

BIRMINGHAM CITY COUNCIL

CABINET

TUESDAY, 18 JANUARY 2022 AT 10:00 HOURS
IN BMI MAIN HALL, 9 MARGARET STREET, BIRMINGHAM, B3 3BS

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) 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.

<u>5 - 12</u>	5	<u>GAS AND POWER PROCUREMENT STRATEGY</u>	Report of Assistant Director Development and Commercial
<u>13 - 18</u>	6	<u>INCREASING CONTRACT VALUE - FINANCIAL REPORTING – DELIVERY SUPPORT, TECHNICAL AND STRATEGIC ADVICE CONTRACT</u>	Report of Director of Finance
<u>19 - 24</u>	7	<u>BUSINESS RATES INCOME 2022/23</u>	This report is from the Director of Council Management- Interim
<u>25 - 34</u>	8	<u>COUNCIL TAX TAX-BASE FOR 2022/23</u>	This report is from the Director of Council Management-Interim
<u>35 - 80</u>	9	<u>CITY CENTRE PUBLIC SPACE PROTECTION ORDER (PSPO)</u>	Report of the Managing Director - City Operations
<u>81 - 90</u>	10	<u>FOCUSED OFSTED VISIT TO CHILDREN'S SOCIAL CARE</u>	Report of Director of Children's Services
<u>91 - 98</u>	11	<u>DISTRIBUTION OF COVID RELATED GRANTS AND RELIEFS</u>	Peter Bishop, Director for Digital and Customer Services
<u>99 - 110</u>	12	<u>PLANNED PROCUREMENT ACTIVITIES (FEBRUARY 2022 – APRIL 2022)</u>	Report of Interim Assistant Director - Procurement
<u>111 - 116</u>	13	<u>APPOINTMENTS TO OUTSIDE BODIES</u>	Report of the Interim City Solicitor.
<u>117 - 128</u>	14	<u>EMERGENCY DECISIONS NOTICES</u>	These decisions are for noting only.

15 **OTHER URGENT BUSINESS**

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

Birmingham City Council

Report to Cabinet

18 January 2022



Subject: Utilities Procurement Strategy and Award April 2022 to March 2026

Report of: Richard Tibbatts, Head of Category – Corporate, Corporate Procurement

Relevant Cabinet Member: Councillor Tristan Chatfield – Finance and Resources

Relevant O & S Chair(s): Councillor Mohammed Aikhlaq MBE - Resources

Report author: Adele Rawlins, Sub-Category Officer - Place

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: 008907		
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
Paragraph 3 Information relating to the financial or business affairs of any particular person (including the council)		

1 Executive Summary

- 1.1 This report seeks approval to the award of a contract for a period of four (4) years for the purchasing of gas and electricity and associated bill validation and payment services to West Mercia Energy (WME).

2 Recommendations

That Cabinet

- 2.1 Approves the award of a contract to West Mercia Energy for a period of four (4) years for the purchase of energy. Based on current market conditions and the significant spike in wholesale energy prices, costs are currently estimated at £30m

per annum (this includes a management and purchasing cost of £96K per annum) and bill validation and payment services to the value of £121,463 per annum.

- 2.2 Authorises the Interim City Solicitor (or their delegate) to agree and complete all documents to give effect to the above recommendation.

3 Background

- 3.1 This report provides details regarding the recommended strategy for the procurement of utilities (electricity and gas) and bill validation and payment services for the period 1st April 2022 to 31st March 2026.
- 3.2 The Council is currently using the West Mercia Energy Framework for the procurement of utilities. The sole supplier under this framework for the supply of both electricity and gas is Total Energies Ltd.
- 3.3 In order to determine the utilities procurement strategy from 1st April 2022 a benchmarking exercise and options appraisal was undertaken with questionnaires being issued to the market in order to determine which framework is best suited to the needs of the Council.
- 3.4 Questions were drawn up based on a number of key outcomes that the Council needs to achieve from accessing such a Framework. These outcomes are:-
- Social Value
 - Value for Money
 - Billing and Accuracy of Data
 - Bill Validation and Payment Services
 - Flexible Purchasing Options
 - Experience and Expertise
 - Management of Supply Contracts for gas and electricity
- 3.5 Responses were received by the following framework providers; CCS, United Learning Trust, West Mercia Energy. CCS were unable to provide pricing for the bill validation service and the framework had to be signed up to in September 2021 for the following April 2022.
- 3.6 Responses were considered in order to determine the most suitable framework for the Council with the recommendation that the Council continue to use the West Mercia Energy Framework for both energy and bill validation and payment services for 4 years from 1st April 2022 to 31st March 2026. The Exempt Report contains confidential details of the individual bidder's responses, including fees.
- 3.7 West Mercia Energy is a purchasing organisation jointly owned by Shropshire, Herefordshire, Telford & Wrekin and Worcestershire County Councils so use of this framework promotes collaboration between local authorities. Their portfolio currently consists of Local Authorities, District Councils and Schools.

- 3.8 The use of the validation and payment services will mean that the Council will not pay incorrect invoices, raise a query and then await rebilling by the supplier; anything failing validation will not be passed to us for payment as WME pay the supplier and then we pay WME only for those invoices that pass validation.
- 3.9 The Framework offers flexible energy purchasing options: Purchase within Period and Purchase in Advance. The Purchase in Advance option provides greater budget certainty and in the past schools have opted for this. This means that all the energy is purchased prior to 1st April and the prices are averaged and applied as a fixed rate for the entire 12-month period. Purchase Within Period is the option used by the rest of the Council as this means that not all the energy is purchased prior to 1st April, giving a longer buying period. Evidence in the past has shown that in recent years this has, on average, outperformed the Purchase in Advance pricing. The price is capped at a maximum level with this option, allowing greater budget certainty.
- 3.10 The management fees are based on consumption and a fixed price per supply and so will reduce where there are corresponding reductions in consumption and disposal of sites. The fees are based on separate purchasing baskets for BCC schools with options to commit for 1, 2, or 3 years allowing them greater flexibility. The framework allows development of the Council's own risk strategy.

4 Options considered and Recommended Proposal

- 4.1 A tender exercise was considered but discounted as we do not have the necessary energy purchasing expertise in house.

5 Consultation

- 5.1 Officers from Highways, Housing and Birmingham Property Services as the services areas most impacted were consulted in the preparation of this report.

6 Risk Management

- 6.1 Use of the WME Framework includes robust risk management strategies in the purchasing of electricity and gas on the wholesale market.

7 Compliance Issues:

- 7.1 This contract will support the vision, outcomes and priorities as set out in the Council Plan 2018-22;
- By ensuring continuity of supply of gas and electricity to Council premises and schools
 - By seeking to optimise the price paid for gas and electricity through fixed and variable wholesale purchasing arrangements throughout the contract term.

7.2 Legal Implications

- 7.2.1 The provision of gas and electricity under this Framework relates to Council-owned buildings and schools across the Council's area. Because of the numerous Council services and functions carried out from such buildings it is not practical to include, in this report, details of all relevant legislation enabling those services and functions to be carried out.
- 7.2.2 Under S111 Local Government Act 1972 the Council is empowered 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 Utilities spend during the period 1st October 2020 to 31 September 2021 was £18.2m for electricity and £3.9m for gas. £4m of this spend is by schools who directly manage their own budgets. However, we have seen a significant increase in energy prices which means that projected costs for 2022/23 and beyond are £25m per annum for electricity and £4m for gas for Corporate sites and £6m for electricity and £4m gas for schools.
- 7.3.2 There are many variables that impact on the City Council's expenditure on electricity and gas. These include movement in wholesale prices, buildings occupied by the City Council, level of occupancy, weather conditions and energy consumption. It is therefore difficult to predict future expenditure and for the purposes of this procurement it has been assumed that consumption will continue at the same level as the previous year.
- 7.3.3 The proposed framework includes opportunities to minimise the effects of the volatile energy markets by the adoption of a risk management approach to purchasing utilities on a fixed or flexible basis, as explained in 3.10.
- 7.3.4 With the current high market prices, mitigating against higher prices is partly dependent upon a reduction in consumption, however, prices will continue to be compared to the market prices to show the benefits of implementing the proposed purchasing strategy.
- 7.3.5 The actual energy only forms 65% of the cost of gas 35% of the cost of electricity, the rest being made up of non-commodity charges and environmental levies which are non-negotiable and will be the same whichever supplier we use.
- 7.3.6 A management fee is charged by Framework providers for the management of the arrangements with utility providers and the cost of operating a trading desk to purchase energy.
- 7.3.7 West Mercia Energy will be carrying out a Capacity Review as part of the bill validation and bureau service. This will ensure that the Council is not paying more for Maximum Import Capacity charges for its half-hourly supplies than is necessary. It is expected that this will result in savings of around £152,000 per annum.

7.3.8 A marginal levy will be included in the energy price which contributes to the balancing of the budget for Corporate Procurement Services.

7.4 Procurement Implications

7.4.1 Procurement implications are dealt with throughout the Report.

WME and their supplier, Total Energies have committed to sign up to the BBC4SR. Social value, which includes decarbonisation, is a scored question within all WME's key supplier tenders and the section represents 20% of the quality criteria within their OJEU gas and electricity tenders. Compliance with the BBC4SR is a mandatory requirement that will form part of the conditions of contracts along with submission of an action plan setting out social value commitments that are proportionate and relevant to the contract. The approved action plan will then be implemented and monitored during the contract period.

This includes the following commitments:-

- Provision of a Social Value fund made available to schools specifically on the BCC energy contract. This fund to be used to support environmental activities within schools.
- WME will provide Streamlined Energy & Carbon Reporting (SECR) reports to schools using the Council's utilities contract free of charge.
- WME aim to be carbon neutral by April 2023.
- WME and their four Member Authorities, have made a commitment that any profits generated by WME and returned to the Member Authorities will be ringfenced specifically for investment in public sector green initiatives, thus supporting the wider public sector net zero ambition.
- Through the lifetime of this contract WME and TGP have committed to working with BCC to develop greener products to support the Councils net zero ambitions, this includes offsetting products to provide a more economic option to the current costs of procuring green gas.
- Both WME and Total Energies have committed to taking on at least 1 apprentice to work on the BCC contract.

8 Appendices

- Exempt Appendix A

9 Background Documents

9.1 Spend Reports utilities 1st April 2020 to 31st March 2021

Birmingham City Council

**Reports not on the Forward Plan / Late Report / Confidential or
Exempt Information not Notified**

Birmingham City Council

18th January 2021



Subject: Utilities Procurement Strategy 2022 - 2026

Report of: Head of Category - Corporate

Report author: Adele Rawlins

1) Key Decisions not on the Forward Plan / Urgent Decisions

To be completed for Key Decisions not on the Forward Plan 28 days before the Cabinet meeting at which the decision is to be taken.

<i>Reasons for Urgency / why not included on the notification</i>	[insert reasons]
<i>Date Chief Executive Agreement obtained:</i>	
<i>Name, Date and any comments of O&S Chair agreement obtained:</i>	

2) Key Decisions not notified on the Notification of Intention to Consider Matters in Private

To be completed for Key Decisions not on the Forward Plan 28 days before the Cabinet meeting at which the decision is to be taken.

<i>Reasons for Urgency / why not included on the notification</i>	Originally there was no exempt report and this was amended at the last minute for more clarity of the decision proposed
<i>Name, Date and any comments of O&S Chair agreement obtained:</i>	Cllr Rice, Chair Coordinating OSC 18 January 2022 at 9.50am

3) Late Reports

To be completed for all late reports, i.e. which cannot be despatched with the agenda papers i.e. 5 clear working days' notice before meeting.

<i>Reasons for Urgency / why late</i>	
<i>Date agreement obtained (Executive e.g. Leader and/or CEX):</i>	

Birmingham City Council

Report to Cabinet

18th January 2021



Subject: **INCREASING CONTRACT VALUE - FINANCIAL REPORTING – DELIVERY SUPPORT, TECHNICAL AND STRATEGIC ADVICE CONTRACT**

Report of: **Rebecca Hellard**
Director of Council Management

Relevant Cabinet Member: **Councillor Tristan Chatfield – Finance & Resources**

Relevant O & S Chair(s): **Councillor Mohammed Aikhlaq – Resources**

Report author: **Sara Pitt,**
Director of Finance
Email: Sara.Pitt@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: 009648/2022		
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 Financial Reporting – Delivery Support, Technical and Strategic Advice contract was awarded in January 2021 following a competitive process for a delivery partner to provide support to the Council's financial reporting function for two years. Since then the breadth of work required, mainly as a result of increased regulatory

requirements around Value for Money assessments, has resulted in the need for increased Delivery Support, Technical and Strategic Advice.

2 Recommendations

- 2.1 That Cabinet approves the increase in value of the Financial Reporting – Delivery Support, Technical and Strategic Advice contract with KPMG LLP by £234,000.

3 Background

- 3.1 The initial award report was costed for the direct costs mainly supporting the production of the statutory final accounts for two years, specifically:
- Co-ordinate and manage the closedown of financial accounts
 - Advice on accounting treatments of complex transactions
 - Knowledge transfer and building internal capability
 - Training and development
 - Provide resilience and ‘safe landing’ in a period of change
 - Develop Financial Accounting to achieve 3* and beyond
- 3.2 The contract was awarded following a competition exercise using the Crown Commercial Services (CCS) Corporate Finance Services Two Framework Agreement (RM6169) - Lot 1 Corporate Financial.
- 3.3 Cabinet was advised of the requirement for this contract in the Planned Procurement Activities Report on 19 January 2021. A 2-year contract was awarded for the provision of Financial Reporting – Delivery Support, Technical and Strategic Advice, which commenced 1st February 2021.
- 3.4 The services provided have so far successfully produced a Statement of Accounts one month earlier than the statutory deadline and supported the audit of the Accounts, which has been commended by the external auditors in their public Audit Findings Report. An unqualified audit opinion is expected with no material changes to the draft accounts.
- 3.5 However, additional requirements from the external auditor have required that we respond to an increased volume of external audit queries, greater sample sizes and request for more evidence as the external audit requirements increased from previous years. The external auditor has also required greater testing around property valuations and income and expenditure recognition this year.
- 3.6 Also, since the award of the contract in February it has also become necessary to add further additional activity, mainly as a result of the unexpected statutory and regulatory requirements related to the Value for Money assessment:
- Additional support for the statutory Value for Money external assessment. The National Audit Office introduced a new Code of Audit Practice this year which introduced a revised approach to the VFM audit. A subsequent Auditor

Guidance Note was issued to all auditors. The increased guidance and requirements were not known at the time of the tender for this contract. The requirement has changed from the auditors completing a risk assessment to auditors needing to gain an understanding of the Council's general arrangements and issuing a narrative report on them and any risk-based work. This approach has increased the evidence required to support this assessment. The external auditors presented their Audit Plan detailing the additional VFM assessment work at the end of March 2021.

This new assessment requires the council to provide evidence on three key criteria covering, financial sustainability, governance and improvements in economy, efficiency and effectiveness. These three key criteria are requirements for all Councils. The code also requires the external auditor to consider if council's have specific risks of significant weakness in their arrangements. For 2020/21 the external auditors identified, six areas to date that require the council to provide further evidence. Four were identified during April 2021. These are:

- The financial impact of the Commonwealth Games
- The contractual arrangements relating to the highways PFI scheme
- Waste service continuity and industrial relations
- Potential impact of lack of stable leadership due to significant level of turnover of key staff.

During the Summer of 2021 two additional risks were added by the external auditors:

- Governance arrangements in relation to required improvements in SEND services
- IT Audit findings and planned changes to the Council's general ledger

3.7 All of the above work involves elements of knowledge transfer and capacity building within the Council's workforce.

3.8 The additional work required falls under the following parts of the scope mentioned in the original invitation to tender, specifically:

- Manage and lead the Council's relationship with external audit. Attendance at relevant Committees i.e. Audit Committee.
- Respond and contribute to internal audit reviews.
- Set framework for production of service and corporate working papers.

- 3.9 To ensure appropriate support was provided to the VFM and financial statements audit, contract resources were redirected (from later activities) to supporting the 2020/21 audit. This has now left fewer resources available for delivery support that will be required towards the latter part of the contract to ensure robust financial reporting can be delivered under the Council's new Oracle financial system. It is thus necessary for the contract value to be increased to recognise the additional resources required to meet the increased audit requirements.
- 3.10 A detailed resource requirement for the next 13 months has been conducted and it is recommended that the contract value be extended, based on an additional amount of days. The exact cost will depend on the amount and cost of the level of staff support required. It is anticipated that the additional work will require senior level staff support. This will allow all the additional work listed above to be completed and for the statutory audit requirements to be met. The contract will continue to be managed closely to ensure services are only used when and where required.
- 3.11 The contract will be managed by the Interim Head of Financial Strategy (Capital & Treasury) who will work closely with the supplier on the delivery of these additional services.

4 Options considered and Recommended Proposal

- 4.1 Do nothing: Financial reporting and the Value for Money assessment are key indicators of the Council's financial management and well-being. An adverse external audit assessment of these will result in reputational damage to the Council and may hinder the Council's voice and leveraging in external funding and commercial opportunities.
- 4.2 As stated in 3.9 there are now less resources available in the existing approved value to support the important task of implementing the new financial system and ensuring robust financial reporting is achievable within the new financial system. This would be a significant risk to the Council.
- 4.3 Tender for these services: As described in 3.2 this contract was only recently tendered via a framework and competitive process and included provision for services in addition to the core scope at the time if and when required. A retender will add a time delay to work that is required immediately and in train. The new VFM assessment activities are intertwined with Financial Reporting and a separate contract for this will lead to potential overlaps and confusion with two suppliers working on closely related issues. A new delivery partner would also require a period of steep learning to become acquainted with the Council's financial reporting and new financial system that would not be cost effective or efficient.
- 4.4 Increase the value of the current contract – this is the preferred option as it is based on rates from a recent competitive tender process and the delivery partner has built up knowledge of the Council to be able to deliver these services immediately. The delivery partner now understands the council's requirements

and knowledge of its systems and processes and continuing with the existing contract will bring greater efficiencies

5 Consultation

5.1 None.

6 Risk Management

6.1 This contract increase will help manage the risk of not achieving a Value for Money assessment that is accurate and timely. It also mitigates the risk of accurate financial reporting under the Council's new Financial System. It will also ensure that the Council becomes best placed to support its annual VFM assessments going forward.

7 Compliance Issues:

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

7.1.1 This proposal is also consistent with the Council's Vision and Forward Plan 2018 – 2022 (updated in 2019) and themes within subsequent 2022 Delivery Plan October 2020. This service will deliver robust financial accounting and reporting which will, alongside fulfilling the Council's statutory responsibility of producing its accounts in line with proper practices, provide greater transparency, timely and accurate financial information for the Council as a whole and aid continuous improvement.

7.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

The supplier is a certified signatory to the BBC4SR and produced an action plan with commitments proportionate to the value of this contract. The action plan will be reviewed considering this increase and actions will be monitored and managed during the period of the contract.

7.2 Legal Implications

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

7.2.2 The arrangements set out in this report are in compliance with the powers of general competence as set out in Section 1 of the Localism Act 2011.

7.3 Financial Implications

7.3.1 The award report for this contract was for £476,800. Funding for the additional costs of this contract increase is available within existing resources. The additional costs will be funded from the funding available for the Finance

improvement Programme, managing the cost across the current and next financial year, through the planned use of available programme reserve and Policy Contingency funding.

7.4 Procurement Implications (if required)

7.4.1 This report details the increase in value of a contract and the procurement implications are detailed throughout.

7.4.2 Regulation 72(1)(c), Modification of Contracts During their Term, of the Public Procurement Regulations (PCR) 2015, allows provision for contracts to be modified without the need for a new procurement procedure where all of the following conditions are fulfilled:

- i. the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
- ii. the modification does not alter the overall nature of the contract;
- iii. any increase in price does not exceed 50% of the value of the original contract.

This contract modification is compliant with PCR 2015, Regulation 72(1)(c) on the basis that the outcome of the consultation exercise was unforeseen and resulted in additional work as detailed in paragraph 3. The modification is within the scope of the original direct award using the CCS Corporate Finance Framework Agreement and the increase in price does not exceed 50% of the value of the original contract.

7.4.3 Since the award of the KMPG LLP have provided a satisfactory service in accordance with contractual requirements despite the requirement for the increase in the estimated spend. On this basis, it is recommended that the value of the contract is modified.

7.5 Human Resources Implications (if required)

The contract will be managed by Council staff in Finance.

7.6 Public Sector Equality Duty

7.6.1 The requirements of the Constitution Part D, Section 2.9 in respect of the Council's Equal Opportunities Policy will be incorporated into the Contract.

7.6.2 The requirements of the Equality Act 2010 will be specifically included in the Contract to comply with, the Act.

8 Appendices

8.1 None.

9 Background Documents

Planned Procurement Activities Report approved by Cabinet 19 January 2021

Birmingham City Council

Report to Cabinet

18TH JANUARY 2022



Subject: Business Rates Income 2022/23
Report of: Director of Council Management – Rebecca Hellard
Relevant Cabinet Member: Cllr Tristan Chatfield – Cabinet Member for Finance and Resources & Cllr Brigid Jones – Deputy Leader
Relevant O &S Chair(s): Councillor Mohammed Aikhlaq - Resources
Report author: Nadeem Afzal, Senior Business Analyst

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: 009030/2022		
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 seeks approval of the City Council's Business Rates income projection for 2022/23 for submission to the Government. This forms the calculation of next financial year's income from Business Rates.
- 1.2 The report sets out the basis of the calculation and the assumptions which have been included.

2 Recommendations

That the Cabinet:-

- 2.1 Approves the 2022/23 Business Rates income for Birmingham as shown in Appendix 1.

