

BIRMINGHAM CITY COUNCIL

CABINET MEETING TUESDAY, 17 JANUARY 2023

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

PRESENT: -

Councillor Liz Clements, Cabinet Member for Transport
Councillor John Cotton, Cabinet Member for Social Justice, Community Safety and Equalities
Councillor Jayne Francis, Cabinet Member for Digital, Culture, Heritage and Tourism
Councillor Brigid Jones, Deputy Leader of the City Council
Councillor Mariam Khan, Cabinet Member for Health and Social Care
Councillor Majid Mahmood, Cabinet Member for Environment
Councillor Karen McCarthy, Cabinet Member for Children, Young People and Families
Councillor Yvonne Mosquito, Cabinet Member for Finance and Resources
Councillor Sharon Thompson, Cabinet Member for Housing and Homelessness (joined online)
Councillor Ian Ward, Leader of the City Council

ALSO PRESENT:-

Councillor Robert Alden, Leader of the Opposition (Conservative)
Councillor Jon Hunt, Leader of the Opposition (Liberal Democrat)
Councillor Ewan Mackey, Deputy Leader of the Opposition (Conservative)
Professor Graeme Betts, Director, Adult Social Care (DASS)
Deborah Cadman, Chief Executive
Guy Chaundy, Acting Assistant Director, Housing Strategy (online)
Paul Clarke, Assistant Director (Programmes, Performance and Improvement)
Robert Connelly, Assistant Director, Governance (Deputy Monitoring Officer)
Phil Edwards, Assistant Director
Tim Gray, Project Manager, Housing (online)
Stephen (Online)
John Hardy, Commissioning Manager, Adult Social Care (Online)
Susan Harrison, Director for Children and Families, BCC
Paul Kitson, Strategic Director, Place, Prosperity and Sustainability
Paul Langford, Interim Director, Housing Management
Sajeela Naseer, Director of Regulation and Enforcement
Mary Orhewere, Assistant Director, Public Health (Online)
Sara Pitt, Director of Finance (Deputy Section 151 Officer), Council Management Directorate
Steve Sandercock, Assistant Director, Procurement (online)
Tony Smith, Policy Executive, Finance and Governance
Mark Wiltshire, Interim Director, City Operations

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Errol Wilson, Committee Services

NOTICE OF RECORDING/WEBCAST

56. The Chair welcomed attendees and advised, and the Committee noted, that this meeting will be webcast for live or subsequent broadcast via the Council's 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.
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APOLOGIES

57. Apologies for absence were submitted on behalf of Janie Berry (but Robert Connelly as substitute), Andy Couldrick, Dr Justin Varney and Darren Hockaday.
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DECLARATIONS OF INTERESTS

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

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

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

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

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

The Chair then declared his pecuniary interest in the items relating to SEND/SENDIASS but was advised by the legal officer present at the meeting that he was not required to leave the room.

MINUTES

59. **RESOLVED:** -

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The Minutes of the meeting held on 13 December 2022, having been previously circulated, were confirmed and signed by the Chair.

Councillor Robert Alden, Leader of the Opposition (Con) requested that before Cabinet moved onto the substantive items that in view of the emails received in relation to the Low Traffic Neighbourhood (LTN) i.e. *Active Travel Fund Tranche 2 – Package 2 : Kings Heath and Moseley Places for People Outline Business Case* at item 13 and stated that one of the request from residents was that item 13 be considered before item 12 *Clean Air Zone revenues – update on revenues forecast and allocation of net surplus revenues* – a request that these be flipped around as the idea was that residents wanted the Council to make decision on whether or not they proceeded with it before the money was allocated.

The Chair commented that that made sense.

Councillor Liz Clements, Cabinet Member for Transport advised that the reason the items 12 and 13 were in that order was that within the report the use of the Clean Air Zone surplus revenues was an allocation of the following report and that was the reason she had requested that the reports were in that order on the Agenda.

The Chair questioned whether the idea was to agree the money before moving on to consider the preposition. Councillor Clements advised that this relates to the recommendation in the report at item 12 and requested that the order the reports appeared on the Agenda be followed.

EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that the report at Agenda items 6, 19 and 20 contained exempt appendices within the meaning of Section 100I of the Local Government Act 1972.

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

It was noted that Members wished to raised matters in relation to the exempt appendices at item 6, the Chair advised that Cabinet would go into private session at the end of the meeting to consider item 6 and he would formally move the resolution on the Agenda under item 5 to take Cabinet into private session. Cabinet will then return to public session to consider the recommendations.

