1 st July – 31 st December 2022
Contracts Start	1 st January 2022	1 st July 2022

6 Risk Management

The risk management of this commissioning is overseen by the Vulnerable Adults and Housing Board which has formal responsibility for the Commissioning of these services. The Board is chaired by the Assistant Director of Commissioning Adult Social Care.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The recommended decisions are consistent with the Council's priorities, plans and strategies and supports the Vision and Priorities in the Council Plan 2018-2022 as agreed by Cabinet across four priority areas:

Children – an aspirational city to grow up in: We will inspire our children and young people to be ambitious and achieve their full potential.

Jobs and skills – an entrepreneurial city to learn, work and invest in: We will create opportunities for local people to develop skills and make the best of economic growth.

Health – a fulfilling city to age well in: Citizens and communities will have choice and control over their care and improved resilience and independence.

Housing – a great city to live in: We will work with our partners to build a fair and inclusive city for all.

7.1.2 The decision within this report will contribute and support the delivery of the following strategies:

- Vision and Strategy to Modernise Adult Social Care 2017+
- Health and Well-Being Strategy 2017+
- Homeless Prevention Strategy 2017+
- Financial Inclusion Strategy 2016+
- Domestic Abuse Prevention 2018+
- Transition Strategy 2018+

7.2 Legal Implications

7.2.1 While there is no requirement to go out to formal consultation, for these services, for completeness of the engagement process and best practice a formal consultation should be considered.

7.3 Financial Implications

7.3.1 Future funding for these services has to be determined. This has been discussed with finance, but in this instance, there are no financial implications specific to the proposed consultation.

7.4 Procurement Implications (if required)

7.4.1 None identified for this proposed decision.

7.5 Human Resources Implications (if required)

7.5.1 None identified

7.6 Public Sector Equality Duty

7.6.1 A relevance test to decide whether the planned recommissioning and procurement of the vulnerable adults and housing support has any relevance to the equality duty contained within Section 149 of the Equality Act 2010 of eliminating unfair/unlawful discrimination and to promote equality and human rights commenced February 2019. The screening identified that there was no requirement to assess this further at this stage. As part of the re-commissioning the relevant risk logs will be maintained to allow further consideration which include contract award and mobilisation. The consultation will inform and help develop an Equality Assessment.

8 Background Papers

- 8.1 17th March 2020 Cabinet Report – Putting Prevention First: Strategy for the Commissioning of Vulnerable Adults Support for Disabilities and Mental Health

9 Appendices

Appendix A – Covid-19 risk assessment

APPENDIX A – COVID-19 RISK ASSESSMENT

Key Procurement Milestones	OPTION 1 – Pre COVID-19 Procurement Plan	OPTION 2 – Procure before the current contracts expire	OPTION 3 – Extend the current contracts by 6 months
Option Description:	Procure and mobilise the new services before the current contracts expire.	Procure the new services before the current contracts expire and mobilise after contract start date	Extend the current contracts by 6 months and procure the new services with mobilisation after contracts start
Initial Option Assessment To be reviewed by commissioners	HIGH RISK: This sector is frontline for COVID-19 so unavailable for market engagement. The restrictions could last longer than weeks (June 2020) which would impact the procurement timeline. The non-traditional market engagement may not be meaningful and doesn't allow time to adjust.	MEDIUM RISK: If the COVID-19 restrictions are over by August, meaningful market engagement would need to be achieved by October allowing it to inform the procurement. Could reassess in July/August and again in Sept/October if needed.	LOW RISK: Allows the market to recover. The ITT, and some subsequent dates, could be brought forward. This allows time for traditional and meaningful market engagement.
Current Contract End Date	30th June 2021	30th June 2021	30th December 2021
Market Engagement prior to Invitation to Tender (ITT) issue	Virtual engagement – details to be developed.	There should be a period allowing more traditional engagement, dependent on the duration of COVID-19	Allows enough time for traditional market engagement
Issue ITT	6th July 2020	December 2020	6th July 2021
ITQ Return (allow 7 weeks)	30th August 2020	January 2021	30th August 2021
Evaluation Period (allow 6 weeks)	1st September – 14th November 2020	February and March	1st September – 14th November 2021
Issue procurement letters and contracts	December 2020	June 2021	December 2021
Mobilisation period including TUPE transfer	15th January – 30th June 2021	1st July - December 2021	1 st January – 30th June 2022
New Contracts Start	1st July 2021	1st July 2021	1st January 2022

Birmingham City Council

Report to Cabinet

26th May 2020



Subject: QUEENSBURY SCHOOL CONVERSION FROM COMMUNITY SPECIAL SCHOOL TO ACADEMY STATUS AND FULL BUSINESS CASE

Report of: Dr Tim O'Neill
Director of Education and Skills

Relevant Cabinet Member: Cllr Jayne Francis - Education, Skills & Culture
Cllr Tristan Chatfield - Finance & Resources

Relevant O &S Chair(s): Cllr Kath Scott - Education and Children's Social Care
Cllr Sir Albert Bore - Resources

Report author: Jaswinder Didially:
Head of Education Infrastructure
Tel: 0121 675 0228
Email: Jaswinder.Didially@Birmingham.gov.uk

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Gravelly Hill		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007625/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 Academy conversions are commenced by Order of the Secretary of State; the resulting process requires the property occupied by the school, together with all relevant and associated rights, liabilities and staff, to be transferred to the Education Impact Academy Trust. In order to achieve this, the City Council is required to grant a 125 year lease and also complete a Commercial Transfer Agreement (CTA).

- 1.2 This report seeks approval for the grant of the lease and to enter into the CTA and execution and completion of the legal documentation associated with this arrangement, substantially in the form required by the Department for Education (DfE).
- 1.3 This report also seeks approval of the capital works required on site outlined in **Appendices 3 & 4**, which will not exceed £2.046million. The value of these works exceeds the delegated authority in place for Academy Reports.

2 Recommendations

That Cabinet:

- 2.1 Notes that Queensbury School, Wood End Road, Erdington, Birmingham B24 8BL will be converting to Academy status on or after 1st July 2020.
- 2.2 Notes that Queensbury School will be a Sponsored Academy and the sponsor is the Education Impact Academy Trust.
- 2.3 Notes that at the point of conversion Queensbury School is expected to have a small deficit balance of £58,068 and this will remain with the Local Authority at the point of conversion as outlined in the DfE Guidance entitled 'Treatment of surplus and deficit balances when maintained schools become Academies'.
- 2.4 Authorises the grant and completion of the lease for Queensbury School to the Education Impact Academy Trust for 125 years substantially in the form of the model lease produced by the DfE at a peppercorn rent. The school site is identifiable as shown on the accompanying redline plan (see **Appendix 2**).
- 2.5 Authorises the completion of a Commercial Transfer Agreement to the Education Impact Academy Trust relating to the transfer of staff under the Transfer of Undertakings (Protection of Employment) Regulations 2006 and assets to the Academy Trust.
- 2.6 Approves the Full Business Case (**Appendix 3**) for the capital works at Queensbury School at a project cost not to exceed £2.046 million outlined in the Schedule of Works in **Appendix 4**.
- 2.7 Authorises the City Solicitor to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

3 Background

- 3.1 The Academies Act 2010 empowered the Secretary of State for Education to create Academies through Academy Orders.
- 3.2 Queensbury School is a Community Special School at present and an Academy Order for the school to convert has been granted (see **Appendix 1**). The school will convert on or after 1st July 2020.
- 3.3 A Directive Academy Order was granted in May 2018 following an Ofsted inspection in March 2018, which rated the school inadequate. Education Impact Academy Trust

was identified as the sponsor and has been supporting the school since then to provide stability to the leadership in the school and address concerns raised by Ofsted. As a result, there is now a greater level of stability in staffing and school finances as well as a welcoming environment which has resulted in much improved teaching and learning for the pupils.

3.4 The land and assets occupied and used by the school are currently owned by the City Council. In order for the Academy to operate, a lease is to be granted to the Academy Trust substantially in the form prescribed by the DfE – this requires the lease to be for 125 years and at a peppercorn rent. Under the terms of the lease granted to an Academy, the Trust cannot transfer or assign the land or assets to anyone else (save for as is set out at 3.4 a) – c) (incl.) below). The Trust can only use the land for the provision of educational services and any community and recreational use ancillary to the school's educational use. The Trust can only share occupation with another entity providing ancillary services to the Trust and can only sub-let part or parts (not the whole) of the property demised under the lease under sub-leases of up to a maximum term of 10 years. The lease can only be assigned to:

- a) such secretary of state or Minister of the Crown as may be nominated by the Secretary of State for Education to take an assignment of the lease;
- b) a proprietor or proposed proprietor of an Academy; or
- c) a successor charitable or public body (if the Trust falls away for any reason) and with the consent of the Secretary of State.

Where an Academy is failing, or the Funding Agreement has been terminated there is now an option contained in the Funding Agreement in favour of the Secretary of State to acquire land at nil consideration without City Council (landlord) consent. The purpose of this option is to ensure the Secretary of State is able to arrange for the continuing education of the pupils in the period where the existing trust has failed and handover to another Academy Trust has not been possible. There is an expectation that another Academy Trust may take over the running of the Academy but if there is no alternative Trust, then the Secretary of State may decide the land reverts back to the City Council.

3.5 In addition, members of staff at the school that are currently employed by the City Council are to transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 to the Academy Trust as well as the assets of the school under a Commercial Transfer Agreement (CTA).

3.6 The statutory TUPE consultation process, which needs to take place prior to the proposed conversion date, is being managed and coordinated by the HR Team. The consultations for Queensbury School took place with Staff and Unions on 4th December 2019.

3.7 The Trust also requested an additional indemnity relating to Equal Pay Claims, which is not covered in the standard Birmingham CTA – this has also now been agreed and details of the indemnity are outlined in the CTA.

- 3.8 In the case of some Academy conversions maintenance works, funded from the School Capital Allocation grant, are required prior to or post conversion. Some works have already been undertaken to support the school to address long standing maintenance issues relating to health & safety, structural integrity and statutory compliance. Additional funding as outlined in section 2.6 above is required to address further backlog maintenance issues and contribute to the permanent replacement of the temporary modular accommodation on site, which is beyond economic repair. These additional classrooms will improve the circulation around the site and remove the health and safety concerns resulting from the current condition of the buildings. As the new building will be located adjacent to the current school building this will reduce movement of pupils across the site (**Appendix 4**). This will create a better fit for purpose environment for some of the most vulnerable Birmingham pupils.
- 3.9 Additional works (approx. £1 million) required at the school that the Local Authority was unable to find funding for, will be funded from either the Trust's own resources or directly from the DfE (**Appendix 5**). This additional funding will enable the continued improvement of the site.

4 Options considered and Recommended Proposal

- 4.1 A do-nothing option is not available, as the Secretary of State has made an Academy Order, which requires Queensbury School to become an Academy. The recommendation is to allow the completion of the transfer of Queensbury School in accordance with the Academy Order granted by the Secretary of State.

5 Consultation

- 5.1 The Ward Councillor for Gravelly Hill was consulted and there were no comments received.

6 Risk Management

- 6.1 The Directive Academy Order granted by the Secretary of State requires the Local Authority to take all reasonable steps to facilitate the conversion and then 'Cease to Maintain' the school. If the conversion is delayed beyond 1st July 2020 it would have a negative impact on the school budget resulting in the deficit increasing.
- 6.2 Weekly Meetings are held with all parties to keep them informed of progress to ensure that any concerns are picked up at the earliest opportunity and are resolved in a timely manner to keep the Academy conversion and all works associated with it on track. This has remained the same in spite of the current COVID-19 restrictions.

7 Compliance Issues:

- 7.1 **How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

7.1.1 The Academies Conversion Programme is a Central Government Policy.

7.2 Legal Implications

- 7.2.1 Queensbury School was judged inadequate by Ofsted in March 2018. Consequently, in May 2018 the Secretary of State for Education made the Academy Order under section 4 of the Academies Act 2010. Section 5B of that Act requires all concerned parties, including the Local Authority, to take all reasonable steps to facilitate the conversion of the school into an Academy.
- 7.2.2 Although the Director for Education & Skills has the delegated authority under the Council's constitution to authorise the grant of long leases, Commercial Transfer Agreements and other ancillary documentation relating to the changing status of maintained schools to Academies, the value of the proposed capital works at Queensbury School means that Cabinet must be the decision-maker for all matters relating to this school's conversion.
- 7.2.3 Pursuant to section 14 of the Education Act 1996 the Local Authority has overall responsibility for the capital strategy for schools.

7.3 Financial Implications

- 7.3.1 At the point of conversion, 1st July 2020, it is estimated that Queensbury School will have a deficit balance of £58,068 as outlined in section 2.3. Under the DfE guidance relating to directed Academy conversions, the City Council will need to fund this deficit. This will be achieved through the use of revenue resources released through the application of capital resources, which have been set aside to fund deficit balances following Academy conversion. The final deficit amount to be funded will be confirmed after conversion has taken place.
- 7.3.2 The recommendations in this report will enable Queensbury School to lease land and buildings from the City Council at a peppercorn rent as required by the DfE. Resourcing for corporate legal costs and potentially external legal costs arising from this conversion and the wider Academy conversion programme will be met from school contributions and earmarked resources within the Education Infrastructure Budget for the purposes of the Academy conversion process.
- 7.3.3 In accordance with the Academy Conversion Charging Policy schools pay a contribution towards the legal costs associated with the conversion of the school and owing to the nature and volume of work anticipated for this conversion the contribution for Queensbury School, as a Community School is £7,500.

The post Academy conversion Capital works at Queensbury School will be funded from the Basic Need Funding Allocation and School Condition Allocation Funding as outlined in **Appendix 3** – Full Business Case and will not exceed £2.046 million.

7.4 Procurement Implications (if required)

7.4.1 The capital works will be procured directly by Education Impact Academy Trust post conversion and although the capital works will be undertaken by the Academy Trust compliance with Birmingham Business Charter for Social Responsibility will be sought. This requirement will be outlined in the Grant Agreement between BCC and the Trust.

7.5 Human Resources Implications (if required)

7.5.1 The Statutory TUPE consultation process was undertaken by the Schools ER Team as outlined in section 3.6.

7.6 Public Sector Equality Duty

7.6.1 The Academies Conversion Programme is a Central Government Policy. An initial Equality Analysis was undertaken in February 2014 (EA000046) and the outcome indicated that a Full Equality Analysis was not required. The policy for Academy conversions remains the same.

8 Appendices

8.1 List of Appendices accompanying this Report (if any):

Appendix 1 - Academy Order Queensbury School

Appendix 2 - Redline Plan Queensbury School

Appendix 3 - Full Business Case – Queensbury School

Appendix 4 - Schedule of Works – Queensbury School – BCC

Appendix 5 - Schedule of Works – Queensbury School – DfE or Trust

9 Background Documents

9.1 Relevant officer files.



Rt Hon Damian Hinds MP
Secretary of State

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/help/contactus

To: The Chair of Governors of Queensbury School

Birmingham City Council

ACADEMY ORDER

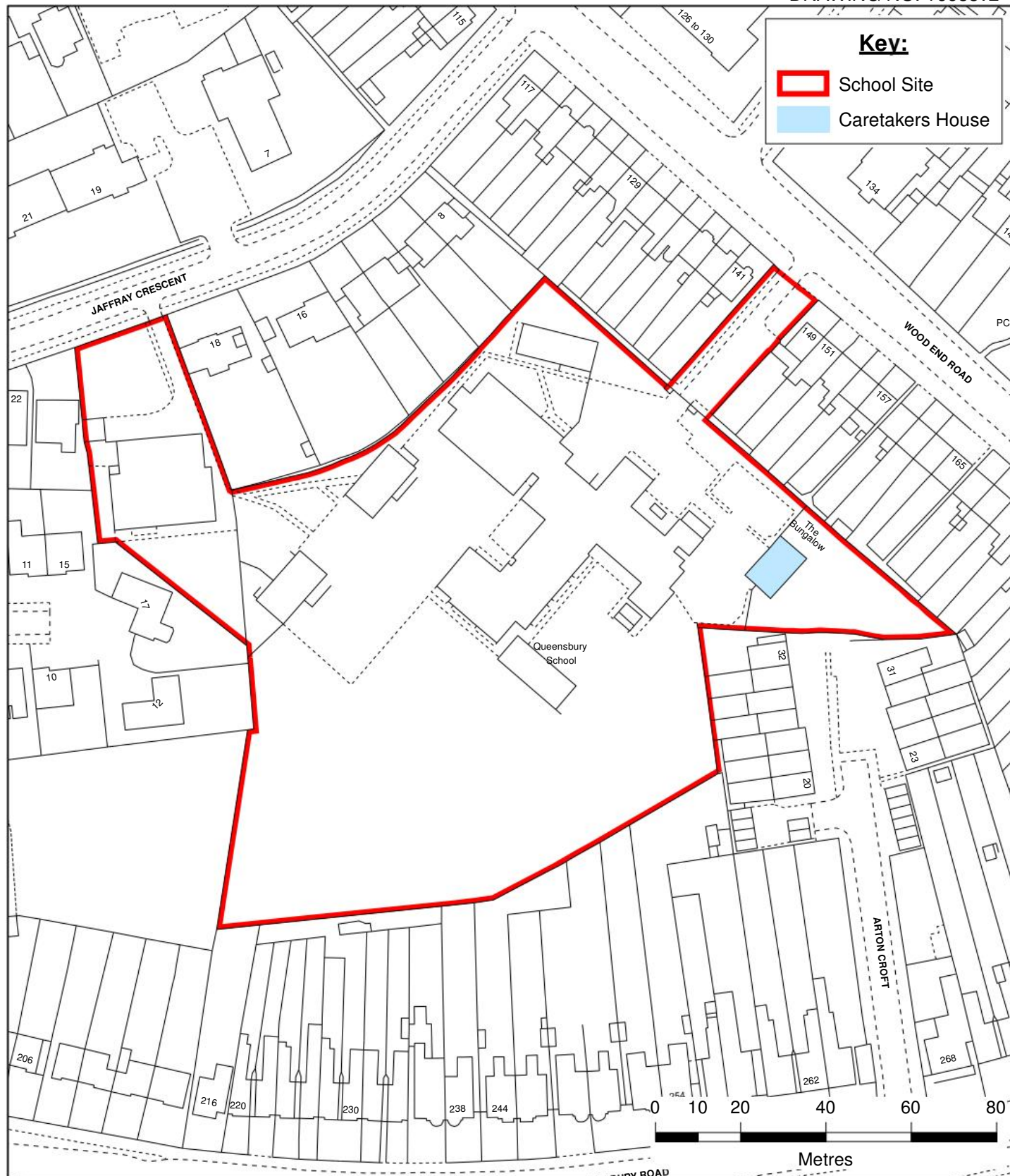
1. This is an Academy Order made further to section 4(A1) of the Academies Act 2010.
2. I hereby order that on the conversion date Queensbury School shall be converted into an Academy.
3. The conversion date shall be the date that the school opens as an Academy further to and as provided for in Academy arrangements made further to section 1 of the Academies Act 2010.
4. On the conversion date Birmingham City Council shall cease to maintain Queensbury School.
5. The independent school standards (as defined in section 157(2) of the Education Act 2002) are to be treated as met in relation to the Academy on the conversion date.

Signed on behalf of the Secretary of State for Education by:

Signed:

Date: 9 May 2018

Christine Quinn,
Regional Schools Commissioner



AREA EDGED RED 1.65 HECTARES APPROX. 4.07 ACRES APPROX.



Birmingham
City Council

Waheed Nazir
Corporate Director, Economy
1 Lancaster Circus
Birmingham
B2 2GL.

Queensbury Special School
Wood End Road
Stockland Green



SCALE

DRAWN

DATE

1:1,250

MI

08/03/2019

O.S.Ref SP1090NE

APPENDIX 3

FULL BUSINESS CASE (FBC)

A. GENERAL INFORMATION

A1. General

Project Title (as per Voyager)	QUEENSBURY SCHOOL CONVERSION FROM COMMUNITY SPECIAL SCHOOL TO ACADEMY STATUS		
Voyager code	CA-02946-01-9 1BA0 3R0		
Portfolio /Committee	Education, Skills & Culture	Directorate	Education and Skills
Approved by Project Sponsor	Jaswinder Didially	Approved by Finance Business Partner	

A2. Outline Business Case approval (Date and approving body)

Cabinet Report 21st April 2020 – Schools Capital Programme – School Condition Allocation, Basic Need Allocation 2020 -21 + Future Years

A3. Project Description

The project consists of works associated with ensuring the school is compliant and up to Health and Safety Regulations. The detailed works and costs are set out in Appendix 4.

A4. Scope

This scheme involves works as described in Appendix 4.

A5. Scope exclusions

No works outside this scope will be undertaken.

B. STRATEGIC CASE

This sets out the case for change and the project's fit to the Council Plan objectives

B1. Project objectives and outcomes

The case for change including the contribution to Council Plan objectives and outcomes

- Council Business Plan and Budget 2020+;
- A Fair City: Tackling Inequality and Deprivation;
- Laying the foundations for a Prosperous city based on an inclusive economy;
- A Democratic City involving local people and communities in the future of their local area and public services: a City with local services for local people;
- Enjoy and achieve by attending school;
- Schools Capital Programme
- Compliance with the principles of the 'Birmingham Business Charter for Social Responsibility'(BBC4SR).

B2. Project Deliverables

These are the outputs from the project eg a new building with xm2 of internal space, xm of new road, etc

Works as defined in Appendix 4 to:

- Sixth Form
- Main School
- Boiler Room

Replacement of 8 temporary classrooms.

B3. Project Benefits <i>These are the social benefits and outcomes from the project, eg additional school places or economic benefits.</i>	
Measure	Impact
<i>List at least one measure associated with each of the objectives and outcomes in B1 above</i>	<i>What the estimated impact of the project will be on the measure identified – please quantify where practicable (eg for economic and transportation benefits)</i>
The students will be taught in modern fit for purpose accommodation allowing for the delivery of a quality education.	Providing appropriate accommodation addresses identified demand and fulfils the Authority's statutory obligations to provide sufficient pupil places
The project delivers new teaching places.	Raised standards, improved behaviour, staff well-being and reduced turnover, mobility, facilitation of the sharing of good practice.
Support and enrich community and family learning e.g. positive parenting programme, basic skills, opportunities to address worklessness.	Children and young people will have a safe, warm and dry environment before, during and after school hours.
Promoting designs which support Birmingham's Education Vision.	Creating teaching and learning environments that are suitable for delivering education.
<i>For major projects and programmes over £20m:</i> A detailed Benefits Register is attached at G5 below.	
B4. Benefits Realisation Plan <i>Set out here how you will ensure the planned benefits will be delivered</i>	
<p>Project will be managed directly as a school led project. A grant agreement for the funds will be put in place for the school to carry out the works as agreed in Appendix 4. The Grant Agreement will also outline the requirement for compliance with the BBC4SR as outlined in B1 above.</p> <p>The school will submit evidence of paid invoices to Education Infrastructure, which will be verified by Acivico before funding is released back to the school to ensure that the project is delivered in accordance with agreed works.</p>	
B5. Stakeholders A stakeholder analysis is set out at G4 below.	
C. ECONOMIC CASE AND OPTIONS APPRAISAL <i>This sets out the options that have been considered to determine the best value for money in achieving the Council's priorities</i>	
C1. Summary of options reviewed at Outline Business Case <i>(including reasons for the preferred option which has been developed to FBC)</i> <i>If options have been further developed since the OBC, provide the updated Price quality matrix and recommended option with reasons.</i>	
<ul style="list-style-type: none"> A do-nothing option is not available, as the Secretary of State has made an Academy Order which requires Queensbury School to become an Academy. The recommendation is to allow the completion of the transfer of Queensbury School in accordance with the Academy Order granted by the Secretary of State. 	
C2. Evaluation of key risks and issues <i>The full risks and issues register is included at the end of this FBC</i>	
<ul style="list-style-type: none"> The Directive Academy Order granted by the Secretary of State requires the Local Authority to take all reasonable steps to facilitate the conversion and then 'Cease to Maintain' the school. If the conversion is delayed beyond 1st July 2020 it would have a negative impact on the school budget resulting in the deficit increasing. 	

- Weekly Meetings are held with all parties to keep them informed of progress to ensure that any concerns are picked up at the earliest opportunity and are resolved in a timely manner to keep the Academy conversion and all works associated with it on track. This has remained the same in spite of the current COVID-19 restrictions.

C3. Other impacts of the preferred option

Describe other significant impacts, both positive and negative

- Permanent Facilities – will provide appropriate accommodation to meet education standards for 21st Century teaching provision. Proposals will remove ongoing maintenance costs and health and safety concerns on existing school site. Life cycle costs will be reduced through the new build provision.