3 Background

- 3.1 The Valuation Office Agency (VOA) provided the City Council with an updated version of the valuation list as at 24th November 2021. This has been used in calculating the Business Rates income projection. The Government continues to set the Business Rates multiplier which determines the level of Business Rates that each business pays. The City Council has forecast the levels of growth, appeals and non-collection that are expected to occur in 2022/23. This forecast is based on developments that are ongoing, planning approvals that are in place and expected to be completed in 2022/23 and further growth from the identification of additional rateable value as a result of external partnership work being carried out in order to maximise Business Rates Income. While reasonable prudence has been applied, there is more uncertainty in these forecasts than years prior to Covid-19, due to the ongoing impact of the Covid-19 pandemic and economic uncertainty.
- 3.2 In any year a proportion of the billed Business Rates cannot be collected, for example due to businesses going into liquidation. The City Council has made an assumption of 3% for non-collection. The Council has used a more cautious assumption than the 2% made in years prior to Covid-19, but better than the 4% assumed for 2021/22 because whilst collection is gradually improving, the impact of the Covid-19 pandemic and the economic uncertainty is still ongoing. Should this collection rate be improved, the resulting surplus will become available to assist in budget setting in future financial years and should this collection rate not be achieved the resulting deficit will be reflected in future budget setting.
- 3.3 Each year appeals are made against the rateable value of properties as determined by the Valuation Office Agency. Appeals that are upheld are backdated to the beginning of the ratings list period, or when the change in circumstances came into existence if later than this date. It is prudent for the City Council to make an assumption about the level of successful appeals that will be made each year and set aside adequate provision for repaying appeals. The council is assuming that these will be £21.9m, an increase of £4.25m from the 2021/22 budget due to an increase in the appeals in 2021/22.
- 3.4 As a result of previous budget announcements, the Government continues to provide a package of measures to support small businesses during 2022/23 along with additional support to eligible retail, leisure and hospitality premises. These measures continue to impact both on the level of retained Business Rates generated along with the general unringfenced grants paid to compensate local authorities for loss of income.
- 3.5 As a result of Covid-19 the Central Government provided significant financial support which helped small businesses, and retail, leisure and hospitality businesses get through the pandemic by offering 100% relief to their business rates in 2020/21. In addition, they provided 100% relief during the first 3 months of 2021/22 and 66.7% relief for the remaining 9 months of 2021/22. In the Autumn 2021 budget, the Government announced a 50% relief on business rates bills for eligible retail, hospitality and leisure properties up to £110,000 per business. An estimate of £62.8m excluding the Enterprise Zone has been included in the 2022/23 business rates forecast, although detailed guidance notes of the scheme are yet to be published by the Government.

- 3.6 After allowing for these measures, the City Council's total projected retained income for 2022/23 from Business Rates is expected to be £352.038m. This is a decrease of £66.118m when compared with 2021/22. In addition, the City Council expects to receive compensatory grants of £140.519m which is an increase of £85.893m when compared to 2021/22. Taking this into account, overall income from Business Rates related funding is expected to be £492.557m as summarised in the table below.

Retained Income	Outside the Enterprise Zone	Enterprise Zone	TOTAL
	£	£	£
Total Resources before Funded Reliefs	352,038,118	7,926,334	359,964,452
Enterprise Zone Relief retained in full (included in discretionary relief above)	0	243,245	243,245
Section 31 Grants:			
Small Business Relief	33,755,086	775,976	34,531,063
Supporting Small Business Relief	574,968	0	574,968
Retail Relief	68,493,182	2,460,497	70,953,679
Inflation (Multiplier Cap)	35,979,848	810,106	36,789,954
Additional Compensation for Small Business Relief Parameter Changes	1,715,693	50,373	1,766,066
Total	140,518,776	4,096,953	144,615,730
Total Resources Including Funded Reliefs	492,556,894	12,266,533	504,823,427

- 3.7 This is an increase of £19.775m or 4.2% when compared with 2021/22 and is largely a combination of a reduction in the forecast gross rate yield of 14.6% due to Covid-19 and additional retail reliefs, 0.9% reduction due to an increase in the appeals forecast, offset by a 1.4% improvement in the forecast collection rate and 18.2% increase in compensatory grants. These have been set out in the table below.

	2022/23	2021/22	Movement
	Outside the Enterprise Zone	Outside the Enterprise Zone	Outside the Enterprise Zone
Gross Rate Yield after Reliefs and Growth	379,513,724	448,726,422	(69,212,699)
Estimate of Losses in Collection	(11,731,369)	(18,410,333)	6,678,964
Enterprise Zone Baseline less Allowance for Cost of Collection	9,708,621	9,710,430	(1,809)
Allowance for Appeals and Prior Years Adjustments	(21,896,916)	(17,646,916)	(4,250,000)
Net Rate Yield	355,594,059	422,379,602	(66,785,544)
99% of Business Rates to be retained by Birmingham	352,038,118	418,155,806	(66,117,688)
Total Compensatory Section 31 Grants	140,518,776	54,625,686	85,893,090
Total Resources Including Funded Reliefs	492,556,894	472,781,492	19,775,402

- 3.8 The value of Business Rates growth over and above a pre-determined baseline expected to be collected from the Enterprise Zone is required to be calculated separately from the City Council's element of total income as this resource is ring fenced in its entirety to the Enterprise Zone.

4 Options considered and Recommended Proposal

- 4.1 Not Applicable

5 Consultation

- 5.1 Officers in the Council Management and City and Municipal Development Directorates have been consulted in determining the forecast for Business Rates in 2022/23. The

Assistant Director – Revenues and Benefits has been consulted in the preparation of this report.

- 5.2 No public consultation is required on the Business Rates Income projection. It is a statement of fact supplemented by the City Council's estimate of likely growth and other changes in Business Rates in 2022/23.

6 Risk Management

- 6.1 The setting of the Council's budget which includes the Business Rates Income projection, as set out in this report, is part of the Council's arrangements for the management of financial issues.

7 Compliance Issues:

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

- 7.1.1 The completion of the Business Rates Income projection does not have any direct implications for the City Council's Corporate Policy Priorities.

7.2 Legal Implications

- 7.2.1 As a result of the introduction of the Business Rates Retention Scheme through the Local Government Finance Act 2012, each billing authority is required to give formal approval to the Business Rates income projection due to its strong links with the budget setting process. The calculation and approval of the Council Tax Base will similarly be considered by Cabinet elsewhere on this agenda.

7.3 Financial Implications

- 7.3.1 This Business Rates income projection will determine the income retained from Business Rates in respect of 2022/23 and will feed into budget calculations for next year. The City Council calculates the level of Business Rates in the City based on the latest information available from the Valuation Office Agency (VOA) and projects forward the level of additional Business Rates that will be collected up to 31 March 2023. Under the Business Rates Pilot, which will now be in its sixth year, the City Council will be able to plan for the retention of 99% of this income (£352.038m) in 2022/23 when setting its budget.

7.4 Procurement Implications (if required)

- 7.4.1 Not Applicable

7.5 Human Resources Implications (if required)

- 7.5.1 Not Applicable

7.6 Public Sector Equality Duty

- 7.6.1 There are no specific Equality Duty or Equality Analysis issues relating to the proposals set out in this report.

8 Background Documents

8.1 None.

Calculation of Business Rates Income			
	Outside the Enterprise Zone	Enterprise Zone	TOTAL
Number of hereditaments on the rating list 24th November 2021	46,466	1,469	47,935
	£	£	£
Aggregate rateable value on the rating list 24th November 2021	1,079,640,160	43,887,215	1,123,527,375
Small Business Non-Domestic Rating Multiplier	0.499	0.499	
Gross Calculated Rate Yield	538,740,440	21,899,720	560,640,160
Less: Mandatory Reliefs	(101,549,489)	(4,206,519)	(105,756,008)
Less: Discretionary Reliefs	(64,196,614)	(2,484,146)	(66,680,760)
Plus: Forecast for Growth	6,519,387	5,158,536	11,677,923
Gross Rate Yield after Reliefs and Growth	379,513,724	20,367,591	399,881,315
Less : Estimate of Losses in Collection for Current Year at 3%	(11,731,369)	(265,070)	(11,996,439)
Less : Allowance for Cost of Collection	(1,823,291)	0	(1,823,291)
Enterprise Zone Baseline	11,531,912	(11,531,912)	0
Less: Estimate of Rates to be Retained due to Renewable Energy Schemes	0	0	0
Net Rate Yield	377,490,975	8,570,609	386,061,584
Less: Allowance for Appeals and Prior Years Adjustments	(21,896,916)	(644,275)	(22,541,191)
Net Rate Yield after Allowance for Appeals to be distributed	355,594,059	7,926,334	363,520,393
0% of Business Rates to be paid over to Central Government	0		0
99% of Business Rates to be retained by Birmingham	352,038,118		352,038,118
1% of Business Rates to be retained by West Midlands Fire and Rescue Authority	3,555,941		3,555,941
100% of Business Rates to be retained by GB&S Local Enterprise Partnership		7,926,334	7,926,334
Total Business Rates Redistributed through Rates Retention Scheme	355,594,059	7,926,334	363,520,393

Birmingham City Council

Report to Cabinet

18TH JANUARY 2022



Subject: Council Tax Tax-base for 2022/23

Report of: Director of Council Management – Rebecca Hellard

Relevant Cabinet Member: Cllr Tristan Chatfield – Cabinet Member for Finance and Resources & Cllr Brigid Jones – Deputy Leader

Relevant O &S Chair(s): Councillor Mohammed Aikhlaq - Resources

Report author: Nadeem Afzal, Senior Business Analyst

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: 009029/2022		
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 seeks approval of the Council Tax base for 2022/23 for the City Council, New Frankley in Birmingham Parish Council and Royal Sutton Coldfield Town Council. This forms an important part of the calculation of next financial year's income from Council Tax.
- 1.2 The report sets out the basis of the calculation and the assumptions which have been included.

2 Recommendations

That the Cabinet: -

- 2.1 Approves a Council Tax base for Birmingham of 258,362 Band D equivalent properties, for 2022/23, as calculated in Appendix 2, in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.
- 2.2 Approves a Council Tax base for the New Frankley in Birmingham Parish Council of 1,290 Band D equivalent properties for 2022/23, as calculated in Appendix 3.
- 2.3 Approves a Council Tax base for the Royal Sutton Coldfield Town Council of 36,890 Band D equivalent properties for 2022/23, as calculated in Appendix 4.
- 2.4 Notes that there are no changes to the current Council Tax Support Scheme in 2022/23.

3 Background

- 3.1 The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 requires local authorities to determine their tax base for Council Tax setting purposes before 31 January each year. This means that billing authorities, like Birmingham, must calculate the number of properties where Council Tax is payable and inform other precept bodies (in our case the West Midlands Police & Crime Commissioner, the Fire and Rescue Authority, New Frankley in Birmingham Parish and Royal Sutton Coldfield Town Councils) and other levying bodies, by 31 January, of this figure for precept/levying purposes.
- 3.2 The City Council is required to determine the tax base for Council Tax setting purposes for 2022/23. The calculation in this report is based upon the valuation list as at November 2021 and takes into account forecasts of discounts, exemptions and other changes likely to affect the number of properties on which full Council Tax will be payable and is inclusive of those changes which are predicted to happen by the end of 2022/23 e.g. successful appeals against valuation bands. Details of these factors are included within Appendix 1.
- 3.3 There has been a net increase of 2,489 (0.6%) in the total number of domestic properties in the past year to November 2021, compared with an increase of 5,190 (1.2%) during the previous 12-month period. The table in Appendix 1 shows the number of properties by band in Birmingham as at November 2021 and highlights the changes since November 2020. The valuation list shows that 82.4% of all domestic properties in Birmingham have been allocated to “below average value” categories (i.e. Bands A-C), a marginal reduction from last year (82.5%), indicating that there has been minimal overall change in the average banding of properties.
- 3.4 The final part of the calculation is the application of the anticipated tax collection rate. A budgeted eventual composite collection rate of 96.6% was approved for 2021/22 which was lower than the 97.1% approved for 2020/21 because of the uncertainty due to the Covid-19 pandemic and the economic uncertainty.
- 3.5 Whilst collection is gradually improving, the impact of the Covid-19 pandemic and the economic uncertainty is still ongoing. In addition, the collection of outstanding

Council Tax Support debts is expected to improve the collection rate. Therefore, it is recommended that the collection rate for 2022/23 is adjusted to 96.85% which is 0.25% better than 2021/22 (96.6%) but lower than the Pre-Covid-19 level of 97.1%. On this basis, the tax base for setting Council Tax for 2022/23 will be 258,362 Band D equivalent properties. However, whilst being prudent in its planning assumptions, the Council will seek to maximise the rate of collection. In the event that collection performance exceeds the assumed rate, the resultant surplus will become available to be taken into account in setting future years' budgets and should this collection rate not be achieved the resulting deficit will be reflected in future budget setting.

- 3.6 Before taking account of allowances for non-collection, the 2022/23 Council Tax base is an increase of 3,829 (1.5%) Band D equivalent properties from 2021/22. The main reasons for this are net increases of 4,011 (1.6%) for new Band D equivalent properties forecast for the period up to 31st March 2023.
- 3.7 These have been offset by a reduction of 378 (0.2%) Band D equivalent properties primarily due to the increase in the level of Council Tax Support (CTS) discounts awards less an increase of 196 (0.1%) Band D equivalent properties due to decreases in student discount awards and exemptions relating, mainly, to students. These have been set out in the table below.

Summary of adjustment to the tax base for Band D Equivalent	2022/23	2021/22	Movement
Net increase in No. of properties	380,087	376,076	4,011
Exemptions, Discounts and Other	(49,202)	(49,398)	196
Council Tax Support	(64,120)	(63,742)	(378)
Gross Tax Base	266,765	262,936	3,829

- 3.8 Cabinet is asked to approve the tax base for Birmingham of 258,362 Band D equivalent properties. Once formally determined, this tax base cannot subsequently be altered, and will be used when the City Council sets the Council Tax for 2022/23.
- 3.9 Cabinet is asked to approve the tax base for the New Frankley in Birmingham Parish Council which, after applying the collection rate described above, produces a tax base figure of 1,290 Band D equivalent properties. This is a decrease of 29 Band D equivalent properties from 2021/22.
- 3.10 Cabinet is asked to approve the tax base for the Royal Sutton Coldfield Town Council which, after applying the collection rate described above, produces a tax base figure of 36,890 Band D equivalent properties. This is an increase of 254 Band D equivalent properties from 2021/22.

4 Options considered and Recommended Proposal

- 4.1 Not Applicable

5 Consultation

- 5.1 Officers in the Council Management and City and Municipal Development Directorates have been consulted in determining the Council Tax Base. The Assistant Director – Revenues and Benefits has been consulted in the preparation of this report.
- 5.2 No public consultation is required on the Council Tax base. It is a statement of fact supplemented by the City Council's forecast of likely changes to the tax base in 2022/23.

6 Risk Management

- 6.1 The setting of the Council's budget which includes the setting of the Council Tax Base, as set out in this report, is part of the Council's arrangements for the management of financial issues.

7 Compliance Issues:

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

- 7.1.1 The completion of the Council Tax base does not have any direct implications for the City Council's Corporate Policy Priorities.

- 7.2 **Legal Implications**

- 7.2.1 The Council is required to set the tax base under the Local Government Finance Act 1992. The tax base is a factor in the determination of the planned level of Council Tax income which can be collected next year. The Local Government Act 2003 removed the requirement for this to be a matter reserved for approval by Full Council.

- 7.3 **Financial Implications**

- 7.3.1 The Council Tax base in conjunction with the Council Tax level (to be approved at the Council meeting on the 22nd February 2022) will determine the total income from Council Tax in 2022/23 to be included in the approved budget for next year.

- 7.4 **Procurement Implications (if required)**

- 7.4.1 Not Applicable

- 7.5 **Human Resources Implications (if required)**

- 7.5.1 Not Applicable

- 7.6 **Public Sector Equality Duty**

7.6.1 There are no specific Equality Duty or Equality Analysis issues relating to the proposals set out in this report.

8 Background Documents

- 8.1 Calculation of Council Tax Base (CTB October 2021) from (Ministry for Housing, Communities and Local Government - MHCLG)
- 8.2 Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 - <http://www.legislation.gov.uk/ukpga/2018/25/section/2/enacted>

Further details of the Council Tax base Calculation

The calculation of the tax base for 2022/23 commences with the total number of properties on the Valuation Office Agency (VOA) valuation list at November 2021, as follows:

Band	2022/23				2021/22		Annual Movement	
	Number of Properties	Proportion in Band %	Cumulative Proportion %	No. Band D Equivalent	Number of Properties	No. Band D Equivalent	No. Properties	No. Band D Equivalent
A	161,619	35.6%	35.6%	107,747	160,941	107,295	678	452
B	130,791	28.8%	64.4%	101,726	130,457	101,467	334	259
C	81,397	17.9%	82.4%	72,353	80,691	71,725	706	628
D	42,152	9.3%	91.7%	42,152	41,635	41,635	517	517
E	22,017	4.9%	96.5%	26,910	21,818	26,666	199	244
F	8,965	2.0%	98.5%	12,949	8,931	12,900	34	49
G	5,909	1.3%	99.8%	9,848	5,897	9,828	12	20
H	905	0.2%	100.0%	1,810	896	1,792	9	18
Total	453,755	100.0%		375,495	451,266	373,308	2,489	2,187

The following additional factors, calculated for each of the property bands (A to H), have been included in the Tax Base calculation:

- An estimate of the number of properties which will be exempt from Council Tax;
- An estimate of the number of properties that will be reallocated to a lower tax band under the “disabled relief” scheme;
- An estimate of the number of appeals against valuation that are likely to succeed;
- An estimate of the number of new properties which will become liable for tax before 1 April 2023, together with any properties which will cease to be liable - and the proportion of the year for which that liability is likely to exist;
- An estimate of the number of properties for which discounts will apply, and the number of discounts for each property. This includes the Council Tax Support Scheme which includes a discount of up to 80%. This takes account of an assessment of the expected number and level of Council Tax Support discounts, drawing on experience of discounts awarded in 2021/22 and previous years.
- An estimate of the number of properties which will be classed as long-term empty (empty for over 2 years), attracting a premium of 100%; and an estimate for those that remain empty for at least 5 years, attracting a premium of 200%; and an estimate for those that remain empty for at least 10 years, attracting a premium of 300%.

The calculations for the assumptions above are set out in Appendix 2 to this report. The information for New Frankley in Birmingham Parish Council is shown in Appendix 3 and for Royal Sutton Coldfield Town Council in Appendix 4. These also show how the number of taxable properties in each band must be adjusted to arrive at an equivalent number of “Band D” properties, as required by legislation.

Council Tax Base - Birmingham 2022-23											
											Band D
											Equivalent
Property Band	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total	Properties	Properties
i) Dwellings on valuation list	0	161,619	130,791	81,397	42,152	22,017	8,965	5,909	905	453,755	375,495
ii) Estimated Exemptions	0	(8,318)	(4,802)	(3,078)	(3,334)	(1,212)	(182)	(101)	(26)	(21,053)	(17,315)
iii) Net adjustment in respect of estimated disabled relief	254	288	(74)	(160)	(135)	(74)	(26)	(30)	(43)	0	(266)
iv) Net adjustment in respect of estimated successful appeals and other adjustments	0	(498)	(539)	(314)	(163)	(79)	(21)	(13)	(2)	(1,631)	(1,348)
v) Net adjustment in respect of estimated new properties	0	1,976	1,600	995	515	269	110	72	11	5,549	4,592
No. of chargeable dwellings	254	155,067	126,975	78,840	39,035	20,921	8,845	5,837	845	436,620	361,158
vi) Total no. of discounts (including Council Tax Support)	(104)	(66,072)	(35,801)	(15,321)	(5,199)	(1,796)	(600)	(295)	(36)	(125,223)	(94,393)
Equivalent no. of chargeable dwellings net of discounts	150	88,995	91,174	63,519	33,836	19,126	8,246	5,542	809	311,397	266,765
Statutory proportion	5/9	6/9	7/9	8/9	1	11/9	13/9	15/9	18/9		
Equivalent Band D properties (the "Relevant Amounts")	84	59,330	70,913	56,461	33,836	23,376	11,910	9,237	1,617	TOTAL =	266,765
ALLOWANCE FOR NON-COLLECTION (3.15%)	(3)	(1,869)	(2,234)	(1,779)	(1,066)	(736)	(375)	(291)	(51)	TOTAL =	(8,403)
TOTAL	81	57,461	68,679	54,683	32,770	22,639	11,535	8,946	1,566	TOTAL =	258,362

Council Tax Base - New Frankley in Birmingham Parish Council 2022/23												Band D
											Total	Equivalent
Property Band		Band AR	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Properties	Properties
i)	Dwellings on valuation list	0	1,558	1,592	103	58	1	0	0	1	3,313	2,430
ii)	Estimated Exemptions	0	(17)	(13)	(1)	0	0	0	0	0	(31)	(22)
iii)	Net adjustment in respect of estimated disabled relief	3	3	(6)	0	0	0	0	0	0	0	(1)
iv)	No. of chargeable dwellings	3	1,544	1,573	102	58	1	0	0	1	3,282	2,406
v)	Total no. of discounts (including Council Tax Support)	(2)	(886)	(598)	(14)	(5)	0	0	0	0	(1,505)	(1,074)
	Equivalent no. of chargeable dwellings net of discounts	1	658	975	88	53	1	0	0	1	1,777	1,332
	Statutory proportion	5/9	6/9	7/9	8/9	1	11/9	13/9	15/9	18/9		
	Equivalent Band D properties (the "Relevant Amounts")	1	439	759	78	53	1	0	0	2	TOTAL =	1,332
	ALLOWANCE FOR NON-COLLECTION 3.15%	(0)	(14)	(24)	(2)	(2)	(0)	0	0	(0)	TOTAL =	(42)
	TOTAL	1	425	735	76	51	1	0	0	2	TOTAL =	1,290

Council Tax Base - Sutton Coldfield Town Council 2022/23												Band D	
												Total	Equivalent
Property Band		Band AR	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Properties	Properties	
i)	Dwellings on valuation list	0	3,308	5,534	7,702	9,510	8,636	4,183	2,601	395	41,869	44,588	
ii)	Estimated Exemptions	0	(93)	(68)	(138)	(139)	(85)	(42)	(15)	(1)	(581)	(568)	
iii)	Net adjustment in respect of estimated disabled relief	1	15	13	21	16	(23)	(17)	(15)	(11)	0	(44)	
iv)	No. of chargeable dwellings	1	3,230	5,479	7,585	9,387	8,528	4,124	2,571	383	41,288	43,977	
v)	Total no. of discounts (including Council Tax Support)	(1)	(1,662)	(1,573)	(1,312)	(1,046)	(625)	(249)	(113)	(14)	(6,596)	(5,885)	
	Equivalent no. of chargeable dwellings net of discounts	0	1,568	3,906	6,273	8,341	7,903	3,875	2,458	369	34,692	38,092	
	Statutory proportion	5/9	6/9	7/9	8/9	1	11/9	13/9	15/9	18/9			
	Equivalent Band D properties (the "Relevant Amounts")	0	1,045	3,038	5,576	8,341	9,659	5,597	4,096	737	TOTAL =	38,090	
	ALLOWANCE FOR NON-COLLECTION 3.15%	(0)	(33)	(96)	(176)	(263)	(304)	(176)	(129)	(23)	TOTAL =	(1,200)	
	TOTAL	0	1,012	2,942	5,400	8,078	9,355	5,421	3,967	714	TOTAL =	36,890	

Birmingham City Council

Report to Cabinet

18 January 2022



Subject: City Centre City Centre Public Space Protection Order

Report of: Rob James – Managing Director of City Operations

Relevant Cabinet Member: Councillor John Cotton, Cabinet Member Social Inclusion, Community Safety and Equalities

Relevant O &S Chair(s): Councillor Carl Rice, Co-Ordinating Overview and Scrutiny Committee

Report author: Pamela Powis – Senior Service Manager Community Safety pamela.a.powis@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): Ladywood, Soho and Jewellery Quarter, Nechells and Bordesley and Highgate.		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input 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 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 Anti-social Behaviour, Crime and Policing Act 2014 introduced tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas. These tools are to be used for tackling ASB, focussing on the impact such behaviour can have on both communities and individuals.
- 1.2 Public Space Protection Orders (PSPO) are one of the tools available under the Anti-social Behaviour Crime and Policing Act 2014. PSPOs are wide-ranging and flexible powers for local authorities, which recognise that councils are often best

placed to identify the type of activities which are having a detrimental effect upon the quality of life for those who live in, work in or visit the local authority area. A PSPO identifies these activities, sets out conditions which aim to prevent or reduce their detrimental effects and defines the public space to which these conditions apply by way of a map identifying 'the restricted area'. This proposed PSPO orders anyone entering any public space in the restricted area to comply with the conditions¹.