60. 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

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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.

BUSINESS RATES INCOME 2023/24

Councillor Yvonne Mosquito, Cabinet Member for Finance and Resources introduced the item and drew the attention of Committee to the information contained in the report highlighting the key points.

(See document No. 1)

It was

61. RESOLVED: -

That Cabinet approved the 2023/24 Business Rates income for Birmingham as shown in Appendix 1 to the report.

FINANCIAL MONITORING REPORT 2022/23

Councillor Yvonne Mosquito, Cabinet Member for Finance and Resources presented the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

(See document No. 2)

In response to questions and comments raised by Councillor Robert Alden in relation to paragraphs 2.2; 2.3; 2.8; 2.9 and section 4 of the Appendix to the report, Councillor Karen McCarthy, Cabinet Member for Children, Young People and Families stated that this was something that was supported by Covid funding and therefore we were unpicking that and the process of transferring mainly the early help in Children services. Members will be aware of the issues in relation to the Children and Young People Travel Service. There was a particular issue around allocations. We had a programme of revising policy alongside driving cost down, but we hope to have some significant savings next year.

Sara Pitt, Director of Finance (Deputy Section 151 Officer) advised that in relation to the use of reserves for savings there was a budget reserve that was set up in order to recognise the delays around some of that and so we had requested the use of that. This was only used where we could see some of the delivery occurring, so we were confident around the time issue with the money coming out rather than no activity occurring but that she was happy to take Councillor Alden's comment forward.

In relation to Councillor Ewan Mackey's comment it was noted that he would be issued with a written response.

It was

62. RESOLVED: -

That Cabinet:-

1. Approved the use of £8.9m of the Budget Smoothing Reserve as set out in paragraph 4.5 to the report;
2. Noted that the Council faces a number of challenges in 2022/23. However, the Council is in a strong robust position with strong financial control processes in place, including the continued application of rigorous spend controls. Reserves are healthy and within recommended limits;
3. Noted the forecast Capital spend is £663.5m a reduction of £13.0m from Month 7, as set out in paragraphs 4.6 to 4.11 to the report;
4. Noted the Treasury Management position, as set out in paragraphs 4.13 to 4.15 to the report; and
5. Approved a further use of £0.5m of the Financial Resilience Reserve (FRR) to fund the Festival 2023 if this is required. This is on top of the £1.5m approved by Cabinet on 23rd September 2022. It is anticipated that the FRR will not be required as the Council expects to be able to utilise funding from Commonwealth Games underspends.

COUNCIL TAX TAX-BASE FOR 2023/24

Councillor Yvonne Mosquito, Cabinet Member for Finance and Resources presented the item and drew the attention of Cabinet to the information contained in the report.

(See document No. 3)

It was

63. RESOLVED: -

That Cabinet:-

- a. Approved a Council Tax base for Birmingham of 263,262 Band D equivalent properties, for 2023/24, as calculated in Appendix 2 to the report, in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012;
- b. Approved a Council Tax base for the New Frankley in Birmingham Parish Council of 1,373 Band D equivalent properties for 2023/24, as calculated in Appendix 3 to the report;

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- c. Approved a Council Tax base for the Royal Sutton Coldfield Town Council of 37,218 Band D equivalent properties for 2023/24, as calculated in Appendix 4 to the report; and
- d. Noted that there are no changes to the current Council Tax Support Scheme in 2023/24.

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

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

(See document No. 4)

In response to questions and comments the Chair made the following statements:-

- In respect of what they were going to do in continuing to engage with people, he had received representation from the independent chair of the Steering Group and that we will continue to work with them as we took forward some further engagement.
- They had argued that even if the 3% short of the threshold, even if all of the votes that made up the 3% had come in that would still have resulted in a vote in favour and had requested that confirmation be had that the Council would go ahead with this.
- Given that we did not meet the threshold and given the concerns expressed by the two Ward Councillors it was thought it was right and appropriate for further engagement and a further ballot on this. The Chair added that he understood that the Steering Group was disappointed in that, but that we would continue to work with them.
- In relation to setting up a shadow council, the Chair stated that he would be reluctant to go down that route before we ballot, and the ballot was returned as this would be *putting the cart before the horse*.
- We needed to go ahead in the way the recommendation had stated in the report. We needed to communicate more clearly that there would be a precept on the Council Tax if the Parish Council came into being. We also needed to carry out the second consultative ballot early enough that we could put things in place if there was a positive vote, the Parish Council would be setting up and levying that precept for the following financial year.