D. COMMERCIAL CASE

This considers whether realistic and commercial arrangements for the project can be made

D1. Partnership, Joint venture and accountable body working

Describe how the project will be controlled, managed and delivered if using these arrangements

The scheme will be delivered by Education Impact Academy Trust in line with their standing orders and governance process ensuring all works are tendered and three quotes are provided and evaluated accordingly to ensure best value.

Evidence of paid invoices will be provided to the Education Infrastructure, which will be verified by Acivico before funding is released to the Trust. A scheme of works will be agreed with the Trust and a draw down schedule for the funds based on the programme.

D2. Procurement implications and Contract Strategy:

What is the proposed procurement contract strategy and route? Which Framework, or OJEU? This should generally discharge the requirement to approve a Contract Strategy (with a recommendation in the report).

The project will be school led and therefore Education Impact Academy Trust will ensure that procurement is undertaken in line with their governance process and standing orders.

D3. Staffing and TUPE implications:

- Members of staff at the school that are currently employed by the City Council are to transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 to the Academy Trust as well as the assets of the school under a Commercial Transfer Agreement (CTA).
- The statutory TUPE consultation process which needs to take place prior to the proposed conversion date is being managed and coordinated by the HR Team. The consultations for Queensbury School took place with Staff and Unions on 4th December 2019.

APPENDIX 3

Capital Costs & Funding	Voyager Code	Financial Year	Financial Year	Totals
		2020/21	2021/22	
Expenditure Queensbury School	CA-02946-01-9 1BA0 3R0			
Compliance & Health and Safety Works		£535,676		£535,676
New Build Works			£1,500,000	£1,500,000
Professional Fees		£5,000	£5,000	£10,000
Total Project Cost		£540,676	£1,505,000	£2,045,676
Funding sources				
Basic Need	CA-02946-01-9 1BA0 3R0		£1,505,000	£1,505,000
School Condition		£540,676		£540,676
Totals		£540,676	£1,505,000	£2,045,676

E2. Evaluation and comment on financial implications:

- The costs are based on surveys undertaken by Acivico on behalf of the Local Authority and in discussion with the Education Impact Academy Trust who undertook surveys themselves. The post Academy conversion Capital works at Queensbury School will be funded from the Basic Need Funding Allocation and School Condition Allocation Funding as outlined above and will not exceed this amount. Any additional costs will be the responsibility of the Trust.

E3. Approach to optimism bias and provision of contingency

N / A

E4. Taxation

Describe any tax implications and how they will be managed, including VAT

N/A

F. PROJECT MANAGEMENT CASE

This considers how project delivery plans are robust and realistic

F1. Key Project Milestones

The summary Project Plan and milestones is attached at G1 below

Planned Delivery Dates

Cabinet Approval

26th May 2020

Planning application submitted

June / July 2020

Practical completion

March 2022

F2. Achievability

Describe how the project can be delivered given the organisational skills and capacity available

The trust has considerable experience of delivery as outlined below:

- Developing purpose and exact project specification.
- Tendering process
- Planning Applications
- Building regulations and Control
- CDM and Health and safety
- Topographical, M&E and utilities surveys
- Managing contractors on a day to day basis
- Establishing best value
- Establishing liquidated damages
- Establishing value for money
- 100% record of delivering projects on time and on budget
- Experience of CIF bids and meeting all required DfE criteria for reporting and financial returns.

F3. Dependencies on other projects or activities

- Placing orders with Contractor.
- Planning Permission

F4. Officer support

Project Manager:	Emma Bourne 07769163759	Acting Property Manager emma.bourne@birmingham.gov.uk
Project Accountant:	Jaspal Madahar	Finance & Resources Manager jaspal.madahar@birmingham.gov.uk
Project Sponsor:	Jaswinder Didially 07825 117334	Head of Education Infrastructure jaswinder.didially@birmingham.gov.uk

F5. Project Management

Describe how the project will be managed, including the responsible Project Board and who its members are

G. SUPPORTING INFORMATION

(Please adapt or replace the formats as appropriate to the project)

G1. PROJECT PLAN

Detailed Project Plan supporting the key milestones in section F1 above

The Trust will develop a programme once the school has converted.

G2. SUMMARY OF RISKS AND ISSUES REGISTER

Risks should include Optimism Bias, and risks during the development to FBC

Grading of severity and likelihood: High – Significant – Medium - Low

		Risk after mitigation:	
Risk or issue	Mitigation	Severity	Likelihood
Building costs escalate	The responsibility of the delivery is with the Trust and any overspends will have to be picked up by the Trust.	Low	Medium
Building works fall behind	The delays will be managed by the Trust.	Medium	Medium
BCC faced with increasing revenue costs	Consequential revenue costs arising including additional staffing, utility costs and any on-going day to day repair and maintenance of the asset will be the responsibility of the Trust.	Low	Low

G3. EXTERNAL FUNDING AND OTHER FINANCIAL DETAILS

Description of external funding arrangements and conditions, and other financial details supporting the financial implications in section E1 above (if appropriate)

Basic Need Funding & School Condition Allocation

G4. STAKEHOLDER ANALYSIS

Stakeholder	Stake in project	Potential impact on project	What does the project expect from stakeholder	Perceived attitudes and/or risks	Stakeholder management strategy	Responsibility
Cabinet Members for ES&C and F&R	Strategic Overview of DGCF expenditure	High	Ratification of BCC approach to TBN	Strategy not approved	Early Consultation and Regular Briefing on all aspects of Special Provision	BCC / EDI
School's Consultant Partners	Design and Delivery	High	Design of build Project management	Unable to design to budget Unable to deliver to timescales	Close working with other stakeholders Regular feedback	School Leadership Team / Governors
Planning Officers	Granting Planning Consent	High	Close Liaison with EDI to design a scheme that can receive planning approval	N/A	Frequent communication on all aspects of project design	School's Consultant Project Manager EDI Project Officer
School Leadership Team / Governors	Governing Body Agreement and End Users	High	Compliance with GBA Ongoing Revenue costs for R&M once build complete	N/A	Governing Body Agreement signed and regular project meetings	School Leadership Team / Governing Body EDI Project Officer
Pupils	End user	Low	Consultation	Nil	Through schools council	School Leadership Team
Ward Councillors	Knowledge of other developments affecting local communities that may link into project	High	Consultation with community and support for project	Objections from local residents	Involve in consultation and planning permission process	EDI Project Officer Governors/ School Leadership Team

G5. BENEFITS REGISTER

For major projects and programmes over £20m, this sets out in more detail the planned benefits. Benefits should be monetised where it is proportionate and possible to do so, to support the calculation of a BCR and NPSV (please adapt this template as appropriate)

Measure	Annual value	Start date	Impact
<i>List at least one measure associated with each of the outcomes in B1 above</i>			<i>What the estimated impact of the project will be on the measure identified</i>
(a) Monetised benefits:	£		
(b) Other quantified benefits:			
(c) Non-quantified benefits:	n/a		

Other Attachments

provide as appropriate

- Appendix 3
-

APPENDIX 3 - QUEENSBURY WORKS

BCC AGREED COSTS

SIXTH FORM	COSTS
Asbestos Asbestos management / removal based on approx. £14000 - removal required for Legionella related removal at 6th Form	15,000
Electrical Replacement immersion cylinder	3,814
External Walls First floor Bay and Balcony extension	27,547
Heating Fan converter replacement Garage - Gas pipe work - Repair clean and repaint Gym Gas heaters - Condemned	8,271
Internal / External Staircase Construction Concrete structure, Treads and Metal Balustrading / Handrail	10,000
Roofs Main & original extension Roof Coverings Tank Room to main roof area	55,008
Sanitary Ware General	1,000
SUBTOTAL	120,640
ALL SCHOOL	COSTS
Asbestos Asbestos management / removal based on approx. £130per sqm - removal required for replacement of curtain wall windows due to in adequate structural integrity 80sqm	12,350
Boundary Structures, Outbuildings Fencing height – safeguarding	82,849
Mechanical Ventilation Air conditioning Air conditioning units, Extractors & Condenser Guard	28,000
SUBTOTAL	123,199
BOILER ROOM	COSTS
Boilers - Heating Replacement boilers x 4 Replacement control panel Clarifiers	160,000
Electrical Replacement hot water cylinders (2nr)	8,900
SUBTOTAL	168,900
MAIN SCHOOL	COSTS
Windows Structural inspection of existing windows & their supports in main school immediate - (curtain wall) classrooms overlooking nurture area & outdoor gym - contribution towards.	100,000
SUBTOTAL	100,000
PORTACABINS	COSTS
Electrical Replacement electric hot water heaters	7,629
Heating Distribution emitter replacement -radiators / fan convectors Time clock replacement (8 nr)	15,308
SUBTOTAL	22,937
NEW BUILD	
Contribution towards replacement of the temporary modular accommodation	1,500,000
SUBTOTAL	1,500,000
TOTAL	2,035,676

APPENDIX 4 - QUEENSBURY WORKS

DfE or TRUST COSTS

A: SIXTH FORM	COSTS
Boundary Structures, Outbuildings	8,900
Sixth Form Block detached Garage - roof & door sets	
Ceiling Construction	3,000
Plaster / render/ plasterboard / timber	
External Walls	17,058
Render finish - Concrete floor beams inadequate protection	
Brickwork pointing - 20% of building required in 1-4 years	
Other H & S issues	3,000
Roof Edge Protection	
SUBTOTAL	31,958

ALL SCHOOL	COSTS
Drainage	50,000
Standard repairs for awaiting CCTV results	
Estimated costs 50k - 100k	
Electrical	368,994
External lighting upgrade	
Replacement lightning protection	
LV Site Connection Systems - replacement	
LV Distribution Systems -replacement	
Replacement small power - Plug Sockets (to ensure earthed)	
SUBTOTAL	418,994

BOILER ROOM	COSTS
Doors	3,500
Plant room timber door sets	
SUBTOTAL	3,500

MAIN SCHOOL	COSTS
All-weather Hard Surfaces and Pavements	13,604
Path intersection concrete fillet - area by end of path in the nurture area outside room	
Tarmac footpath (Science)	
Playground areas isolated pooling	
All-weather Hard Surfaces and Pavements	137,197
Car Parking and Roadways	
Additional Parking / Turning point - Cellular Grid Parking Area	
Additional Thermoplastic Line Marking - to ensure safe parking bays	
Parking isolated tree damage	
Pedestrian / safety car parking	
Heating	40,686
Distribution emitter replacement - radiators / fan convectors	
Roofs	350,303
Chimney works, Removal of redundant water tank & roof boarding, re-pointing, lowering of stack	
High level glazing (includes clean and gutters)	
Rainwater handling capacity - insufficient outlets	
Roof coverings (1, 2 and 5) All classrooms in main school & kitchen / boiler & PE area	
Roof lights (1, 2 and 5) All classrooms in main school & kitchen / boiler & PE area	
Roof coverings 3 & 4, Reception, SLT corridor & main Hall	
Space Availability & Layout	36,120
Main Block student toilet provision- second toilet block required	
Windows	160,000
Original steel, single glazed window - kitchen area and student WC's	
rooms overlooking main playground (3) & 1years technology classrooms (3) @ an cost of 25k per curtain wall as per recent quote.	
SUBTOTAL	737,910

PORTACABINS	COSTS
Roofs	30,921
Roof covering; older playground unit (mentors)	
Rainwater ground gulley disposal	
SUBTOTAL	30,921

TOTAL	1,223,283
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Birmingham City Council

Report to Cabinet

26 May 2020



Subject: BIRMINGHAM CHILDREN'S TRUST OUTTURN 2019/20 AND BUDGET 2020/21

Report of: Dr Tim O'Neill
Director for Education and Skills

Relevant Cabinet Member: Cllr Kate Booth - Children's Wellbeing
Cllr Tristan Chatfield - Finance and Resources

Relevant O & S Chair(s): Cllr Kath Scott - Education and Children's Social Care
Cllr Sir Albert Bore - Resources

Report author: Nigel Harvey-Whitten
Assistant Director Children's Services (Commissioning)
Tel: 0121 303 8327
Email: Nigel.Harvey-Whitten@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007685/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 The Birmingham Children's Trust (BCT) financial outturn for 2019/20 is a £7.0m overspend. BCT has provided a detailed explanation of why this has occurred (**Appendix A** to this report)
- 1.2 This report requests that Cabinet approves a contract variation of £7.0m for BCT for the financial year 2019/20.

- 1.3 As this contract variation was not included in the budget, this will have an adverse effect on the Council's overall financial position for 2019/20. The costs will be factored into the 2019/20 overall outturn position and from any 2019/20 carry forward requests. The approved budget for the Education and Skills Directorate for 2019/20 will be increased by £7.0m in recognition of the BCT contract variation.
- 1.4 Cabinet is therefore asked to approve that the £7.0m contract variation is factored into the 2019/20 net outturn position and any 2019/20 carry forward requests.
- 1.5 The 2019/20 outturn position will be reported at the June Cabinet meeting.

2 Recommendations

- 2.1 Cabinet is recommended to; -
 - 2.1.1 Approve a contract variation of £7.0m in respect of additional contractual expenditure necessarily incurred and identified in BCT's financial outturn position for 2019/20.
 - 2.1.2 Authorise the City Solicitor to complete the necessary legal agreements to give effect to the above decision.
 - 2.1.3 Approve that the £7.0m contract variation amount is factored into the 2019/20 net outturn position and any 2019/20 carry forward requests.
 - 2.1.4 Approve the related £7.0m increase in the approved 2019/20 budget for the Education and Skills Directorate to reflect the proposed contract variation.

3 Background

- 3.1 Birmingham City Council entered into a service delivery contract for the provision and operation of children's social care services in the city of Birmingham with BCT on 29 March 2018. The contract commenced on 1 April 2018 and is for an initial period of five years plus a further five years based upon performance.
- 3.2 The BCT annual contract value is agreed annually in advance for each financial year based on a process set out in the contract. This process uses the previous year's contract value plus adjustments for known changes in circumstances and inflation to calculate the contract value for the next year.
- 3.3 For 2019/20 the contract sum was agreed at £193.2m – see **Appendix A**.
- 3.4 For 2019/20, the average number of children in care has been 1,955 which is significantly more than envisaged at the time the contract was initiated. **Appendix A** contains the background to the contract value calculations for this period.

- 3.5 As a result, BCT has overspent by £13.2m in children's placements and also a small overspend of £0.6m on staff costs due to the need to maintain reasonable caseloads for social workers (key focus of Ofsted in their inspection). These overspends have been offset by mitigating actions undertaken by BCT during the year which saved £6.2m (see **Appendix A**)
- 3.6 This has left a net overspent position of £7.0m for 2019/20 based on the original agreed contract value representing approximately 3.5% of BCT's normal expenditure.
- 3.7 BCT has requested that the 2019/20 agreed contract sum be increased by £7.0m to recognise this overspend.
- 3.8 The contract variation of £7.0m is not included in the Council budget for 2019/20 and the costs will be factored into the overall 2019/20 outturn position and the consideration of any 2019/20 carry forward requests. The approved budget for 2019/20 for the Education and Skills directorate will increase by £7.0m to reflect this change.
- 3.9 The 2019/20 outturn position will be reported at the June Cabinet meeting.

4 Options considered and Recommended Proposal

- 4.1 The options that have been considered are:
- 4.1.1 Do nothing: This option would leave BCT with the in year overspend of £7.0m which could potentially cause BCT to no longer be a going concern. This option is not recommended.
- 4.1.2 Increase the contract value by £7.0m: This option recognises the increased number of children in care above the original forecast and the resultant overspend. This option is recommended.

5 Consultation

- 5.1 The forecast overspend was first reported to the Council in BCT's June 2019 monitoring report. BCT has consistently reported an overall overspent position during the rest of the financial year.
- 5.2 The BCT overspend was considered by the Operational Commissioning Group (OCG) on 29 April 2020.
- 5.3 The members of the OCG are:
- Andy Couldrick (BCT Chief Executive)
 - Lee Yale-Helms (BCT Director of Finance & Resources)
 - David Stringfellow (BCT Director of Commissioning & Corporate Parenting)
 - Jenny Turnross (BCT Director of Practice)
 - Seamus Gaynor (BCT Head of Executive)

- David Shreeves (Department for Education)
- Dr Tim O'Neill (BCC Director for Education and Skills)
- Nigel Harvey-Whitten (BCC Assistant Director Children's Services Commissioning)
- Paul Stevenson (BCC Finance Business Partner)

5.4 At the meeting on 29 April 2020, the OCG agreed to request a contract variation from Birmingham City Council for £7.0m, being the amount of the 2019/20 overspend.

6 Risk Management

6.1 The Council is working much more closely with BCT to improve understanding of the financial position moving forwards into 2020/21. As a result, the level of Council oversight of BCT's finances has been significantly enhanced.

6.2 Further work is underway to reset BCT's Medium Term Financial Plan to ensure it has a robust and sustainable budget underpinned by a set of solid assumptions. This revised plan will be reflected in the Council's financial planning during 2020/21.

6.3 As a result of the enhanced oversight and the reset of BCT's budget, contract variations of this nature are not expected to recur in future years.

6.4 In addition, BCT has commissioned CIPFA to undertake a review of their financial management, which will provide assurance on the quality of financial reporting and forecasting. In conjunction with close monitoring of the situation, the review will help to ensure that any potential overspend are identified early and mitigations developed to minimise their impact.

6.5 These mitigations will include the Council's approved initial £4.2m investment in a new, comprehensive Early Help service. This work is being led by Birmingham Children's Partnership and is expected to reduce the growth in demand for placements for children in care in the medium term.

7 Compliance Issues:

7.1 The activity for which this refers is statutory provision for the Council which is delegated to the Birmingham Children's Trust

7.2 Legal Implications

7.2.1 The Children Act 1989 together with associated regulations and guidance provides various powers and statutory duties in relation to the provision of services by a local authority for children in need and others.

7.2.2 S.111 Local Government Act 1972 confers power on the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

7.3 Financial Implications

- 7.3.1 The overspend of £7.0m is above previous forecasts and as such negatively effects the Council previously forecast financial position.
- 7.3.2 The contract variation of £7.0m is not included in the Council budget for 2019/20 and this cost will be factored into the overall 2019/20 outturn position and the consideration of any 2019/20 carry forward requests.
- 7.3.3 As a result of the proposed contract variation the approved budget for 2019/20 for the Education and Skills Directorate will increase by £7.0m.

7.4 Procurement Implications

- 7.4.1 None

7.5 Human Resources Implications

- 7.5.1 Not applicable

7.6 Public Sector Equality Duty

- 7.6.1 Not applicable

8 Appendices

- 8.1 Appendix A – Report of the Director of Finance & Resources for Birmingham Children's Trust

ADDITIONAL FUNDING REQUEST TO BIRMINGHAM CITY COUNCIL

1. Introduction

1.1. The draft outturn for the Trust in 2019/20 is an overspend of £7.0m (3.5%). The table below provides a summary of the variance analysis compared to 2018/19.

Spend analysis	Budget 2019/20	Outturn variance 2019/20	Outturn variance 2018/19
Pay	81.4	0.6	(1.2)
Placement costs (net)	84.5	13.2	4.4
Other costs	30.9	-	(0.9)
Total spend	198.2	13.8	2.3
Contract sum from the Council	193.2	(0.4)	-
Other income	0.1	(4.2)	(0.9)
Troubled Families reserves (applied)	3.5	(2.2)	(1.3)
Total Income	198.2	(6.8)	(2.2)
Net outturn	-	7.0	0.1

- 1.2. The key pressure in 2019/20 was placement costs which overspent by £13.2m as a direct result of the increase in children in care numbers to an average of 1,955 and a general lack of sufficiency for residential placements available to the Trust across the City and beyond.
- 1.3. The small overspend on pay of £0.6m is due to the need to maintain reasonable caseloads for social workers which is a key focus of Ofsted in their inspection of children's social care.
- 1.4. The Trust was able to manage some of the demand pressure throughout the year and children in care numbers did reduce from a peak of 2,017 in October 2019 to 1,929 by March 2020. Other mitigating actions together with planned savings delivered £4.6m in-year, and an additional £2.2m of the Troubled Families Programme funding was released to support Trust core activity.

2. Background

- 2.1. The Trust was established on 1 April 2018 and in its first year delivered a strong performance against its contractual KPIs and following a full inspection by Ofsted in November 2018 was no longer deemed "Inadequate" and was rated "Requires Improvement".

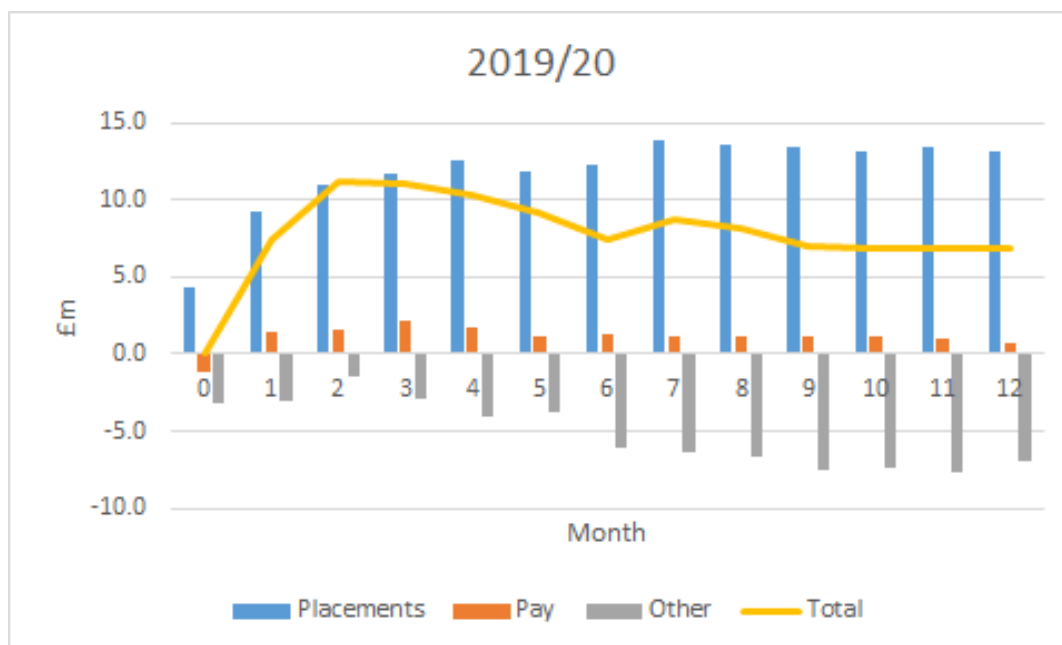


- 2.2. The Trust as a community interest company aims to “break even” and in 2018/19 the outturn was a small deficit of £59,000 which represented a real achievement in its first operational year alongside the improvements in the quality of social work practice and the emerging demand pressures in the children’s social care system.
- 2.3. The Trust’s 2019/20 budget and contract sum was agreed back in September 2018 and was based on the last year of the Council’s former “Long Term Financial Plan 2015/16 to 2019/20”. This assumed that by 2018/19 that children in care numbers would reduce to 1,630 by the end of the five-year period and a reduction of £3.4m in the contract sum. The Trust was asked to deliver a further £1m saving on the contract sum in 2019/20 and agreed to deliver this in relation to back-office savings. This was achieved during the first quarter of 2019/20.
- 2.4. In contrast to the previous budget assumptions the actual number of children in care increased over this five-year period to 1,830 at the start of the Trust in April 2018 to 1,915 by March 2019. Across the same period the budget assumptions included an expectation that the number of internal foster carers would grow by a net 284 and again in contrast actually reduced putting further pressure on sufficiency and a higher proportion of children being placed in more expensive¹ residential children’s homes.
- 2.5. The Trust’s Annual Report for 2018/19 which was presented to the Partnership Governance Group in August 2019 highlighted a number of challenges and cost pressures as follows:
- the net impact of a 6% rise in children in care numbers would represent £5.1m additional demand pressure in 2020/21; and
 - additional remand costs for young people in the criminal justice system of £1m per year.
- 2.6. The Operational Commissioning Group (OCG) which has oversight of the Council’s contract with the Trust received quarterly financial reports in line with the contract terms. At the end of Quarter One (Month 3) the Trust estimated that without any mitigation and demand management the outturn for 2019/20 was an overspend of £11.0m. Plans were put in place for a range of measures from step down of children in care to increased efforts to attract additional foster carers.
- 2.7. The Trust, at its own initiative, also introduced monthly financial reporting to the Council via OCG from Month 3 onwards in order to increase overall governance and accountability.