- 1.3 Together with partners, Birmingham City Council Community Safety Team has been consulting on proposals to introduce a PSPO for the city centre.
- 1.4 This report sets out the rationale behind the introduction of the proposed PSPO; the proposed conditions, the findings from the recent public consultation exercise, and evidence.
- 1.5 It asks Cabinet to make a Public Space Protection Order if it is satisfied on reasonable grounds that the legal tests are met.

2 Recommendations

- 2.1 To consider the grounds for a PSPO within the restricted area as defined by the map, the outcome of the formal consultation and evidence.
- 2.2 That Cabinet approves a PSPO with the proposed conditions and restricted area.

3 Background (including consultation under s72 stage 1)

- 3.1 On 03/02/2021 West Midlands Police tabled a discussion at the City Centre Local Partnership Delivery Group (LPDG) requesting that consideration be given to submitting a PSPO application for the City Centre.
- 3.2 Partners concluded that there was enough verbal evidence provided to move forward with producing an evidence pack to consider a PSPO for the City Centre.
- 3.3 Following the LPDG meeting on 07/04/2021 WM Police produced a profile that showed the criminal and ASB issues within the City Centre. Based upon this and further discussion at the LPDG a draft set of conditions and map of the proposed area was produced on 14/04/2021.
- 3.4 Following the LPDG meeting on 07/04/2021 a consultation process started involving the police, community representatives, owners and occupiers of land. This included the PSPO being discussed at every City Centre LPDG meeting between March 2021 and September 2021 and updates and actions added to the LPDG action tracker. Partners consulted have included WM Police, WM Fire, BCC Regulation & Enforcement, Trident Reach, residents living within the City Centre, BID managers, CGL, Aston University, Network Rail, Network Four - Birmingham Pastors, Big Issue, National Express/Safer Travel, Birmingham

¹ Draft Order Appendix 4

Children Trust, St Basils, British Transport Police and Councillors Hartley and Bore.

- 3.5 On 16/06/2021 a tabletop discussion took place at Lloyd House which included partners from Office of Police and Crime Commissioner (OPCC), Change Grow Live (CGL) the Council's commissioned drug and alcohol support service, Trident Reach, rough sleeper outreach service, West Midlands Police, British Transport Police, City Centre Residents and Councillor Hartley. On 23/06/2021 a consultation meeting took place with Public Health. On 02/08/2021 an email was sent to the chairs of the Homelessness Partnership Board, Adult Safeguarding Board, Children Safeguarding Board and the Domestic Abuse Partnership Board providing a copy of the draft conditions and asking for comments.
- 3.6 Following requests from local Councillors the map was amended and a further profile was requested from WM Police to share any evidence in relation to the extended area.
- 3.7 Following the consultation discussions amendments were made to the proposed draft conditions and the map. This was duly presented to BCC Legal Services with the Police official response document on 16/08/2021. BCC Legal reviewed and amended the proposed conditions to ensure that they were lawful. BCC Legal requested a copy of the evidence e.g. Witness statements, consultation responses in support of the proposed PSPO to review.

4 Consultation- Stage 2

- 4.1 Between March 2021 and September 2021, a number of partnership consultation events took place.
- 4.2 Cabinet Member approval to commence public consultation was given on 03 November 2021.
- 4.3 On 05/11/2021 a public consultation was launched on Birmingham City Council's BeHeard platform. Details were shared with all six of our Local Partnership Delivery Groups, the Councillors representing the four wards covered by the PSPO proposal, and with the Homelessness Partnership, Adult Safeguarding, Children's Safeguarding and the Birmingham Community Safety Partnership Boards.
- 4.4 Birmingham City Councils Communication team posted details of the consultation on various social media outlets. Birmingham City Council Community Safety Team posted on the CSP twitter account.
- 4.5 On 05/11/2021 the public consultation went live on BeHeard for six weeks, concluding on 17/12/2021.
- 4.6 Throughout the consultation period Community Safety, British Transport Police, Business Improvement District staff and West Midlands Police officers undertook a number of "pop- up" consultation events in different locations in the PSPO map area.

- 4.7 The consultation finished on 17/12/2021 with 751 responses. Of the 751 people who took part in the consultation 619 (82.42%) agreed with all the conditions, 25 (3.33%) did not agree with any of the conditions. 107 agreed with some but not all conditions.
- 4.8 Of the 107 who agreed with some but not all of the conditions, 96 had concerns around the potential impact of the alcohol conditions upon people dealing with addiction issues. These concerns focused upon the potential for such individuals being subject to unfair treatment. Some respondents also had concerns over the possible impact of the PSPO conditions upon rough sleepers.
- 4.9 The Community Safety Team have put in place a fortnightly partnership tasking group, together with West Midlands Police and Trident Reach to ensure that the needs and interests of vulnerable people, including those who may be sleeping rough or part of the wider street community, are properly addressed and supported. This partnership has been in place since October 2020 and the focus is to ensure that any person begging in Birmingham is offered access to support services. Under the PSPO breach process any person who is at risk or has breached the PSPO and is begging, a rough sleeper or has some form of addiction will be referred into this partnership. If a person has vulnerabilities and/or addictions breaches will only be escalated to enforcement action on approval from support services.
- 4.10 The consultation demonstrated broad support for the proposed order and the Council believes that the concerns raised by respondents in respect of people with vulnerabilities can be addressed by the mechanisms and partnerships already in place and referenced in 4.9, above.
- 4.11 Risk Management
- 4.12 Reputational risk. BCC Community Safety Team have been working with WM Police since February 2021 to develop an evidence package, WM Police have invested resources into this process. Partners have been consulted and support the introduction of a PSPO.
- 4.13 City Centre public place risks. The PSPO will be used to advise people coming into the City Centre that we will not tolerate anti-social behaviour
- 4.14 All risks will be managed through the City Centre Local Partnership Delivery Group and the BCC Community Safety Team. This includes monthly partnership meetings that will monitor and track all risks and put in place as appropriate extra resources and interventions.

5 Compliance Issues:

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

- Birmingham City Plan: the PSPO will support the delivery of five of the plan's size priorities- 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 residents gaining the maximum benefit from hosting the Commonwealth Games.

- Localism in Birmingham: The Public Space Protection Order has been requested by the local community and partners to support improvement within the City Centre neighbourhood.
- Public Space Protection Orders are a power within the Anti- social Behaviour, Crime and Policing Act 2014 which local authorities can use to reduce the impact of crime & disorder in accordance with the Crime & Disorder Act 1998

5.2 Legal Implications

- 5.2.1 The relevant statutory provisions are contained in The Anti-social Behaviour, Crime and Policing Act 2014, s59 - s75.
- 5.2.2 A local authority may make a PSPO if satisfied on reasonable grounds that two conditions are met (s59.1).
- 5.2.3 The first condition is that
- (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that activities will be carried on in a public place within the area that they will have such an effect. (s59.2)
- 5.2.4 The second condition is that the effect, or likely effect, of the activities –
- (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.
- 5.2.5 The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order:
- (a) to prevent the detrimental effect referred to (6.2.3 above) from continuing, occurring or recurring, or
 - (b) to reduce the detrimental effect or reduce the risk of its continuance, occurrence or recurrence.
- 5.2.6 The evidence needs to be considered and a decision made as to whether the statutory test is met. Councillors can consider the nature of the incidents and can reach the conclusion that such incidents are likely to have a detrimental effect on the quality of life of people who live in or work in the restricted area.
- 5.2.7 There should be careful consideration of whether the order and each condition is a proportionate and necessary response to what they understand the problems to be.

- 5.2.8 Failing to comply with the order without reasonable excuse is a criminal offence, penalty is a fine (s67).
- 5.2.9 Fixed penalty notices may be issued giving a person an opportunity of discharging any liability to conviction for an offence by payment of a fixed penalty to the Council (s68)².
- 5.2.10 Anyone who lives in or regularly works in or visits the area can appeal a PSPO in the High Court within 6 weeks of issue on the following grounds:
- (i) that the Council did not have the power to make the order or to include particular prohibitions or requirement.
 - (ii) that a requirement under this chapter (Chapter 2 Anti-social Behaviour Crime and Policing Act) was not complied with in relation to the order.
- 5.2.11 In deciding whether to make a PSPO under s59 and if so, what it should include:
- i) The Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.
 - ii) The Council must carry out the necessary consultation, publicity, notification.
- 5.2.12 The council must consult with the police; this should be done formally through the chief officer of the police and the Police and Crime Commissioner.
- 5.2.13 Owners or occupier of land in the proposed restricted area must be consulted.
- 5.2.14 The council must also consult with whatever community representatives they think appropriate.
- 5.2.15 It is strongly recommended that the council engages in an open and public consultation to give users of the public space the opportunity to comment on whether the proposed restrictions are proportionate or needed at all.
- 5.2.16 The council should also ensure that specific groups likely to have a particular interest are consulted such as local residents' associations, regular users of the area, people who work in the area and visit the area³.
- 5.2.17 Consultation should be meaningful and effective.
- 5.2.16 The Council must publish the text of a proposed order.

5.3 **Financial Implications**

- 5.3.1 The cost is approximately £15,000. This will be paid for within Community Safety budget and is a one-off payment with no on-going costs.

5.4 **Procurement Implications (if required)**

² See Appendix 5

³

5.4.1 None

5.5 **Human Resources Implications (if required)**

5.5.1 None

5.6 **Public Sector Equality Duty**

5.6.1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should be prepared from the outset based upon available knowledge and information. The Community Safety Team and partners regularly receive reports of anti-social behaviour including street drinking, drug dealing and drug use, begging and rough sleeping from the public and from local business which has a detrimental effect on their quality of life.

5.6.2 The aim of the City Centre PSPO is to protect people in the city centre from anti-social behaviour (ASB). The PSPO will benefit all those who live in or visit the areas and those businesses and traders who operate in the areas affected by ASB and where the PSPO will be introduced.

5.6.3 People of all ages, faith, genders and ethnicity are impacted by ASB and its associated causes. Those with a disability, learning disability and who suffer mental ill health are often affected the most due to their vulnerabilities. The introduction of the PSPO will help reduce ASB in the City Centre making it a more welcoming and safer environment.

5.6.4 The Council is mindful of the concerns over any impact the PSPO may have upon socially excluded groups, including those dealing with addiction issues or rough sleeping. These were reflected in the responses to the public consultation. Therefore, the management of the PSPO will be based upon an approach of support and enforcement by partners to ensure vulnerable individuals are not impacted or treated unfairly. This support includes working with homeless and outreach services as well as drug and alcohol support services. The Community Safety Team have put in place a fortnightly partnership tasking group together with West Midlands Police and Trident Reach to ensure that the needs and interests of vulnerable people, including those who may be sleeping rough or part of the wider street community, are properly addressed and supported. We are committed to ensuring a compassionate and understanding approach to enforcement, closely allied to support from appropriate services.

6 **Background Documents**

6.1 Risk Assessment

6.2 Environmental and Sustainability assessment

List of appendices accompanying this report:

Appendix One – Final draft conditions

Appendix Two – Final draft map of restricted area.

Appendix Three – Public consultation outcomes

Appendix Four – Copy of the draft order

Appendix Five – Copy of the breach process.

Appendix Six – Equality Impact Assessment

Appendix Seven – Police profile

Appendix Eight – Aug – Nov 2021 data.

Appendix One

City Centre final draft conditions

THIS ORDER PROHIBITS the following things being done in any public space in the restricted area

AND REQUIRES specified things to be done by persons carrying on specified activities in the Restricted Area.

Definitions

"Authorised Person" means a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request

"Intoxicating Substances" means controlled drugs within the meaning of s.37(1), Misuse of Drugs Act 1973 and includes psychoactive substances within the meaning of s.59, Psychoactive Substances Act 2016.

"Restricted Area" shown outlined on the map attached.

1. Groups

a) An Authorised Person may require an individual, or a group, within the Restricted Area to leave the Restricted Area, where he reasonably suspects that that individual or any person within that group is causing or likely to cause nuisance or disorder, or harassment, alarm or distress to any other person.

b) An individual or group required to leave the Restricted Area by an Authorised Person is

- (i) prohibited from remaining within the Restricted Area, and
- (ii) required to leave that area immediately, and
- (iii) prohibited from returning to the Restricted Area within 24 hours of being required to leave.

c) An individual will not breach paragraph 1(b)(ii), if he attends a railway station, bus-stop or tram-stop within the Restricted Area for the purpose of taking public transport out of the Restricted Area, so long as he is not accompanied by any other person who has also been required to leave the Restricted Area (except for a dependent person).

2. Intoxicating Substances

a) It is prohibited for any person to possess or consume in any manner an Intoxicating Substance within the Restricted Area, except a prescription drug which has been prescribed for his use.

b) It is prohibited for any person to be under the influence of an Intoxicating Substance within the Restricted Area, except a prescription drug which has been prescribed for his use.

c) It is prohibited for any person to sell or supply any Intoxicating Substance within the Restricted Area, except a pharmacist who does so in fulfilment of a medical prescription

3. Alcohol

a) If an Authorised Officer reasonably suspects that a person who is or has been drinking alcohol in the open air within the Restricted Area is causing or likely to cause a nuisance or disorder, he may request person to

- (i) stop drinking alcohol within the Restricted Area; and/or
- (ii) hand to the Authorised Person any container of alcohol in his possession, whether or not it has been opened, and even if it is empty.

b) A person who has been requested to do either or both of the things referred to at paragraph 4(a) above, is required to comply with such a request immediately.

c) For the purposes of this paragraph, the Restricted Area does not include frontages covered by a current authority to sell or supply alcohol under the Licensing Act 2003, or an area covered by a pavement licence.

4. Graffiti

a) A person is prohibited from marking any surface within the Restricted Area with any form of unauthorised graffiti.

b) Where an Authorised Person reasonably suspects that a person is using or is likely to use any item to mark any surface with unauthorised graffiti, he may require the person to surrender that item to him.

c) A person required by an Authorised Person to surrender any item must do so immediately.

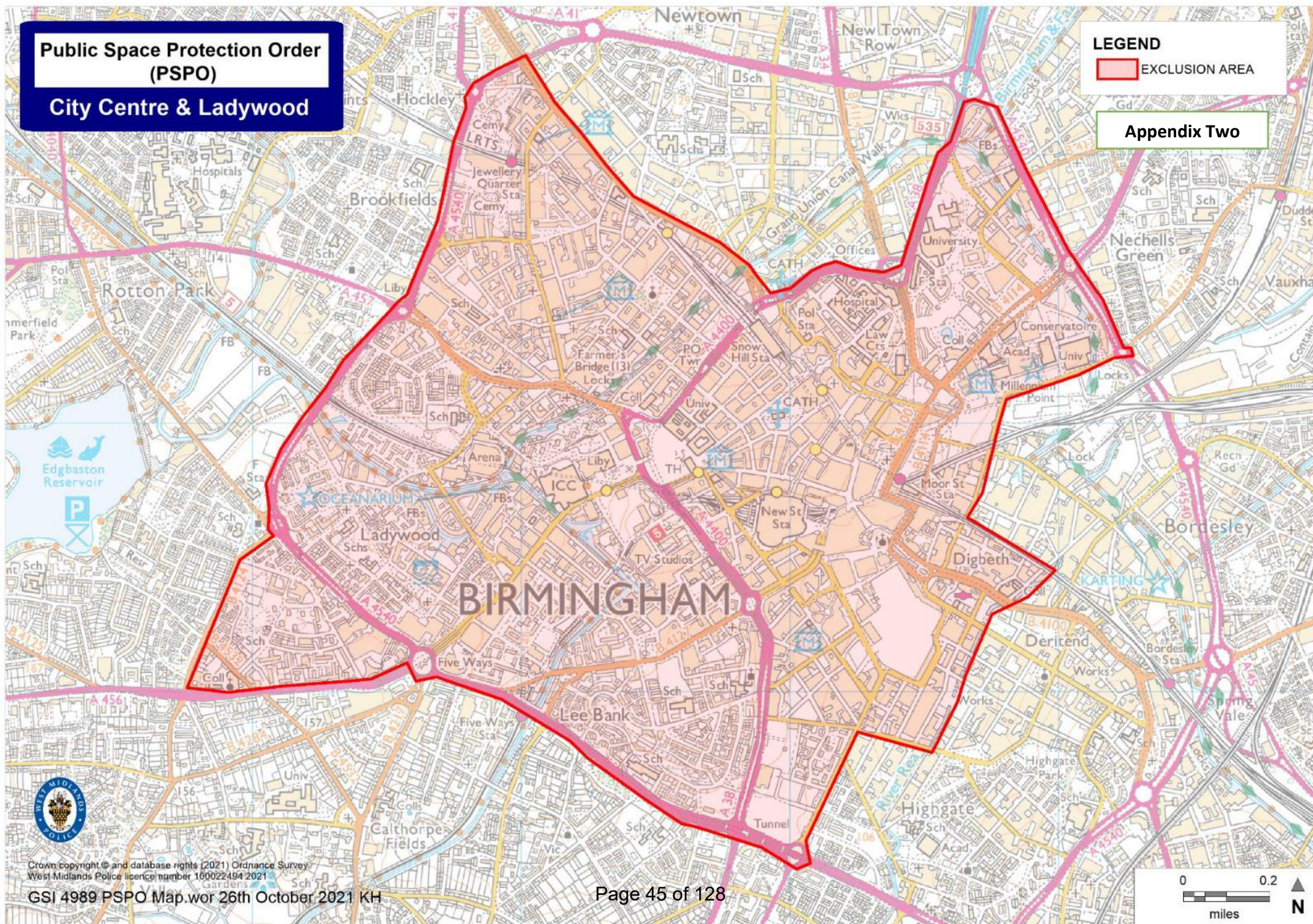
Public Space Protection Order (PSPO)

City Centre & Ladywood

LEGEND

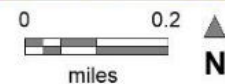
EXCLUSION AREA

Appendix Two



Crown copyright © and database rights (2021) Ordnance Survey
West Midlands Police licence number 100022494 2021

GS1 4989 PSPO Map.wor 26th October 2021 KH



Appendix Three

Birmingham City Centre Public Space Protection Order Consultation 2021

<https://www.birminghambeheard.org.uk/place/birmingham-city-centre-public-space-protection-ord>

This report was created on Tuesday 21 December 2021 at 13:12

The activity ran from 05/11/2021 to 17/12/2021

Responses to this survey: **751**

For a detailed breakdown of the responses, please see the excel spreadsheet embedded here with all the responses and comments included



Worksheet in S
PSPO CITY CENTRE N

1: What is your name?

There were 735 responses to this part of the question.

2: What is your email address?

There were 614 responses to this part of the question.

3: What is your Postcode?

There were 751 responses to this part of the question.

4: What is your organisation?

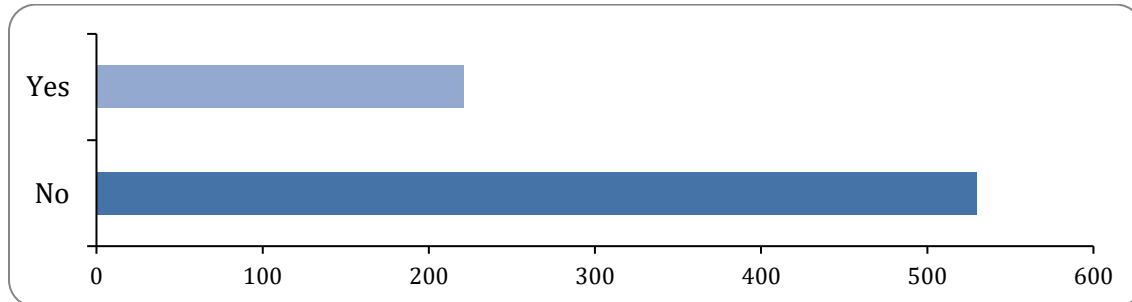
(If applicable)

There were 468 responses to this part of the question.

5: Do you live in the proposed Public Space Protection Order area ?

live in the area

There were 751 responses to this part of the question.

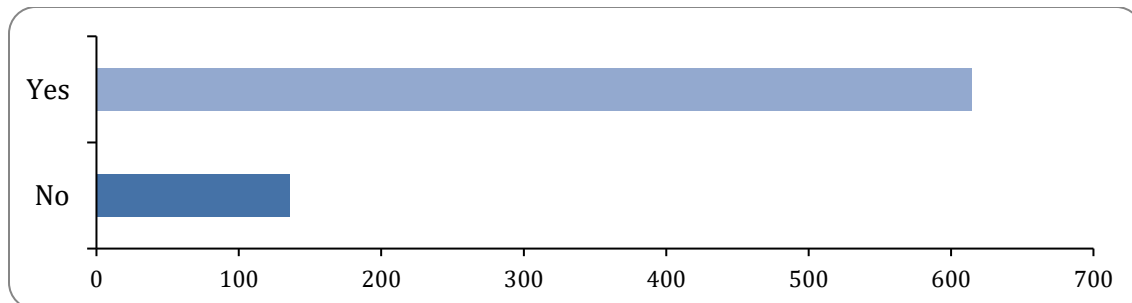


Option	Total	Percent
Yes	221	29.43%
No	530	70.57%
Not Answered	0	0.00%

6: Do you work in the proposed Public Space Protection Order Area?

work in area

There were 751 responses to this part of the question.