In relation to how many more ballots were received and the cost, Robert Connelly, Assistant Director, Governance (Deputy Monitoring Officer) advised that he had spoken with their suppliers yesterday to ask that specific question, but that they were unable to give an exact figure. It was merely a hand full. Regarding Councillor Mackey's query concerning the Christmas cards, it was

dependent on when those cards were posted. We needed to remember that everyone would have had their ballot paper by the 15/16 November and each constituent would have had at least 28 days in which to respond.

With regards to cost, the question of carrying out the ballot that would be within the region of £9k - £10k. There was also some government funding that we could tap into that could cover that cost but that he would confirm that with Councillor Alden outside the meeting.

It was

43. RESOLVED: -

That Cabinet:

- i. Approved further information provision and engagement in the area to increase awareness of the proposal amongst residents and gather further evidence of the strength of support for it; and
- ii. Approved a second consultative ballot of all electors in the area to be completed no later than the end of October 2023.

APPROVAL OF “SUPPORTED HOUSING STRATEGY: A FRAMEWORK FOR SHORT TERM SUPPORTED HOUSING (EXEMPT ACCOMMODATION)”

The Chair advised that Councillor Sharon Thompson, Cabinet Member for Housing and Homelessness had joined the meeting online and will present the report, but that under the regulations she would not be allowed to vote on the recommendations. Councillor Thompson then introduced the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

(See document No. 5)

In response to questions and comments Councillor Thompson and Guy Chaundy made the following statements:-

- a. In relation to Councillor Hunt’s comments we had already spoken to Councillor Sir Albert Bore about ensuring that this be kept on the workstream for Scrutiny in terms of Coordinating O&S Committee as it was cross departmental.
- b. Councillor Thompson noted Councillor Robert Alden’s suggested minor technical change under 1.5 section 9 of the background comments regarding the amended version of the Scrutiny Review and advised that she was happy for this to be amended to include the updated Scrutiny Review.
- c. Regarding properties becoming available from exempt accommodations, the possibility of the Council purchasing them and converting them back into family housing, this would be in line with our Housing Strategy and will be exploring all possibilities.

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- d. Guy Chaundy, Acting Assistant Director, Housing Strategy advised that work had started in terms of bringing the delivery plan together and they were ensuring that that aligned with the Scrutiny piece as well.
- e. We will be taking a paper to Scrutiny in March/April 2023 to give an update in terms of where we were at with the delivery plan and how it was aligned with the Scrutiny Review Action Plan.
- f. We had funding to continue and City Council funding to deliver the oversight work for this year and we had a further two years slightly reduced funding up to 2025.
- g. We were tweaking in terms of what we were committed to deliver aligned with those resources we were going to bring in for the next two years. A lot of what we put into the strategy was heavily reliant on the legislative that were before Parliament at the moment.
- h. The delivery plan would be a live document as and when things changed that we needed to respond to.

The Chair advised that with the one change in the strategy we will amend that O&S to reflect what was approved by Full City Council.

It was

64. RESOLVED: -

That Cabinet:-

- a. Approved the adoption and implementation of the draft Transitional Supported Housing Strategy: A framework for Short Term Supported Housing (Appendix 1) to the report;
- b. Noted the outcome of the consultation as detailed at Appendix 1a to the report, which indicates strong support for the strategy priorities and objectives as the basis for setting the framework for change, alongside actions building upon learning gained whilst delivering its oversight on a national oversight pilot;
- c. Approved that the (Interim) Strategic Director of City Housing establishes a multi-disciplinary Strategic Delivery Plan Group to undertake the development of a five-year Delivery Plan in conjunction with statutory and voluntary sector partners;
- d. Approved that the (Interim) Strategic Director of City Housing will provide regular Delivery Plan updates to the Cabinet Member Housing and Homelessness and Cabinet as and when requested; and
- e. Delegated local enforcement and decommissioning decisions of supported housing provision in the city, to an officer led Supported Housing Oversight Board. Oversight roles and functions will be set out within a specific terms of reference, including a clear process for briefing Cabinet and Cabinet Members in line with decision making thresholds of the BCC constitution. Membership will initially be drawn from the city's current Supported Housing Sponsor Board and allow for co-opting and

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changes to be made, in order to ensure the relevant service areas leads are represented over the duration of the strategy.