¹ The average cost of care in children’s services in Birmingham in 2019/20 was £843 per week compared to the average cost of an external residential placement of [£3,4230] per week.



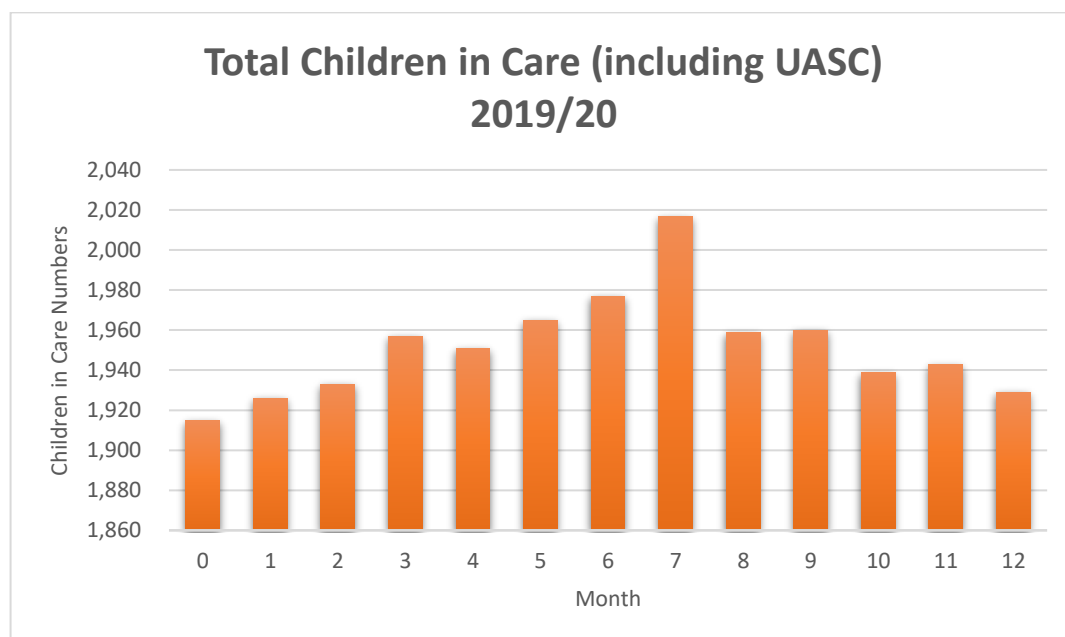
- 2.8. At the start of 2019/20 the Trust was facing an estimated £6.5m pressure just in respect of placement costs and as children in care numbers continued to increase this pressure increased further to a peak of £13.8m in October 2019 (Month 7). The graph below provides the month by month trend of the Trust's financial position across 2019/20.



- 2.9. Across the period July to September 2019 (Months 4-6) the Trust continued to drive down the estimated overspend, however the peak in the number of children in care in October 2017 (Month 7) was a real concern. The Trust reported to OCG that its ability to deliver further mitigation savings was proving extremely challenging, and although efforts would continue to manage admissions and discharges in and out of care, that the estimated overspend would likely remain in the range of £6-9m.
- 2.10. This estimate of demand pressure has proven reliable and since the Quarter Three (Month 9) financial outturn the forecast has remained at an overspend of £6.9-7.0m in 2019/20 with external placement costs estimated to be in the range of £13.2-13.5m overspend.
- 2.11. The draft outturn of £7m overspend represents 3.5% compared to a rise in demand in children in care numbers between April 2018 and March 2020 of 6.5%. The national picture is that average spending on children's social care is increasing at 8-9% so again the Trust compares very favourably.

3. Demand

3.1. The profile of demand represented in the number of children in care across 2019/20 is provided in the graph below and highlights the peak in October 2019 and the subsequent management of admission versus discharges.



3.2. The trend in children in care numbers is that Birmingham still compares favourably with both its statistical neighbours and the West Midlands. The current rate of children in care per 10k is 67.1 compared to 80.2 for statistical neighbours as shown in the table below.

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Birmingham	63.0	70.0	64.0	64.0	66.9	67.1
Statistical neighbours	80.0	79.0	74.7	73.9	77.0	80.2
West Midlands	73.0	74.0	73.0	75.0	78.0	82.0
England	60.0	60.0	60.0	62.0	64.0	65.0

3.3. It is anticipated that the children in care per 10k rate in Birmingham will continue to increase but remain below both the West Midlands and statistical neighbours.

3.4. Birmingham's population is still growing and the latest forecasts are that the number of children under the age of two will continue to rise steadily. The socio-economic context of the City is such that a proportion of these children are expected to enter care. Work undertaken in 2019 also highlighted a number of older teenagers who had entered the care system, 50% of whom



who either classified as children in need or on a child protection plan and subsequently had entered into care when in fact they perhaps should have been brought into care at a younger age. This legacy of hidden demand is still impacting on the Trust.

- 3.5. Current estimates are that the child population aged 0-18 will continue to grow in Birmingham at an average of 0.7% per annum for the next five years. Based on the conversion rate of assessments into admissions the children in care numbers will also rise and could reach 2,200 in the next two to three years, and without an effective Early Help offer across the City could continue to grow even further.

4. Contract measures

- 4.1. The current contract with the Trust unlike other trusts does not provide for an increase in the contract sum if children in care numbers are to increase or for a risk sharing arrangement. A decision was taken by the Council not to provide the Trust with any financial reserves but instead to provide a loan facility of £10m. The Trust had to activate £4m of the loan facility at the start of the contract to support cashflow arrangements and the balance of £6m was earmarked for invest to save and innovation projects and clearly has to be repaid.
- 4.2. Given the situation the Trust is facing and the continued demand pressures from placement costs it has little alternative than to make an additional funding request to the Council in order to balance its finances in 2019/20, avoid any liquidity issues and not damage the Trust's ability to continue with its development plan for improvement and achieving a "Good" rating in the medium term from Ofsted.
- 4.3. Under the terms of Schedule 5 (Financial Mechanism) of the service delivery contract the Trust is able to bring forward requests for additional funding to the Council. It was agreed at the Trust's Finance & Resources Committee and the Operational Commissioning Group on 29 April 2020 that the Trust should make the request to the Council for an additional £7.0m for 2019/20. If approved by Cabinet this would then take the form of a one-off contract variation and payment to the Trust.

5. Medium Term Financial Plan

- 5.1. The aim of the Trust was to agree a three year Medium Term Financial Plan (MTFP) with the Council for the period 2020/21 to 2022/23 which would take the Trust up to Year 5, at which point a service review is expected under the terms of the contract. This was prevented by the one year Comprehensive Review settlement for 2020/21.
- 5.2. The context of the increase in children in care numbers and a lack of sufficiency throughout 2019 formed the background to the annual contract



negotiations between the Council and the Trust last summer. A copy of the MTFP and budget discussion paper is provided as an annex to this report.

5.3. The outcome of the budget setting and consultation processes resulted in the Trust securing an additional £6.1m for demand pressures in 2020/21.

5.4. The £6.1m uplift was based on demand pressure arising from the increased cost of external placements and remand costs of £13.6m and staffing of £0.7m, less £8.2m of mitigating actions as follows:

- demand management including diversions from care (£4.3m);
- supply side mechanisms to increase sufficiency of placements including fostering and adoption (£2.3m);
- efficiency savings of £0.6m; and
- increase in tripartite contributions to cost of care (£1.0m).

5.5. The annual Contract Sum for 2020/21 and estimates for the MTFP period were therefore set as follows:

	2020/21	2021/22	2022/23	2023/24	2024/25
	£m	£m	£m	£m	£m
Core Contract Sum*	192.3	192.8	193.3	193.8	194.3
Government grants paid via the Council	8.8	8.8	8.8	8.8	8.8
Total Contract Sum	201.1	201.6	202.1	202.6	203.1
Other grants and contributions	4.0	4.0	4.0	4.0	4.0
Total Budget	205.1	205.6	206.1	206.6	207.1
* The Council has assumed an increase of £0.5m per annum each year from 2021/22 onwards for demographic changes. The Trust view is that is insufficient and will need to be reviewed as part of the reforecast of children in care numbers.					

5.6. In addition to the above the Trust had submitted two modernisation bids to the Council as follows:

- supported accommodation.
- adult specialists working with children's teams.



- 5.7. A summary of the financial impact of these over the MTFP period is provided below.

Modernisation bids:		2020/21	2021/22	2022/23	2023/24	2024/25
		£m	£m	£m	£m	£m
Adult specialisits working in children's teams						
	Investment - staffing and accommodation	2.5	2.5	2.5	2.5	2.5
	Benefits - reduced demand	0.0	0.0	1.3	2.7	2.7
	Net Investment/Benefit(-)	2.5	2.5	1.2	-0.2	-0.2
Supported accommodation						
	Investment - staffing and property	3.2	3.2	3.2	3.2	3.2
	Benefits - placements costs			4.0	4.0	4.0
	Net Investment/Benefit(-)	3.2	3.2	-0.8	-0.8	-0.8
Total Modernisation Funding		5.7	5.7	0.4	-1.0	-1.0
Total Funding (excluding Modernisation)		205.1	205.6	206.1	206.6	207.1
Total Funding (including Modernisation)		210.8	211.3	206.5	205.6	206.1

- 5.8. The proposed investment in Early Help of £15m by the Council is expected to deliver benefits across the whole system across the 5 year period and beyond. It is important the Trust is involved in the implementation and delivery of this through the Birmingham Children's Partnership in order to achieve these benefits.

5.9. Current position

- 5.10. Prior to the current demand pressures, the Trust took a decision in 2019 to invite CIPFA to undertake a financial management review of the Trust to provide assurance to the Board and a platform for improvement. This mirrors the recent exercise undertaken in the Council.
- 5.11. The Trust has also engaged CIPFA's consultancy arm to undertake an assurance review of the Trust's approach to demand forecasting, budget planning and an initial cost of care analysis which will lead into an analysis around how the market is managed and developed.
- 5.12. It is expected that the two reports will be finalised by September 2020 and will be shared with the Council as commissioner to provide independent assurance of the actions of the Trust, which could then lead to further work being agreed jointly between the Council and the Trust. The Trust wants to be in a position where a shared view exists, between Trust and the Council as commissioner, around demand, demand management, cost improvement and the required budget envelope from which to deliver effective and value-for-money services to the city's most vulnerable children and families.

- 5.13. The impact of Covid-19 has been significant on the Trust with estimated costs of £3-3.5m for the initial 12 week period of lockdown, the largest element of which relates to temporary accommodation as a contingency for placing vulnerable children at risk during the crisis. As the period of lockdown is extended the Trust could be faced an increase in costs of £1m per month.
- 5.14. Whilst the demand at the front door in terms of the numbers of referrals and assessments has slowed significantly as a result of Covid-19 it is anticipated that demand will bounce back (at the end of April the increase has started already) and that further latent demand is likely to be identified. Nationally, children's social care services anticipate at least a significant spike in contact and referral once schools and universal services return to fuller operation. A further impact of Covid-19 is that the Trust has been unable to progress its plans to deliver the expected in-year mitigation in 2020/21 and will need to review both the phasing and deliverability of these earlier proposals in a post Covid-19 environment.

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Birmingham City Council

Report to Cabinet

26 May 2020

Subject: Policy on Community Led Housing

Report of: Acting Director - Neighbourhoods

Relevant Cabinet Member: Councillor Sharon Thompson, Cabinet Member for Homes and Neighbourhoods

Relevant O & S Chair(s): Councillor Penny Holbrook - Chair of Housing and Neighbourhoods Overview & Scrutiny Committee

Report author: Guy Chaundy
Senior Service Manager Housing Strategy
Tel: 0121 464 7699

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007113/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 The Council has pledged in Housing Strategy to support Community Led Housing as a mechanism to deliver increased supply and enabling local people to have a greater involvement in their area. This report sets out the Council's policy position in regard to how it can support Community Led Housing (CLH) as part of the wider housing supply solution.
- 1.2 The policy sets out how CLH can enable local communities to have a greater role in housing provision and supply in their neighbourhoods, support the Council's localisation priorities and foster greater local influence within neighbourhoods creating true neighbourhood regeneration.
- 1.3 The policy sets out the opportunities, constraints and the legal and financial considerations in regard to the Council's role in enabling CLH in Birmingham.

2 Recommendation

- 2.1 Cabinet are recommended to approve the Community Led Housing Policy contained in Appendix 1 (the CLH Policy).
- 2.2 Cabinet delegates authority to the Acting Director for Neighbourhoods to bid for any available Community Homes Fund Revenue Grant to support the CLH Policy development work further, alongside the CLH sector and Housing Birmingham Partnership.

3 Background

- 3.1 Community-led housing is about local people playing a leading and lasting role in solving housing problems, creating genuinely affordable homes and strong communities in ways that are difficult to achieve through mainstream housing.
- 3.2 The City Council can play a key role in supporting and promoting CLH as a delivery mechanism to deliver its Housing Strategy and localisation priorities. With resources at a premium and a strong forward build programme in place for available land in the city, making sites available and providing resources to enable this is a key challenge. However, this does not prevent the City Council playing a key role in promoting and enabling CLH to deliver positive outcomes for its citizens.
- 3.3 The City Council has committed through its Housing Strategy approved by Cabinet in July 2017 to promote, enable and support CLH.
- 3.4 The Council recognises that the CLH Policy will primarily work to meet the relevant objectives of the Housing Birmingham Partnership and the City Council's Housing Strategy.
- 3.5 The CLH Policy will support the Housing Birmingham Partnership to:
 - Maximise delivery of good quality housing of the right type and tenure by supporting the activities of housing providers and support agencies to meet existing and future housing need in a sustainable way.
 - Build new homes.
 - Investigate alternative models of affordable housing delivery to meet the housing and support needs of specific groups and sectors of the housing market.
 - Promote models under which communities take on ownership, stewardship or management of existing homes and support delivery of localisation priorities.
- 3.6 The CLH Policy sets out the Council's role as an enabler of CLH not a provider. It clarifies its enabling role in the following key areas.

- Strategic support
- Planning and Land
- New build and BMHT
- Empty Homes
- Existing Stock
- Custom and Self Build

- 3.6.1 Accessing finance as well as Land is a key barrier for organisations wanting to deliver CLH schemes. Considerable policy work is being undertaken by Birmingham Community Homes (BCH), the recently established CLH enabler hub in Birmingham, and the Council to explore a range of solutions and financial models to overcome these barriers.
- 3.6.2 The CLH Policy commits the Council to providing ongoing support for the development of such solutions and work with BCH to further develop policy and best practice.
- 3.6.3 The CLH Policy also sets out the Council's role and considerations it needs to make in supporting grant bids to Homes England within the Community Homes Fund (CHF).
- 3.6.4 The CHF provides grant funding to organisations to enable feasibility and start up work, as well as capital and infrastructure funding for schemes.
- 3.6.5 The fund can be accessed by the Council as a Local Authority and Homes England have proactively sought to receive such bids to enable the CLH Policy development work needed to deliver real outcomes. It is proposed that the Council seeks to apply for revenue funding for a resource to take forward CLH in the City depending on future funding availability from Homes England.

4 Options considered and Recommended Proposal

- 4.1 Considerable considerations have been given to including specific financial models within the CLH Policy that includes the Council taking on funding risks, making available subsidised land and property or accessing funding streams for third party organisations. Currently the Council is not in a position to commit to specific options but the CLH Policy does commit to ongoing support on policy development in these areas.
- 4.2 The option of not having a CLH Policy has been considered however supporting CLH is a Council pledge and directly supports its priorities as set out in 7.1 and the CLH sector have been asking for a clear policy position from the Council. It is therefore recommended to approve the CLH Policy.

5 Consultation

- 5.1 The CLH Policy has been consulted on with the CLH enabler hub 'Birmingham Community Homes' who are very supportive of the proposals contained within it and the

Council's commitment to support and enable CLH. City Council Tenant representatives were consulted at the City Housing Liaison Board (CHLB) meeting on 19 March 2020.

- 5.2 Homes England have been consulted on the [draft] Policy who commented 'it is extremely encouraging to see that Birmingham City Council is moving towards a public policy position on CLH. Hopefully this will enable you to maximise the opportunities emerging through the new Enabling Hub.'
- 5.3 The report has been developed with senior officers from the following service areas of the Council
- Inclusive Growth, Housing Development and Property and Assets Board
 - Planning Policy
 - Strategic Policy Executive

6 Risk Management

- 6.1 See Appendix 3 which identifies the key risks and mitigations of [the CLH Policy]?

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 CLH if successful can support the Council in delivering against a number of its priorities set out in the Council Plan 2018-2022 (as updated in 2019) namely.

Outcome 4: Birmingham a great City to live in:

- We will have the appropriate housing to meet the needs of our citizens
- We will foster local influence and involvement to ensure that local people have a voice in how their area is run.

Enabling communities to have a greater role in delivering and/or degrees of control over Housing in their area directly supports the localisation priorities approved by Cabinet . It supports the principles set out in the Council's 'Working together in Birmingham's neighbourhoods' approach in particular supporting a framework of relationships by exploring the role neighbourhoods can have in service delivery and influencing the future of their area and being part of wider neighbourhood regeneration.

7.2 Legal Implications

- 7.2.1 The CLH Policy sets out the legal framework and considerations relating to the Council's ability to dispose of [and to support CLH. There are key statutory powers and duties that need to be considered where the Council dispose of Land, namely, S123 Local Government Act 1972 and General Consents (**General Fund Land**); and Section 32

Housing Act 1985 and General Housing Consents 2013, General Consents S25 Local Government Act 1988 (**Housing Revenue Account (HRA) Land**).

7.3 Financial Implications

7.3.1 This Cabinet report and CLH Policy does not commit the Council financially. It is however committing to supporting CLH strategically as an enabler and partner and that it will work to develop solutions that can support organisations to deliver CLH schemes. Any subsequent proposals for CLH schemes from organisations that involves a council interest or draw on resources will be subject to existing city Council decision making and governance processes.

7.4 Procurement Implications

None.

7.5 Human Resources Implications

None.

7.6 Public Sector Equality Duty

7.6.1 Attached in Appendix 2. The Equality Assessment did not identify any adverse equality impacts as a result of the policy proposals.

8 Background Documents

Birmingham's Housing Strategy 2017

Incentivising Self Build in the City Cabinet report 25th July 2017

CCIN CLH – A key role for Local Authorities

BCC Property Strategy

List of Appendices

Community Led Housing Policy – Appendix 1

Equality Impact Assessment – Appendix 2

Equality Duty Statement – Appendix 2a

Risk Management – Appendix 3

Appendix 1. DRAFT

Birmingham City Council – Community led housing policy.

1. Introduction

Community-led housing (CLH) is about local people playing a leading and lasting role in solving local housing problems, creating genuinely affordable homes and strong communities in ways that are difficult to achieve through mainstream housing. It can be the key element of delivering wider community Led regeneration in neighbourhoods.

The governments Community Led Homes Fund (the CLH Fund) has stated that in order to ensure that the schemes supported by the CLH Fund are truly community-led, proposals should ensure that:

- meaningful community engagement and consent occurs throughout the development process. The community does not necessarily have to initiate and manage the process, or build the homes themselves, though some may do;
- the local community group or organisation owns, manages or stewards the homes and in a manner of their choosing, and this may be done through a mutually supported arrangement with a Registered Provider of Social Housing that owns the freehold or leasehold for the property; and
- the benefits to the local area and/or specified community must be clearly defined and legally protected in perpetuity.

Birmingham has a rich heritage of community based housing that provide homes for local citizens and offer a range of added value through developing social capital. Examples include:

Housing Cooperatives
Self build and Self Help Housing
Community-led regeneration
Tenant Management Organisations

The World Habitat CLH dataset for 2017 identifies 28 projects in Birmingham with a total of 2,694 homes, of which 2,424 (90%) were for social rent.

The City Council can play a key role in supporting and promoting CLH as a delivery mechanism to deliver its Housing Strategy and localisation priorities, increasing housing supply and to meet other key council aims such as community cohesion, tackling social isolation and loneliness and promoting local business and community enterprise. With resources at a premium and a strong forward build programme in place for available land in the city, making new sites available and providing resources to enable others to build is a key challenge. However, this does not prevent the City Council playing a key role in promoting and enabling CLH to deliver positive outcomes for its citizens.

2. Purpose of a CLH Policy

2.1 The City Council has committed through its Housing Strategy approved by the City Council's cabinet in July 2017 to promote, enable and support CLH. This policy formalises Birmingham City Council's policy position in regard to CLH in the context of its priorities around meeting supply targets and providing opportunities for communities to have greater influence and involvement in how their areas are run.

2.2 Specifically a CLH Policy should:

- Support communities to realise their potential and take forward their own small-scale housing schemes
- Recognise the self-build and custom build community and the existing, July 2017 Cabinet approved, approach to providing opportunities to support them as set out in 6.8 of this policy.
- Raise awareness of CLH and encourage its delivery through putting a range of support mechanisms in place to enable schemes to progress from the earliest opportunity.
- Promote models under which communities take on ownership, stewardship or management of existing homes and so supporting the Councils Localisation agenda
- Define critical steps and decision making processes in regard to CLH proposals and the City Council's role.

3. Background

3.1 In recent years, there has been a new wave of community based organisations seeking to tackle the housing challenges faced by local people to deliver Community Led regeneration. The models are varied and can be found across the full range of housing provision, including affordable rent, private rented sector and home ownership. Examples include:

- Community Land Trusts
- Community Self and Custom Build
- Co-operative housing
- Co-Housing
- Self-help housing
- Empty homes
- Co-ownership
- Right to Manage – existing stock

3.2 The outcomes achieved range from bringing empty homes back into use, supporting urban renewal, improving standards in the private rented sector, and providing rural housing and homes for vulnerable and excluded groups. Community-led housing will not deliver the volumes of house building required in the City, but it can provide an opportunity to be innovative in identifying new ways to design and deliver new housing in the City, and gaining support for new development in localities, whilst supporting some of the most excluded

communities and neighbourhood regeneration. There is also the potential for greater density and innovation regarding Environmental sustainability.

3.3 There is an active national programme developing new models of community-based housing across England and identifying funding models. This provides an ideal opportunity to explore the specific options for Birmingham.

3.4 A recent report by the Co-operative Council's Innovation Network gives some good case studies and how local authorities can play a key role which this policy seeks to cover. This includes:

- Establishing a clear policy position and commitment to support CLH
- Criteria for identification of suitable sites
- Identification of champions in the authority
- Commitment of resources
- Working with CLH groups
- Setting targets within its Housing Strategy.

3.5 There is a plethora of different models for community led housing. The following key principles in this policy however should be integral to schemes.

- The community should be integrally involved throughout the process in key decisions like what is provided, where, and for whom. The community does not have to initiate the proposals or build homes themselves.
- Community groups should generally take a long-term formal role in the ownership, stewardship or management of the homes.
- The benefits of the scheme to the community (whether that's a local area or specified group) should be clearly defined and legally protected in perpetuity.

3.6 Community led housing can/will encompass the following:

- Development of new homes
- The community taking on ownership, stewardship or management of existing homes
- Conversion of existing properties to support community led housing opportunities

4. Policy context

4.1 The Council recognises that the CLH Policy will primarily work to meet the relevant objectives of the Housing Birmingham Partnership and the City Council's Housing Strategy through its support for the development of an enabler hub for the city, Birmingham Community Homes (BCH).

- 4.2 With the support of the Council, BCH has been successful in securing funding from the Community Housing Fund and Power to Change to establish an enabler hub to support the transfer of knowledge, the growth of the CLH sector in Birmingham and the urban West Midlands and influence local stakeholders. BCH has already produced several useful reports that have assisted the Council's strategy development including Hope for Housing Conference report with 25 policy recommendations covering strategic support, planning and land, finance, social housing, empty homes and private renting (November 2018) and technical report on finance, land, community empowerment and evaluation (October 2019).
- 4.3 The CLH Policy will support the Housing Birmingham Partnership Board and the CLH sector to:
- Maximise delivery of good quality housing of the right type and tenure by supporting the activities of housing providers and support agencies to meet existing and future housing need in a sustainable way.
 - Build new homes.
 - Investigate alternative models of affordable housing delivery and finance to meet the housing and support needs of specific groups and sectors of the housing market.
 - Promote models under which communities take on ownership, stewardship or management of existing homes and support delivery of localisation priorities.
- 4.4 The CLH Policy will be formally reviewed by Housing Birmingham in consultation with Birmingham Community Homes Enabler Hub, with proposed amendments to be approved through the Cabinet Member with portfolio responsibility.
- 4.5 There are many situations where there is a shared or complementary role with other agencies. Relevant officers within the City Council have been working collaboratively to understand the aspirations of the sector in Birmingham.
- 4.6 CLH is currently seen as a viable method of increasing the supply of housing and at the same time, making a real impact on the lives of the communities who are delivering it. As government priorities change in the future, CLH may not receive the same level of support, but the Council may endeavour to continue supporting any groups or individuals (self build or custom-build) who have taken an interest in delivering their own housing.