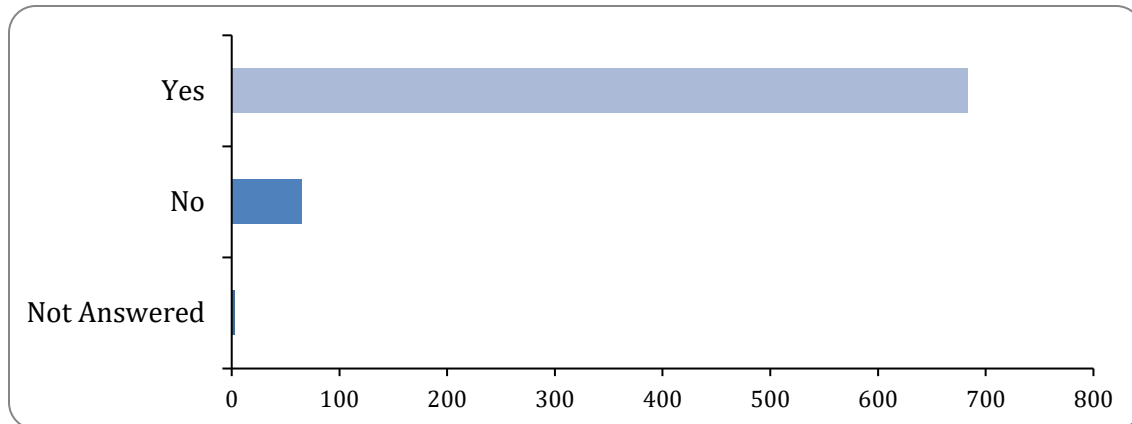
Option	Total	Percent
Yes	615	81.89%
No	136	18.11%
Not Answered	0	0.00%



7: Do you know what a Public Space Protection Order (PSPO) is ?

If no visit <https://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2>

There were 748 responses to this part of the question.

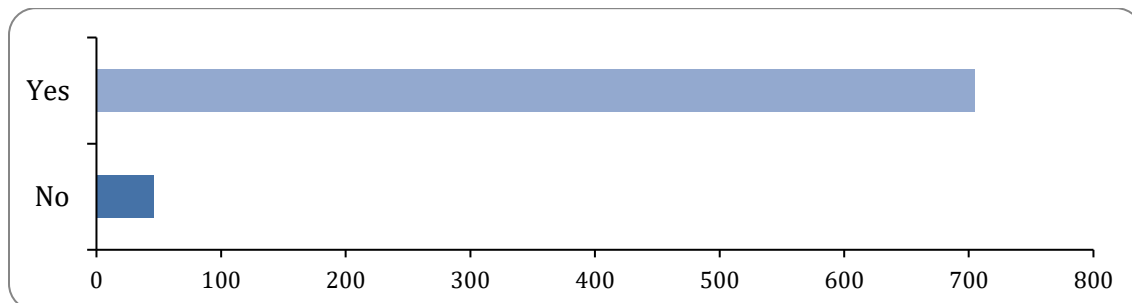


Option	Total	Percent
Yes	683	90.95%
No	65	8.66%
Not Answered	3	0.40%

8: Do you think the PSPO is the right tool to use to tackle anti-social behaviour in this area ?

Is PSPO right tool

There were 751 responses to this part of the question.



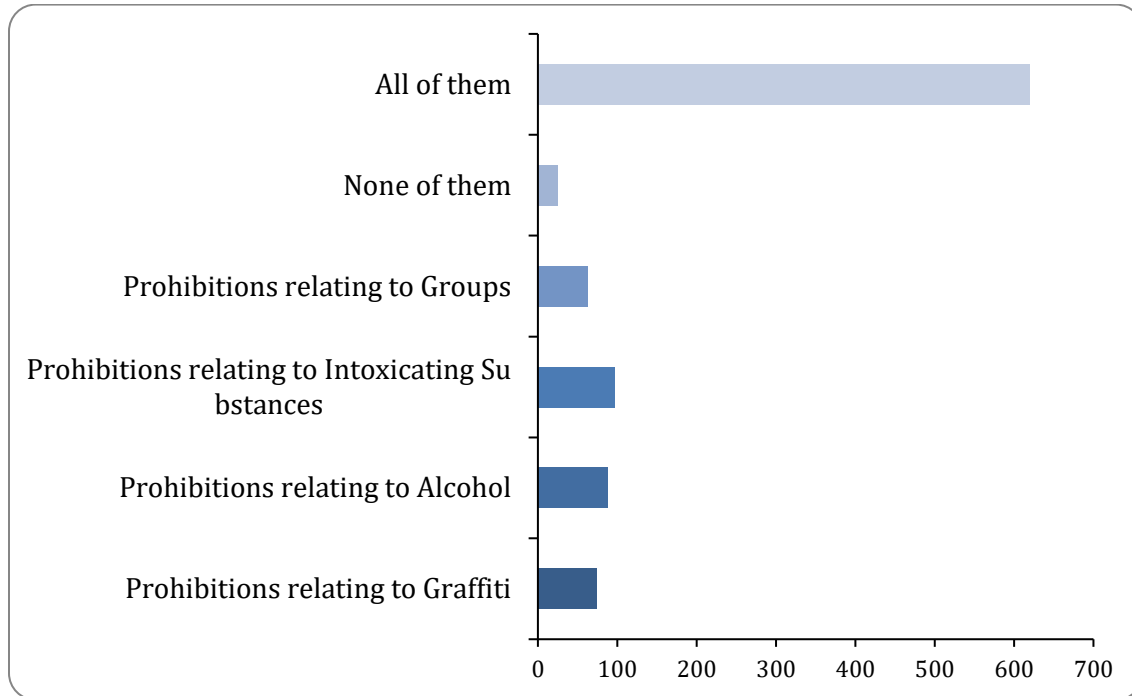
Option	Total	Percent
Yes	705	93.87%
No	46	6.13%
Not Answered	0	0.00%



9: Which, if any, of the proposed prohibitions do you AGREE with ?

AGREE with Prohibitions

There were 751 responses to this part of the question.



Option	Total	Percent
All of them	619	82.42%
None of them	25	3.33%
Prohibitions relating to Groups	62	8.26%
Prohibitions relating to Intoxicating Substances	97	12.92%
Prohibitions relating to Alcohol	88	11.72%
Prohibitions relating to Graffiti	74	9.85%
Not Answered	0	0.00%

10: Please comment on any aspect of the proposed prohibitions or area you think is relevant or which could be improved.

Comments

There were 295 responses to this part of the question – see the embedded Excel Spreadsheet for detailed responses

Appendix Four

Ref: City Centre

Birmingham City Council**Anti-Social Behaviour, Crime and Policing Act 2014 – Section 59****Public Space Protection Order**Restricted area: **Birmingham City Centre****Public Space Protection Order****The Order shall come into force on TBC****If you do not obey the order you will be committing a criminal offence and may be prosecuted by the Council within a Magistrates' Court for an offence under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.**

THIS ORDER is made by Birmingham City Council (the Council) under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, because the council is satisfied on reasonable grounds that there are a number of activities carried out or are likely to be carried out in a public space namely the area within and surrounding Birmingham city centre showed outlined in the map attached. That have had or are likely to have a detrimental effect on the quality of life of those in the locality

The effect of likely effect of these activities is off a persistent or continuing such as to make these activities unreasonable and justifies the restriction imposed in this order.

These activities include:

- Groups causing Anti-Social behaviour
- Being under the influence of intoxicating substance and/or alcohol while in a public place.
- Damage or destruction of property (graffiti)
- This order is will be in force for a period of 3 years and will expire on TBC.

THIS ORDER PROHIBITS the following things being done in any public space in the restricted area

AND REQUIRES specified things to be done by persons carrying on specified activities in the Restricted Area.

Definitions

"Authorised Person" means a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request

"Intoxicating Substances" means controlled drugs within the meaning of s.37(1), Misuse of Drugs Act 1973 and includes psychoactive substances within the meaning of s.59, Psychoactive Substances Act 2016.

1. Groups

a) An Authorised Person may require an individual, or a group, within the Restricted Area to leave the Restricted Area, where he reasonably suspects that that individual or any person within that group is causing or likely to cause nuisance or disorder, or harassment, alarm or distress to any other person.

b) An individual or group required to leave the Restricted Area by an Authorised Person is

(i) prohibited from remaining within the Restricted Area, and

(ii) required to leave that area immediately, and

(iii) prohibited from returning to the Restricted Area within 24 hours of being required to leave.

c) An individual will not breach paragraph 1(b)(ii), if he attends a railway station, bus-stop or tram-stop within the Restricted Area for the purpose of taking public transport out of the Restricted Area, so long as he is not accompanied by any other person who has also been required to leave the Restricted Area (except for a dependent person).

2. Intoxicating Substances

a) It is prohibited for any person to possess or consume in any manner an Intoxicating Substance within the Restricted Area, except a prescription drug which has been prescribed for his use.

b) It is prohibited for any person to be under the influence of an Intoxicating Substance within the Restricted Area, except a prescription drug which has been prescribed for his use.

c) It is prohibited for any person to sell or supply any Intoxicating Substance within the Restricted Area, except a pharmacist who does so in fulfilment of a medical prescription

3. Alcohol

a) If an Authorised Officer reasonably suspects that a person who is or has been drinking alcohol in the open air within the Restricted Area is causing or likely to cause a nuisance or disorder, he may request person to

(i) stop drinking alcohol within the Restricted Area; and/or

(ii) hand to the Authorised Person any container of alcohol in his possession, whether or not is has been opened, and even if it is empty.

b) A person who has been requested to do either or both of the things referred to at paragraph 4(a) above, is required to comply with such a request immediately.

c) For the purposes of this paragraph, the Restricted Area does not include frontages covered by a current authority to sell or supply alcohol under the Licensing Act 2003, or an area covered by a pavement licence.

4. Graffiti

a) A person is prohibited from marking any surface within the Restricted Area with any form of unauthorised graffiti.

b) Where an Authorised Person reasonably suspects that a person is using or is likely to use any item to mark any surface with unauthorised graffiti, he may require the person to surrender that item to him.

c) A person required by an Authorised Person to surrender any item must do so immediately.

Right to appeal this order

You have the right of appeal against this Notice to the Birmingham High Court as appropriate within a period of 6 weeks beginning with the date of service of the order by an interested person. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. This right to challenge also exists where an order is varied by a council.

Interested persons can challenge the validity of a PSPO on two grounds. They could argue that the council did not have power to make the order, or to include particular prohibitions or requirements. In addition, the interested person could argue that one of the requirements (for instance, consultation) had not been complied with.

When the application is made, the High Court can decide to suspend the operation of the PSPO pending the verdict in part or in totality. The High Court has the ability to uphold the PSPO, quash it, or vary it.

SIGNED

DATED

Duly Authorised Officer
Director of City Operations
City Operations Directorate

SIGNED

DATED

Duly Authorised Officer
West Midlands Police

Any enquiry relating to this Notice may be made from 09.00 – 16.00 hours Monday to Friday at:

CSP Enquiries cspenquiries@birmingham.gov.uk

Anti-Social Behaviour, Crime and Policing Act 2014

Appeals

- (1) Where a Local Authority is satisfied that anti-social behaviour exists in the area of the Authority, the Local Authority shall serve notice “a Public Space Protection Order” imposing all or any of the following requirements:

- (a) a requirement to stop doing specified things
 - (b) a requirement to do specified things
 - (c) a requirement to take reasonable steps to achieve specified results
- (2) The Public Space Protection Notice shall be served:
- (a) on the person responsible for the anti-social behaviour
 - (b) most appropriate person within a business
- (3) A person served with the Notice may appeal against the notice to a High' Court within the period of 21 days beginning with the date on which he was served with the Notice.
- (4) If a person on whom a Public Space Protection Order is served, without reasonable excuse, fails to comply with the requirements imposed by the Notice, he shall be guilty of an offence. A person who commits such an offence shall be liable on summary conviction up to a level 4 fine(up to £20,000 for businesses),and/or paying for remedial work, and/or forfeiture of items.
- (5) If a person on whom a Public Space Protection Order is served, without reasonable excuse, fails to comply with the requirements imposed by the Notice, he shall be guilty of an offence. A person who commits such an offence the Local Authority may issue a Fixed Penalty Fine not exceeding £100. Payment of this Fixed Penalty Notice offers you the opportunity of discharging any liability to conviction for the breach.
- (6) Where an appeal is brought against a Public Space Protection Order, any requirement under section 43(3)(b) or (c), namely a requirement to do specified things or take reasonable steps to achieve specified results, is suspended until the outcome of the appeal. Requirements stopping you from doing specified things under section 43(3)(a) continue to take effect.

Penalty on breach

It is an offence for a person, without reasonable excuse, to:

- do anything that the person is prohibited from doing by a PSPO (other than consume alcohol – see below); or
- fail to comply with a requirement to which the person is subject under a PSPO.

A person does not commit an offence by failing to comply with a prohibition or requirement that the council did not have power to include in the PSPO. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

It is not an offence to drink alcohol in a controlled drinking zone. However, it is an offence to fail to comply with a request to cease drinking or surrender alcohol in a controlled drinking zone. This is also liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) would be the most appropriate sanction. The FPN can be issued by a police officer, PCSO, council officer or other person designated by the council. In making the decision to issue a FPN, the officer should consider that if issued, payment of the FPN would discharge any liability to conviction for the offence. However, where the FPN is not paid within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the PSPO).

BIRMINGHAM CITY COUNCIL

PUBLIC SPACE PROTECTION ORDER BREACH PROCESS

(It is an offence under section 67 of the 2014 ASB Act to breach an Order without a reasonable excuse.)

Any person entering the Public Space Protection Order area must comply with the conditions set out within the order.

This breach process is managed by the Birmingham City Council Community Safety Team. An authorised officer is a Police or City Council Officer.

Should any person breach the conditions, the following process will be applied

FIRST BREACH

The person will be verbally warned on site by an “Authorised Officer” and a formal warning will be issued in writing (a suspected offence ticket will be issued on site) This will be followed up with a written warning that will provide details of which condition/s they have breached, a copy of the map showing the restricted area, explanation of what will happen should there be further breaches and information of support services. Where appropriate referrals will be completed by the Community Safety Manager. The details will be recorded.

SECOND BREACH

Should the person commit a further breach of the conditions within six months of the first breach, a 2nd suspected offence ticket will be issued. Consideration will be given to the person circumstances and either a fixed penalty notice (FPN) will be issued (the FPN process will then be followed) or a letter advising them that they must attend support services.

THIRD BREACH

Should the person commit a further breach within six months of the second breach, the person will either be issued with an FPN or summons to court for the breach.

Where a person breaches three or more times an evidence case will be developed around that person which will include enforcement action as well as positive requirements. This will be done in partnership with outreach services.

A person under the age of 18 years will only ever be dealt with by way of warnings this could include 1st, 2nd and final warning, although it should be noted an FPN can be issued to a person between the age of 16 – 18 years old. If repeat breaches are evidenced,

agencies including Youth Offending Services (YOS) will consider whether an application for a Civil Injunction or an FPN is appropriate. YOS must be informed at each stage of the process when a person under 18 years is involved.

APPEALS

FIXED PENALTY NOTICE (FPN)

There are no formal grounds of appeal against an FPN, as it is an invitation to expel your liability to be summonsed to court for prosecution.

While this is not an admission of guilt, the person agrees that an offence has been committed and by paying the sum of money specified no further action will be undertaken by the council. Dealing with it in this manner saves time for everyone (including the offender) in prosecuting cases at court. The costs associated with FPN's are a lot lower than any fine imposed by the courts.

If the person does not agree that they have committed the offence for which they have received the FPN. The matter will then be dealt with through formal prosecution via the courts. It will then be up to the court, on receiving evidence, to determine whether or not an offence was committed and therefore whether or not any penalty should be imposed. Effectively this means that the formal court route becomes the mechanism for those wishing to appeal an FPN.

Title of proposed EIA City Centre PSPO

Reference No EQUA756

EA is in support of New Function

Review Frequency Annually

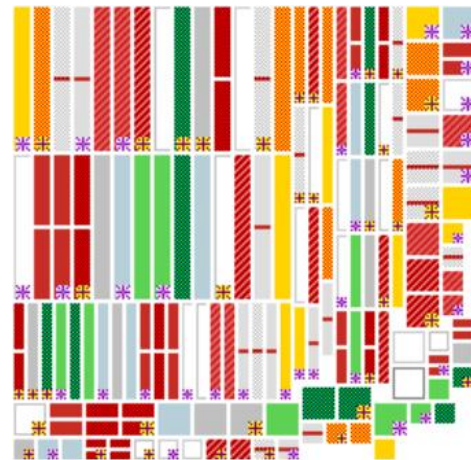
Date of first review 23/11/2022

Directorate PIP

Division Community Safety

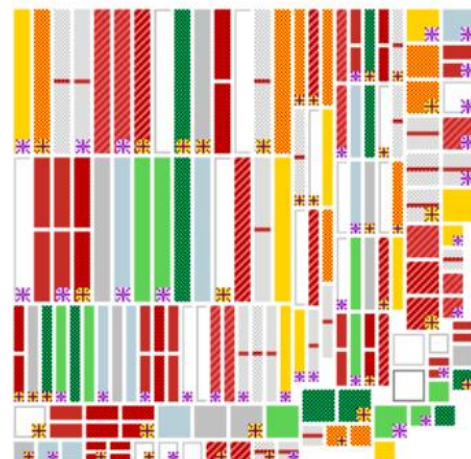
Service Area

Responsible Officer(s)



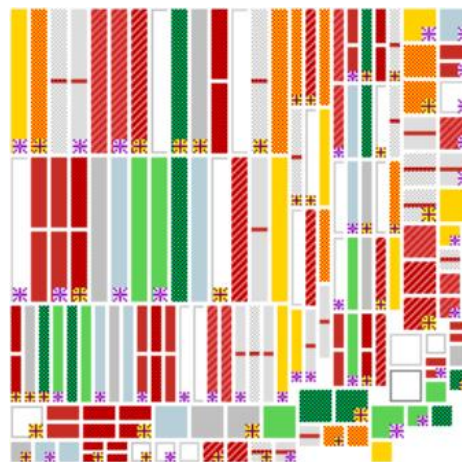
[Emma Postin](#)

Quality Control Officer(s)



[Pamela A Powis](#)

Accountable Officer(s)



[Waqar Ahmed](#)

Purpose of proposal

Equality Assessment for City Centre PSPO

Data sources

Survey(s); Consultation Results;
Interviews; relevant reports/strategies;
Other (please specify)

Please include any other sources of data

Police Data and statements from
partners, businesses and members of the
public.

ASSESS THE IMPACT AGAINST THE PROTECTED
CHARACTERISTICS

Protected characteristic: Age

Impact Neutral

Age details:

Protected characteristic: Disability

Positive Impact:

Those with a disability, learning disability
and who suffer mental ill health are often
affected the most due to their
vulnerabilities. The introduction of the
PSPO will help reduce ASB in the City
Centre making it a more welcoming and
safer environment.

Negative Impact:

The PSPO could adversely impact those
with mental health concerns and those

with alcohol dependency, particularly those associated with the street community.

Disability details:

Protected characteristic: Sex

Impact Neutral

Gender details:

Protected characteristics: Gender Reassignment

Impact Neutral

Gender reassignment details:

Protected characteristics: Marriage and Civil Partnership

Impact Neutral

Marriage and civil partnership details:

Protected characteristics: Pregnancy and Maternity

Impact Neutral

Pregnancy and maternity details:

Protected characteristics: Race

Impact Neutral

Race details:

Protected characteristics: Religion or Beliefs

Impact Neutral

Religion or beliefs details:

Protected characteristics: Sexual Orientation

Impact Neutral

Sexual orientation details:

Socio-economic impacts

The Council is mindful of the concerns over any impact the PSPO may have upon socially excluded groups, including those dealing with addiction issues or rough sleeping. These were reflected in the responses to the public consultation. Therefore, the management of the PSPO will be based upon an approach of support and enforcement by partners to

ensure vulnerable individuals are not impacted or treated unfairly.

This support includes working with homeless and outreach services as well as drug and alcohol support services. The Community Safety Team have put in place a fortnightly partnership tasking group together with West Midlands Police and Trident Reach to ensure that the needs and interests of vulnerable people, including those who may be sleeping rough or part of the wider street community, are properly addressed and supported. We are committed to ensuring a compassionate and understanding approach to enforcement, closely allied to support from appropriate services.

Please indicate any actions arising from completing this screening exercise.

To check prohibitions of the legal order to ensure minimal impact on this group.

Please indicate whether a full impact assessment is recommended

YES

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

Consultation with client groups and agencies who represent them.

Public consultation. On-going work with outreach services and partnership response in place.

Consultation analysis

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dent Reach**

**Brian Hughes – City Centre Resident
Association**

Mark Owen – WMP

John McDale – British Transport Police

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v.uk**

**pamela
powis Pamela.A.Powis@birmingham.gov.uk**

Partnership Group within the local partnership delivery group monthly from March 2021. On street events to engage with service users and a public consultation via be heard.

Adverse impact on any people with protected characteristics.

No

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

No

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

1. Referral received – checks are carried out and support services are requested to make contact and engage with the individual. Name is added to a tracker and monitored.
2. Increased behaviour – Partners carry out assessment considering vulnerabilities, access to services, engagement levels, ASB/Criminal levels and recommendations from support services.
3. Escalation – ASB/Criminal behaviours increase and non-engagement. WMP / BCC will make contact. Warning issued. Warning breached Community Protection Notice issued. Other enforcement tools will be used based on issues.

What data is required in the future?