CLEAN AIR ZONE REVENUES – UPDATE TO CABINET ON REVENUES FORECAST AND ALLOCATION OF NET SURPLUS REVENUES

Councillor Liz Clements, Cabinet Member for Transport presented the item and drew the attention of Cabinet to the information contained in the report.

(See document No. 6)

In response to questions and comments Councillor Liz Clements made the following statements:-

- ✚ Councillor Clements noted Councillor Hunt's statement on road safety and advised that a road safety assessment was done in Perry Barr on Monday 16th January 2023, and they will be looking at safe actions for people to cross the roads and where Councillor Hunt had pointed out into the entrance at One Stop Shopping Centre.
- ✚ This was the reason she was doing this job as we needed to transform the city to make it possible to walk and cycle and use public transport and driving. We needed to reverse that hierarchy that we had in the past that was always privileged driving.
- ✚ In terms of schools we had already agreed in a Cabinet report in 2021 that we were focussing on schools. What we were focussing on were car free schools streets and we were using the net surplus revenues for funding safe schemes.
- ✚ Councillor Clements urged everyone to work with her for this to be done in suitable locations as this was how we started to reduce the massive number of short journeys taking place and generated by the school run which was a good use of the money.
- ✚ In terms of the air quality monitors our objectives in the first place was to get an air quality monitor into schools and every Ward and we were quite close to that, and this was what we needed to push.
- ✚ Children were the most powerful advocate as it was a public health issue and was about children's health and ensuring that children were growing up in our city with healthy lungs and they were not going to have respiratory or cardiac issues in the future. It was all about focussing on schools and we have already made the decision about that.
- ✚ With regard to the equality impact assessment, this was attached to the report, and we have gone through this and was satisfied with it. Again, the imperative for all of this was tackling public health in the inner city. The people who were most vulnerable to air pollution were children, the elderly and anyone who had respiratory problem.

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- ✚ This was a major campaign that we needed to have, and we were tackling this in the way the city's fathers in the late 19th century tackled dirty water and slum housing. This was the reason we were taking this issue seriously.
- ✚ Councillor Clements noted the points raised by Councillor Alden and advised that the Executive was pursuing a strategy on clean air and the strategy was not just for CAZ. We made these decisions as we believe they were the right ones.
- ✚ Regarding the local clean air fund this was already agreed in the last Cabinet report in 2021 and as stated by Councillor Alden it was an allocation of £20k for single Member Wards and £40k for a two Member Wards.
- ✚ Officers were working on the guideline for the use of that expenditure as it has to be used in line with the clean air charging order. This guidance will be made available soon. The schemes would be developed with cooperation and advice from officers, and they needed to be schemes that promote better air quality.

At this juncture, the Chair advised that in relation to the devolved money we were currently looking at the constitution in terms of putting some governance around what was now an increasing amount of money that was being devolved down to Ward level in order to ensure that Elected Members were protected in the process of that in making recommendations for the spend of that money. This will be picked up in the small working group we have around the constitution. The Chair stated that we will be bringing proposals forward to fulfil the commitment we made to people in relation to Councillor Hunts point.

- ✚ Officers had advised that the whole programme will be submitted in a report in March for the Highways Capital Programme. She added that maybe there was not a school in Councillor Hunt's Ward that was working on a car free school street.
- ✚ We needed to get the schools signed up to a scheme called Mode Shift Stars and get them to look at something called a sustainable travel plan. Once they have done that they could move on to looking at the practicalities of the car free school street.
- ✚ This was a massive process because bringing in a car free school street was an extra management for the Headteacher and the staff of the school. This involved marshalling the traffic coming in at the beginning and end of the school day.
- ✚ There are currently 18 car free school streets across the city, and we wanted more. This was an area of work where it was important to have local councillors leading this in their roles as community champions and engaging with the schools.

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Councillor Majid Mahmood, Cabinet Member for Environment commented that he was pleased that part of the surplus revenue would be used to support the operation of the dedicated route to zero programme. This includes a dedicated finance and bids lead and behaviour change and engagement lead which allowed the city to develop and deliver projects to increase the scale and pace of emission reduction etc.