5. Delivering key Council priorities

- 5.1 CLH if successful can support the Council in delivering against a number of its priorities set out in the Council Plan 2018-2022 namely:

Outcome 4: Birmingham a great City to live in:

- We will have the appropriate housing to meet the needs of our citizens

- We will foster local influence and involvement to ensure that local people have a voice in how their area is run.

Enabling communities to have a greater role in delivering and/or degrees of control over Housing in their area directly supports the localisation priorities approved by Cabinet. It supports the principles set out in the Councils 'Working together in Birmingham's neighbourhoods' approach in particular supporting a framework of relationships by exploring the role neighbourhoods can have in service delivery and influencing the future of their area and delivering community cohesion and tackle loneliness and isolation.

CLH can deliver increased stability in neighbourhoods by creating a mechanism for social stewardship in for example areas where there are excessively high concentrations of exempt accommodation and poor Private rented accommodation.

6. Identifying and implementing solutions to promote Community Led Housing

The Council's aim is to encourage learning about CLH and enhance the role that communities can have in influencing increase provision of small-scale affordable housing in the city by:

6.1 Strategic Support

- Appoint a political champion for Community-led housing within the council and develop a policy environment to support it across services such as planning, housing and asset management to help communities to make it happen.
- Provide Officer input on the Birmingham Community Homes (BCH) Enabler Hub partnership and other relevant organisations.
- Work with BCH to identify and address strategic barriers to meeting the BCH target for 5% of new homes in the city to be community-led by 2031.
- Support BCH by enabling through three main routes (developer partnerships, existing community groups and new groups).
- Support Birmingham Community Homes to work with developers, Registered Providers and new residents before and after occupancy to secure genuine community benefit and delivery of Council priorities
- Support Councillors and employees of Birmingham City Council to become more knowledgeable about the potential of community led housing in helping the council to meet its housing and neighbourhood objectives.

6.2 Planning

- The principle of CLH is supported as part of the provision of a wide choice of housing to meet the needs of the population. The Birmingham Development Plan (BDP), adopted in 2017, forms part of the statutory planning framework for the city and sets out the overall development

strategy. The provision of a sufficient quality and quantity of housing to meet the city's growing population is a central part of the BDP.

- Current Planning policy recognises CLH can contribute positively to the creation of sustainable neighbourhoods; deliver a range of dwellings to meet local needs; help provide affordable housing and can help to make best use of existing housing stock.
- CLH will be subject to the same planning process and requirements as other forms of development. Pre-application discussions with the local planning authority are recommended for CLH proposals, prior to making the formal application for planning permission.
- Neighbourhood planning provides an opportunity for communities to include community-led housing and other kinds of community led development as part of the Neighbourhood Plan for their area.
- A Neighbourhood Plan can help communities make decisions on what type of housing they need, where it should be built and who should occupy it; It can include policies around affordability, local lettings and retaining homes as community assets 'in perpetuity'. It can identify specific sites for housing development and specify a proportion of them to be affordable and available to local people 'in perpetuity', for example through resale price covenants.

6.3 Land

- 6.3.1 The City Council cannot be a provider of discounted land in regard to its role in supporting CLH. Land is at a premium in Birmingham and the need to maximise its potential to support a continuing programme of social rented provision is of utmost priority. Currently this is delivered via Birmingham Municipal Housing Trust (BMHT) which could provide a vehicle for delivery of CLH schemes.
- 6.3.2 There are instances where the Council can identify land as surplus and suitable for disposal to support CLH and that can be accessed/earmarked by organisations for CLH schemes, this land is required to be assessed as:
- a) Not deliverable as a City Council development/scheme i.e. BMHT/in reach;
and
 - b) Does not provide use to deliver on any other key Council use or priority.
- 6.3.3 Birmingham Property Services will continue to market surplus land for sale on behalf of the City Council where interested CLH organisations can engage in the disposal process. Subject to demand for sites and supply of available sites, consideration will be given to earmarking specific suitable surplus sites specifically for CLH subject to requirements set out in Section 7.
- 6.3.4 The Strategic Housing Land Availability Assessment (SHLAA) can be viewed on <https://sbham.maps.arcgis.com/apps/webappviewer/index.html?id=03c2100381f1414fad61bd99b9eb0b69> This provides a list of all land BCC planning have identified as suitable for housing development.

6.4 New build

- 6.4.1 The Council delivers more affordable homes in the city than any other agency through the Birmingham Municipal Housing Trust, to date over 1700 affordable homes have been built through BMHT, and cross subsidised by the development of homes for market sale. In order to support the current rate of delivery achieved through the BMHT, the Council needs to channel most of its surplus land towards its own house building programme. This however can provide opportunities to involve local communities in its delivery and offer CLH potential.
- 6.4.2 The Council's building programme however does provide an opportunity to promote community led housing within the city by introducing new models of management and stewardship of those new homes through the development phase. This could include direct community management as part of any devolution deal, or a stewardship role. In addition, the community could be involved in the design of the new homes. Also, BMHT will work with Registered Providers and Community organisations to explore CLH opportunities within new schemes especially where new schemes are being developed in areas where there is a strong community input and/or a suitable Registered Provider.
- 6.4.3 The Council will consider proposals from groups that also include a range of financial models/solutions to aid delivery, not just normal purchase. This will be considered in line with existing decision making processes for disposals and considerations contained within this policy but also consideration where it strongly delivers on localisation priorities and community input into an area. These considerations will also need to take account the current capital and financial priorities of the Council at the time and not expose the Council to unmanageable financial risk.
- 6.4.4 Alongside BCH and interested organisations the Council will seek to explore potential delivery options with Registered Providers via the Housing Birmingham Partnership which can include looking at mechanisms for financing schemes where there is Registered provider input.

6.5 Empty Homes

- 6.5.1 With land being scarce the City Council will also promote, through its empty property strategy, the potential opportunities for empty homes brought back into use to support CLH schemes. The decision making process will follow that as detailed for land disposal.
- 6.5.2 The Council recognizes that for small organisations aspiring to get into community led housing, vacant property has often been the first step. However, there is a need for a similar capital funding stream for small CLH groups similar to the Empty Homes Community Grants Programme in 2011-15. whereby 5 CLH groups brought around 80 empties into use to meet housing needs in Birmingham.

6.5.3 It is therefore necessary to examine financial models that might enable CLH groups to acquire or lease and repair empty homes to provide additional affordable renting under social stewardship. BCH responded extensively to the BCC Empty Homes Strategy 2019-24 consultation in 2019 and is currently meeting the Empty Homes team to discuss ways to expand on existing empties into use targets and lever in further funding through CLH involvement.

6.5.4 There is also scope to engage with CLH groups to provide social stewardship models to arrest neighbourhood decline in areas with large concentrations of private renting, particularly in the exempt accommodation sector. An Ethical Disposal policy is being developed nationally and regionally by National Housing federation and provides the potential along with empty homes enforcement action to provide a pipeline of properties that CLH groups could refurbish and rent out to stabilise those neighbourhoods. Such disposal policy will be considered and developed locally via the Housing Birmingham Partnership and developing proposals to work with BCC, BCH and Registered Providers to ameliorate these problems by working with local communities.

6.6 Enabling Social Housing Provision

6.6.1 The key housing need in Birmingham is for social and affordable rented homes. The Council's Policy on CLH will be aimed primarily at supporting models and proposals that focus on social and affordable rented homes. The exception to this approach will be in the case of self-build where the Council is under a legal duty to promote self-build, and accordingly will make a small number of sites available for self-builders, who may be prospective owner occupiers or tenants. Also, BCH will work with cohesion groups who wish to invest their own resources in collective home ownership models.

6.7 Existing Stock

6.7.1 Community Led Housing is not just about new build and is never going to provide a significant quantum of new homes in the city. It is also about new models by which the community can have more of a stake in existing homes, and this can be achieved by the community having varying degrees of influence over how their homes are managed for example the successful Tenant Management Organisation (TMOs) in the city.

6.7.2 This principle applies equally to Housing Associations and to the Council, both of which have a history of enabling community led housing stewardship of their existing assets. CLH needs to be promoted through Housing Birmingham and Birmingham Social Housing partnership to ensure it is not just the Council being the enabler for CLH schemes.

6.8 Custom and Self Build

6.8.1 Self-build and custom build (SCB) including group custom build provide routes into home ownership for individuals and groups who want to play a role in developing their own homes. Activity in this area has increased in recent years and self-build schemes currently deliver around 10,000 homes per year in the

UK. The Government has taken steps to raise the profile of self-build through a series of measures including easing constraints in the planning systems, cutting taxes for self-build developments, providing a number of funds to assist individuals and communities to self-build, and by releasing public land for self-build projects.

- 6.8.2 To enable the Council to meet its commitment to support self-build, Cabinet approved, on 25th July 2017, a report entitled “Incentivising Self-build in the City”. This report approved proposals for the Council to sell land suitable for self-build and custom build developments to applicants who are registered on the Council’s self-build register.
- 6.8.3 The Council will also promote self and custom-build through planning policy. The Council will also dispose of land for self-build subject to the criteria set out in the Cabinet report for custom and self-build The Birmingham Design Guide currently being developed will include design related guidance for SCB Housing.
- 6.8.4 Further detail in regard to the City Councils Policy on Custom and self-build can be found within the Cabinet report of 25th July 2017. The Council will strive to ensure modern and thermal efficient methods of design and provision of local employment for such schemes where possible.
- 6.8.5 The Council will also support and facilitate where it can, any regional opportunities through the West midlands Combined Authority for increased CLH provision.

7. Legislative and financial considerations

Land and property – Disposals to support CLH

- 7.1 There are key statutory requirements that need to be considered where the Council dispose of Land, namely – S123 Local Government Act 1972 and General Consents (**General Fund Land**); and Section 32 Housing Act 1985 and General Housing Consents 2013, General Consents S25 Local Government Act 1988 (**Housing Revenue Account (HRA) Land**) (**the Acts and Consents**).
- 7.2 In all cases disposals will need to follow the principles and legislation in regard to the Acts and the Consents.
- 7.3 Any disposals are to follow the appropriate City Council’s constitutional and financial regulations and executive decision making processes.
- 7.4 S123 Local Government Act 1972 allows the disposal of General Fund Land for best consideration. S32 Housing Act 1985 prohibits disposal of HRA land without the consent of the Secretary of State. The consent of the Secretary of State is given under the Consents or where the Consents do not apply the specific consent of the Secretary of State must be obtained.

- 7.5 Section 123 of the Local Government Act 1972 General Consent allows for disposal of General Fund land at less than best consideration unless the undervalue exceeds £2m and where the undervalue will help deliver the Council's economic, social or wellbeing of its area. An undervalue exceeding £2m requires the specific consent of the Secretary of State. Notwithstanding the 1972 Act General Consent, any disposal must not involve the council giving unlawful 'State Aid' on a disposal of land at less than best consideration. S123 does not override State Aid so State Aid clearance will be required for any disposal of land at less than best consideration. The undervalue must represent financial savings to the Council equivalent to the undervalue as certified by an independent expert; or that it falls within any of the State Aid exemptions.
- 7.6 The balance will also need to be struck between the financial circumstances of the Council at the time as to whether any use of general consent is sought against the need to capture financial return or benefit to other Council priorities. Any non-financial equivalent benefits will need to fully quantify how it delivers value and benefit equivalent to true value in financial terms. In all cases this will follow the Council's decision making process including obtaining approval from Head of City Finance/Chief Finance Officer.
- 7.7 The Council will require organisations with development proposals to develop and provide a detailed financial/business case and organisations should consider this requirement when applying for capacity building grant funding from Homes England. Any proposals received by the Council where there is a council interest or implication, is required to have a robust and verified financial model and business case clearly illustrating the financial and non-financial impacts and benefits of the proposal including where there is a need to 'value' community benefit in financial terms.
- 7.8 There is an aspiration from the sector that the Council seeks to facilitate alternative solutions to help bridge the financial gap organisations face in identifying capital funding. This includes exploring prudential borrowing solutions and use of Section 106 and to be a conduit for grant funding. Any decisions to undertake such activity on behalf of organisations by the Council will be on the basis of no exposure to delivery risks or claw back risks.

8. Allocations and Lettings

- 8.1 There is a need to consider the mechanisms by which allocations to homes built with any form of public subsidy are made – both in terms of first letting and re-lets, this can include CLH schemes. The use of Local Letting Plans (LLP) for first lets should be considered in line with the current approved Council Policy on LLPs especially where there is Council interest to achieve maximum nominations to support Council priorities in relation to relieving homelessness. The approach to managing allocations is to be further developed in consultation with the Council and BCH. Local Lettings Plans will also be used where appropriate for new BMHT schemes to maximise the potential for CLH development.

9. Homes England Community Housing Fund

- 9.1 The Community Housing Fund which is subject to ongoing review by the government aims to support an increase in housing supply in England by increasing the number of additional homes delivered by the community-led housing sector; to provide housing that is affordable at local income levels and remains so in perpetuity; and to deliver a lasting legacy for the community-led housing sector in the form of an effective and financially self-sustaining body of expertise within the house building industry in England.
- 9.2 Funding outside London is being allocated by Homes England across 2 phases. A separate programme for London will be delivered by the Greater London Authority. This is in addition to £60 million funding that has already been allocated directly by government to 148 councils in December 2016.
- 9.3 Under Phase One of the Community Housing Fund , Homes England is making available grants to eligible organisations to support:
- Applications for revenue funding for capacity building and predevelopment costs, including revenue grants to local authorities to support community groups
 - Capital bids for associated infrastructure costs which will support community housing development
- 9.4 Under Phase Two of the HE Fund Homes England is making available grants to eligible organisations to help cover the capital costs of acquiring land and building community-led housing schemes. This policy will be reviewed annually to take account of any emerging legislation and opportunities in regard to community led Housing.
- 9.5 Any Community Housing Fund (CHF) bids that are submitted will be assessed by Homes England. As part of that assessment process, they will seek comments from the Council as the Local Authority to confirm if it is aware of the proposal and/or whether the community group concerned, has made contact with the Council in some way, to identify its plans.

Comments from the Local Authority in regard to applications for CHF Fund is a mechanism for Homes England to check that the proposal is being developed by a genuine “community” (geographic or interest) and is not a person developing a scheme for their own purposes, for which there is no evident support. It is also a means by which the Authority can flag any concerns or issues, should the proposal conflict with any wider development plans or planned interventions for the area concerned. The Local Authority will consider such requests in consultation with the sector.

- 9.6 It is essential that in considering support for CHF Fund grant applications to Homes England the Council takes account of the organisations ability to deliver and sustain any proposal and seek declarations and evidence from them/the bid as part of its due diligence, this may include:
- Key outcomes of the proposed scheme.
 - The creation of community led housing schemes;

- The provision of greater empowerment for local communities and neighbourhoods; and
- Increase in affordable/specialist housing to meet local needs.
- Strong governance arrangements by operating through open and accountable, processes.
- That the skills and capacity exist within the organisation or are available to the organisation or clear plans as to how this will be achieved to undertake the project. There are strong benefits to organisations working alongside Registered Providers to develop proposals and also deliver.

9.7 Capital and capital infrastructure grant; as part of CHF Fund there is the ability for capital grant to deliver infrastructure costs. The rules within CHF state that this can only be applied for by Local Authorities. This would require the Council acting as accountable body and taking on the risks associated with grant receipt and application which include delivery and financial risk. The Council will only consider applications that require it to be the Grant recipient for capital costs where the following is demonstrated in the application:

- That there is a realistic financial plan (including cash flows) for the development of the housing and sustainability of the scheme and the scheme offers good value for money to the CHF, the organisation and the Council;
- Clear detailed and comprehensive financial and organisation plans for the future management of the housing scheme that demonstrates long term sustainability;
- Community support and benefit for the proposals;
- How the organisation will comply with any relevant legislation and statutory requirements

In addition, community organisations will need to:

- Be a legal entity, or be part of a legally constituted consortia agreement;
- Be appropriately constituted
- Have clearly stated community benefit objectives; and
- Be non-profit making including a commitment to reinvest any surpluses to further its social aims/community benefits.

10. Decision making and governance for proposals received by the City Council

10.1 In considering proposals that include a Council interest or call on resources or act as funder under 9.8 above the Council will follow its current decision making process governance and financial arrangements. An officer CLH Board will be established to consider proposals in line with this policy and make subsequent recommendations to the appropriate decision maker i.e. Cabinet. The CLH Board will ensure a consistency of approach in the management of property and will coordinate decisions being presented to Cabinet or made through use of the scheme of delegations

10.2 Relevant Cabinet Members are to be consulted at the earliest opportunity where proposals impact on portfolios.

10.3 This Policy is to be reviewed annually

Related Policy and other background documents




Birmingham's Housing Strategy

Incentivising Self Build in the City 25th July 2017

CCIN CLH – A key role for Local Authorities

Property Strategy

APPENDIX 2

Title of proposed EIA	Community Led Housing
Reference No	EQUA476
EA is in support of	New Policy
Review Frequency	Annually
Date of first review	31/05/2021
Directorate	Neighbourhoods
Division	Housing
Service Area	Housing Strategy
Responsible Officer(s)	 Guy Chaundy
Quality Control Officer(s)	 Leroy Pearce
Accountable Officer(s)	 Julie Griffin
Purpose of proposal	New Policy outlining BCC policy in support of COmmunity Led Housing
Data sources	Consultation Results; relevant reports/strategies; relevant research
Please include any other sources of data	
ASSESS THE POTENTIAL IMPACT AGAINST THE PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Not Applicable
Age details:	
Protected characteristic: Disability	Not Applicable
Disability details:	
Protected characteristic: Gender	Not Applicable
Gender details:	
Protected characteristics: Gender Reassignment	Not Applicable
Gender reassignment details:	
Protected characteristics: Marriage and Civil Partnership	Not Applicable
Marriage and civil partnership details:	
Protected characteristics: Pregnancy and Maternity	Not Applicable
Pregnancy and maternity details:	
Protected characteristics: Race	Not Applicable
Race details:	
Protected characteristics: Religion or Beliefs	Not Applicable
Religion or beliefs details:	
Protected characteristics: Sexual Orientation	Not Applicable
Sexual orientation details:	
Please indicate any actions arising from completing this screening exercise.	

Please indicate whether a full impact assessment is recommended	NO
What data has been collected to facilitate the assessment of this policy/proposal?	None apart from consultation
Consultation analysis	consultation with Homes Englang, BCH enabler hub and individual organisations expert in this field i.e. Birmingham University
Adverse impact on any people with protected characteristics.	None
Could the policy/proposal be modified to reduce or eliminate any adverse impact?	Any proposal emanating from this policy will be subject to individual equality assessment and decision making processes
How will the effect(s) of this policy/proposal on equality be monitored?	Policy is to be reviewed annually with partners
What data is required in the future?	Any schemes delivered emanating from this policy will be used to inform the annual review
Are there any adverse impacts on any particular group(s)	No
If yes, please explain your reasons for going ahead.	
Initial equality impact assessment of your proposal	<p>This is an enabling policy that sets out the councils strategic and policy position in support of community led housing and the benefits it can bring to neighbourhood regeneration and affordable housing supply.</p> <p>It does not commit resources or make devcisions on specific schemes or proposals of which will be subject to individual analysis and decision making processes including any resulting equality impact assessments</p>
Consulted People or Groups	
Informed People or Groups	
Summary and evidence of findings from your EIA	<p>This is an enabling policy that sets out the councils strategic and policy position in support of community led housing and the benefits it can bring to neighbourhood regeneration and affordable housing supply.</p>

It does not commit resources or make decisions on specific schemes or proposals of which will be subject to individual analysis and decision making processes including any resulting equality impact assessments.

See above

plus:

CLH policy consultation responses summary.

**BCH – Mainly David Mullins
Birmingham University, Peter
Richmond BVT, and Nic Bliss, CCH**

Generally the policy has been very positively received and the comments are in the main supportive (generally excellent) There is an acceptance that this is a policy that can and will develop over time but that it captures the key areas of commitment.

BCH would like to see their role working with the Council strengthened.

Specific comments have been captured and highlighted in the draft v14 policy doc.

There has also been an offer for BCH to facilitate national and international study trips into this area.

John Mather Homes England has commented:

'I have been passed your draft Community Led Housing Policy for comment. Firstly, it is extremely encouraging to see that Birmingham City Council is moving towards a public policy position on CLH. Hopefully this will enable you maximise the

opportunities emerging through the new Enabling Hub.'

Specific questions:

How will BCC work with BCH on an ongoing basis to develop and deliver on the policy

Response – Board membership, explore through developing Housing Structure and bids to HE for dedicated skilled resource.

A very different geography/context but East Cambs DC has a specific SPD setting out support for CLH especially CLTs – this has driven considerable growth in this area over the last few years.

Response – Liaison with planning on potential as part of BDP review work.

Re Empty Homes, See Leeds City Council and/Hull City Council – both utilise RtB receipts into grants to neighbourhood CLH organisations acquiring and refurbishing empties.

Response – Consideration and modelling as part of future HRA strategy

On Custom and Self Build Nottingham City Council using group custom build to tackle regen sites – pilot here <http://www.fruitmarket.info/> Blueprint is jointly owned by Nottingham City Council and Places for People

Response – A number of benchmarking and fact finding authorities required to understand good practice.

Do you have scope to draw an explicit difference in approach to disposal

where the CLH is delivering Affordable/Social housing vs CLH that is delivering some form of market housing? This policy distinction could be helpful to you when dealing with approaches from different types of groups.

Response – For future consideration as policy develops

We will make contact with the LA as part of the assessment of Capital bids. We may not always contact the LA over revenue bids because we can fund groups at a very early stage e.g. pre-incorporation and/or before a site has been identified.

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

Yes

Quality Control Officer comments

Decision by Quality Control Officer

Submit draft to Accountable Officer?

No

Decision by Accountable Officer

Date approved / rejected by the Accountable Officer


Reasons for approval or rejection


Please print and save a PDF copy for your records

Yes

Content Type: Item

Version: 3.0

Created at 11/02/2020 01:02 PM by  Guy Chaundy

Last modified at 11/02/2020 01:02 PM by Workflow on behalf of  Guy Chaundy

Close

APPENDIX 2A

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) Marriage & civil partnership (b) Age (c) Disability (d) Gender reassignment (e) Pregnancy and maternity (f) Race (g) Religion or belief (h) Sex (i) Sexual orientation

Appendix 3 – Risk Assessment – Community Led Housing

Risk No	Risk description	Risk mitigation	Residual / current risk			Additional steps to be taken
			Likelihood	Impact	Prioritisation	
1	Proposals lead to call on unavailable Council resources and risk exposure	The policy clearly explains that individual proposals will be subject to existing Council processes and decision making in consideration of CLH proposals	Low	Med		
2	Failing to meet the aspirations of the CLH sector	Whilst the sector would like to see greater commitment of resources, land, finance, the policy clearly outlines what can and cant be provided. This risk will be managed in partnership with the sector through BCH.	Med	Med		
3	Lack of available resource to deliver on policy commitments	Currently this will be delivered within existing resources via joint working between housing and inclusive growth - however ongoing liaison with Homes England will be undertaken in regard to any future revenue grant funding availability to further develop CLH policy	Med	Med		

Measures of likelihood/ Impact:

Description	Likelihood Description	Impact Description
High	Almost certain, is expected to occur in most circumstances. Greater than 80% chance.	Critical impact on the achievement of objectives and overall performance. Critical opportunity to innovate/improve performance missed/wasted. Huge impact on costs and/or reputation. Very difficult to recover from and possibly requiring a long term recovery period.
Significant	Likely, will probably occur in most circumstances. 50% - 80% chance.	Major impact on costs and objectives. Substantial opportunity to innovate/improve performance missed/wasted. Serious impact on output and/or quality and reputation. Medium to long term effect and expensive to recover from.
Medium	Possible, might occur at some time. 20% - 50% chance.	Waste of time and resources. Good opportunity to innovate/improve performance missed/wasted. Moderate impact on operational efficiency, output and quality. Medium term effect which may be expensive to recover from.
Low	Unlikely, but could occur at some time. Less than 20% chance.	Minor loss, delay, inconvenience or interruption. Opportunity to innovate/make minor improvements to performance missed/wasted. Short to medium term effect.