Breach data, impact of the order.
data from support services

Are there any adverse impacts on any particular group(s)	Yes
If yes, please explain your reasons for going ahead.	potentially the street community although there are safeguards in place to prevent this via a fortnightly street cohort meeting and commissioned services working within the city centre
Initial equality impact assessment of your proposal	
Consulted People or Groups	
Informed People or Groups	
Summary and evidence of findings from your EIA	CC PSPO Master Booklet.docx
QUALITY CONTORL SECTION	
Submit to the Quality Control Officer for reviewing?	No
Quality Control Officer comments	<p>The per consultation process carried out made amendment and considered the impact.</p> <p>The PSPO process includes a first stage warning / advisor letter this will ensure no one is breached on the first stage and instead are offered advice and sign posting. Outreach services have been involved in the process.</p>
Decision by Quality Control Officer	Proceed for final approval
Submit draft to Accountable Officer?	No
Decision by Accountable Officer	Approve
Date approved / rejected by the Accountable Officer	29/12/2021
Reasons for approval or rejection	<p>There has been a consultation process carried out that has considered impact.</p> <p>The PSPO process itself includes pre-stage communication advisory letter helps to</p>

ensure added protection for individuals impacted ensuring any adverse impact, if any, is identified and mitigated against. Outreach services have also been involved in the process.

Please print and save a PDF copy for your records Yes

Content Type: Item

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Created at 12/10/2021 12:07 PM by [Oliver Humpidge](#)

Last modified at 29/12/2021 05:41 PM by Workflow on behalf of [Waqar Ahmed](#)



14/05/2021

West Midlands Police

Birmingham City Centre PSPO official data response

Summary of Data:

The data used is from 2020 which is distorted by the Coronavirus pandemic and several lockdown and pandemic restrictions. However the data quality due to system changes is more accurate in relationship to incident and offence types. The incident dataset available for 2020 is 01/03/2020 – 31/12/2020 so has been adjusted proportionately to reflect a full 12 months. The crime dataset is for a full 12 month period with no adjustment.

Executive Summary:

Both datasets show reductions in numbers and activity primarily driven by Covid regulations and restrictions between 2019 and 2020.

ASB Incidents within the City Centre as a Sector (all four neighbourhoods) shows a reduction of 47% - 1670 2019; 877 2020.

Crime within the City Centre as a sector shows reductions equivalent to 37% 10745 2019; 6722 2020.

This is reflective of 'false' reductions seen across the force during the pandemic.

Supporting Data:

ANTI-SOCIAL BEHAVIOUR – NON CRIME RECORDS 2020 (2021 related to report prior 1/1/2021)

Crime Number	Street	NPU	NPU Neighbourhood
20BW/51157A/21	SHERLOCK STREET	Birmingham West NPU	BWFC
20BW/203812W/20	PRIORY SQUARE	Birmingham West NPU	BWFA
20BW/202430V/20	DALE END	Birmingham West NPU	BWFA
20BW/160392W/20	GRANVILLE STREET	Birmingham West NPU	BWFD
20BW/148463D/20	BULLRING CENTRE	Birmingham West NPU	BWFA
20BW/120310Z/20	DEAN STREET	Birmingham West NPU	BWFC
20BW/119674F/20	WRENTHAM STREET	Birmingham West NPU	BWFC
20BW/58972F/20	COLMORE CIRCUS QUEENSWAY	Birmingham West NPU	BWFA
20BW/30806Q/20	JENNENS ROAD	Birmingham West NPU	BWFB

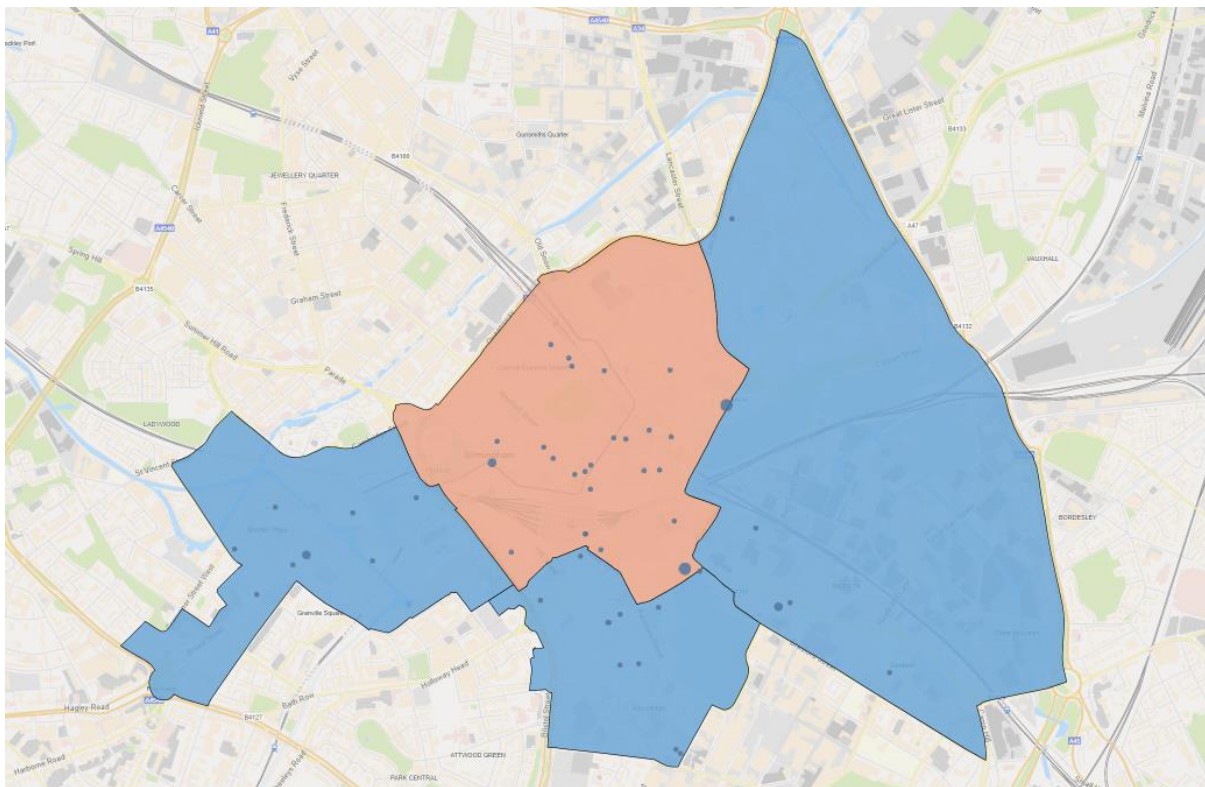
ALCOHOL & DRUG RELATED INCIDENTS

The incident logs for the City Centre Neighbourhood total 13566 incidents during 2020 period once adjusted for available data. Of these incidents those closed within our Force Contact function with a final classification of Anti-Social Behaviour (ASB) totals 877. This equate to 6.5% of all incidents.

There are 4 areas within the ASB final classification – ASB Personal, ASB Environmental, ASB Disorder and ASB Nuisance. This figure includes all 4 classifications.

Of the ASB logs reported, 211 (after adjustment for datasets) are alcohol related; equating to 24% of ASB logs. 144 of the incidents are drug related and account for a further 16% of the incidents.

This data is from the closing qualifiers within our incident management system and is again provided via Force Contact upon update and closure of incidents. There are 32 separate qualifiers and for ASB incidents in the City Centre 40% are related solely to alcohol and drugs.



This first map shows incidents that are alcohol related, by qualifier, across the City Centre where there is a cluster and more than one reported incident. The larger the point on the map the larger the cluster of reported incidents. The two largest clusters reflect the Dale End triangle and the area of Edgbaston Street and the Bull Ring Markets. The City Centre core is highlighted as a hotspot by itself for alcohol related ASB. In relation to drug incidents they are more sporadic but with the City Centre core still a relative hotspot.

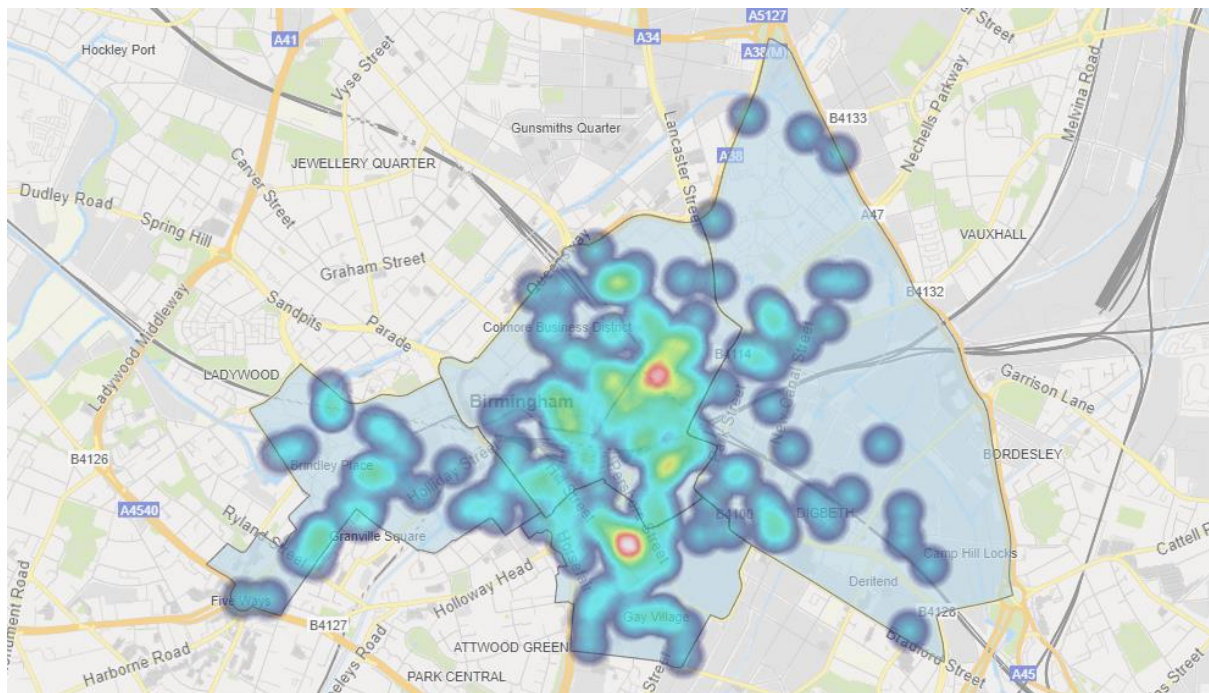
When recording crimes the qualifiers change to reflect the crime type – such as Domestic Related, Hate, Business Related, Violence with Injury et al and therefore it is not possible to reflect upon the crime committed due to alcohol consumption.



DRUG RELATED CRIMES

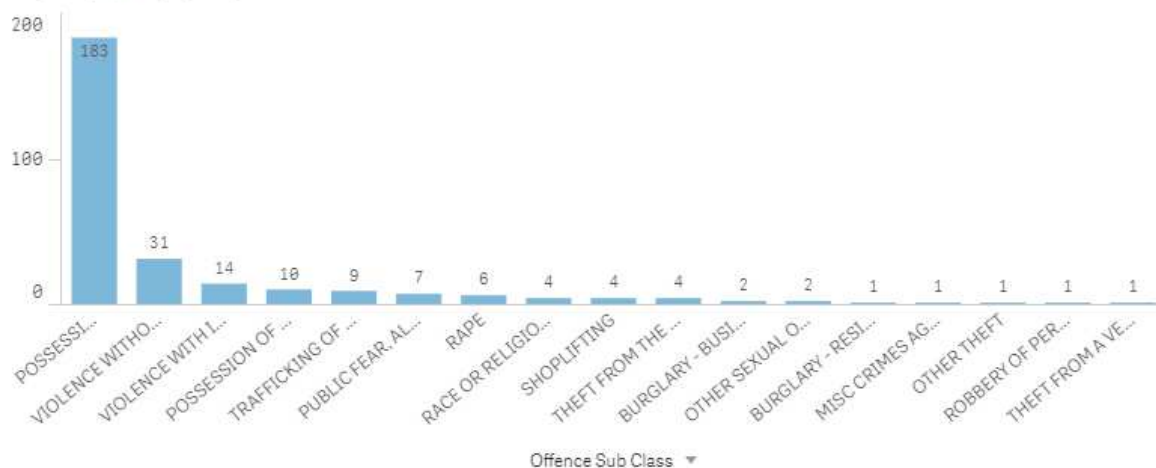
We can reflect on the Drug Related crime recorded within the City Centre and this dataset reflects substantive offences recorded under the Home Office Crime Recording standards.

The following map and table shows drug related crime across the City Centre Neighbourhood (all 4 sectors) and its hot spots.



Breakdown

Weekly Data (Upto 27/12/2020)



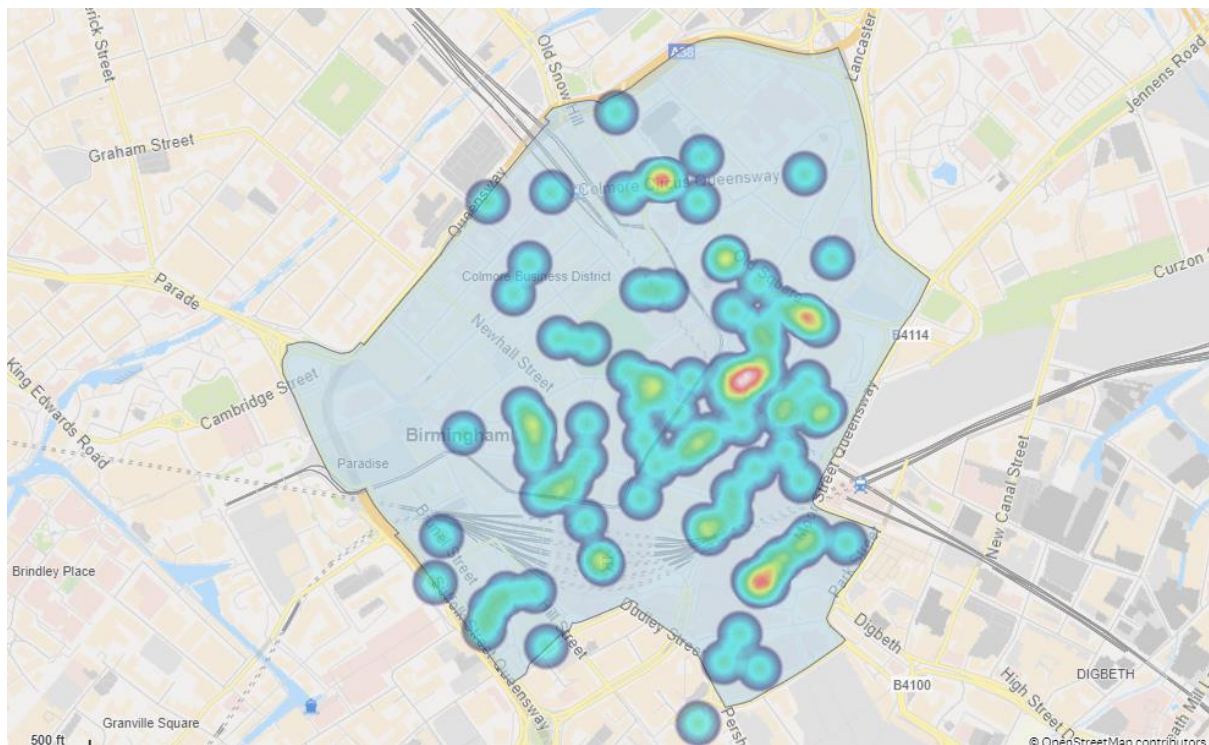
As would be expect directly linked drug offence make the majority of all recorded crime across the city centre and the hotspots are again Dale End and the markets general area but also highlighted is Arcadian area within Southside (BWFC)



However it is also clear that the relationship between drugs and crime type is evident with violent crime, trafficking and public order offences registering quite highly on the drug related crimes dataset. Rape and other Sexual offences also appear in the list for the city centre.

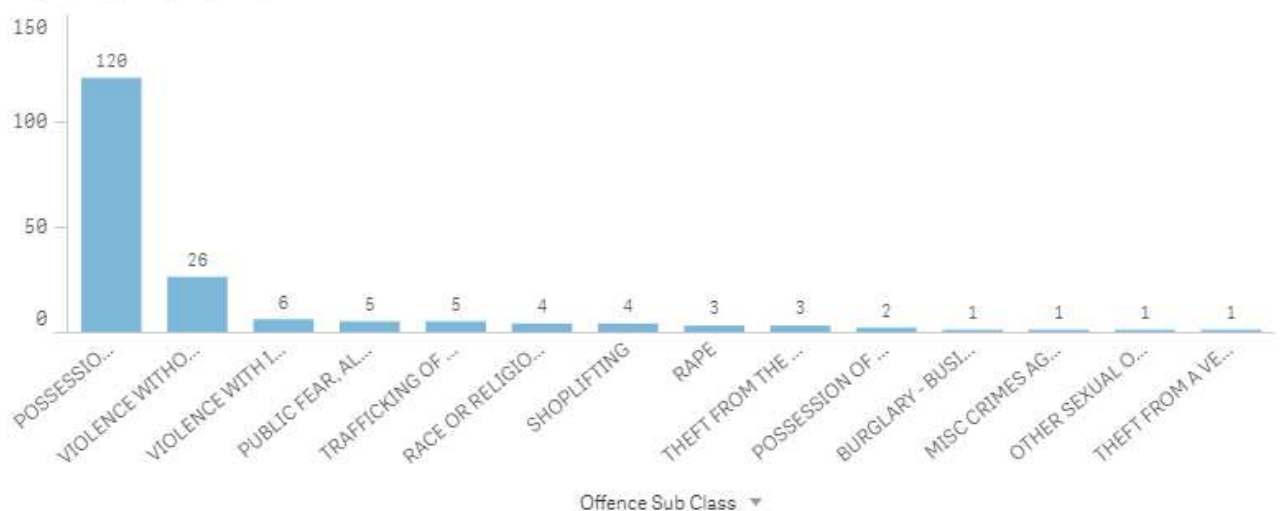
The following maps breakdown the overall City Centre into its constituent sectors

City Centre core - BWFA



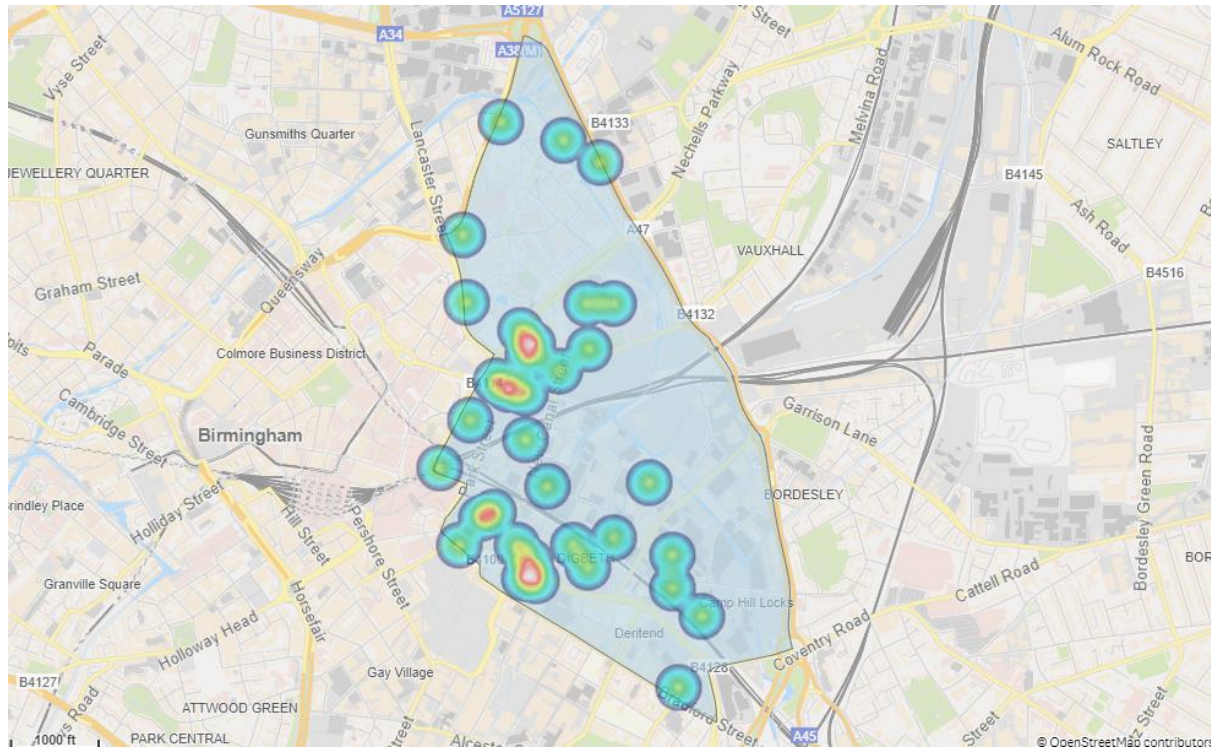
Breakdown

Weekly Data (Upto 27/12/2020)





Eastside – BWFB



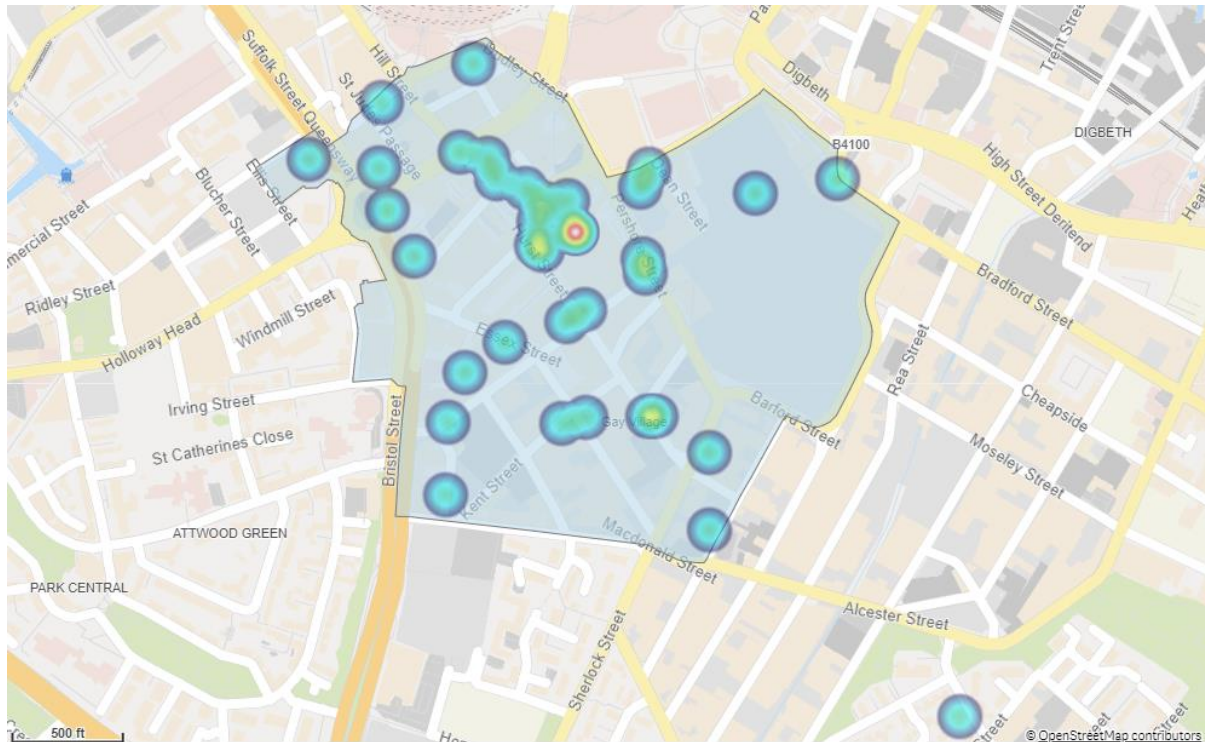
Breakdown

Weekly Data (Upto 20/12/2020)



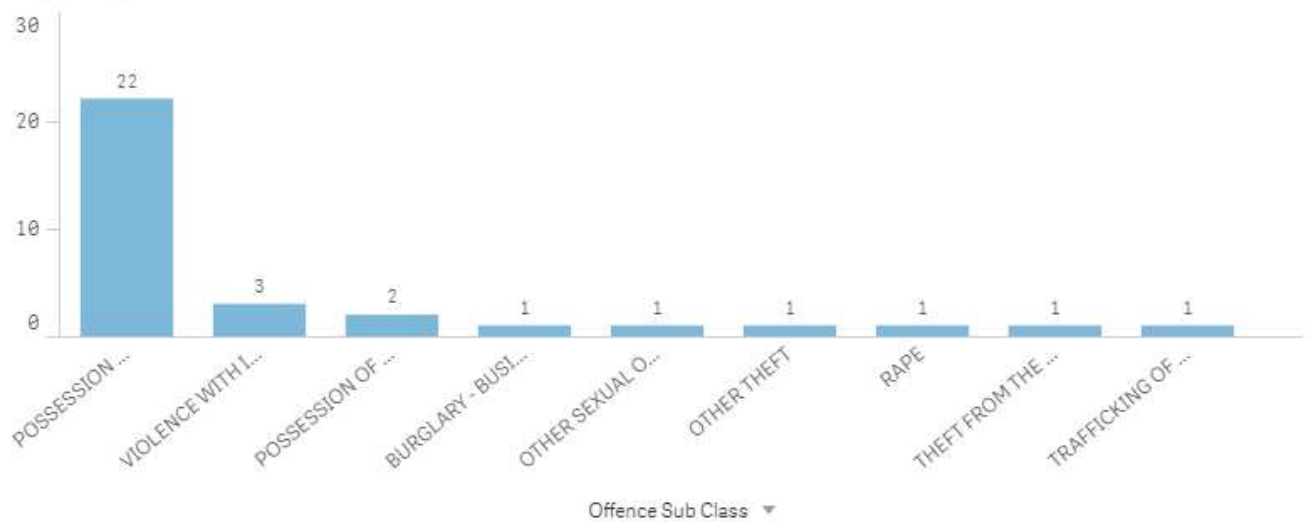


Southside – BWFC

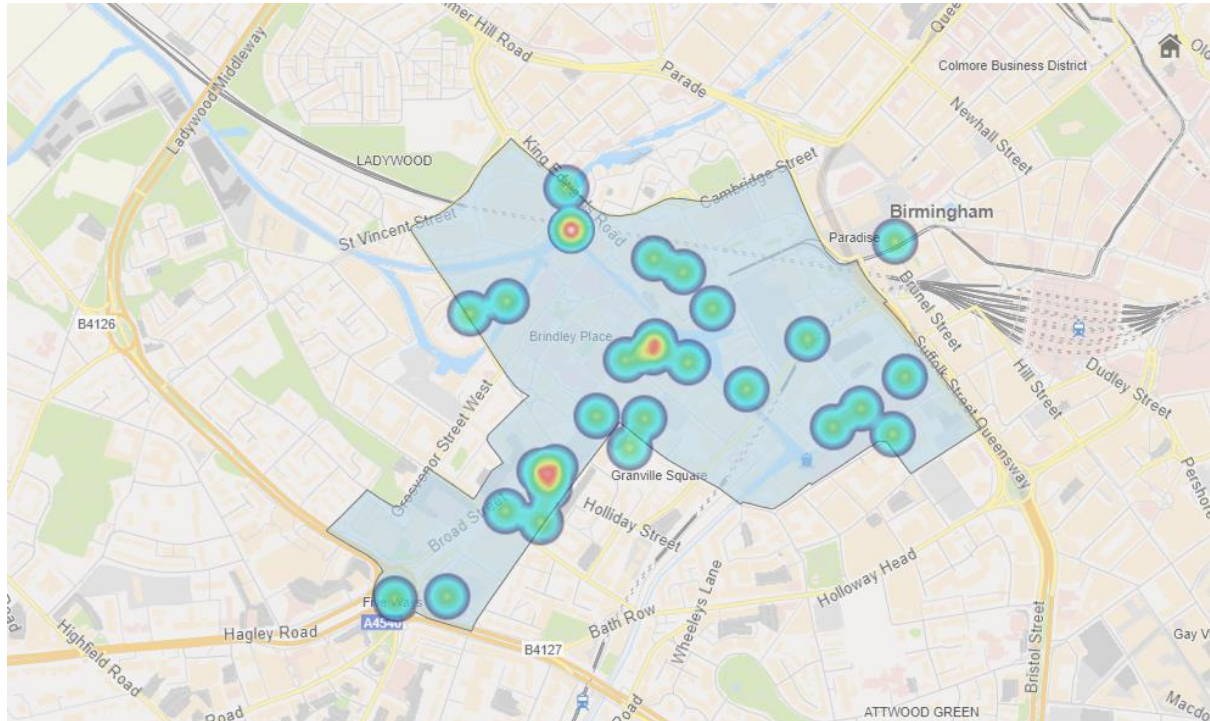


Breakdown

Weekly Data (Upto 06/12/2020)

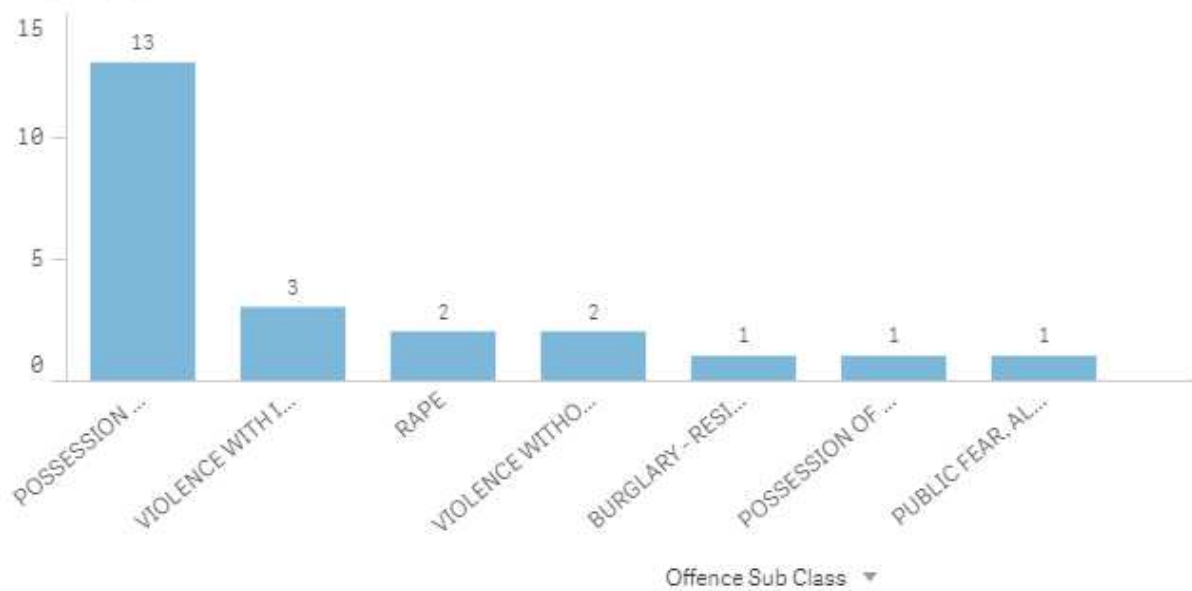


Westside – BWFD



Breakdown

Weekly Data (Upto 06/12/2020)



The hotspots and offences type are consistent across the sectors and reflect violent crime as related primarily to drug offences when possession of a drug is removed. The impact on crime and ASB from alcohol and drugs is demonstrated within the data above.



Intelligence Reports

Dataset questions used; and findings

Dataset ; Criteria	Outcome
Begging Only	273
Street Community Only	2147
Begging; ASB / Anti-social Behaviour	572
Begging ; ASB / Anti-social Behaviour; Alcohol	639
Street Community; ASB / Anti-social Behaviour	2361
Street Community; ASB / Anti-social Behaviour; Alcohol	2393
Begging; ASB / Anti-social Behaviour; drugs	1334
Street Community; ASB / Anti-social Behaviour; drugs	2851

Intelligence reports for 2020 reveal that begging and interactions with the street community would seem to be based around alcohol or drug consumption / use.

As can be seen numbers increase when firstly ASB is added to the query and then is further escalated by the addition of alcohol or drug into the query; which tends to prove a link between ASB, alcohol & drug use and begging and the street community.

Response:

I have reviewed this application and the data summary as part of my role as the Neighbourhood Manager for Birmingham City Centre and I am the Inspector with responsibility for the City Centre within West Midlands Police. I am authorised to respond on behalf of West Midlands Police Chief Constable and the Office of The Police and Crime Commissioner.

On behalf of West Midlands Police I have assessed this application based on the likely impact on prospective local residents; given the residential developments currently under construction and the increased number of planning applications for residential properties within the City Centre under the planned expansion of residential property portfolio within the City Centre Big Plan; commercial and retail premises and businesses within the city centre and the resources of both the local authority and police. I would draw attention to the following: paragraphs 58 and 69 of the National Planning Policy Framework (NPPF) where it recommends and encourages local planning authorities to ensure their policies and decisions aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The PSPO application if successful would complement the City Councils planning obligations in relation to building a safer future within the city centre.

Furthermore in providing this data, advice and by supporting the PSPO application West Midlands Police has paid due regard to section 17 Crime & Disorder Act - The Crime and Disorder Act 1998 which introduced a wide range of measures for preventing crime and disorder. Section 17 (as amended by Schedule 9 of the Police and Justice Act 2006), imposes an obligation on every police



authority, local authority and other specified public bodies to consider crime and disorder reduction in the exercise of all their duties. The PSPO would add considerably to the arsenal of both WMP and BCC in tackling and reducing or preventing crime and disorder in our day to day duties and their execution.

At present most of the premises within the immediate proposed PSPO area are commercial and retail premises with many national and international conglomerates or retailers and local bespoke boutique type independent traders. When there is a high incidence of ASB and drink and drug related matters we know from anecdotal evidence from our retail stakeholders that they are directly affected. The footfall within certain areas of the City Centre is adversely affected. BCC's own historic Bull Ring Markets are within a WMP Impact Area. This is a high crime and ASB area and regularly flags as a hotspot – see data maps above. Not only does the ASB and the footfall reduction impact on traders but the reputation of the City Centre. Similarly Dale End area of City Centre face the same issues. They are both resource intensive area for policing that are due to see massive investment related to HS2 and City Centre redevelopment. Attracting that investment may be difficult with high crime and ASB levels.

There are a number of other crimes not mentioned within this report that are suspected of, but evidentially cannot be directly linked to, being committed to fund drug or alcohol addiction. The overwhelming majority of the vehicle related offences within the city centre are theft from a motor vehicle whereby low value items are taken. Gone are the offences targeting car stereos as many are in built, as are Sat Nav systems; now loose change in centre compartments, small sellable, easily removed and passed on electronic devices are targeted. The value of these items suggests that the proceeds of these crimes are going toward alcohol and drugs to be used and consumed within the City Centre; linking, through available data our Street Community to this volume crime. With the inability to drink openly; or act in an anti-social manner within the city centre not only would we see reductions in the directly related incidents of crime, disorder and ASB we would also see reductions in indirectly associated criminality affecting the City Centre.

Shop theft is the highest demand generator within the City Centre in many incidences can also be related to the purchase or theft of alcohol and drugs. Our partners Citysafe; a Business Crime Reduction Partnership under the umbrella of Retail Birmingham provide assistance to stores in relation to crime and crime reporting and they are able to prove the incidents where low cost; easily concealed sold one items as well as alcohol directly are stolen from their member stores within the city centre. The table below is from the SentrySiS platform used by the BCRP and lists the top 7 items stolen. With the exception of clothing, alcohol and food; the other item types stolen mirror those from the thefts from motor vehicle again suggesting used for low level purchase of alcohol and / or drugs consumed within the city centre.

Item type	Number of incidents
Clothing General	823
Fragrance	389
Cosmetics	270
Clothing Accessories	222
Food and Drink – non alcoholic	191
Electrical	117
Alcohol	104



Conclusion:

The PSPO will offer reductions in crime, disorder and anti-social behaviour related matters for our largest partner, our largest Business Improvement District ; their levy payers – and our biggest community.

With the PSPO granted it will give all officers the ability to directly and positively affect the confidence within our business and residential community, enhance the reputation of the city centre and importantly reduce and prevent crime within its boundaries.

Evidence added following stage one consultation. (added on 31st August 2021)

I have been asked to take a look at the current proposed map for the PSPO and consider whether there is evidence to support the extension of the boundaries into certain parts of Ladywood.

Having done a deep dive into our intelligence, data, crimes and logs relating to the specific conditions for this year, I have attached a map of where I believe Ladywood would benefit from the stipulations within the PSPO. All of the locations mentioned are featured within the top five biggest demand generators relating to ASB across Ladywood.

Ryland Street/Alfred Knight Way

With the re-opening of the licensed premises along Broad Street within night time economy hours, we have started to see an increase of logs relating to ASB within the area proposed, as well as seeing an increase throughout the pandemic. Extending off of Broad Street, Ryland Street alone has seen a total of 16 phone calls from the beginning of April, all of which would have satisfied a ticket for a PSPO breach. A dip sample reveals as follows:

1. Log 4415/20/07/2021 at 2134hours – Female resident living on Ryland Street reporting ongoing ASB in relation to males using and discarding nitrous oxide canisters, making loud noise and congregating in the street.
2. Log 2763/16/06/2021 – Caller reporting that there were numerous youths in the play area shouting and generally acting in an anti-social manner, swearing at passers-by and riding motorbikes in the play area. Caller describes this is a regular occurrence.

Ryland Street also has the only licensed liquor store off of Broad Street with operating hours after 0000hours, drawing in a large and already intoxicated clientele who are disruptive and more susceptible to disorder and ASB related behaviour. Ladywood NHT have in the past reduced the operating hours for the premises and removed the 24 hour licence due to the amounts of problems related to the premises.

Sheepcote Street/Canals

The conditions also describe the management of football related events. During the recent showing of the Euro 2020, five logs were received by call handlers in the space of one hour stating that there were 300 people queuing down the canals in order to enter The Distillery, a licensed premises with an access on the canals. Upon arrival, officers were faced with a situation whereby over 600 people



were queueing for entry into the location, which is proof that the licensed premises off of Broad Street are also drawing in a large crows and are also vulnerable to loitering and disorder.

The canals themselves have several access routes within the area proposed and we have recently seen evidence of loitering taking place close to locations of robbery offences. A PSPO covering this area would allow officers to actively engage with these groups and potentially disperse them before violent offences have a chance to occur.

St Vincent Street West

St Vincent Street historically has been subject to a PSPO in the past which was very successfully used to deter street drinkers from congregating outside the local shops and engaging in ASB. Since the finalisation of that PSPO we are not seeing an increase once again in older males publicly drinking alcohol, refusing to engage with police and blocking entrances to shops which is intimidating local residents.

1. Log 126/11/06/2021 is a log from a shop keeper who reported suspicious behaviour from a group of males congregating along the street. This caused her to feel as if she was going to be burgled and she felt very distressed.
2. Log 4488/23/07/2021 – A report of around 100 people gathered in the street for an illegal party. It was described as a DJ set up with four calls in total in relation to the incident

There is also a primary school along St Vincent Street west and it is vital that we are taking the safeguarding of our local children into account when considering the extension of the PSPO.

Chamberlain Gardens/Alston Street

Alston Street is the third top demand generator across Ladywood, specifically relating to number 1. The resident at the location uses his address to harbour various people, all known to engage in ASB related behaviour, work is ongoing around an eviction.

Numerous emails and logs have been received in relation to loud music and gatherings taking place in the large open spaces across this Chamberlain gardens. The tennis courts are being used frequently as a place for young people to gather, play loud music and to smoke cannabis. Whilst we do have a substantive offence here the extension of the PSPO into this area would allow officers to proactively deploy preventative measures without having to establish grounds for stops and searches and would allow us to target the group as a whole as opposed to individuals. Within the last three weeks I have had a total of five emails from various residents in relation to the ASB taking place at this location and have a face to face meeting with councillors and residents to discuss the matter moving forward. The extension of the map into this area would bring some relief to residents and show that partner agencies are taking concerns serious and progressing to address them.

Broadway Plaza

Broadway Plaza hosts a number of licensed premises alongside the Odeon Cinema. The premises has only been open for a number of weeks given the easing of lockdown and previous experience would dictate that when they are operating at full capacity and full hours we will again start to see the increase in loitering, public drunkenness from the night time economy and potential violence offences. The area has also been a hotspot for robbery in the past with three robbery offences taking place within the parameters in the last four months.



Aside from the main areas highlighted above, the geographical zone in general will no doubt suffer from displacement if not covered by the conditions within the PSPO, which we have already seen from the CPW's and CPN's issued within the boundaries of the city. I am thrilled to see that both Lee Bank and Peace Gardens have already been included within the original proposed map, but I believe that through a small extension we will be able to proactively prevent a number of issues to improve the quality of life of residents living in Ladywood.



Profile of Crime and calls for the City Centre between August 2021 to October 2021

Incidents

A total of 7541 calls for police service were made during the months of August to October 2021; 4963 were classified as ROCs (Record of Contact) which can relate to issues such as abandoned calls, calls made in error, resolved at contact, answering bail etc - these have been discounted from this analysis (but have been included in the data spreadsheet).

During August to September 2021 there were 2578 incident calls made to WMP, these have increased in number each month: Aug 811 calls, Sep 832 and Oct with 935. There were 101 ASB incidents.

The most calls were made on a the weekend Fri - Sun between the hours of 13:00 - 23:00, although reporting peaked at 16:00 hours.

Crimes

1552 crimes were reported for Aug – Oct 2021. These have also increased in number each month August – 480, Sep – 495 and Oct – 577 crimes.

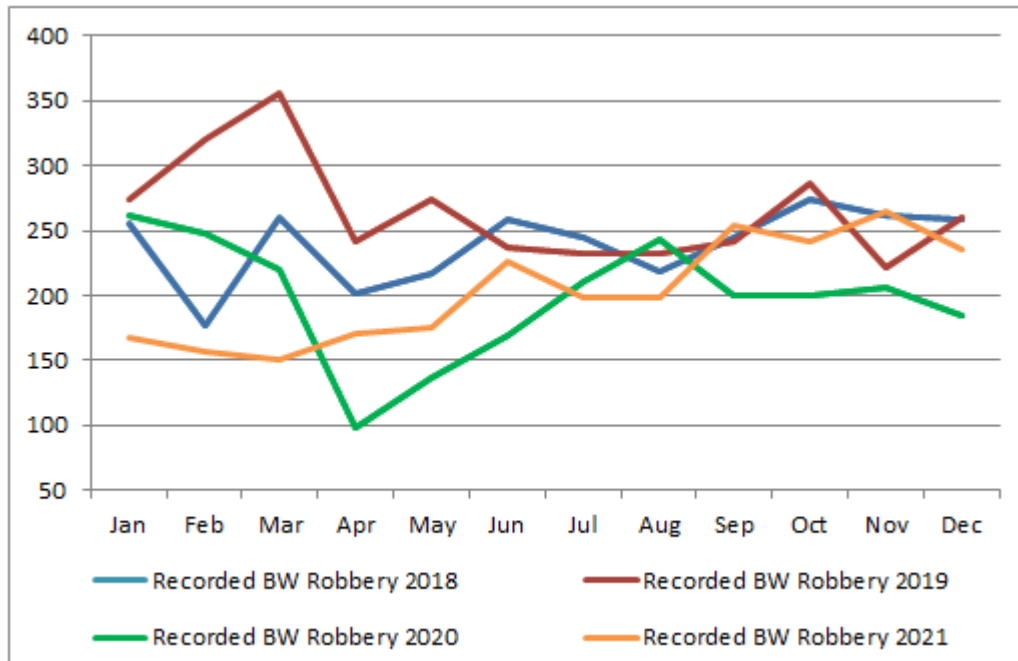
The majority were committed on the Weekend, with offences peaking on a Saturday, followed by Sunday and Friday. The majority are reported to have been committed between 16:00 – 18:00 hrs.

Top offences were Common Assault and Battery followed by theft offences. The most common offence location appears to be the Bullring which correlates with the amount of theft offences reported.

243 offences were allocated 'alcohol related' marker (however please be mindful that this may not be accurate and the true figure maybe much higher

112 offences were allocated 'drug related' marker.