Birmingham City Council

Report to Cabinet

26th May 2020



Subject: BIRMINGHAM AND SOLIHULL INDUSTRIAL SYMBIOSIS EXTENSION (BASIS) – 3 YEAR EXTENSION

Report of: Interim Director – Inclusive Growth

Relevant Cabinet Member: Councillor Waseem Zaffar – Transport and Environment
Councillor Tristan Chatfield – Finance and Resources

Relevant O &S Chair(s): Councillor Liz Clements – Sustainability and Transport
Councillor Sir Albert Bore – Resources
Councillor Lou Robson – Economy and Skills

Report author: Mark Reed - Senior European Funding Manager (Email: Mark.Reed@birmingham.gov.uk Tel: 0121 303 2372)

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007537/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:		

1 Executive Summary

- 1.1 The purpose of the report is to accept an offer of additional European Regional Development Fund (ERDF) revenue grant of £0.888m to extend the existing Birmingham and Solihull Industrial Symbiosis (BASIS) project, at a gross value of £1.706m.

- 1.2 The BASIS extension will provide a waste reduction advice programme to 203 Small and Medium Sized Enterprises (SMEs). The company, International Synergies Ltd (ISL) will continue to assist in its delivery as a named partner in the project. The project will use industrial symbiosis methods which is an association between two or more SMEs in which the wastes or by-products of one become the raw materials for another (see appendix 2 for case studies).

2 Recommendations

- 2.1 Approves the extension of the Birmingham and Solihull Industrial Symbiosis (BASIS) ERDF project at a gross value of £1.706m.
- 2.2 Delegates authority to the Interim Director, Inclusive Growth to accept the extension offer of ERDF grant funding of £0.888m from Ministry of Housing, Communities and Local Government (MHCLG), subject to receipt of an offer letter, and to enter into the associated funding agreement.
- 2.3 Delegates authority to the Interim Director Inclusive Growth to extend a partnership agreement with International Synergies Ltd (ISL) for project delivery activities up to the value of £1.178m.
- 2.4 Authorises the Council to continue to act as the Accountable Body in respect of the BASIS project extension and to hold, manage and make payments of European Union grant funding.
- 2.5 Authorises the City Solicitor (or their delegate) to execute and complete all the necessary legal documents to give effect to the above.

3 Background

- 3.1 Cabinet approved the original ERDF funded BASIS project on 13th September 2017. The Council and ISL have been working in partnership for the past 3 years to deliver environmental consultancy to local SMEs part funded with ERDF Grant. The project has been very effective and has achieved its target of assisting 203 local companies with waste reduction advice at the end of March 2020. ISL is a Birmingham based, private consultancy company who advise organisations on the best way to reduce their environmental impact via waste, energy and raw material use reduction. This is recognised by UK Government, European Commission, G7, World Bank, Organisation for Economic Co-operation and Development and Global Green Growth Forum as a world leader in resource efficiency using industrial symbiosis/circular economy methodologies. ISL have input into the Government Chief Scientific Adviser's Annual Report themed around waste, sustainability and resource efficiency.
- 3.2 Following the launch of a call for ERDF bids in September 2019 on the environment and resource efficiency theme, the Council and ISL (as a named partner) jointly submitted an outline application by the call deadline to extend the existing BASIS project for a further 3 years in consultation with the then Director; Inclusive Growth. In addition to the current BASIS programme which started to deliver in April 2017,

ISL have previously delivered a number of ERDF projects in partnership with the Council and therefore have an established working relationship with the Council and are leading world experts in resource efficiency. ISL are familiar with ERDF funding and have an in-depth understanding of the various rules and regulations that are adhered to when delivering European funding. ISL are also involved in the Commonwealth Games Supply Chain meetings and are involved in delivery with HS2. The outline application for the BASIS project extension was assessed for approval by MHCLG who returned a decision in November 2019 for the Council to submit a Project Change Request for extending BASIS. A Project Change Request was submitted to MHCLG on 21st February 2020.

- 3.3 This proposal will generate economic, environmental and social improvements by cutting costs/increasing profits, reducing carbon and waste and creating jobs, some examples of which are shown in Appendix 2. The project has a specific ERDF output of assisting 203 companies with 12 hours or more of consultancy support. In addition, there are sub-measures which are the number of SMEs supported to introduce new products or processes based upon this support. The additional benefits to the SMEs and the environment are likely to include landfill diversion, CO2 reduction, jobs and Gross Value Added.
- 3.4 Led by the Council's European and International Affairs (E&IA) team with input from Waste Management, BASIS will be delivered with project partner, ISL.
- 3.5 The Council and ISL worked in partnership to produce the initial project bid for BASIS and agreed their respective roles and resources to be applied. The Council will continue to act as the Accountable Body for the ERDF revenue grant and will manage and oversee the project including the requirement to submit regular progress reports and grant claims to MHCLG. ISL will provide project staff who will deliver the advice and guidance on resource efficiency to the SMEs supported by the project. ISL will claim ERDF grant via the Council to support this activity. The extension of the activity into a second phase is again by mutual agreement with both parties contributing their own staff match-funding budget and resources to achieve joint aims. The funding for such a partnership arrangement is limited to the actual costs incurred in running the project and the grant is only reimbursed against these actual costs.
- 3.6 The extended BASIS project will continue to create a unique cross-sector network across the LEP area comprising as a minimum, the 12 priority sectors identified in "Delivering Growth – Strategic Framework" for GBSLEP. BASIS will identify business opportunities between the sectors based on the uptake of resource efficiency measures and technologies using the proven methodology of industrial symbiosis/circular economy. ISL have carried out similar projects such as the Burnt Mills eco project in Basildon which achieved reductions in both CO2 and landfill.
- 3.7 The BASIS project extension will support a further 203 Small and Medium Sized Enterprises (SMEs) and achieve high levels of Micro, Small and Medium Enterprise (MSME) engagement and reduce waste by keeping resources in productive use for longer. The project currently has identified a strong pipeline of SME's it can assist.

The BASIS model relies on a facilitated programme which has proven time and time again to be a better option for resource efficiency than beginning with technical studies and data collection, such as through waste audits, or relying on passive participation such as through waste exchange databases. A detailed report can be found in an EU publication co-authored by ISL "[Cooperation fostering industrial symbiosis](#)". The extended project will run until June 2023. Currently, the BASIS project has successfully met its target of supporting 203 local SME's at the end of March 2020 as outlined in the original Grant Funding Agreement.

- 3.8 Through extension of the project, new SMEs will be able to record (without additional effort or cost) via *Synergie® those additional desirable outcomes such as CO2 reduction (helping meet ambitious CO2 reduction targets within the GBSLEP area) and reduce the amount of waste that ends up in landfill. BASIS will use ISL proven world-leading resource efficiency software Synergie® to manage data collection and progress the business opportunities and to measure and report outputs. See Appendix 4 for a summary of Synergie®.
- 3.9 The project will contribute to the Council's emerging Route to Zero (R20) work. The project will assist SMEs to reduce their use of raw materials, reduce waste from their processes and reduce energy costs. This all helps to reduce the carbon impact of companies on the city.

4 Options considered and Recommended Proposal

- 4.1 Do Nothing. The project will cease and local SMEs (including a pipeline of potential applicants already in place) will not be able to access specialist recycling advice, waste/resources will not be recycled, and the associated benefits outlined in this report will be lost. In addition, the opportunity to secure ERDF grant funding will be lost and there is limited time remaining in the ERDF programme to submit bids.
- 4.2 Let ISL manage the project. ISL is not eligible to be the Accountable Body for this ERDF project.
- 4.3 Extend the Project and Accept Grant Funding. The project will continue and local SMEs (including a pipeline of potential applicants already in place) will be able to access specialist recycling advice, waste/resources will be recycled, and the associated benefits outlined in this report will be delivered. The opportunity to secure ERDF grant funding will be taken. This is the recommended proposal.

5 Consultation

- 5.1 The three-year project extension for BASIS has been reviewed and fully endorsed by the European Structural Investments Funds (ESIF) Committee. The ESIF committee comprises of representatives including central government, GBSLEP, higher education/further education sector, private sector and local government.

6 Risk Management

- 6.1 The main risk is around audit and potential clawback on the basis of eligibility or poor document/data retention. This risk will be mitigated as tried and tested policies and templates are in place which are already in use on EU projects, particularly in the current BASIS project. See Appendix 1 for further details.
- 6.2 The UK is facing unprecedented times with the Covid-19 outbreak and this will no doubt have an impact across the economy. Despite this, the current BASIS project continues to successfully deliver assistance to SME's, this has been adapted to mainly online/remote support. The project continues to deliver to the required targets and standards. The project has taken on board the revised rules from MHCLG (use of digital declarations etc) and will continue to implement these adaptations into the project extension.

7 Compliance Issues

- 7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?
 - 7.1.1 The acceptance of the ERDF grant supports the updated Birmingham City Council Plan 2018 – 2022. This project aligns with two of the six key priorities set out in this document. They are; Birmingham being a great, clean and green city to live in and also a city that takes a leading role in tackling climate change. This project is looking to work with enterprises that are aiming to become innovative with regard to their waste and contribute to the green economy. The project will continue to contribute to landfill diversion and CO2 reduction. The project is in line with and helps to deliver the Council's emerging Future Waste Strategy 2017 - 2040 and will assist with its published principles of reduce, reuse and recycle. It will also contribute strongly to the aim of having a 'circular economy' where resources are kept within the economy and used again and again to create further value. Furthermore, jobs will also be created or retained in companies assisted to minimise their waste and to bring new waste stream products forward.
 - 7.1.2 The Council will agree the Social Value outcomes against which commitments are being sought, and it will be a condition precedent that ISL's Social Value action plan (that will be completed using the Council's approved [template](#)) is agreed prior to the release of any grant funding to them.
- 7.2 Legal Implications
 - 7.2.1 Under the general power of competence in Section 1 Localism Act 2011, the Council has the power to enter into the arrangements set out in this report and they are within the boundaries and limits of the general power of competence in Sections 2 and 4 of the Localism Act 2011.
 - 7.2.2 Legal and compliance issues associated with the EU grant and project will be delivered within the partnership agreement.

7.3 Financial Implications

7.3.1 The total value of the BASIS project extension proposal is £1.706m of which ERDF revenue grant of £0.888m (52%) will be claimed up to the project end date of 30th June 2023. The revenue match funding is being provided from ISL (£0.554m), the EI&A team and Waste Management service (£0.264m). The profile of the expenditure is set out below.

	Financial Year				
	20/21	21/22	22/23	23/24	Total
	£m	£m	£m	£m	£m
REVENUE CONSEQUENCES					
Revenue cost during project delivery					
BCC	0.172	0.171	0.171	0.014	0.528
ISL	0.386	0.386	0.386	0.020	1.178
Total operating period expenditure	0.558	0.557	0.557	0.034	1.706
FUNDING SOURCES					
ERDF to BCC	0.086	0.085	0.086	0.007	0.264
BCC Revenue Funding	0.086	0.085	0.086	0.007	0.264
ERDF to ISL	0.204	0.206	0.204	0.010	0.624
ISL Revenue Funding	0.182	0.181	0.181	0.010	0.554
Total of Funding Sources	0.558	0.557	0.557	0.034	1.706

7.3.2 As the Accountable Body for this project, the Council will be required to ensure compliance with MHCLG grant conditions and will seek to mitigate the risk of non-compliance through a partnership agreement with ISL, which will transfer the appropriate liability for ERDF eligibility to them.

7.4 Procurement Implications (if required)

7.4.1 The Council will not undertake any procurement during the course of BASIS extension. ISL will procure £0.015m of marketing for the project and a further £0.02m in consultancy for an evaluation at the end of the project in accordance with the guidance set out in the ERDF grant conditions.

7.5 Human Resources Implications (if required)

7.5.1 The Council will provide 1 x Grade 5 (Contracts Manager in Fleet and Waste), 1 x Grade 6 (Operational Manager in Fleet and Waste) and 1 x Grade 7 post (Head of Department in E&IA) (10% FTE) to project manage the project with duties to

be carried out by existing members of staff. The Council will continue to administer the BASIS project extension and with two waste management staff included in the project, they are well placed to administer the required role of effectively directing the project and Birmingham's waste management policies. They are well equipped and possess the knowledge to direct project resources efficiently and effectively. ISL will continue to deliver the outcomes based on this guidance.

7.6 Public Sector Equality Duty

7.6.1 Initial Equality Analysis (EQUA487) has been carried out in March 2020 (see Appendix 3) which takes into account equality measures in the day to day activities in assisting companies. No equality issues have been identified in the first 3 years of running the project.

8 Appendices

8.1

- Appendix 1 Risk Assessment
- Appendix 2 Case Studies
- Appendix 3 Equality Assessment
- Appendix 4 A snapshot of the Synergie® system

9 Background Documents

- 9.1 Cabinet report – Birmingham & Solihull Industrial Symbiosis (BASIS) – Approval to Accept Grant Funding and Full Business Case dated 13th September 2017
- 9.2 'Cooperation fostering industrial symbiosis' - <https://op.europa.eu/en/publication-detail/-/publication/174996c9-3947-11e8-b5fe-01aa75ed71a1/language-en>

Appendix 1 – Risk Assessment

Risk No	Risk description	Risk mitigation	Residual / current risk			Additional steps to be taken
			Likelihood	Impact	Prioritisation	
1.	Delay in securing approval of ERDF funding leading to delayed project extension start date.	Maintain close working relationship with MHCLG and LEP. Ensure systems, processes, partnership arrangements and governance have been established prior to receipt of an offer letter.	Medium	Medium	Material	Ongoing
2.	Failure of Growth Hub to understand the programme and generate awareness with business networks.	BCC and International Synergies to continue working with the Growth Hub and they already understand the BASIS project	Low	Low	Tolerable	Ongoing
3.	Failure to generate sufficient number of referrals of eligible businesses onto the programme.	BCC to work closely with the Growth Hub, and other networks to generate awareness and establish referral mechanism on to the programme.	Low	Low	Tolerable	Ongoing
4.	Low level of programme awareness and take up of support available by SMEs.	One to one surgeries with SMEs, supply chain network presentations targeting of eligible businesses including events and PR. Mechanisms in place to recruit SMEs. In addition, International	Low	Low	Tolerable	Ongoing

		Synergies Ltd has successfully delivered previous ERDF projects (NISP & IS-Net) to SMEs in the GBSLEP area and has excellent established connections to the SME community. Use existing methods to obtain SME's to develop new pipelines.				
5.	Partner ISL does not perform as required.	ISL have good track record from BASIS 1. Proven match funding in place. Legal agreement will be in place. Payment will be against agreed KPIs	Low	Medium	Material	Ongoing
6.	Failure to meet project outputs over the life of the project.	Efficient project management. Monitoring of claims against achievements of outputs and milestones will flag up issues of delivery.	Low	Low	Tolerable	Ongoing
7.	Non-compliance of programme processes and documentation with State Aid Regulations.	Continuous monitoring of compliance with De minimis and GBER State Aid Regulations. Seek expert support from BCC Legal Services to confirm compliance with the GBER Regulations.	Low	Low	Tolerable	Ongoing

8.	Continued impact of BREXIT on the GBSLEP economy.	Work closely with MHCLG, monitor programme, review activity. Unlikely to have major impact once project is started.	Medium	Low	Material	Ongoing
9	Continued impact of Covid – 19	The project continues to deliver assistance to SME's, this has been adapted to mainly online/remote support. It continues to deliver to the required targets and standards. The project has taken on board the revised rules from MHCLG (use of digital declarations etc).	Low	Low	Tolerable	Ongoing

Measures of likelihood/ Impact:

Description	Likelihood Description	Impact Description
High	Almost certain, is expected to occur in most circumstances. Greater than 80% chance.	Critical impact on the achievement of objectives and overall performance. Critical opportunity to innovate/improve performance missed/wasted. Huge impact on costs and/or reputation. Very difficult to recover from and possibly requiring a long term recovery period.
Significant	Likely, will probably occur in most circumstances. 50% - 80% chance.	Major impact on costs and objectives. Substantial opportunity to innovate/improve performance missed/wasted. Serious impact on output and/or quality and reputation. Medium to long term effect and expensive to recover from.
Medium	Possible, might occur at some time. 20% - 50% chance.	Waste of time and resources. Good opportunity to innovate/improve performance missed/wasted. Moderate impact on operational efficiency, output and quality. Medium term effect which may be expensive to recover from.
Low	Unlikely, but could occur at some time. Less than 20% chance.	Minor loss, delay, inconvenience or interruption. Opportunity to innovate/make minor improvements to performance missed/wasted. Short to medium term effect.

Prioritisation:

Severe	Immediate control improvement to be made to enable business goals to be met and service delivery maintained / improved
Material	Close monitoring to be carried out and cost effective control improvements sought to ensure service delivery is maintained

Tolerable	Regular review, low cost control improvements sought if possible
------------------	--

Birmingham and Solihull Industrial Symbiosis (BASIS)

Case Studies

1. Case Study 1 – Pym and Wildsmith (Metal Finishers) Limited

1.1. Pym & Wildsmith Metal Finishers Limited in Uttoxeter is an SME that produces sand blast waste during its production. This sandblast waste was being being disposed of to landfill at an annual cost of £18,500. BASIS connected Pym and Wildsmith via a waste processor to an aluminium foundry that now adds this sand blast waste for capping molten metal. The sand waste from the foundry process further moves on into creating aggregate material. As a consequent Pym and Wildsmith has turned £18,000 cost into £5,000 in revenue. Not only does this case study demonstrate how the waste can be moved from landfill into other manufacturing processing but further down the line it is used in sustainable aggregates. This is a great example of how this project creates sustainable outcomes from manufacturing waste.

2. Case Study 2 – Wearwell UK Limited

2.1. Wearwell UK Limited is a manufacturer of personal protective equipment based in Tamworth. They approached the BASIS project to seek help in starting on their journey to install a management system in response to satisfying customer inquiries on their environmental performance. The BASIS team was able to support Wearwell in crafting an environmental policy as well as carrying out a baseline study to identify its environmental aspects and impacts. As part of this study, waste was clearly identified as one of their 'significant' process impacts. The BASIS team has been able to give additional support in turning textile offcuts, from products such as overalls, into oil wipes for use in local engineering companies based on the Lichfield Road Industrial Estate. The benefit to the business has been to reduce waste disposal costs by £15,000, reduce environmental impacts and the ability to secure future customer contracts through the implementation of an ISO14001 accredited system. The savings made could be reinvested into creating jobs and reduce the environmental impact of textiles waste.

3. Case Study 3 – Starbrands Limited

3.1. Starbrands Limited is a supplier of own-brand detergents and cleaning products to national clients such as Waitrose and B&M. The company is based in Redditch and as part of its manufacturing process creates effluent waste contaminated with detergent residues. The company was unable to discharge this effluent to the sewer because of these contaminants and as a result, the effluent was being collected in tankers and then disposed of offsite at an annual cost to the company of over £15,000. As part of a site-wide resource efficiency review, the BASIS team was able to assist the company in implementing a biological treatment technology supplied by ChemAqua, another West Midlands based company. Here, bacteria is used to naturally remove the detergent residues and make the water clean enough to discharge directly to Severn Trent, providing the company with significant disposal cost savings and a reduction in carbon emissions through reduced road transport impacts.

10/03/2020

Assessments - Birmingham and Solihull Industrial Symbiosis...

Title of proposed EIA	Birmingham and Solihull Industrial Symbiosis (ERDF) Grant
Reference No	EQUA487
EA is in support of	Amended Policy
Review Frequency	No preference
Date of first review	31/12/2022
Directorate	Inclusive Growth
Division	European and International Affairs
Service Area	
Responsible Officer(s)	<input type="checkbox"/> Sukki Dhaliwal
Quality Control Officer(s)	<input type="checkbox"/> Janet L Hinks
Accountable Officer(s)	<input type="checkbox"/> Lloyd Broad
Purpose of proposal	The project will utilise ERDF grant to provide a waste management and reduction intensive advice service to local SME's to achieve better waste management and resource efficiency in the operation of their businesses.
Data sources	Other (please specify)
Please include any other sources of data	European project
ASSESS THE POTENTIAL IMPACT AGAINST THE PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Not Applicable
Age details:	Not applicable. Non identified.
Protected characteristic: Disability	Not Applicable
Disability details:	Not applicable. Non identified.
Protected characteristic: Gender	Not Applicable
Gender details:	Not applicable. Non identified.

Protected characteristics: Gender Reassignment

Not Applicable

Gender reassignment details:

Not applicable.

Non identified.

Protected characteristics: Marriage and Civil Partnership

Not Applicable

Marriage and civil partnership details:

Not applicable.

Non identified.

Protected characteristics: Pregnancy and Maternity

Not Applicable

Pregnancy and maternity details:

Not applicable.

Non identified.

Protected characteristics: Race

Not Applicable

Race details:

Not applicable.

Non identified.

Protected characteristics: Religion or Beliefs

Not Applicable

Religion or beliefs details:

Not applicable.

Non identified.

Protected characteristics: Sexual Orientation

Not Applicable

Sexual orientation details:

Not applicable

Not applicable.

Non identified.

Please indicate any actions arising from completing this screening exercise.

The aims and objectives of the project are compliant with public sector equality duty. BCC will manage a new grant project worth £1.7m gross spend. The industrial symbiosis project will give intensive assistance and support to 203 SME businesses to assist them to become more efficient with their waste materials, to maximise recycling and reduce as much as possible and land fill waste.

Please indicate whether a full impact assessment is recommended

NO

What data has been collected to facilitate the assessment of this policy/proposal?

Referenced Industrial Symbiosis project briefing material.

Consultation analysis

Not applicable.

Adverse impact on any people with protected characteristics.

Not applicable.

Non identified.

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

Not applicable.

Non identified.

How will the effect(s) of this policy/proposal on equality be monitored?

Not applicable.

Non identified.

What data is required in the future?

Not applicable.

Non identified.

Are there any adverse impacts on any particular group(s)

No

If yes, please explain your reasons for going ahead.

None.

Initial equality impact assessment of your proposal

The project will deliver intensive advice to local SME's on waste management, reuse of materials and the circular economy. The project will promote industrial symbiosis between two or more industrial SME's in which the wastes or byproducts of one become the raw materials for another, this circular economy will help the SME's reduce their collective waste.

The SME's to be involved in the project will be chosen from an open advert to participate. The project will have no direct impact on employment within the SME's. Our delivery partner for the project, International Synergies Ltd (ISL), will have their own equalities policy as required by the ERDF grant conditions.

A full assessment is not required.

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

A full assessment is not required.

QUALITY CONTROL SECTION

Submit to the Quality Control Officer for reviewing?

Yes

Quality Control Officer comments

To proceed for approval.