Of note Robbery offences have increased since the summer, graph below provides an overview (although please note that this covers the whole of BW. As you can see below, As the country steadily moved out of isolation during the autumn months, Robbery offences across BW increased throughout September, October and November, compared to the same period last year, but are more comparable to 2019 offence levels (pre-pandemic):



Birmingham City Council

Report to Cabinet

18th January 2022



Subject: FOCUSED OFSTED VISIT TO CHILDREN'S SOCIAL CARE

Report of: Sue Harrison
Director for Children's Services/ Executive Director of Education and Skills

Relevant Cabinet Member: Cllr Sharon Thompson - Vulnerable Children and Families

Relevant O & S Chair(s): Cllr Narinder Kooner - Education and Children's Social Care

Report author: Sue Harrison
Director for Children's Services/ Executive Director of Education and Skills
Email: Sue.M.Harrison@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: N/A		
Is the decision eligible for call-in?	<input type="checkbox"/> Yes	<input checked="" 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 This report is to note the progress that Ofsted found during a recent focused visit to Birmingham Children's Trust. The letter is appended to this report.

2 Recommendations

- 2.1 Cabinet is asked to note the report.

3 Background

- 3.1 Birmingham Children's Trust was established in 2018 to provide children's social care services in Birmingham, commissioned by the City Council. This followed many years of poor performance of these services. The Trust and the Council work effectively together, and, with other partners in the NHS, Police, schools and the voluntary sector, are improving services for the city's most vulnerable children, young people and families.
- 3.2 Since its establishment, The Trust has had one major inspection, in December 2018, and two Focused Visits: the first, in 2020 looked at our 'front door' referral and assessment arrangements, and in October 2021 services to children in care were examined. Both Focused Visit reports indicate clear evidence of improvement in services for children. Many strengths are noted in both letters from Ofsted, as well as recommendations for action to achieve further improvement. All recommendations following the 2020 visit have been implemented.
- 3.3 In addition, the Trust's Fostering and Adoption services have been separately inspected: both are rated 'Good'. The Youth Offending Service has also been inspected and is rated 'Requires Improvement'.
- 3.4 It is a priority for the Trust and the Council to maintain the progress that Ofsted has found. There will be a full inspection of children's safeguarding services within the next 12 months. Ofsted will examine the quality of services delivered by the Children's Trust, the Council and other partners to ensure that children remain safe and children requiring statutory services are able to thrive.

4 Options considered and Recommended Proposal

N/A

5 Consultation

- 5.1 The Chief Executive of Birmingham Children's Trust has been consulted on this report

6 Risk Management

- 6.1 The Children's Trust and the Council manage the risk of not achieving progress in Children's Services through their corporate risk management procedures.

7 Compliance Issues:

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

- 7.1.1 This report is in line with the City Council's priority to improve protection of vulnerable children and young people.

7.2 Legal Implications

7.2.1 None

7.3 Financial Implications

7.3.1 Ofsted highlight some areas including improving sufficiency, to which part of the Trust's response to this is the capital proposals to expand and improve their residential offer. A contract variation will be considered in response to the increase in the complex needs of children to enable this demand pressure to be effectively managed between the Council and the Trust. Other pressures will be managed within the contract sum.

7.4 Procurement Implications (if required)

7.4.1 None

7.5 Human Resources Implications (if required)

7.5.1 None

7.6 Public Sector Equality Duty

7.6.1 N/A

8 Appendices

8.1 Focused Ofsted Visit Letter

9 Background Documents

9.1 None

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1 December 2021

Sue Harrison
Director for Education and Skills
Education and Skills Directorate
1 Lancaster Circus, PO Box 17550
Birmingham
B4 7DJ

Dear Ms Harrison

Focused visit to Birmingham children's services

This letter summarises the findings of the focused visit to Birmingham children's services on 27 and 28 October 2021. Her Majesty's Inspectors for this visit were Alison Smale and John Roughton.

Inspectors looked at the local authority's arrangements for children in care.

This visit was carried out in line with the inspection of local authority children's services (ILACS) framework. Children's services in Birmingham are provided by Birmingham Children's Trust on behalf of the local authority. Inspectors were primarily on site meeting with trust staff and children in care. A blended approach has been implemented, with social workers working from home with access to an office hub. Social workers have continued to support children in care during the pandemic through a mix of remote visits using technology and face-to-face visits based on risk assessments. Since COVID-19 restrictions have been reduced, social workers' visits to see children are nearly all face to face.

Headline findings

Most children in care benefit from living with settled carers who meet their needs. Social workers know children well and ensure that, for most children, their views help inform plans for their future. Children make progress in care and are supported to do well in school and enjoy their childhood. Most children benefit from stable and well-matched placements which meet their needs. Social workers advocate strongly for their children, and effective professional networks ensure that children's needs are understood and progressed. A very small number of children who have experienced unplanned placement disruptions have been placed in unregistered children's homes. For those children aged 16 to 17 years old placed in unregistered children's homes, there has been insufficient management oversight to assure the quality of placements.

What needs to improve in this area of social work practice?

- Quality assurance and management oversight of unregistered placements for 16 to 17-year-olds.
- Statutory reviews when children experience unplanned placement breakdowns.
- Timeliness of personal adviser allocation for children transitioning to the leaving care service.
- Take-up of return home interviews when children go missing from home or care.
- Clarity within children's plans and reviews about what children and adolescent mental health services (CAMHS) are delivering for children.

Main findings

Children become looked after when it is in their best interest. Care proceedings are initiated appropriately based on clear management decision-making. Planning for children to come into care, including care proceedings, is timely and well managed, based on a clear rationale. Holistic assessments ensure that children's needs are well understood and inform their plans. Children's wider family members are increasingly considered as future carers, with the support of family group conferences to explore this. The impact of identity and ethnicity varies in how well these are addressed in assessments and plans. While some practice is stronger, such as for unaccompanied asylum seekers, not all intervention is sensitive enough to children's cultural needs.

Children benefit from regular child-focused assessments, prior to their statutory review, which track progress and ensure that plans adapt to changing needs. Key decisions are effectively made for most children and recorded on children's files through management summaries and looked after child reviews. Early permanence decisions are well considered, and when these need to change they are reviewed effectively. Managers and independent reviewing officers (IROs) escalate concerns effectively to resolve issues of emerging concern and stop them becoming serious. Care planning meetings, introduced by senior managers, to ensure that plans are progressed between reviews are not yet well embedded, which reduces the quality of partnership working.

Social workers know their children well and listen to them, and consider their wishes and feelings. IROs ensure effective oversight of children's plans, with regular monitoring between reviews. Most children benefit from conversations with their IROs to ensure that their views are understood and can incorporate their wishes and feelings into each review. Children are encouraged to participate in their reviews. Where this is not possible, they have access to effective advocacy, or will agree how their views can be represented to inform plans.

For a small number of children who experience unplanned placement breakdowns, reviews are not brought forward. This means the child's plan is not reviewed when there has been a substantive change, to ensure that the new plan and placement arrangements meet the needs of these very vulnerable children.

Decisions to place children in unregistered homes have been made following extensive searches. For the very small number of children aged under 16 years, who are placed in unregistered placements, there is additional management oversight to monitor progress and decision-making to ensure that the right support is in place for children in these circumstances. Since September 2021, new standards and protocols have been implemented. This assures senior managers that arrangements are assessed, and risk managed to mitigate the potential risks of a placement in an unregistered children's home. The small number of unregistered placements for 16 to 17-year-olds are not subject to the same level of senior management oversight, meaning that there is not the same level of assurance that children are well cared for. When alerted to this by inspectors, senior managers agreed during the visit that this would be addressed.

Children in care who have a disability are in stable and well-matched placements. They benefit from consistent care which meets their complex physical and emotional needs. Social workers develop meaningful relationships with children and use a range of communication techniques to understand children's needs. Every effort is made to support children to be cared for within their extended family. Social workers work closely with carers and others to ensure that educational progress is achieved for children in care.

Children in care can participate in the Children in Care Council (CiCC) and engage with a range of projects and activities which actively benefit other children, for example the perinatal pathway work, breaking the cycle, and the children's placement forms refresh. Inspectors met with the CiCC, which expressed variable experience of the continuity of their social workers and understanding of how they access advocacy.

Unaccompanied asylum-seeking children receive a responsive and sensitive service, which ensures that their needs are well met by social workers who have developed knowledgeable specialist expertise.

When children go missing, return home interviews are routinely offered. Take-up, however, remains too low, meaning that a full enough understanding of the reason children go missing is not gained. When exploitation risks are identified, they are addressed well in conjunction with the specialist service Empower U and the wider professional network. Direct work undertaken by social workers helps children understand grooming and exploitation risks.

Physical health is addressed in detail through children's plans. Children's mental health and emotional needs improve through accessing in-house therapeutic emotional support service (TESS) which social workers can access for children in care. When children's needs are more complex and CAMHS are involved, there is insufficient clarity and communication within children's plans and reviews about what CAMHS are delivering for children.

Children make positive progress and are well supported to have high aspirations and achieve in school and college. Older children are supported to consider their education and employment options, whether these be apprenticeships, college, or university. The range of apprenticeship opportunities created both within the trust, the council and beyond is a positive development that is increasing opportunities, and children are beginning to benefit from this.

For some children, the transition to leaving care support is too late. Not all children are fully aware of their options and rights as they leave care, which can cause anxiety about their future. Early consideration is given to staying put and, where children need to transition to a different placement, they are supported to do so in a planned way so that it is a positive experience.

With consistent senior leadership, the trust is establishing a more child-focused culture which supports stronger social work practice. Wide-ranging improvement programmes with key partners are making a positive difference for many children in care. These include the TESS service, family group conferences, learning from disruptions, and an improved approach to supporting connected carers. Leaders are aware and working closely with the courts to reduce the length of care proceedings, which for some children delay the finalisation of permanence outcomes.

Social workers value the range of learning opportunities such as the regularly recorded webinars and practice forums on contemporary social work practice-related issues. The offer to social workers in their first year of practice and social work apprenticeships is building an increasingly stable workforce who like working for the trust.

Internal scrutiny and challenge are evident through a range of performance reports and meetings. Senior managers understand the service well and work quickly to address weakening performance. A comprehensive and effective approach to assuring quality of practice and impact for children has been implemented and is starting to have an effect on the quality of practice. Audits provide critical evaluation and reflection of practice, with clear recommendations leading to improvement actions. This has started to inform organisational learning and development programmes, for example through webinars on areas of practice such as supervision and assessments.

Supervision of social workers is increasingly reflective and explores the impact of social work practice for the child. Actions arising from supervision, however, are too process based, without timescales and do not always reflect the wider work that social workers are doing. Most social workers' caseloads are manageable, enabling them to spend positive time with children, getting to know them and building trusting relationships.

Ofsted will take the findings from this focused visit into account when planning the next inspection or visit. I am copying this letter to Andy Couldrick, Chief Executive, Birmingham Children's Trust.

Yours sincerely

Alison Smale
Her Majesty's Inspector

Pre-publication

Birmingham City Council

Reports not on the Forward Plan

Birmingham City Council

18th January 2021



Subject: Distribution of COVID related grants and reliefs
Report of: Peter Bishop
Report author: Tim Savill

1) Key Decisions not on the Forward Plan / Urgent Decisions

To be completed for Key Decisions not on the Forward Plan 28 days before the Cabinet meeting at which the decision is to be taken.

<i>Reasons for Urgency / why not included on the notification</i>	The late announcement by Central Government of the business rates COVID Additional Relief Fund (CARF) and the Omicron related business grants scheme, both of which require urgent distribution to businesses within Birmingham in light on the latest COVID surge.
<i>Date Chief Executive Agreement obtained:</i>	Deborah Cadman 22/12/2021
<i>Name, Date and any comments of O&S Chair agreement obtained:</i>	Cllr Mohammed Aikhlaq 22/12/2021

2) Key Decisions not notified on the Notification of Intention to Consider Matters in Private

To be completed for Key Decisions not on the Forward Plan 28 days before the Cabinet meeting at which the decision is to be taken.

<i>Reasons for Urgency / why not included on the notification</i>	
<i>Name, Date and any comments of O&S Chair agreement obtained:</i>	

3) Late Reports

To be completed for all late reports, i.e. which cannot be despatched with the agenda papers i.e. 5 clear working days' notice before meeting.

<i>Reasons for Urgency / why late</i>	
<i>Date agreement obtained (Executive e.g. Leader and/or CEX):</i>	

Birmingham City Council

Report to Cabinet

18th January 2022



Subject: Distribution of COVID related grants and reliefs

Report of: Dr Peter Bishop – Director, Digital and Customer Services

Relevant Cabinet Member: Councillor Brigid Jones, Deputy Leader

Relevant O & S Chair(s): Councillor Mohammed Aikhlaq - Resources

Report author: Tim Savill – Assistant Director – Revenues and Benefits

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:		
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 Government has introduced a number of new measures to support business as a result of the ongoing pandemic. This follows the significant support provided through business grants and rate reliefs in 2020 and 2021. The previous schemes were approved through the emergency processes in place at the Council during the earlier part of the pandemic. As we have not invoked the emergency processes, for the new schemes, formal Cabinet approval is required. The new measures are:

- The Omicron Hospitality and Leisure Grants which were announced by the Government on 21 December 2021.

- A top up grant for the Additional Restrictions Grant scheme (ARG) – this is a top-up to the existing discretionary grant scheme currently in operation.
- The COVID-19 Additional Relief Fund (CARF) – announced in March 2021 but details have been delayed due to the Government legislative process until December 2021.

1.2 Government guidance has been received on 30 December 2021 for both the Covid Restrictions Grant top-up (ARG) scheme rules and the COVID-19 Additional Relief Fund (CARF) scheme rules. The schemes offer valuable support to businesses in Birmingham and link to the corporate priority of Birmingham as an entrepreneurial city to learn, work and invest in.

2 Recommendations

2.1 That Cabinet approve and authorise the distribution and payment of the Omicron Hospitality and Leisure Grants in accordance with the Department of Business, Energy and Industrial (BEIS) scheme guidelines.

2.2 That Cabinet delegate authority to the Deputy Leader, and the Cabinet Member for Finance and Resources, from a report by the Director of Digital and Customer Services, to approve the Additional Relief Grants Fund scheme rules and to authorise the distribution and payment of these grants.

2.3 That Cabinet delegate authority to the Deputy Leader, and the Cabinet Member for Finance and Resources, from a report by the Director of Digital and Customer Services, to approve the Business Rates COVID-19 Additional Relief Fund Policy, scheme rules, and to authorise the award of the relief.

3 Background

3.1 The Council has previously administered a number of COVID related grant schemes and distributed funds to businesses and residents with a Business Rates assessment within the City. All previous grants schemes were authorised whilst the Council was subject to “emergency measures”. As that is currently not the case, Cabinet approval to distribute and pay the latest round of is now required.

3.2 The new schemes have three elements; two grant schemes (mandatory and discretionary) and one scheme for additional business rates relief.

3.3 The Department for Business, Energy and Industrial Strategy (BEIS) have distributed scheme guidance and are fully funding the latest mandatory scheme (called the Omicron Hospitality and Leisure Grant Scheme). Grants of £2,667, £4,000 and £6,000 will be paid to businesses operating in the Hospitality and Leisure sectors subject to the rateable value of the premises they occupy.

3.4 The table below shows the initial estimates of the value of grants and number of eligible businesses:

Business size	Number of businesses	Total value
Lower Grant £2,667 (RV £15k or less)	1,259	£3.4 million
Middle Grant £4,000 (RV £15k-£51k)	672	£2.7 million
Higher grant £6,000 (RV over £51k)	587	£3.5 million
Totals	2,518	£9.6 million

- 3.5 The Government has asked Councils to put in place a process to receive applications (with specified supporting information) for the grants as condition of payment.
- 3.6 As part of the previous COVID response the Government also provided additional grant funding for those businesses that did not meet the mandatory scheme criteria. This Additional Restrictions Grant (ARG) scheme was discretionary and as part of the Omicron response a top up has been awarded. The third top-up of ARG funding allocated to Local Authorities in England from 30 December 2021 will be utilised to support businesses from all sectors that may have been severely impacted by restrictions, or by the Omicron variant, including those outside of the business rates system.
- 3.7 These may include, but are not limited to: hospitality, accommodation, leisure, personal care, the travel and tourism sector, including group travel, travel agents and tour operators, coach operators, wedding industries, nightclubs, theatres, events industries, wholesalers, English language schools, breweries, freelance and mobile businesses (including caterers, events, hair, beauty and wedding related businesses), gyms, and other businesses that may have not received other grant funding. The amount of funding for this scheme has not yet been confirmed.
- 3.8 The ARG scheme will be aligned (subject to funding confirmation) to the mandatory scheme, based on size and amount of the grant. This would be subject to criteria set out in the Policy for payment of the grants.

- 3.9 The Government announced, as part of the Budget in March 2021, that funding would be made available for Local Authorities to award COVID-19 Additional business rates relief to businesses for the 2021-22 tax year only (called the COVID-19 Additional Relief Fund or CARF).
- 3.10 Birmingham City Council is set to receive £30.1 million as relief on business rates liability. The composition of the scheme is discretionary but in order for the Council to be reimbursed for the awarding of the relief the authority must:
- not award relief to ratepayers who for the same period of the relief either are or would have been eligible for the Extended Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS)
 - not award relief to a property which is unoccupied (unless unoccupied as a result of government COVID guidance)
 - ensure the support is directed towards customers adversely affected by the pandemic
- 3.11 The Government guidance dictates that local authorities will be responsible for administering the Covid Additional Relief under section 47 of the Local Government Finance Act 1988. This means that Birmingham City Council will need to design a discretionary scheme to deliver the relief, which is a key decision as it affects all wards in the Birmingham area.
- 3.12 The Revenues Team will begin by modelling discretionary schemes with a view to providing a draft policy. Key stakeholders such as The Chamber of Commerce, and Business Improvement Districts (BIDs) will be consulted as part of the policy development.

4 Options considered and Recommended Proposal

- 4.1 There is an urgent need to put in place the support for these businesses in these difficult times. The Omicron Hospitality and Leisure grants and CARF schemes will add a minimum value of over £48 million for businesses within the City.
- 4.2 The need to delegate approval for the ARG and CARF schemes will help to ensure that the support is provided as quickly as possible. At present the Council is still waiting for final government guidelines and funding to be confirmed. Cabinet approval is required to avoid delays in getting the much needed financial support to those business affected.

5 Consultation

- 5.1 The Omicron Hospitality and Leisure Grants are government grants administered and paid by Local Authorities in accordance with BEIS scheme guidelines therefore no consultation is required.

- 5.2 In relation to the ARG and CARF schemes consultation on the scheme rules will take place with the Chamber of Commerce, the City's Business Improvement Districts and any other key stakeholders.
- 5.3 The existing ARG policy and scheme rules have been discussed with the Chamber of Commerce, Business Improvement districts and other key stakeholders.

6 Risk Management

- 6.1 The ARG business grant schemes and Omicron/CARF business rates relief scheme will be administered in accordance with BEIS scheme rules and the discretionary scheme rules agreed by delegation by the Deputy Leader. The Revenues service and the Inclusive Growth grants teams have previous experience of administering these grant and relief schemes.
- 6.2 Processes have been established to ensure pre and post assurance and grant checks are carried out to minimise fraud and error. Sufficient resource has been identified to ensure the grants and reliefs are awarded in an appropriate time scale. BEIS are likely to conduct their own post payment assurance checks, as they have done with previous grant schemes.

7 Compliance Issues:

- 7.1 **How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**
- 7.2 The recommended decision supports making Birmingham a great city to live by providing urgent and important financial support to citizens and businesses within the city during an extremely difficult period of trading helping to safeguard their economic future.

8 Legal Implications

- 8.1 The Omicron Hospitality & Leisure Grants and Additional Restrictions top-up scheme (ARG) are fully funded by Central Government with the Council being fully reimbursed for all grants paid. All Central Government guidance in respect of the schemes will be followed by the Council in the administration of the schemes.

9 Financial Implications

- 9.1 The Omicron Hospitality and Leisure Grant scheme is fully funded by Central Government with the Local Authority being fully reimbursed for all grants paid under section 31 of the Local Government Act 2003.
- 9.2 The Additional Restrictions Grant top-up scheme (ARG) is fully funded by Central Government with the Local Authority being fully reimbursed for all grants paid under section 31 of the Local Government Act 2003.

9.3 The business rates COVID-19 Additional Relief fund scheme (CARF) is fully funded by Central Government with the Local Authority being fully reimbursed for all relief awarded under section 31 of the Local Government Act 2003.

9.4 Additional staffing and resource costs will be covered by new burdens funding by BEIS. The amount of this funding has not yet been confirmed.

10 Procurement Implications (if required)

10.1 N/A

11 Human Resources Implications

11.1 The grant schemes and business rates relief scheme set out in this report will be administered by officers working in the Revenues service and the Inclusive Growth grants teams who have previous experience of administering these grant and relief schemes. The work will be undertaken as an 'Acting Up' into new or existing roles in the service. There are no other HR implications in this report.

12 Public Sector Equality Duty

12.1 EIA has been completed (EQUA818) and did not identify any adverse effects to those with protected characteristics.

13 Appendices

13.1 N/A

14 Background Documents

14.1 Omicron Hospitality and Leisure Grant details:

<https://www.gov.uk/guidance/check-if-youre-eligible-for-the-omicron-hospitality-and-leisure-grant>

14.2 ARG grant details

<https://www.gov.uk/guidance/check-if-youre-eligible-for-the-coronavirus-additional-restrictions-grant>

14.3 CARF relief details

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041468/CARF_LA_Guidance.pdf

Birmingham City Council

Report to Cabinet

Date: 18th January 2022



Subject: **PLANNED PROCUREMENT ACTIVITIES (FEBRUARY 2022 – APRIL 2022)**

Report of: **ASSISTANT DIRECTOR – PROCUREMENT (INTERIM)**

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

Relevant O &S Chair(s): **Councillor Mohammed Aikhlaq, Resources**

Report author: Steve Sandercock, Assistant Director, Procurement (Interim)
Email Address: steve.sandercock@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 February 2022 – April 2022. 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.

2 Recommendations

- 2.1 Notes the planned procurement activities under chief officer delegations set out in the Constitution for the period February 2022 – April 2022 as detailed in Appendix 1.

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 procurement threshold £177,897.50 (excluding VAT) and £10m (excluding VAT). 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 procurement threshold has changed from £189,330 to £177,897.50 (excluding VAT) and applies from 1st January 2022 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.

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 / Engagement

5.1 This report to Cabinet is copied to Cabinet Support Officers and to Resources Overview & Scrutiny Committee and therefore 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.

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 February 2022 – April 2022
- 2. Appendix 2 – Background Briefing Paper
- 3. Appendix 3 – Exempt Information

APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (FEBRUARY 2022 – APRIL 2022)

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	Valuations of the Council's Assets	TBC	There is a requirement for the Council to value its assets by a Royal Institute of Charter Surveyors (RICS) registered valuer primarily for a five-year rolling programme to enable the annual accounts to be completed and also other reasons including insurance purposes and viability of ownership. The assets to be valued are the land and buildings.	5 years	Planning, Transport and Sustainability	Leader	Carl Tomlinson	Allyson-Marke Wilson / Charlie Short	21/02/2022
Single Contractor Negotiations	Local Authority Asylum Seeker Liaison Project: Advice and Support for Asylum Seekers and Refugees	TBC	The provision of information and advice to new refugees who are required to exit Home Office accommodation in Birmingham following a positive asylum decision. The information and advice include: financial management, welfare & benefits, housing, education, English for Speakers of Other Languages (ESOL), employment, community safety and modern slavery.	1 year, 9 months	Adults and Social Care	Adults Social Care and Health	Andrew Healey	Bethany Finch / Marie Kennedy	01/03/2022
Approval to Tender Strategy	Resettlement & Integration Services for Refugees	TBC	Resettlement and integration support services for refugees who are living in Birmingham as part of the Home Office Resettlement Schemes and who have been in the UK for at least one year already. The services include welfare and tenancy support, mental health awareness, employability services and Birmingham navigators.	3 years with break clause after year 2	Adults and Social Care	Adults Social Care and Health	Andrew Healey	Bethany Finch / Marie Kennedy	01/03/2022
Strategy / Award	Bristol Road Enhancement Scheme Works	TBC	There is a requirement for delivery of civil engineering works for the Bristol Road Enhancement Scheme. Work involves: <ul style="list-style-type: none"> Downgrading the Bristol Road local centre from 4 lanes to 2 lanes. New carriageway markings and signs Implementing a bi-directional cycle lane along the Bristol Road Selly Oak local centre from Chapel Lane junction to Grange Road. Other public realm improvement works such flush surfacing entry treatments at side roads Footway buildouts to regulate on-street parking bays 	6 months	Planning, Transport and Sustainability	Transport and Environment	Carl Tomlinson	Faisal Ishaq / Charlie Short	01/03/2022
Strategy / Award	Provision of IT Consultancy support in respect of Delivery of the Customer Services Programme and Digital Strategy	TBC	Provision of ongoing delivery support from a multidisciplinary team as part of digital delivery of the Customer Services Programme.	1 year with option to extend for a further 12 months	Digital and Customer Services	Deputy Leader	Lee Bickerton	James Gregory / Jamie Parris	07/02/2022
Approval to Tender Strategy	Webcasting Council Meetings	TBC	The provision of Webcasting Infrastructure and Services in the Council House. This includes web streaming and webcasting council member meetings at the Council house, including the refresh of existing Audio Visual (AV) hardware systems and infrastructure.	3 years with option to extend for a 2 further 12 months	Digital and Customer Services	Deputy Leader	Lee Bickerton	Sharon I Richards / Barry Greenwood	21/02/2021
Approval to Tender Strategy	Specialist Adult Social Care Training	TBC	There is a requirement for training for the Council's adults social care workforce, which includes all staff within Directorate e.g., Commissioning, Client Financial Services and internal provider support services, to support their learning and development needs.	4 years	Adults and Social Care	Adults Social Care and Health	Andrew Healey	Patricia Daley / Marie Kennedy	21/02/2021

APPENDIX 2

BRIEFING NOTE ON PLANNED PROCUREMENT ACTIVITIES CABINET – 18TH JANUARY 2022

Title of Contract	Valuations of the Council's Assets
Contact Officers	Director / Assistant Director: Kathryn James - Assistant Director, Property Client Officer: Allyson-Marke Wilson / Azmat Mir Procurement Officer: Charlie Short, Procurement Manager
Briefly describe the service required	There is a requirement for the Council to value its assets by a Royal Institute of Charter Surveyors (RICS) registered valuer primarily for a five-year rolling programme to enable the annual accounts to be completed and also other reasons including insurance purposes and viability of ownership. The assets to be valued are the land and buildings. Valuations should be in accordance with the CIPFA Code and the relevant guidance issued by the RICS.
What is the proposed procurement route?	A further competition exercise will be undertaken using the Crown Commercial Service Estate Management Services Framework Agreement.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The current contract awarded under Chief Officer delegated authority expires in December 2022. This period enables any final account external audit enquiries to be finalised.
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.
Has the In-House Preferred Test been carried out?	Yes, and this demonstrated there is not the capacity within the Council to undertake this service.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the successful tenderer to minimise their travel to deliver the service.
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	There is a not a statutory duty for this service to be delivered. However, the valuation service supports the production of the Council's final accounts.
What budget is the funding from for this service?	The service is funded from the Acquisitions and Valuations Business Centre (RDFVA L680 A00) budget.
Proposed start date and duration of the new contract	The proposed start date is 1 st April 2022 for a period of 5 years.

Title of Contract	Local Authority Asylum Seeker Liaison Project: Advice and Support for Asylum Seekers and Refugees
Contact Officers	Director / Assistant Director: Graeme Betts, Director Adults Social Care Client Officer: Bethany Finch Procurement Officer: Marie Kennedy
Briefly describe the service required	The provision of information and advice to new refugees who are required to exit Home Office accommodation in Birmingham following a positive asylum decision. The information and advice include financial management, welfare & benefits, housing, education, English for Speakers of Other Languages (ESOL), employment, community safety and modern slavery.
What is the proposed procurement route?	To enter into single contractor negotiations with Refugee & Migrant Centre Black Country & Birmingham.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The service is currently being provided through a partnership agreement with the Refugee & Migrant Centre in an EU funded project "Foundation for Integration" that expires on 31 st July 2022.
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 for this service. However, the service supports preventing crisis and destitution at the point at which the Home Office makes a positive grant of refugee status for an asylum seeker living in Birmingham and that individual then has 28 days only to leave their Home Office accommodation in the city and to establish a means of income.
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)?	As a result of a market investigation there is only one contractor that can meet the Council's requirement for this service. The reason is that the Refugee & Migrant Centre Black Country & Birmingham is the only provider in the city who can deliver the full scope of the service required due to the range of multiple languages required. Value for money will be achieved by ensuring that negotiations are in line with the per capita tariff value of previous arrangements. Deviation from this is limited within the scope of the available budget. The value will be below the threshold of £200,000 for the BBC4SR to apply however, the requirement to pay the Real Living Wage will apply.
What budget is the funding from for this service?	This will be funded from external funding – Home Office grant received for refugee resettlement.
Has the In-House Preferred Test been carried out?	Yes, and this demonstrated there is not the ability within the Council to undertake this service.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require Refugee & Migrant Centre Black Country & Birmingham to minimise their travel to deliver the service.
Proposed start date and duration of the new contract	The proposed start date is 1st August 2022 for a duration of 21 months.

Title of Contract	Resettlement & Integration Services for Refugees
Contact Officers	Director / Assistant Director: Graeme Betts, Director Adults Social Care Client Officer: Bethany Finch Procurement Officer: Marie Kennedy
Briefly describe the service required	Resettlement and integration support services for refugees who are living in Birmingham as part of the Home Office Resettlement Schemes and who have been in the UK for at least one year already. The services include welfare and tenancy support, mental health awareness, employability services and Birmingham navigators.
What is the proposed procurement route?	An open procurement exercise will be undertaken advertised on In-tend, Find a Tender Service, Contracts Finder and www.finditinbirmingham.com .
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There are currently four contracts in place to deliver each of the services described above awarded under Chief Officer delegated authority. Two are due to end on 31 st June; one is due to end on 10 th May 2022 and the fourth is due to end on 31 st January 2023.
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.
Has the In-House Preferred Test been carried out?	Yes, and this demonstrated there is not the ability within the Council to undertake this service.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the successful tenderer to minimise their travel to deliver the service.
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 to provide this service. However, there is a duty of care to provide these services to the citizens until 2026.
What budget is the funding from for this service?	This is funded by the Home Office Grant.
Proposed start date and duration of the new contract	The proposed start date is 11 th May 2022 for a duration of 3 years with a break clause after year 2 subject to satisfactory performance and budget availability. The requirement will be tendered by lot with each service area being called off after the expiry of the existing contract.

Title of Contract	Bristol Road Enhancement Scheme Works
Contact Officers	Director / Assistant Director: Philip Edwards, Assistant Director, Transport and Connectivity Client Officer: Faisal Ishaq Procurement Officer: Charlie Short
Briefly describe the service required	<p>There is a requirement for delivery of civil engineering works for the Bristol Road Enhancement Scheme. Work involves:</p> <ul style="list-style-type: none"> • Downgrading the Bristol Road local centre from 4 lanes to 2 lanes. New carriageway markings and signs • Implementing a bi-directional cycle lane along the Bristol Road Selly Oak local centre from Chapel Lane junction to Grange Road. • Other public realm improvement works such flush surfacing entry treatments at side roads • Footway buildouts to regulate on-street parking bays. <p>A contract will not be entered into until approval of the Full Business Case, planned in April 2022.</p>
What is the proposed procurement route?	A procurement exercise below the works procurement threshold will be undertaken advertised on www.finditinbirmingham.com and Contracts Finder.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	This is a new requirement.
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.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house as there is not the ability to undertake works.
How will this service assist with the Council's commitments to Route to Zero?	The service supports the Birmingham Transport Plan's policies such as reallocating road space and prioritising active travel in local neighbourhood.
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 for this service. However, the works will improve active travel choices by creating a cycle link between the Birmingham Cycle Revolution (BCR) A38 blue cycle route with the recently upgraded Chapel Lane junction.
What budget is the funding from for this service?	This is a named project within the Transport and Highways Capital Programme approved by Cabinet on 9 February 2021. Entering into contract will be subject to gaining the necessary approvals on funding.
Proposed start date and duration of the new contract	The proposed start date is 1 st September 2022 for a duration of up to 6 months.

Title of Contract	Provision of IT Consultancy support in respect of Delivery of the Customer Services Programme and Digital Strategy
Contact Officers	Director / Assistant Director: Peter Bishop, Director of Digital and Customer Services Client Officer: James Gregory Procurement Officer: Jamie Parris
Briefly describe the service required	Provision of ongoing delivery support from a multidisciplinary team as part of digital delivery of the Customer Services Programme. The 3 rd party Consultant will provide upskilling, knowledge transfer, professional development and delivery support to the Customer Services and Digital Strategy Programmes..
What is the proposed procurement route?	The proposed procurement route is to carry out a direct award to Methods Business and Digital Technology Ltd using the Crown Commercial Services Framework Agreement. There is an urgent need for delivery of transformation programmes by utilising an incumbent trusted provider who have been central to the production of the Digital Strategy, have built strong relationships with the IT&D teams and are also working across other associated programmes (Insights, Front Door, Digital Strategy, West Midlands Placement Portal).
What are the existing arrangements? Is there an existing contract? If so when does that expire?	This is a new requirement.
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)?	No applicable.
Has the In-House Preferred Test been carried out?	Yes. The supplier will be used to augment BCC internal resource capability and capacity; and will continue to affect a skills transfer that has already started. Existing internal capacity and capability is not yet mature enough to achieve the set objectives alone.
How will this service assist with the Council's commitments to Route to Zero?	Not applicable – IT Consultancy 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 nor legal duty to provide this Consultancy Service.
What budget is the funding from for this service?	Customer Programme and IT&D capital allocation.
Proposed start date and duration of the new contract	The proposed start date will be from February 2022 at the latest for a maximum duration of 12 months with the option to extend for a further 12-month period.

Title of Contract	Webcasting Council Meetings
Contact Officers	Director / Assistant Director: Peter Bishop/Rob Connelly (AD Governance) Client Officer: Sharon Richards Procurement Officer: Barry Greenwood
Briefly describe the service required	The provision of Webcasting Infrastructure and Services in the Council House. This includes web streaming and webcasting Council meetings at the Council House, including the refresh of existing Audio Visual (AV) hardware systems and infrastructure.
What is the proposed procurement route?	To undertake an open procurement process advertised on Find a Tender, Contracts Finder and www.finditinbirmingham.com .
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The previous contract with Civico expired in June 2021. This was not renewed as the Council House was no longer in use due to the refurbishment. The infrastructure that is owned by the Council is now very old and no longer supported.
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.
Has the In-House Preferred Test been carried out?	N/A, as this is the replacement of a hardware required to provide webcasting services in the Council House. Cannot be provided in house. Voyager search undertaken. Specialist technology is required for this solution and there is no contract currently in place with a supplier which could be utilised.
How will this service assist with the Council's commitments to Route to Zero?	Implementing technology to support hybrid meetings and streaming of meetings for City Council, Cabinet and committees contributes to reducing the number of journey's required relating to those meetings (reduction in traffic).
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, the service is required because formal meetings have been webcast in Birmingham since 2012 and has become the norm during the pandemic. Members are expecting a full webcasting service on return to the Council House in May 2022.
What budget is the funding from for this service?	This is funded by ITDS capital monies.
Proposed start date and duration of the new contract	The proposed start date is 1 st May 2022 for a period of 3 years with the option to extend for further 2 x 12-month periods.

Title of Contract	Specialist Adult Social Care Training
Contact Officers	Director / Assistant Director: Graeme Betts. Director Adult Social Care Client Officer: Patricia M Daley Procurement Officer: Marie Kennedy
Director / Assistant Director	Graeme Betts. Director Adult Social Care
Briefly describe the service required	<p>There is a requirement for training for the Council's adults social care workforce, which includes all staff within the Directorate e.g., Commissioning, Client Financial Services and internal provider support services, to support their learning and development needs. The learning and development services also provides workforce development opportunities for the wider private, voluntary and independent sector organisations, plus, direct payment recipients and Personal Assistants. The Service also has responsibility for providing support to non-commissioned services and self-funders in certain instances. The training is commissioned according to the lots stated below e.g., learning and development for:</p> <ul style="list-style-type: none"> • constituency teams • mental health • social care and health • leadership and management • safeguarding
What is the proposed procurement route?	The contract will be advertised in Find a Tender, Contracts Finder and www.finditinbirmingham.com . and a tender process will be commenced using the open procurement route.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing contract is due to expire on 31 st March 2022 which was approved under Chief Officer delegation.
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.
Has the In-House Preferred Test been carried out?	The existing model is a mix of in-house and a supplementary framework. It would be inefficient to deliver the whole service in -house due to the fluctuation in demand and some specialisms.
How will this service assist with the Council's commitments to Route to Zero?	Evidence will be sought as part of the Procurement Process to indicate the relevant areas that can be applied, e.g. R20 Action Plan Chapter 15 -Supply Chain.
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, the Council has a legal responsibility to ensure that statutory training is provided to the adults social care workforce including the wider workforce.
What budget is the funding from for this service?	This will be funded from the Learning and Development budget.
Proposed start date and duration of the new contract	The proposed start date is 1 st April 2022 for a duration of 4 years.

Birmingham City Council

Report to Cabinet

18 January 2022



Subject: APPOINTMENTS TO OUTSIDE BODIES

Report of: City Solicitor

Relevant Cabinet Member: Cllr Ian Ward, Leader of the Council

Relevant O & S Chair(s): Cllr Carl Rice, Chairman of Co-ordinating Overview and Scrutiny Committee

Report author: Errol Wilson, Committee Services

Tel: 0121 675 0955

e-mail: errol.wilson@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 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 report seeks the approval of the Cabinet to the appointment of representatives to serve on outside bodies detailed in the appendix to this report.

2 Recommendations

- 2.1 That Cabinet agrees to appoint representatives to serve on the Outside Bodies detailed in the appendix to this report.

3 Background

- 3.1 At a meeting of all Councillors on 11 July 2017, the City Council approved changes to the Constitution that set out those appointments that are reserved to the full City Council to determine. All other appointments of Members and officers to outside bodies shall be within the remit of Cabinet to determine and the proportionality rules will not automatically apply.

4 Options considered and Recommended Proposal

- 4.1 These appointments are a matter for the Cabinet to determine, in accordance with the City Council's current Constitution.

5 Consultation

For appropriate items, the Secretaries to the Political Groups represented on the Council.

6 Risk Management

- 6.1 The main risk of not making appointments might lead to the City Council not being represented at meetings of the bodies concerned. It is always important in making appointments to have regard to the City Council's equal opportunities policies.

7 Compliance Issues:

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

7.1.1 The appointments are consistent with the legal and constitutional requirements of the City Council.

7.2 Legal Implications

7.2.1 As set out in paragraph 7.1.1 above.

7.3 Financial Implications

7.3.1 There are no additional resource implications. Where applicable, those implications arise at the time that the relevant body, or a grant to it, is established.

7.4 Procurement Implications (if required)

7.4.1 Not applicable.

7.5 Human Resources Implications (if required)

7.5.1 Not applicable.

7.6 Public Sector Equality Duty

7.6.1 As set out in paragraph 6.1 above.

8 Background Documents

- 8.1 Report of the Council Business Management Committee to City Council on 11 July 2017 “Revised City Council Constitution”; along with relevant e-mails/file(s)/correspondence on such appointments.

Attached: Appendix to Report to Cabinet – 18 January 2022 - Appointments to Outside Bodies

APPENDIX 1**APPENDIX TO REPORT TO CABINET 18 January 2022**
APPOINTMENTS TO OUTSIDE BODIES**1. Summary of Decisions**

On 15 August 2017, Cabinet resolved under decision number 004096/2017 that the practice be continued of contacting each representative when their term of office is due to expire to ascertain whether they are willing to be re-appointed and that, unless indicated otherwise in the report to Cabinet, it will be understood that such representatives are not willing to be re-appointed.

2. Annual Appointment

Further to the meeting on the 18 January 2021:-

City Centre Strategic Board

Cllr Debbie Clancy (Con) is to be replaced with Cllr Ewan Mackey.

Therefore, it is

RECOMMENDED:-

That Cabinet agrees the replacement of Cllr Debbie (Con) with Cllr Ewan Mackey (Con) on the Board for the remainder of the term i.e. 18 January 2022 until 28 June 2022.

NB: The following recommendations were formally agreed by Cabinet under *Other Urgent Business* on the 9th November 2021 and are included for noting only: -

3. School Governor Nomination Committee

That Cllr Mike Ward (Lib Dem) be replaced by Councillor Deborah Harries on the School Governor Nomination Committee.

4. Yardley Great Trust

That Cllr Deborah Harries (Lib Dem) filled the vacancy on Yardley Great Trust created by the death of Councillor Neil Eustace (Lib Dem).



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Decision Details

General	Reports	Decision History
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This section allows you to view the general details of a Decision

Details

Status:	Decision Proposed
Title:	Infection Control and Testing Fund - Round 3 (October 2021 - March 2022)
Reference:	009751/2021
Urgent Decision - Not in Forward Plan	No

Details for Agenda Sheet	Report of the Director of Adult Social Care.
Implementation Date (not before meeting on)	Fri 26 Nov 2021
Purpose	
Key Portfolio	----- N/A -----
Include item on Forward Plan/ Key Decision	No
Decision Maker	Not Applicable
Reason For Key Decision	
Relevant Documents	
Decision Type:	Committee
Decision Maker:	Cabinet
Directorate	
Other Information	
Private Reason	

Decision Outcome

On the 26 November 2021 the Chief Executive:-

1. Approved the allocation of £3,724,711 infection control funding to Birmingham care providers;
2. Approved the allocation of £2,169,418 testing funding to Birmingham care providers;
3. Approved the allocation of £442,990 vaccine funding to Birmingham care providers;
4. Approved the allocation of £40,000 to the Council to administer the Infection Control and Testing Grant;
5. Approved the allocation of £80,000 to day centres for infection control measures;
6. Approved the use of £250,000 to commission an extension to the Infection Prevention Control service for the regulated adult social care market across Birmingham (subject to separate procurement governance); and
7. Noted that the details of these allocations are in accordance with the Grant Determination Notice and are set out in 7.3.1 and Appendix 3 to the report.

NB: THIS DECISION IS NOT SUBJECT TO CALL IN

Rating:

Is the Decision Maker Aware of the Decision: No

Is the Head of Services Aware of the Decision: No

Is Decision County Wide: No

Would the recommended decision be contrary to the budget and policy framework: No

Further Information:

Decision Options:

Additional Information

Reg 10

Reg 11

Decision Criteria

This Decision does not contain any decision criteria records.

Wards

This Decision does not contain any Ward records.

Topics

This Decision does not contain any Topic records

Overview and Scrutiny

This Decision does not contain any Overview and Scrutiny records.



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Decision Details

General	Reports	Decision History
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This section allows you to view the general details of a Decision

Details

Status:	Decision Proposed
Title:	Workforce Recruitment and Retention Fund (21 October 2021 - 31 March 2022
Reference:	009752/2021
Urgent Decision - Not in Forward Plan	No

Details for Agenda Sheet	Report of the Director for Adult Social Care.
Implementation Date (not before meeting on)	Mon 6 Dec 2021
Purpose	
Key Portfolio	----- N/A -----
Include item on Forward Plan/ Key Decision	No
Decision Maker	Not Applicable
Reason For Key Decision	
Relevant Documents	
Decision Type:	Committee
Decision Maker:	Cabinet
Directorate	
Other Information	
Private Reason	

Decision Outcome

On the 6 December 2021 the Chief Executive:-

1. Approved the allocation of £1,396,746.80 of Workforce Recruitment and Retention Funds to CQC registered care homes in Birmingham.
2. Approved the allocation of £2,095,120.20 of Workforce Recruitment and Retention Funds to CQC registered community care providers in Birmingham.
3. Approved the allocation of £300,000 of Workforce Recruitment and Retention Funds to support other measures the Council may take to support the personal assistant and unregulated workforce.
4. Noted that the details of these allocations are in accordance with the Grant Determination Notice and are set out in Appendix 1 to the report.

NB: THIS DECISION IS NOT SUBJECT TO CALL IN.

Rating:

Is the Decision Maker Aware of the Decision: No

Is the Head of Services Aware of the Decision: No

Is Decision County Wide: No

Would the recommended decision be contrary to the No

**budget and
policy
framework:**

**Further
Information:**

**Decision
Options:**

Additional Information

Reg 10

Reg 11

Decision Criteria

This Decision does not contain any decision criteria records.

Wards

This Decision does not contain any Ward records.

Topics

This Decision does not contain any Topic records

Overview and Scrutiny

This Decision does not contain any Overview and Scrutiny records.

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