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

Yes

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

Reasons for approval or rejection

Please print and save a PDF copy for your records

Yes

Content Type: Item

Version: 16.0

Created at 03/03/2020 01:23 PM by ☐ Sukki Dhaliwal

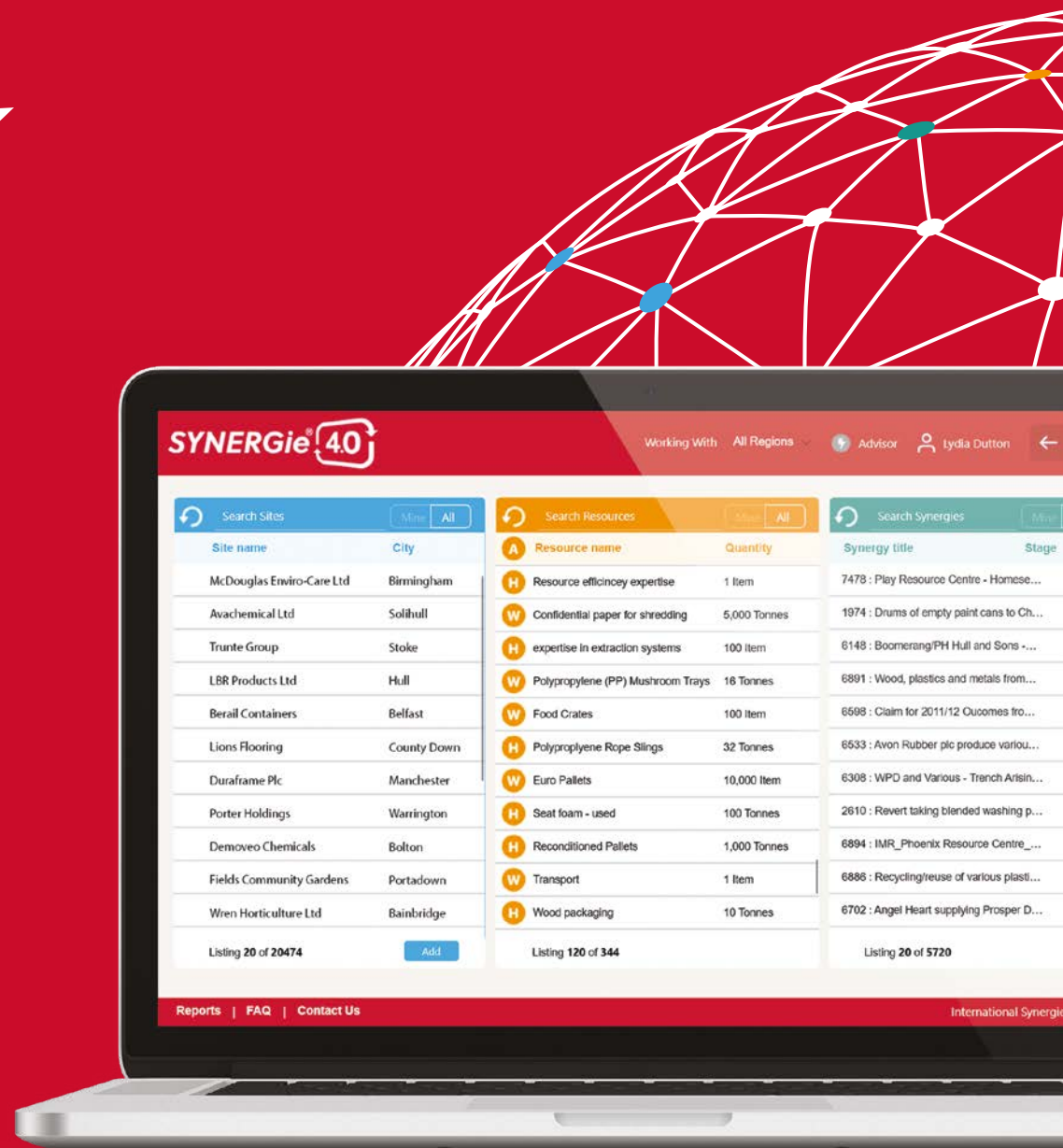
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The Resource Matching App *powering the circular economy*

International Synergies
industrial ecology solutions



SYNERGie® has enabled industry to deliver:

- ✓ **£1 billion+** savings in disposal, storage and purchasing costs
- ✓ **£1 billion+** additional sales
- ✓ **47 million+** tonnes diverted from landfill
- ✓ **42 million+** tonnes of CO₂ reduction
- ✓ **72 million+** tonnes of water savings
- ✓ **10 thousand+** jobs



SYNERGie® development led by global industry participation:

67k

resources in
SYNERGie® 4.0

24k

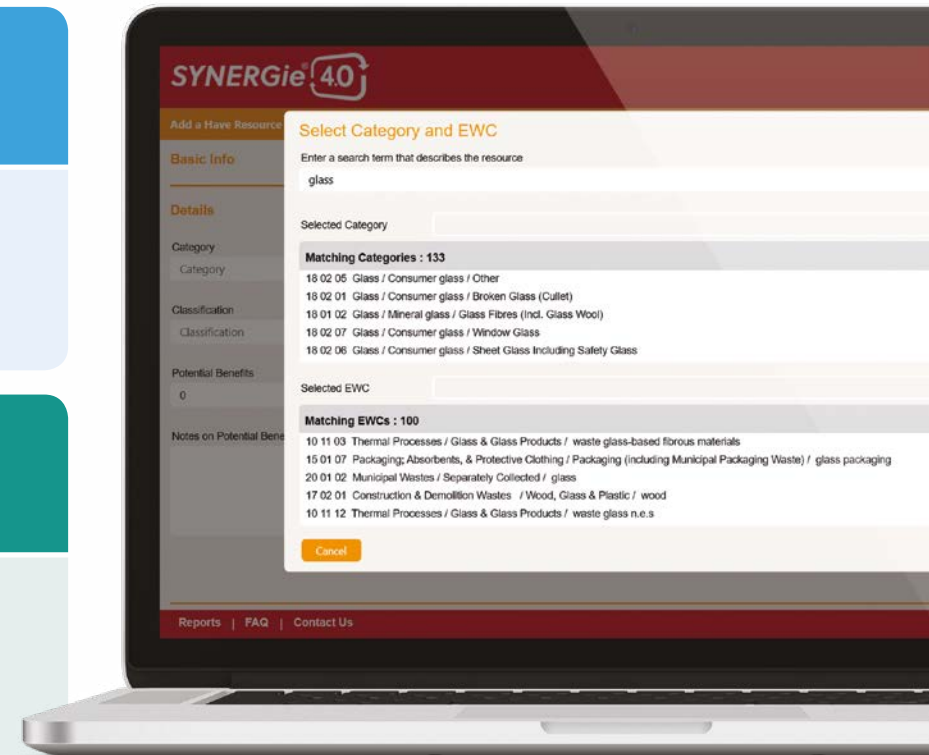
sites registered
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15+

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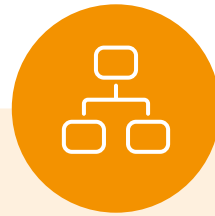
Who is SYNERGie® 4.0 for?

SYNERGie® 4.0 enables organisations globally to reduce cost, risk and environmental footprint through efficiently identifying resource reuse opportunities.



Corporates

Committed to internal and supply chain resource efficiency contributing to the global Sustainable Development Goals



Industry networks

Looking to minimise impacts of material scarcity, security and price volatility



Governments

Local, regional and national driving economic development through the circular economy



AI learning from users and best practice

AI-recommended opportunities and characterisation of resources available for reuse.



Advisor alerts and notifications

Advisor technology will keep you informed of new Synergy matching opportunities.



Internal and supply chain KPI reporting

Accurately measure and report on key business objectives aligned with stakeholder requirements.



Synergy matching

Identify opportunities to manage and trade under-utilised resources both internally and externally.



Management system for industrial symbiosis

An integrated process tracker allows you to oversee synergies from inception to delivery



Global configuration capabilities

Already available in six languages and across six continents, aligning with country coding systems and technologies.



Integrated mapping of resources

An intuitive interface prioritises local sourcing and reuse opportunities through tailored searches.



Secure multi-device web based system

Access your account securely, anytime and anywhere, from your desktop, iPad and Android devices.

About us

Since its inception in 2005, Birmingham based ISL has been commended for its outstanding work in the field of industrial symbiosis by many organisations and institutions including:

International Synergies
industrial ecology solutions



Global best practice

Our demand-led facilitative approach of implementing industrial symbiosis has received global recognition and is cited as best practice within the European Waste Framework Directive and for systemic innovation vital for future green growth by the OECD.

Political and royal recognition

Our work has also been recognised by HRH The Prince of Wales, for work on climate change mitigation and Janez Potocnik, former European Environment Commissioner.

Game changing innovation

Our projects, often described as “the circular economy in action”, are included as best practice examples in Governments Go Circular, as well as being one of the world’s top 20 ‘Green Game Changing’ innovations identified by the World Wild Fund for Nature.

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Birmingham City Council

Report to Cabinet

26th May 2020



Subject: DISPOSAL OF 'THE CHAMBERLAIN BUILDINGS', CORPORATION STREET

Report of: INTERIM DIRECTOR INCLUSIVE GROWTH

Relevant Cabinet Member: Councillor Ian Ward – Leader of the Council

Relevant O & S Chair(s): Councillor Lou Robson – Economy and Skills
Councillor Sir Albert Bore – Resources

Report authors: Ian Chaplin, Head of Investment Property Management:
Email: ian.chaplin@birmingham.gov.uk Tel: 0121 303 2650

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, names of wards: Ladywood.		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: is 007189/2020.		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Exempt Appendices 3 and 4 - Exempt Information paragraph 3 Information relating to the financial or business affairs of any particular person (including the council).		

1 Executive Summary

- 1.1 This report provides information on the outcome of the informal tender process for the disposal of 'The Chamberlain Buildings' as one of the second phase disposals detailed in the Disposal of Surplus Properties report approved by Cabinet on 25th June 2019. This report seeks approval to the subsequent disposal of The Chamberlain Buildings, Corporation Street, Birmingham, as shown edged black on the plan attached at Appendix 1 on a long-leasehold basis.
- 1.2 Exempt Appendices 3 and 4 contain confidential commercially sensitive information which could impact on the tender process.

2 Recommendations

- 2.1 Approves the long-leasehold disposal (250-year lease) of the Council owned properties collectively known as The Chamberlain Buildings, at the highest recommendable offer as detailed in Exempt Appendix 3.
- 2.2 Authorises the Assistant Director Property Services to revert to the under bidders where appropriate should the recommended disposal not proceed to completion.
- 2.3 Delegates approval of the final disposal terms agreed under 2.2 above to the Leader of the Council in consultation with the Assistant Director Property Services.
- 2.4 Authorises the City Solicitor to negotiate, execute and complete all relevant documentation to give effect to the above recommendation.

3 Background

- 3.1 The strategic approach to the disposal of these properties was outlined in a report of the Director, Inclusive Growth entitled Property Strategy 2018/19-2023/24 (the Property Strategy) approved by Cabinet in November 2018. 'The Chamberlain Buildings' (which comprise Coleridge Chambers, Ruskin Building and King Edward Building) were declared surplus in the City Centre Chamberlain Buildings report approved by Cabinet on 28th June 2016.
- 3.2 The Chamberlain Buildings lie within the Steelhouse Lane Conservation Area and comprise two Grade II Listed buildings (Coleridge Chambers and Ruskin Building) together with King Edward Building (considered a heritage asset which positively contributes to the Conservation Area). The Chamberlain Buildings lend themselves to a mix of uses as currently occupied and have potential for upper floor conversion to residential or hotel use. As Listed Buildings located within the Conservation Area, prevailing planning policy restricts development in accordance with the Birmingham Development Plan.
- 3.3 The Chamberlain Buildings were offered for sale to the open unrestricted market through a two-stage informal tender process in the Birmingham Sites Prospectus 2 (June 2019). To assist prospective bidders, planning workshops were held to facilitate discussion and provide guidance and advice in relation to potential development proposals. First stage heritage bids were invited by 15th July 2019 and those bids satisfying the heritage criteria were invited to submit financial bids on a conditional (subject to planning) basis by 27th September 2019.
- 3.4 All offers received were reviewed and evaluated based on the level of financial offer, the proposed scheme plan/layout and the bidders' previous experience in dealing sympathetically with heritage assets. A panel comprising officers from Property and Legal Services reviewed and evaluated the offers.

- 3.5 The tender report detailing the outcome of the process is appended as Exempt Appendix 4 and provides confidential tender information.
- 3.6 The Chamberlain Buildings were marketed on an unrestricted basis to provide the maximum return to the Council and to ensure any development proposals brought forward by the successful bidder will be protected by the prevailing planning policy. Listed Buildings and properties located within Conservation Areas must be protected and mitigated as a result of any development in accordance with the Birmingham Development Plan.
- 3.7 The recommended disposal represents best consideration and has been validated by the Assistant Director Property Services based upon analysis of the offers received.
- 3.8 The Chamberlain Buildings form part of the Council's existing commercial property portfolio. The disposal will generate a capital receipt which will be earmarked for reinvestment into the Investment Portfolio in line with the stated aims of the Property Investment Strategy (approved by Cabinet on 31st July 2019). Working with the Council's recently appointed external investment advisor, future investment opportunities identified will need to meet the criteria outlined in the Property Investment Strategy to replace and exceed the income lost from the disposal of existing commercial properties.

4 Options Considered and Recommended Proposal

- 4.1 **Option 1 – Do Nothing:** Not proceeding with the disposal would mean not realising a capital receipt from the sale of the surplus asset.
- 4.2 **Option 2 – Proceed with the Sale:** The disposal of the Chamberlain Buildings will generate a capital receipt and remove an ongoing management liability to the Council. Disposal of the Chamberlain Buildings will promote private investment into the city region economy.

5. Consultation

- 5.1 The relevant ward members have been consulted and Councillor Bore as ward member for Ladywood Ward commented "I presume the disposal is on a leasehold basis and, if so, I can support the recommendations. This part of the city centre will be the focus of much investment/development opportunity in 10+ years". Councillor Hartley was also consulted but has not commented.
- 5.2 No other comments have been received in relation to the contents of this report. The detail of consultation is set out in Appendix 2 of this report.

- 5.3 Letters were sent to the tenants of 'The Chamberlain Buildings' to inform them of the proposed marketing process on 7th May 2019. Otherwise no external consultation has taken place regarding the contents of this report.

6. Risk Management

6.1 *Inability to meet property market timelines:*

To meet the expectations of the prevailing property market the Council has committed to deliver a second programme of land and property sales in accordance with the delivery milestones set out in the Birmingham Sites Prospectus 2 (June 2019). Approval of this report will support adherence to these milestones and enable earmarked capital receipts to be realised.

6.2 *Interim reduction in existing rental income:*

The disposal of assets will impact upon existing rental income budgets. The reduction in rental income from this disposal is detailed in the finance section below. Associated mitigation measures are noted in paragraph 7.3.4 of the finance section of this report.

7. Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The Property Strategy is aligned with the strategic outcomes outlined in the Council Plan 2018-2022 (as updated in 2019); to create a city of growth where every child, citizen and place matters. Delivery of the Property Strategy (including the disposal of surplus assets on the open market and earmarking capital receipts from the Investment portfolio for reinvestment) will help to support the aims of making Birmingham an entrepreneurial city to learn, work and invest in.

7.1.2 The Birmingham Development Plan and Birmingham Connected support the reduction of carbon emissions to mitigate against climate change in planning and development, sustainable transport and parking. Any development proposals brought forward will be in accordance with the Birmingham Development Plan and in the context of Birmingham Connected encouraging the increased use of public transport, walking and cycling.

7.1.3 As the largest local authority in the country with the biggest property portfolio, the Council has an opportunity to utilise its property and land assets in a strategic way to deliver its priorities.

7.1.4 The Property Strategy (supported by the Property Investment Strategy approved by Cabinet on 31st July 2019) outlines a medium to long term strategic approach in terms of the way in which the City Council will utilise

its commercial property assets to ensure a balanced delivery of maximised commercial and social returns. Re-aligning the Council's commercial property portfolio will provide a catalyst for development and underpin the social fabric of communities across the city.

7.2 Legal Implications

- 7.2.1 The power to hold, appropriate and dispose of land is contained in Sections 120 - 123 of the Local Government Act 1972.
- 7.2.2 Section 1 of the Localism Act 2011 contains the Council's general power of competence and Section 111 of the Local Government Act 1972 contains the Council's ancillary financial and expenditure powers in relation to the discharge of its functions including the disposal and acquisition of property.
- 7.2.3 The information in Exempt Appendices 3 and 4 is commercially sensitive with regard to the tender process. Exempt information is set out in section 12A of the Local Government Act 1972 (as amended) and includes information relating to the financial or business affairs of any particular person (including the council). The exempt appendices are considered to be in the public interest as they contain commercially sensitive information of a financial or business nature, which if disclosed to the public could be prejudicial to a named, individual or company.

7.3 Financial Implications

- 7.3.1 All offers received are detailed in the tender report attached as Exempt Appendix 4. Any unconditional offers received will be required to exchange contracts within six weeks and pay a 10% deposit, with the balance of the purchase monies payable 28 days thereafter.
- 7.3.2 The purchasers will be responsible for paying the Council's reasonable surveyors and legal fees.
- 7.3.3 The disposal will generate a capital receipt which will be earmarked for reinvestment into the Investment Portfolio in line with the stated aims of the Property Strategy and Property Investment Strategy and subject to Capital Board approval. To this end Cabinet approved the Property Investment Strategy on 31st July 2019 (Exempt Appendix 3 provides the detailed financial information).
- 7.3.4 Disposal of the Chamberlain Buildings will initially result in a reduction in net rental income of £0.352m per annum. This short-term loss of income will be mitigated by the allocation of the capital receipt generated by the disposal to either acquire better performing assets or for re-investment in the retained estate to generate increased returns. To this end the Council

has recently appointed an external investment advisor in order to support identification and progression of future investment opportunities.

Address	Ward / Portfolio	Tenure	Gross Rental Income 2018/19 £	Gross Expenditure 2018/19 * £	Net Rental Income Foregone £
The Chamberlain Buildings, Corporation Street, Birmingham.	Ladywood Commercial Portfolio	Leasehold disposal subject to all existing tenancies	(429,547.66)	77,256.84	(352,291.66)
Totals			(429,547.66)	77,256.84	(352,291.66)

* Gross expenditure comprises the total annual management cost associated with holding the asset, including costs of such items as necessary repairs, staff time/costs, statutory maintenance, void business rates and bad debt provision.

7.4 Procurement Implications

7.4.1 N/A

7.5 Human Resources Implications

7.5.1 Internal professional property, legal and planning resources only have thus far been utilised to deliver the programme of disposals generated by Birmingham Sites Prospectus 2.

7.6 Public Sector Equality Duty

7.6.1 The Birmingham Sites Prospectus 2 (June 2019) disposals programme has been undertaken in accordance with the stated aims of the Property Strategy and the Property Investment Strategy. The Property Strategy is a policy document setting out the strategy principles associated with property assets and at this stage there are no specific implications. An Equality Assessment Ref No. EQUA368 dated 12th September 2019, is attached as Appendix 5. The assessment confirms there is no adverse impact on the characteristics and groups protected under the Equality Act 2010 and a full Equality Assessment is not required for the purpose of this report.

8. Appendices

Appendix 1 (Site Plan)

Appendix 2 (Ward Member Consultation)

Exempt Appendix 3

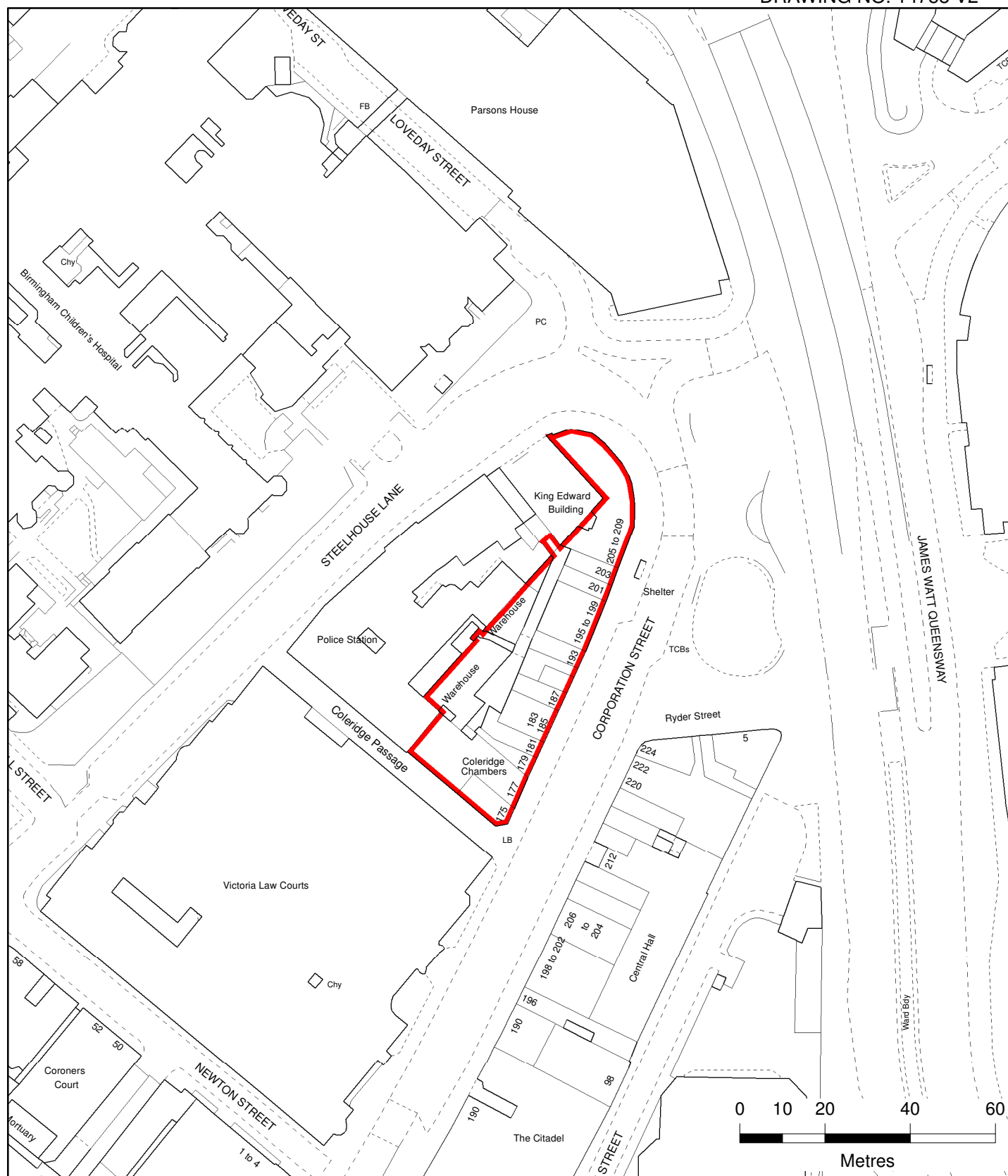
Exempt Appendix 4 – Tender Report

Appendix 5 (Equality Assessment)

9. Background Documents

9.1 Property Strategy 2018/19-2023/24 – Cabinet report 13th November 2018

9.2 Property Investment Strategy – Cabinet report dated 31st July 2019



AREA EDGED RED

1879

SQ. METRES APPROX.

2247

SQ. YARDS APPROX.



Birmingham
City Council

Chamberlain Buildings Ruskin,
King Edward and Coleridge Chambers
Corporation Street
City Centre



Waheed Nazir
Corporate Director, Economy
1 Lancaster Circus
Birmingham, B2 2GL.

SCALE

DRAWN

DATE

1:1,250

Bharat Patel

19/11/2018

O.S.Ref SP0787SW

Ward Member Consultation Property Prospectus 2 – Disposal of The Chamberlain Buildings, Corporation Street, Birmingham

PROPERTY ADDRESS	WARD	CONSULTATION	COUNCILLOR RESPONSE	RESPONSE
The Chamberlain Buildings, Corporation Street, Birmingham.	Ladywood	Email dated 05/05/20 inviting comments by 12/05/20.	<p>Councillor Bore, Ladywood Ward responded on 10/05/20. Councillor Bore commented: "I presume the disposal is on a leasehold basis and, if so, I can support the recommendations. This part of the city centre will be the focus of much investment/development opportunity in 10+ years"</p> <p>Councillor Hartley, Ladywood Ward has not responded.</p>	<p>The intention is for the grant of a 250 year leasehold interest, ensuring the City Council both retains the freehold interest and an element of ongoing control under the terms of the lease granted.</p> <p>Councillor Bore's comments have been highlighted in the public report.</p>

Title of proposed EIA	Disposal of the Chamberlain Buildings, Corporation Street
Reference No	EQUA508
EA is in support of	New Function
Review Frequency	Annually
Date of first review	23/04/2021
Directorate	Inclusive Growth
Division	Property Services
Service Area	Investment Property Management
Responsible Officer(s)	 Felicia Saunders
Quality Control Officer(s)	 Eden Ottley
Accountable Officer(s)	 Eden Ottley
Purpose of proposal	The proposal seeks approval to the subsequent sale of the property on a long leasehold basis
Data sources	Consultation Results; relevant reports/strategies
Please include any other sources of data	
ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Not Applicable
Age details:	
Protected characteristic: Disability	Not Applicable
Disability details:	
Protected characteristic: Gender	Not Applicable
Gender details:	
Protected characteristics: Gender Reassignment	Not Applicable
Gender reassignment details:	
Protected characteristics: Marriage and Civil Partnership	Not Applicable
Marriage and civil partnership details:	
Protected characteristics: Pregnancy and Maternity	Not Applicable
Pregnancy and maternity details:	
Protected characteristics: Race	Not Applicable
Race details:	
Protected characteristics: Religion or Beliefs	Not Applicable
Religion or beliefs details:	
Protected characteristics: Sexual Orientation	Not Applicable

Sexual orientation details:

Please indicate any actions arising from completing this screening exercise.

Please indicate whether a full impact assessment is recommended **NO**

What data has been collected to facilitate the assessment of this policy/proposal?

Consultation analysis

Adverse impact on any people with protected characteristics.

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

How will the effect(s) of this policy/proposal on equality be monitored?

What data is required in the future?

Are there any adverse impacts on any particular group(s) **No**

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

The Chamberlain Buildings were offered for sale to the open unrestricted market through a two stage informal tender process in the Birmingham Sites Prospectus 2 (June 2019).

The property strategy will help make Birmingham an entrepreneurial city to learn, work and invest in, an aspirational city to grow up in, a fulfilling city to age well in and a great city to live in.

Consulted People or Groups

The Leader of the Council, relevant Ward Members, officers from Inclusive Growth, Finance, Legal and Governance have been consulted.

Informed People or Groups

Summary and evidence of findings from your EIA

The sale of the subject site will promote investment and generate income into the City region economy and will contribute to the strategic outcomes outlined in the Council Plan 2019 - 2023.

The Chamberlain Buildings have been marketed on an unrestricted basis to provide the maximum return to the Council and to ensure any development proposals brought forward by the successful bidder will be protected by the prevailing planning policy.

At this stage there are no equality issues impacting this transaction and therefore there is no need for a full equality assessment.

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

Yes

Quality Control Officer comments

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

Yes

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

24/04/2020

Reasons for approval or rejection

Please print and save a PDF copy for your records


Yes

Julie Bach

Person or Group

Content Type: Item

Version: 20.0

Created at 23/04/2020 10:50 AM by  Felicia Saunders

Last modified at 24/04/2020 11:09 AM by Workflow on behalf of  Eden Ottley

Close

Birmingham City Council

Report to Cabinet

26th May 2020



Subject: PROPERTY PROSPECTUS 2 - TENDERS FOR DISPOSAL OF LAND AT QUESLETT ROAD OLD HORNS CRESCENT

Report of: INTERIM DIRECTOR, INCLUSIVE GROWTH

Relevant Cabinet Member: Councillor Ian Ward – Leader of the Council

Relevant O & S Chair(s): Councillor Lou Robson – Economy and Skills
Councillor Sir Albert Bore – Resources

Report authors: Ian Chaplin, Head of Investment Property Management:
Email: ian.chaplin@birmingham.gov.uk Tel: 0121 303 2650

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, names of wards: Oscott.		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007418/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Exempt Appendices 2 and 3 - Exempt Information paragraph 3, Information relating to the financial or business affairs of any particular person (including the council).		

1 Executive Summary

- 1.1 This report provides information on the outcome of the informal tender process for the disposal of the Council owned freehold land at Queslett Road as marketed in the Birmingham Sites Prospectus 2 (June 2019) and as shown edged black at Appendix 1 (the Site). The disposal is in line with the Property Strategy 2018/19-2023/24 approved by Cabinet in November 2018. The report seeks approval for the sale of the freehold interest.
- 1.2 Exempt Appendix 2 contains a response to concerns raised in a private session of Cabinet (29th October 2019) and confidential commercially sensitive information which could impact on the tender process.

2 Recommendations

- 2.1 Approves the freehold disposal of the site to the highest recommendable offer as detailed in the Exempt Appendix 2.
- 2.2 Authorises the Assistant Director Property Services to revert to the under bidders in the event the recommended sale does not proceed to completion.
- 2.3 Delegates approval of the final sale terms agreed under 2.2 above to the Leader of the Council in consultation with the Assistant Director Property Services.
- 2.4 Authorises the City Solicitor to negotiate, execute and complete all relevant documentation to give effect to the above recommendations.

3 Background

- 3.1 The strategic approach to the disposal of the land was outlined in a report of the Director, Inclusive Growth entitled “Property Strategy 2018/19-2023/24 (the Property Strategy) approved by Cabinet in November 2018.
- 3.2 The site is situated approximately 6.8 miles (11km) north of the City centre to the North of the Queslett Nature Reserve and was offered for sale through the Birmingham Sites Prospectus 2 (June 2019) to the open unrestricted market by informal tender, with a closing date of 15th July 2019. Tenders were invited on either an unconditional or conditional (subject to planning) basis.
- 3.3 To assist prospective bidders, officers held planning workshops where prospective bidders were given the opportunity to discuss their proposals and were provided with relevant guidance.
- 3.4 An area of the site forms part of a Site of Significance to Nature Conservation (SINC) and as such any development will need to comply with specific ecological mitigation and protection requirements in the Birmingham Development Plan. The site is also subject to a group Tree Preservation Order (TPO) and the area of the site comprising hard standing was formally a depot.
- 3.5 A report to dispose of numerous properties, including Queslett Road, was presented to Cabinet on 29th October 2019. Cabinet’s attention was drawn to concerns regarding planning related matters and use of the site and it was agreed consideration of the disposal be deferred subject to further information, with a further report (this report) to be brought to Cabinet at a later date, paragraphs 3.9 to 3.12 provide further information.
- 3.6 The issues raised at Cabinet have been resolved through the provision of additional information and the original bids are being progressed.
- 3.7 All offers received were reviewed and evaluated based on the level of financial offer and the proposed scheme plan/layout, where submitted. A panel comprising representatives of Property and Legal Services evaluated the offers.

- 3.8 The confidential tender information, including the individual tender reports detailing the outcome of the tender process for the site, is appended as Exempt Appendix 2.
- 3.9 The site has been marketed on an unrestricted basis to ensure the maximum return to the Council and any planning proposals that may be brought forward by the successful purchaser will need to comply with prevailing planning policy. In particular sites containing Tree Preservation Orders (TPOs), Sites of Importance for Nature Conservation (SINC), (designation of high ecological value), adjoining or including a designated Nature Reserve or open space, listed buildings and those located within conservation areas must be protected and mitigated as a result of any development in accordance with the Birmingham Development Plan.
- 3.10 Subsequent to the withdrawal of the site from the Cabinet report approved on 29th October 2019, planning officers advised that in relation to the issue of refuse/waste, no specific planning condition would realistically be applied save for conditions around general site management and the provision of refuse bins, refuse collection and removal.
- 3.11 Any planning application, which proposes access off Old Horns Crescent would necessitate access through a SINC and require adequate mitigation and compensation to be secured to address any loss and maintain wider habitat connectivity from the remainder of the SINC across Queslett Road and north-west into Walsall.
- 3.12 For access through a SINC to be considered acceptable, evidence would need to be provided to demonstrate any development proposal complies with BDP policy TP8. Development which directly or indirectly causes harm to local sites of importance for biodiversity and geology (LNRs, SINC and SLINCs) are only permitted if it has been clearly demonstrated that the benefits of the proposal outweigh the need to safeguard the designated site, damage is minimised and measures can be put in place to mitigate remaining impacts. If damage cannot be avoided or fully mitigated, appropriate compensation must be secured.
- 3.13 The recommended sale represents best consideration and has been validated by the Assistant Director, Property Services based upon analysis of the offers received.

4 Options considered and Recommended Proposal

- 4.1 **Option 1 – Do Nothing:** Not to proceed would mean not realising a capital receipt from the sale of a surplus asset.
- 4.2 **Option 2 – Proceed with the Sale:** The sale of the site will generate a capital receipt, and release the Council from future management responsibilities.
- 4.3 The sale of the site will promote private investment into the City region.

5. Consultation

- 5.1 The relevant ward members were consulted and the Ward Members for Oscott objected to any development proposals for the Site. The reasons are for many years that the area has been informally adopted into the adjoining area of the Queslett Road Nature Reserve and should remain so, as it now formed part of an area of natural beauty. Ward Members comments are included in full together with officers' response at Appendix 4 of this report.

On the 18th February 2020 Councillor Dring stated "my comments I think will stand alone alongside residents".

Councillor Alden in a public session of Cabinet on 29th October 2019, raised an objection to the sale of the Site stating that it should not be sold as Oscott Ward lacks public open space and that the Site provided a rare opportunity to create public open space in Oscott ward. That the site had formally or informally been used as part of the nature reserve for a number of years and should therefore be formally added to the nature reserve or turned into a park.

- 5.2 No other comments have been received to the report content. The detail of consultation is set out in Appendix 4 of this report.

6. Risk Management

- 6.1 ***Inability to meet property market timelines:***

To meet the expectations of the prevailing property market the Council has committed to deliver a second programme of land and property sales in accordance with the delivery milestones set out in the Birmingham Sites Prospectus 2 (June 2019). Approval of this report will support adherence to these milestones and enable earmarked capital receipts to be realised.

7. Compliance Issues:

- 7.1 **How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

7.1.1 The Property Strategy is aligned with the strategic outcomes outlined in the Council Plan 2018-2022 (as updated in 2019) – to create a city of growth where every child, citizen and place matters. The Property Strategy will help make Birmingham: an entrepreneurial city to learn, work and invest in; an aspirational city to grow up in; a fulfilling city to age well in; a great city to live in; and for residents to gain maximum benefit from hosting the Commonwealth Games.

7.1.2 As the largest local authority in the country with the biggest property portfolio there is an opportunity to utilise the Council's property and land assets in a strategic way to deliver priorities.

7.1.3 The Property Strategy outlines a medium to long term strategic approach to utilise the unique asset base and ensure a balanced delivery of maximised commercial and social returns. Re-aligning the Council's property will

provide a catalyst for development and underpin the social fabric of communities across the city.

7.2 Legal Implications

- 7.2.1 The power to hold, appropriate and dispose of land is contained in Sections 120 - 123 of the Local Government Act 1972.
- 7.2.2 Section 1 of the Localism Act 2011 contains the Council's general power of competence and Section 111 of the Local Government Act 1972 contains the Council's ancillary financial and expenditure powers in relation to the discharge of its functions including the disposal and acquisition of property.
- 7.2.3 Exempt information 12A of the Local Government Act 1972 (as amended) 3. Information relating to the financial or business affairs of any particular person (including the Council). Exempt Appendices 2 and 3 are considered to be in the public interest as they contain commercially sensitive information of a financial or business nature, which if disclosed to the public could be prejudicial to a named person, individual or company.

7.3 Financial Implications

- 7.3.1 All offers received are detailed in the individual tender reports attached as Exempt Appendix 3.
- 7.3.2 The purchaser will be responsible for paying the Council's reasonable surveyors and legal fees.
- 7.3.3 The sale will generate a capital receipt allocated to the Non-Investment Portfolio in line with the Property Strategy, Exempt Appendix 2 provides the detailed financial information. The capital receipt will be available to support the Council priorities, subject to Capital Board approval and the Council governance process.
- 7.3.4 The sale of this asset has no rental loss implications, and whilst the disposal will release the Council from future management responsibilities there are no material ongoing holding cost liabilities associated with the asset.
- 7.3.5 The Assistant Director of Property has confirmed that the transaction is at a level that satisfies Section 123 of the Local Government Act 1972 and represents best value.

7.4 Procurement Implications

- 7.4.1 N/A

7.5 Human Resources Implications

7.5.1 Internal professional property, legal and planning resources only have been utilised to deliver this programme of sales.

7.6 Public Sector Equality Duty

7.6.1 The Birmingham Sites Prospectus 2 (June 2019) sales programme has been undertaken in accordance with the Property Strategy. The Property Strategy is a policy document setting out the strategic principles associated with property assets and at this stage there are no specific implications. An initial Equality Assessment Ref No. EQUA368 dated 12th September 2019, has been reviewed and the updated Equality Assessment Ref No. EQUA 506 dated 14th April 2020 is attached as Appendix 5. The further review of this assessment confirms there is no adverse impact on the characteristics and groups protected under the Equality Act 2010 and a full Equality Assessment is not required for the purpose of this report.

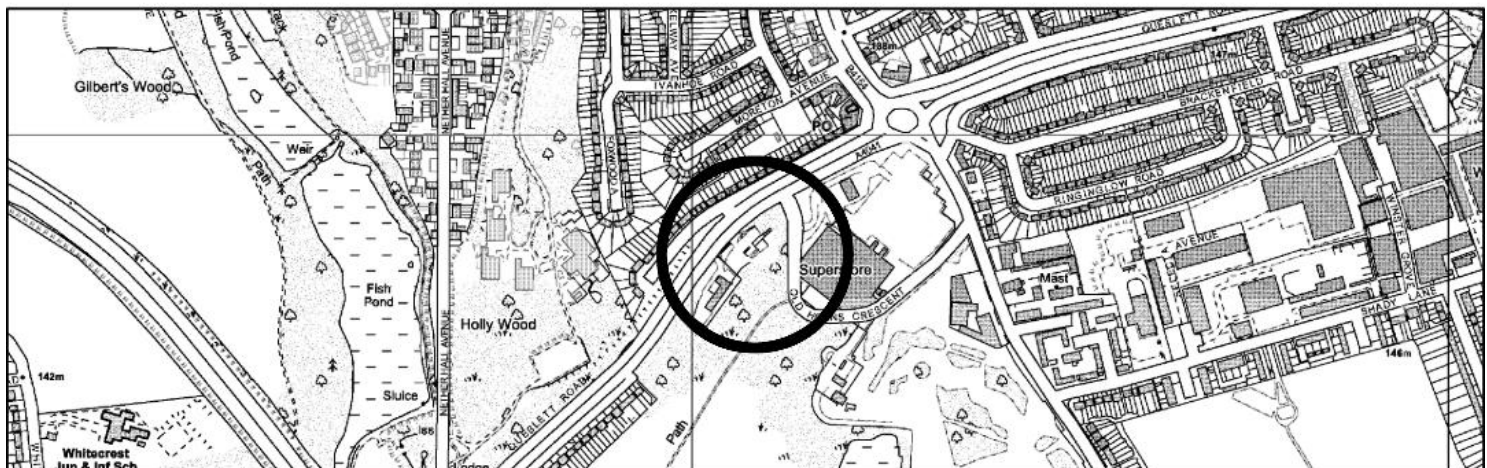
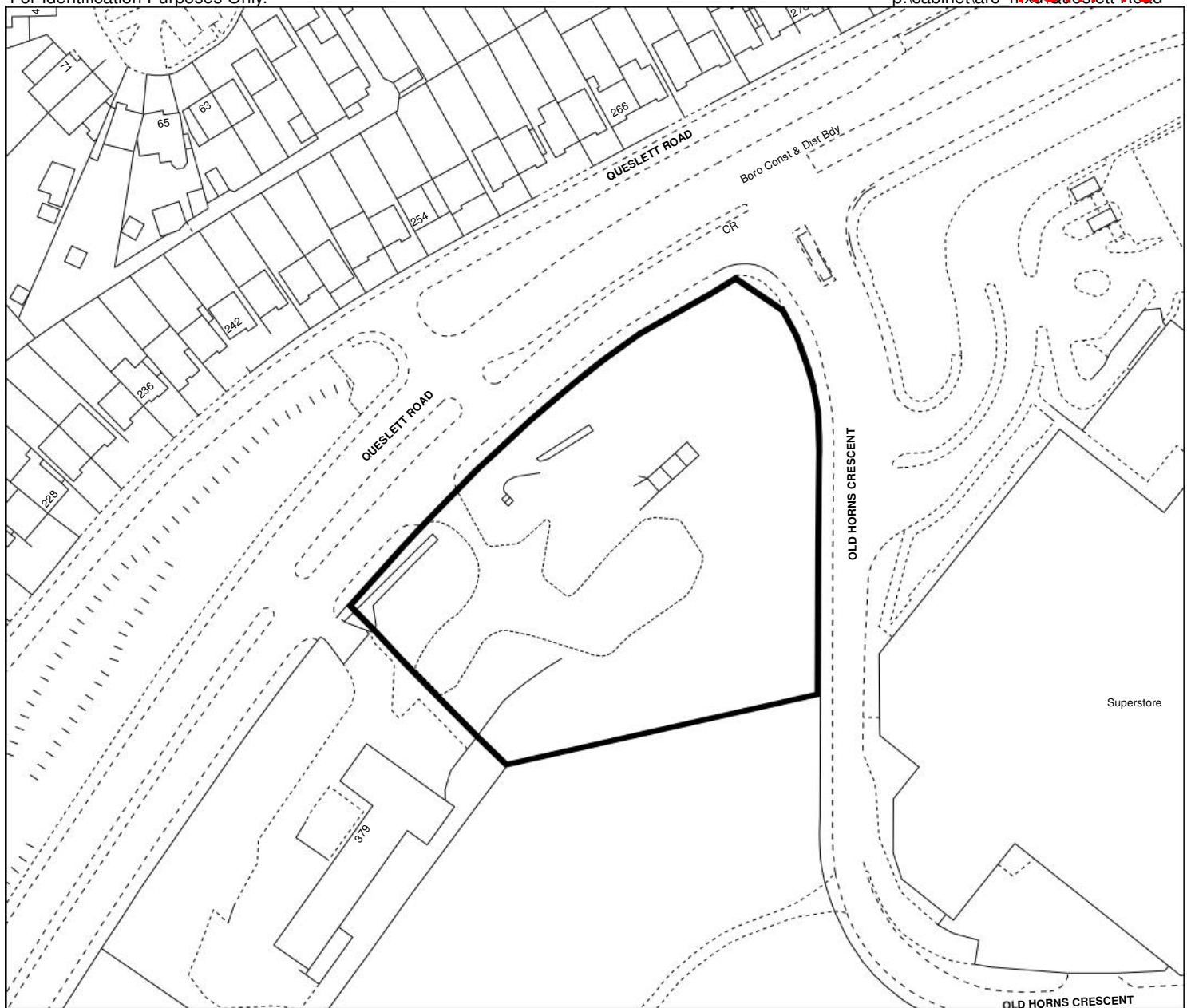
8. Appendices

8.1 Appendices

1. Site Plan
2. Exempt Appendix
3. Exempt Appendix Tender report
4. Ward Member Consultation Property Prospectus 2-Tenders (July 2019)
5. Equality Assessment

9 Background Documents

9.1 Property Strategy 2018/19-2023/24 including prospectus 2 sites.



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Birmingham
City Council

Ian Macleod
Interim Director Inclusive Growth
1 Lancaster Circus
PO Box 14439
Birmingham, B2 2JE

Land At
Queslett Road
Oscott



Scale (Main Map)

1:1,250

Drawn

Bharat Patel

Date

31/01/2020

Ward Member Consultation Property Prospectus 2 - Tenders land at Queslett Road, Old Horns Crescent.

PROPERTY ADDRESS	WARD	CONSULTATION	COUNCILLOR RESPONSE	RESPONSE
Land at Queslett Road, Old Horns Crescent included in the Birmingham Sites Prospectus 2	Oscott	<p>Email dated 23/9/19 to Cllr's Dring and Linnecor. requesting comments by 2/10/19.</p> <p>Email dated 11/02/20 to Cllr's Dring and Linnecor. requesting comments by</p>	<p>Councillor Dring Oscott Ward responded on 23 September 2019. Councillor Dring commented: "Colleagues Can I thank you for this communication re the land at Queslett Rd Old Horns Crescent. Can I say from the offset that I object to any development proposals for that piece of land.</p> <p>The reasons are that for many years now that area has been adopted into the adjoining area the Queslett Rd Nature Reserve and it should remain so as it now forms part of an area of natural beauty."</p> <p>Councillor Linnecor Oscott Ward responded on 23 September 2019. "I agree this land should be incorporated into the Queslett Nature Reserve site. For many years, (until a few weeks ago when fencing was put up to stop volunteers using the land) it was regarded as part of the reserve. This can be seen for example by bird boxes put up in the in the site by both volunteers and Council workers.</p> <p>There are many restrictions TPO and so on, on the site and it would be far better to use it to protect wildlife and extend the SINC Reserve site.</p> <p>Councillor Dring Oscott Ward responded on 10 February 2020: "Can I on behalf of myself reiterate my previous objections they remain exactly the same. Councillor Linnecor is currently in hospital and I can assure you his views also</p>	<p>Any planning proposals that may be brought forward by a successful purchaser will be protected by the prevailing planning policy. In particular sites containing Tree Preservation Orders (TPO's), Sites of Importance for Nature Conservation (SINC), (designation of high ecological value), adjoining or including a designated Nature Reserve or open space, listed buildings and those located within conservation areas must be protected and mitigated as a result of any development in accordance with the Birmingham Development Plan.</p> <p>Councillor Drings comments have been highlighted in the public report.</p>

Ward Member Consultation Property Prospectus 2 - Tenders land at Queslett Road, Old Horns Crescent.

		<p>13/02/20.</p> <p>Email dated 11/02/20 to Cllr's Barbara Dring and Keith Linnecor. extending request for comments to 17/02/20.</p>	<p>remain unchanged I am authorised to speak on his behalf in his absence so I would reiterate the comments for him that you have on record. Our position therefore is that we object to any development for the stated reasons'.</p> <p>Councillor Dring Oscott Ward responded on 10 February 2020: I think more time would be welcome thank you for this.</p> <p>I would draw to your attention the current problem we are having at Queslett Rd at this present time, there are issues of racers and anti-social behaviour being dealt with by the local police and Supermarket Management are involved.</p> <p>On the 18/02/20 Councillor Dring responded: My comments I think will stand alone Alongside Residents.</p> <p>Councillor Alden Erdington Ward commented at Cabinet 29th October in public session.</p> <p>Objecting to the sale of the site and it should not be sold. That Oscott Ward lacks Public Open Space currently. This represents a rare opportunity to be able to create Public Open Space in Oscott Ward area. The site either formally or informally had been used as part of the next door nature reserve for a number of years. Therefore, the site should be formally added to the nature reserve or turned into a formal park</p>	<p>Officers of Inclusive Growth Directorate have subsequently informed that in relation to refuse no specific planning condition would realistically be applied save for conditions relating to generic site management and provision of refuse bins, refuse removal and collection.</p> <p>Any planning application, which proposed access off Old Horns Crescent would necessitate access through a Site of Importance to Nature Conservation (SINC) and require adequate mitigation and compensation to be secured to address any loss of SINC and maintain wider habitat connectivity from the remainder of the SINC, across Queslett Road and north-west into Walsall.</p> <p>For access through a SINC to be considered acceptable, evidence would need to be provided to demonstrate any development proposal's compliance with BDP policy TP8. Development which directly or indirectly causes harm to local sites of importance for biodiversity and geology (LNRs, SINC's and SLINC's) are only permitted if it has been clearly demonstrated that the benefits of the proposal outweigh the need to safeguard the designated site, damage is minimised and measures can be put in place to mitigate remaining impacts and if damage cannot be avoided or fully mitigated, appropriate compensation is secured.</p> <p>Development proposals which are likely to affect any designated site must be supported by adequate information to ensure that the likely impact of the</p>
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Ward Member Consultation Property Prospectus 2 - Tenders land at Queslett Road, Old Horns Crescent.

				<p>proposal can be fully assessed.</p> <p>From a Strategic Planning point of view the site is not flagged in the Employment Land Availability Analysis and not identified as a key employment site. NPPF July 2016 Ministry of Housing Communities and Local Government Annex 2 Glossary (p68) identified it as a main town centre use subject to sequential testing. National Planning Policy Framework (NPPF) Chapter 7 paragraph 86: LPA's should apply a sequential test to planning applications for main town centre uses which are neither in an existing town centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available or expected to become available within a reasonable period should out of centre sites be considered.</p> <p>Planning Control commented that the number of refuse bins etc could possibly be conditioned but beyond an applicant agreeing to keep tidy there is little that could be conditioned to control litter.</p>
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Title of proposed EIA	Property Prospectus 2 – Tenders for disposal of Queslett Road Old Horns Crescent
Reference No	EQUA506
EA is in support of	New Function
Review Frequency	Six Months
Date of first review	08/10/2020
Directorate	Inclusive Growth
Division	Property Services
Service Area	Investment Property Management
Responsible Officer(s)	 Felicia Saunders
Quality Control Officer(s)	 Eden Ottley
Accountable Officer(s)	 Eden Ottley
Purpose of proposal	To seek approval to the subsequent sale of the freehold interest
Data sources	Consultation Results; relevant reports/strategies
Please include any other sources of data	
ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Not Applicable
Age details:	
Protected characteristic: Disability	Not Applicable
Disability details:	
Protected characteristic: Gender	Not Applicable
Gender details:	
Protected characteristics: Gender Reassignment	Not Applicable
Gender reassignment details:	
Protected characteristics: Marriage and Civil Partnership	Not Applicable
Marriage and civil partnership details:	
Protected characteristics: Pregnancy and Maternity	Not Applicable
Pregnancy and maternity details:	
Protected characteristics: Race	Not Applicable
Race details:	
Protected characteristics: Religion or Beliefs	Not Applicable
Religion or beliefs details:	
Protected characteristics: Sexual Orientation	Not Applicable

Sexual orientation details:

Please indicate any actions arising from completing this screening exercise.

Please indicate whether a full impact assessment is recommended **NO**

What data has been collected to facilitate the assessment of this policy/proposal?

Consultation analysis

Adverse impact on any people with protected characteristics.

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

How will the effect(s) of this policy/proposal on equality be monitored?

What data is required in the future?

Are there any adverse impacts on any particular group(s) **No**

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

The proposal seeks approval to the subsequent sale of land. The property strategy will help make Birmingham an entrepreneurial city to learn, work and invest in, an aspirational city to grow up in, a fulfilling city to age well in and a great city to live in.

Consulted People or Groups

The Leader of the Council, the relevant Ward Members, relevant Officers from Inclusive Growth, Finance, Legal and Governance have been consulted.

Informed People or Groups

Summary and evidence of findings from your EIA

The sale of the subject site will promote investment and generate income into the City region economy and will contribute to the strategic outcomes outlined in the Council Plan 2019 - 2023, see initial review of EQUA368.

The asset has been marketed on an unrestricted basis to ensure the maximum return to the Council. The sale of the subject site will promote private investment and generate income into the city region economy.

The proposals relate to the disposal of property and the Property Strategy will contribute to the strategic outcomes outlined in the Council Plan 2019 -

2023. To create a City of growth where every child, citizen and place matters.

At this stage there are no equality issues impacting this transaction and therefore there is no need for a full equality assessment.

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

Yes

Quality Control Officer comments

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

Yes

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

14/04/2020

Reasons for approval or rejection

Please print and save a PDF copy for your records

Yes

Julie Bach

Person or Group

Content Type: Item

Version: 12.0

Created at 08/04/2020 11:48 AM by  Felicia Saunders

Last modified at 14/04/2020 09:44 AM by Workflow on behalf of  Eden Ottley

Close

Birmingham City Council

Report to Cabinet

Date: 26th May 2020



Subject: **PLANNED PROCUREMENT ACTIVITIES (JUNE 2020 – AUGUST 2020) AND QUARTERLY CONTRACT AWARD SCHEDULE (JANUARY 2020 – MARCH 2020)**

Report of: **ASSISTANT DIRECTOR DEVELOPMENT & COMMERCIAL FINANCE**

Relevant Cabinet Member: **Councillor Tristan Chatfield, Finance and Resources**

Relevant O & S Chair(s): **Councillor Sir Albert Bore, Resources**

Report author: Richard Tibbatts, Head of Contract Management
Telephone No: 0121 303 6610
Email Address: richard.tibbatts@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		
3. Information relating to the financial or business affairs of any particular person (including the council)		

1 Executive Summary

- 1.1 This report provides details of the planned procurement activity for the period June 2020 – August 2020 and all contract award decisions made under Chief Officer's delegation during the previous quarter. Planned procurement activities reported previously are not repeated in this report.

1.2 The report enables Cabinet to identify whether any reports for procurement activities should be brought to this meeting for specific executive decision, otherwise they will be dealt with under Chief Officer delegations up to the value of £10m, unless TUPE applies to current Council staff.

1.3 Appendix 4 informs Cabinet of the contract award decisions made under Chief Officers delegation during the period January 2020 – March 2020.

2 Recommendations

2.1 Notes the planned procurement activities under chief officer delegations set out in the Constitution for the period June 2020 - August 2020 as detailed in Appendix 1.

2.2 Notes the contract award decisions made under Chief Officers delegation during the period January 2020 – March 2020 as detailed in Appendix 4

3 Background

3.1 At the 1 March 2016 meeting of Council changes to procurement governance were agreed which gives Chief Officers the delegated authority to approve procurement contracts up to the value of £10m over the life of the contract. Where it is likely that the award of a contract will result in staff employed by the Council transferring to the successful contract under TUPE, the contract award decision has to be made by Cabinet.

3.2 In line with the Procurement Governance Arrangements that form part of the Council's Constitution, this report acts as the process to consult with and take soundings from Cabinet Members and the Resources Overview & Scrutiny Committee.

3.3 This report sets out the planned procurement activity over the next few months where the contract value is between the EU threshold (£189,330) and £10m. This will give members visibility of all procurement activity within these thresholds and the opportunity to identify whether any procurement reports should be brought to Cabinet for approval even though they are below the £10m delegation threshold.

3.4 It should be noted that the EU threshold has changed from £164,176 to £189,330 and will apply from 1st January 2020 for a period of 2 years.

3.5 Individual procurements may be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Chair of Resources Overview & Scrutiny Committee where there are sensitivities or requirements that necessitate a decision being made by Cabinet.

3.6 Procurements below £10m contract value that are not listed on this or subsequent monthly reports can only be delegated to Chief Officers if specific approval is sought from Cabinet. Procurements above £10m contract value will still require

an individual report to Cabinet in order for the award decision to be delegated to Chief Officers if appropriate.

3.7 A briefing note with details for each item to be procured is listed in Appendix 2. The financial information for each item is detailed in Appendix 3 – Exempt Information.

3.8 Award decisions made under Chief Officers delegation during the period January 2020 – March 2020 is shown in Appendix 4.

4 Options considered and Recommended Proposal

4.1 The report approved by Council Business Management Committee on 16 February 2016 set out the case for introducing this process. The options considered are:

- To refer the procurement strategy and contract award of individual procurements to Cabinet for decision.
- To continue with the existing process – this is the recommended option

5 Consultation

5.1 Internal

This report to Cabinet is copied to Cabinet Support Officers and to Resources Overview & Scrutiny Committee and is the process for consulting with relevant cabinet and scrutiny members. At the point of submitting this report Cabinet Members/ Resources Overview & Scrutiny Committee Chair have not indicated that any of the planned procurement activity needs to be brought back to Cabinet for executive decision.

5.2 External

None.

6 Risk Management

6.1 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 Details of how the contracts listed in Appendix 1 and Appendix 2 support relevant Council policies, plans or strategies, will be set out in the individual reports.

7.2 Legal Implications

7.2.1 Details of all relevant implications will be included in individual reports.

7.3 Financial Implications

- 7.3.1 Details of how decisions will be carried out within existing finances and resources will be set out in the individual reports.

7.4 Procurement Implications (if required)

- 7.4.1 This is a procurement report and the implications are detailed in the appendices

7.5 Human Resources Implications (if required)

- 7.5.1 None.

7.6 Public Sector Equality Duty

- 7.6.1 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports.

8 Background Documents

- 8.1 List of Appendices accompanying this Report (if any):

- 1. Appendix 1 - Planned Procurement Activity June 2020 - August 2020
- 2. Appendix 2 – Background Briefing Paper
- 3. Appendix 3 – Exempt Information
- 4. Appendix 4 – Quarterly Contract Award Schedule January 2020 – March 2020

APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (JUNE 2020 – AUGUST 2020)

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Finance and Resources Plus	Finance Officer	Contact Name	Planned CO Decision Date
Strategy / Award	Salary sacrifice scheme for cars and associated services	TBC	Salary sacrifice scheme to enable employees to purchase low carbon vehicles and associated services.	5 years	Finance and Governance	Finance and Resources	Simon Ansell	Blaine Steede / Richard Tibbatts	08/06/2020
Strategy / Award	Project Management Services to support the Resolution of the Construction Related Dispute regarding Grand Central	TBC	Requirement for a project management service to support the Council to resolve of a construction related dispute regarding the Grand Central shopping centre.	3 years	Inclusive Growth	Leader	Guy Olivant	Neil Hingorani	08/06/2020
Single Contractor Negotiations	Groundworks for the Peddimore Employment Site	TBC	To construct warehouse buildings on the Peddimore site and provide all infrastructure works for both Phases 1 and 2.	1 year	Inclusive Growth	Leader	Simon Ansell	Julia Martin / Andrew Bradley / Charlie Short	01/07/2020
Strategy / Award	Legal Advice to support the Major Capital Project in Relation to the Commonwealth Games 2022	TBC	Requirement for the continuation of legal advice to support the Council's in-house provision for the Perry Barr Regeneration Scheme and the redevelopment of the Alexander Stadium.	3 years	Inclusive Growth	Leader	Guy Olivant	Connie Price / Charlie Short	01/07/2020
Strategy / Award	Legal Advice to support the Smithfield Regeneration Scheme	TBC	Requirement for the continuation of legal advice to support the Smithfield Regeneration Development project.	4 years	Inclusive Growth	Leader	Guy Olivant / Alison Jarrett	Marlene Slater / Charlie Short	01/07/2020
Strategy / Award	Water Supply and Waste Water Services	TBC	To purchase water and billing services from other licenced water retailers authorised to provide the services. The services provided are provision of metered and unmetered water supplies, waste water and surface drainage services.	3 years	Finance and Governance	Finance and Resources	Helen Gould	Adele Rawlins	01/08/2020

APPENDIX 2

BRIEFING NOTE ON PLANNED PROCUREMENT ACTIVITIES **CABINET – 26TH MAY 2020**

Title of Contract	Salary sacrifice scheme for cars and associated services
Briefly describe the service required	Salary sacrifice scheme to enable employees to purchase low carbon vehicles and associated services.
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	This is not a statutory service. This is a salary sacrifice scheme that enables employees to purchase low carbon vehicles that are compliant with the Clear Air Zone policy.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	This is a new requirement so there are no existing arrangements in place.
What budget is the funding from for this service?	This is a salary sacrifice scheme so any costs will be deducted from employees' salaries at source. There is no incremental costs for administering the scheme to the Council as it is a self-service via online portal. The payments for the car scheme are taken directly from the employee.
What is the proposed procurement route?	The procurement route proposed will be to use the Leicester City Council Salary Sacrifice Cars – Single Supplier Framework and Tusker Ltd as the single supplier will be awarded the contract via a direct award. This route was selected as it facilitates an expedient solution and offers a good range of vehicles and more straightforward terms and conditions than other framework agreements.
If single /multiple contractor negotiations is proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not applicable.
Proposed start date and duration of the new contract	1 st August 2020 for a period of up to 5 years.

Title of Contract	Project Management Services to support the Resolution of the Construction Related Dispute regarding Grand Central
Briefly describe the service required	<p>There is an ongoing requirement for a project management service to support the Council to resolve of a construction related dispute regarding the Grand Central shopping centre. Turner & Townsend Project Management Ltd has been engaged to provide project management services to support the Grand Central project since 2010 and supported the dispute since March 2016. To ensure continuity of service there is a requirement for this arrangement to remain until the dispute is concluded. There are not the skills, experience or availability within the Council for these services therefore there is a requirement for suitably qualified resources to be engaged externally.</p> <p>The requirements of the Birmingham Business Charter for Social Responsibility will be incorporated with commitments proportionate to the value of the contract.</p>
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	The Council is not under a statutory duty to deliver project management services. However, project management services are required by the Council to support the resolution of the dispute which has been ongoing since March 2016.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The contract expired on 31 st May 2017 and the services have continued to be delivered under the terms and conditions of the expired contract.
What budget is the funding from for this service?	The service is funded from the Grand Central budget.
What is the proposed procurement route?	It is proposed that a direct award is made to T & T using the Crown Commercial Services Project Management and Design Services Framework Agreement.
If single /multiple contractor negotiations is proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not applicable.
Proposed start date and duration of the new contract	The proposed start date is 1 July 2020 for a period of 3 years expiring 31 March 2023.

Title of Contract	Groundworks for the Peddimore Employment Site
Briefly describe the service required	On 6 th March 2018, Cabinet approved the award of a contract to enter into a Development Agreement with IM Properties plc (IMP) to provide all infrastructure works for phase 1 of the Peddimore Employment Site and to construct warehouse buildings on phase 1. Phase 1 is to be developed by IMP and the phase 2 land is being retained by the Council. At the date of the original approval, IMP was not required to carry out groundworks to the phase 2 land within the original terms of the agreement, as proposals for the retained land had not yet been formed. There is now a requirement for the groundworks to be undertaken on the phase 2 land to enable the acceleration of the delivery for this part of the site.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	There is not a statutory duty to provide this service. However, development of the Peddimore site will generate substantial capital receipts to the council and these works will support the delivery of the scheme.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	This is a one-off contract.
What budget is the funding from for this service?	The costs of these works will be met from the ringfenced capital receipt generated from the disposal of phase 1 land to IMP as approved by Cabinet on 6 th March 2018.
What is the proposed procurement route?	To enter single contractor negotiations with IMP for the delivery of the groundworks for phase 2. Should single contract negotiations not realise the anticipated outcomes, savings and benefits, an open procurement exercise advertised in OJEU, Contracts Finder and www.finditinbirmingham.com for these works will be undertaken.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	<p>There are existing construction obligations under the Development Agreement. IMP has already secured planning permission for the works across the two phases. These works identify that a cut and fill exercise for the ground across both phases is required. Following initial discussions, entering into single contractor negotiations with IMP is anticipated to provide logistical efficiencies, cost savings and programme benefits without the need for two contractors to be on site simultaneously. By advancing the programme of works on phase 2, the Council will have a serviced prepared site sooner, to let or sell in the open market, and attract earlier economic investment and capital receipt. The Council's cost consultant will undertake due diligence on the cost proposals provided during the negotiations.</p> <p>IMP is a certified signatory to the BBC4SR and will be required to produce additional actions proportionate to the value of the proposed contract.</p>
Proposed start date and duration of the new contract	The proposed start date is 1 st September 2020 for a duration of 12 months.

Title of Contract	Legal Advice to support the Major Capital Project in Relation to the Commonwealth Games 2022
Briefly describe the service required	<p>There is a requirement for the continuation of legal advice to support the Council's in-house provision for the Perry Barr Regeneration Scheme and the redevelopment of the Alexander Stadium. Burges Salmon LLP has been engaged to provide this advice approved under Chief Officer delegated authority on 31st January 2020. Since the Covid-19 pandemic, there has been a significant increase in legal advice to protect the Council's position and risk profile with these projects. This was unforeseen and, as a consequence, the value of the approval for current contract will become exhausted in June 2020.</p> <p>The Acting City Solicitor is in agreement with the requirement for external legal advice. The resourcing requirements will be managed by the Head of Law (Commercial, Procurement, Privacy & Information).</p> <p>Burges Salmon LLP will be required to become a certified signatory to the Birmingham Business Charter for Social Responsibility and provide commitments proportionate to the value of this contract.</p>
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	The Council is not under a statutory duty to deliver the service. However, legal advice is required to support the delivery of the Perry Barr Regeneration Scheme and the redevelopment of the Alexander Stadium.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The current contract with Burges Salmon LLP was approved under Chief Officer delegation on 31 st January 2020 and the value is expected to expire in June 2020.
What budget is the funding from for this service?	The costs of these services will be met from the approved Commonwealth Games budget.
What is the proposed procurement route?	It is proposed that a direct award is made to Burges Salmon LLP using the Crown Commercial Services Wider Public Sector Legal Services Framework Agreement.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not applicable
Proposed start date and duration of the new contract	The proposed start date is from July 2020 for a duration of up to 3 years and end July 2023.

Title of Contract	Legal Advice to support the Smithfield Regeneration Scheme
Briefly describe the service required	<p>There is a requirement for the continuation of legal advice to support the Smithfield Regeneration Development project. In December 2016, Cabinet gave approval to commission a legal adviser to support the procurement of a Development Partner for the project. The Strategic Director of Economy in conjunction with the Assistant Director of Procurement, the Strategic Director of Finance and Legal and the Acting City Solicitor approved the award of contract to Bevan Brittan LLP. On 19 November 2019, the Leader and the Cabinet Member for Finance and Resources approved an increase in contract value.</p> <p>Due to the complexities of procuring a development partner for a project of this nature and scale and the funding requirement to facilitate this, the provision of legal advice and enhanced due diligence to finalise the Joint Venture Agreement and Associated Contracts to achieve the Council's project objective is taking longer than first anticipated. This work is needed to protect the Council's position, maximising value for money and minimise the level of risk exposure to the Council in entering into the contract with the Development Partner.</p> <p>The resourcing and costs of the contract will be managed by the newly appointed Project Director who will continually monitor and review service requirements, provide clear work instructions and continually scrutinise delivery of works to ensure that the project objectives are achieved in the most effective and efficient manner.</p> <p>Bevan Brittan LLP is a certified signatory to the Birmingham Business Charter for Social Responsibility and will be required to provide additional commitments proportionate to the value of this contract.</p>
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	The Council is not under a statutory duty to deliver the service. However, legal advice is required to support the delivery of the Smithfield Regeneration Scheme.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The current contract with Bevan Brittan LLP was approved by Leader and the Cabinet Member for Finance and Resources and the value is expected to expire in June 2020.
What budget is the funding from for this service?	The costs of these services will be met from the approved Smithfield Development budget.
What is the proposed procurement route?	It is proposed that a direct award is made to Bevan Brittan LLP using the Crown Commercial Services Wider Public Sector Legal Services Framework Agreement.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not applicable
Proposed start date and duration of the new contract	The proposed start date is from July 2020 for a duration of 4 months.

Title of Contract	Water Supply and Waste Water Services
Briefly describe the service required	Following the deregulation of the water supply market in April 2017, it has been permissible to purchase water and billing services from other licenced water retailers authorised to provide the services. The services provided are provision of metered and unmetered water supplies, waste water and surface drainage services.
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	There is no statutory duty for this contract. However, the Council requires the contract to support the delivery of services under a wide range of primary legislation including the Health and Safety at Work Act 1974.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There is not a current contract in place for the services. However, the services have been provided by Water Plus Ltd, a joint venture company set up by Severn Trent (the Council's previous supplier) and United Utilities since April 2017 on this organisation's terms of business. This arrangement will expire on the commencement of a compliant replacement contract that will demonstrate value for money in line with current market conditions.
What budget is the funding from for this service?	Funding is from existing approved directorate and school budgets.
What is the proposed procurement route?	A further competition will be undertaken using the Crown Commercial Services Water, Wastewater and Ancillary Services framework agreement.
If single /multiple contractor negotiations is proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not applicable.
Proposed start date and duration of the new contract	The proposed start is November 2020 for a period of 3 years.

APPENDIX 4 - QUARTERLY CONTRACT AWARD SCHEDULE (JANUARY 2020 – MARCH 2020)

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Finance and Resources	Finance Officer	Contact Name	Comments - including any request from Cabinet Members for more details	Contractor(s) Awarded to	Value of Contracts		Chief Officer	Actual Go Live date
											Value of Initial Period	Value of Potential Extension		
Delegated Extension Award	MOT services for Private Hire and Hackney Carriages	P0326	Provision of MOT services for taxis (private hire vehicles and hackney carriage carriages).	4 years	Neighbourhoods	Transport and Environment	Parmjit Phipps	Chris Arundel / Janine Weetnam	Delegated Award Report signed 08/06/2017 and delegated the extension to CO. Delegated Extension Award Report signed 14/01/2020 .	1) Autofit Centre Limited 2) Automoto Birmingham Limited 3) Phoenix Vehicle Management Limited t/a The Auto Workshop 4) Sak's Auto Centre 5) Swift Repairs Limited	£479,000	N/A	Rob James / Alison Jarrett	14/01/2020
Strategy / Award	Credit Searches	P0614	Credit search agencies use credit reference agency and business intelligence data to maximise collection rates of council tax, housing benefit overpayments and rent arrears.	3 years with up to 2 years option to extend	Finance and Governance	Finance and Resources	Toyin Bamidele	Andrea Webster	Presented to Cabinet for info 30/07/2019. Strategy / Award Report signed 13/01/2020 .	TransUnion International UK Limited	£384,000	N/A	Tim Savill / Alison Jarrett	13/01/2020
Delegated Award Report	Processing of Paper and Card	P0404R	Processing of Paper and Card	3 years with up to 2 years option to extend	Neighbourhoods	Street Scene and Parks	Parmjit Phipps	Michelle Climer / Meena Chuhan	Cabinet approved the Approval to Tender Strategy in Support of the Waste Strategy Framework 2017-2020 on 13/02/2018 and delegated the award to CO. Delegated Contract Award Report signed 07/02/2020 .	Smurfit Kappa Recycling Limited	£3,925,000 income	N/A	Rob James / Alison Jarrett	01/04/2020
Delegated Extension Award	Enforcement Agency Services to support the Management of Unauthorised Encampments	P0439	Provision of Enforcement Agency Services to support the Management of Unauthorised Encampments	2 years, 3 months	Neighbourhoods	Homes and Neighbourhoods	Parmjit Phipps	Mark Wolstencroft	Delegated Award Report signed 05/04/2018 and delegated the extension to CO. Delegated Extension Award Report signed 19/02/2020 .	HCE Group Limited and Equita Limited	£420,000	N/A	Rob James / Alison Jarrett	19/02/2020
Delegated Award Report	Development of Housing at Farnborough Road, Castle Vale Ward	P0636	For the construction and development of 124 new homes (mixed tenure) at Farnborough Road.	21 months	Inclusive Growth	Homes and Neighbourhoods	Parmjit Phipps	Gill Beveridge / Dean Billingham	Cabinet approved the Approval to Tender Strategy as part of the report Building Birmingham: Full Business Case - Delivering the Birmingham Municipal Housing Trust (BMHT) Housing Development Programme 2019-29 with SME house-builders on the 14/05/2019 and delegated the award to CO. Delegated Award Report signed 13/02/2020 .	Lovell Partnerships Limited	£6,581,997	N/A	Ian MacLeod / Alison Jarrett	13/02/2020
Delegated Award Report	Redevelopment of the Alexander Stadium Site	P0458	Construction of the main stand and associated works at the Alexander Stadium.	5 years	Neighbourhoods	Deputy Leader	Guy Olivant	Dave Wagg / Charlie Short	Cabinet approved the Approval to Tender Strategy 22/01/2019 and delegated the award to CO. Delegated Award Report signed 05/03/2020 .	McLaughlin & Harvey Construction Limited	£57,610,468	N/A	Rob James / Alison Jarrett	05/03/2020
Strategy / Award	Hardware and Management Tooling	P0640	Provision of Hardware and Management Tooling tender following a further competition exercise called off the NHS IT Solutions (Networks, Software, Hardware & IT Services).	2 years	Digital and Customer Services	Deputy Leader	Toyin Bamidele	David Waddington	Presented to Cabinet for info 30/07/2019. Strategy / Award Report signed 11/03/2020 .	CDW Limited	£4,249,000	N/A	Sam Hall / Alison Jarrett	11/03/2020
Delegated Extension Award	Provision of a Supplier Statement Audit	P0430	Provision for a Supplier Reconciliation Audit.	3 years	Finance and Governance	Finance and Resources	Toyin Bamidele	Craig Price	Strategy / Award Report signed 09/07/2018 and delegated the extension to CO. Delegated Extension Award Report signed 12/03/2020 .	Meridian Cost Benefit Limited t/a Recovery Audit	£274,000	N/A	Alison Jarrett	12/03/2020
Strategy / Award	Microsoft Enterprise Agreement Renewal	P0638	Provide a technical refresh of the Councils infrastructure post transition of services.	3 years	Digital and Customer Services	Deputy Leader	Toyin Bamidele	Nikki Spencer	Presented to Cabinet for info 17/12/2019. Strategy / Award Report signed 25/03/2020 .	Softcat Plc	£8,881,179	N/A	Sam Hall / Alison Jarrett	01/04/2020
Delegated Award Report	Provision of Mobile Catering for Parks	P0621	Provision of mobile catering concessions for up to 60 pitches within the Council's parks. The concessions will include the sale of ice cream and also hot and cold food from either small mobile kiosks or vans.	4 years	Neighbourhoods	Street Scene and Parks	Parmjit Phipps	Matt Hagney / Stuart Follows	Presented to Cabinet for info 30/07/2019. Approval to Tender Strategy Report signed 19/09/2019 and delegated the award to CO. Delegated Award Report signed 04/12/2019 .	Khatkar Company UK: A2 - Aston Park (Trinity Road) A10 - Handsworth Park (Leisure Centre Car Park) B10 - Lickey Hills (Monument Lane Car Park) Verrecchia Ices: A4 - Cannon Hill Park A24 - Sutton Park (pitch 1 - Palace Hill, Town Gate) B21 - Sutton Park (pitch 2 - Flying Grounds) B22 - Sutton Park (pitch 3 - Jamboree Stone) Ice Cream Company (UK) Ltd: A5 - Cannon Hill Park (Queens Ride South car park) B13 - Perry Hall Playing Fields, Perry Avenue Tony Ices: A6 - Calthorpe Park Extension A22 - Sparkhill Park A25 - Swanshurst Park Kays Ices: A16 - Norman Chamberlain Playing Fields A17 - Oaklands Recreation Ground Loppy's Lollies Ltd: B5 - Cofton Park, Low Hill Lane B6 - Grove Park, Harborne Park Road B8 - Kings Norton Park B15 - Queens Park, Court Oak Road B19 - Semeleys Park B24 - Victoria Common Mr Soft Serve: B14 - Pye Hayes Park D and S Shufflebottom's: C1 - Aston Park (Trinity Road)	Income £559,000	N/A	Rob James / Alison Jarrett	01/01/2020