It was

65. RESOLVED: -

That Cabinet:-

1. Approved the allocation of c. £8.250m net surplus revenues from the CAZ for the purposes of accelerating the delivery of schemes associated with the Birmingham Transport Plan, which was adopted by Cabinet on 12 October 2021;
2. Approved the allocation of c. £3.000m of net surplus revenues from the CAZ to incentivise the adoption of more active modes of travel (such as bikes) and public transport (more specifically bus use);
3. Approved the allocation of net surplus revenues from the CAZ, of up to £2.000m over two years, to support the work programme of the Council's 'Route to Zero' team;
4. Delegated approval of the FBCs and related reports, including any revised financial appraisal for the named schemes to the Strategic Director of Place, Prosperity & Sustainability in conjunction with the Director of Council Management and in consultation with the relevant portfolio holders; and
5. Authorised the City Solicitor and Monitoring Officer to execute, seal and complete all necessary documentation to give effect to the above recommendations.

ACTIVE TRAVEL FUND TRANCHE 2 – PACKAGE 2: KINGS HEATH AND MOSELEY PLACES FOR PEOPLE OUTLINE BUSINESS CASE

The Chair introduced that item and advised that all Cabinet Members have been receiving correspondence on these proposals both for and against over the last week or so. We all had opportunities to read all of those email correspondences as we had arguments both ways. The Chair then invited Councillor Liz Clements, Cabinet Member for Transport to present the report.

Councillor Clements drew the attention of Cabinet to the information contained in the report and highlighted the key points. She advised that the report had generated a lot of attention with emails from constituents and residents across the city. Councillor Clements highlighted that paragraphs 3.5 and 3.6 outlined the new scheme and was to the east of Kings Heath High Street. The report is seeking Cabinet approval for an outline business case.

(See document No. 7)

Members made the following statements:-

- ✓ Assurance was sought that the residents were in favour of the scheme.
- ✓ There was a huge amount of correspondence that had been received concerning the scheme the majority of which had raised valid concerns that needed to be considered by the Cabinet.
- ✓ Of concern was that the decision would be taken before the concerns of the residents were responded to by officers.
- ✓ In relation to the consultation document, 77% of people who applied as disabled stated that the situation would worsen for travel in the local area.
- ✓ Of all correspondents only 34% were in favour and those figures was lower when you look at people who were visitors to Kings Heath High Street and the businesses on the High Street.
- ✓ This had probably explained the reason we have so many emails coming in from Businesses and from Kings Heath Business Association on the High Street who were concerned about the impact of this.
- ✓ Page 322 seemed to have showed that all options were rejected by the consultation. None of them managed to succeed to get a score higher than the neither response. Page 348 listed a number of specific issues that was raised but sadly these were not fully dealt with.
- ✓ Looking back on Twitter on the videos we would have seen over the last couple of years the issues had been on Boundary Road with the pollution and traffic jams being created by the implementation of Stage 1.
- ✓ Cabinet could agree that this needed to be thought of carefully if anything was done that was going to worsen air quality in the local area.
- ✓ That Cabinet paused this work and undertook proper consultation with residents and businesses while allowing for the proper consideration for the concerns emailed in or being raised from the consultation ensured they were answered before a decision was taken.
- ✓ Cabinet needed to look at producing a scheme that did have the majority of support from local residents so that we could deliver the improvements we all wanted to see in the local area.
- ✓ In terms of the one-way roads that would be created, in some areas this could work. The question was whether a study had been done on these locations to see whether by making it one-way you increased speeding

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on the road you effectively create a clear drag that people could accelerate on.

- ✓ Boundary Road has a significant issue. It was also felt that there were scope for more consultation around the details as residents were still putting forward ideas for amendments that could be taken on board.
- ✓ Concerns were also raised regarding the filters that were used to block off roads as these could be reduced etc. There were concerns regarding the amount of street furniture that were going in both for buggies and people with sight problems.
- ✓ In terms of the amount of funding involved for the scheme it appeared that cost had been inflated significantly from what was previously anticipated.

Councillor Karen McCarthy commented that she had frequently stated in meetings that we will only become a child friendly city when all the Cabinet colleagues were aligned in that aim. The city's children and young people were looking for bold projects that takes forward in making the city a better place to live and an easier way to get around. This was a start for the gradual projects that would take us along that route and for that reason this was welcomed.

Councillor Clements stated that we were all proud of Birmingham and that she wanted this city to aim to be the best environment for mobility and a safe place and healthy place for people walk and cycle around and use public transport. This approach was adopted in Lambeth, Hackney, Islington, Haringay and the prime example was the London Borough where it was adopted in Walthamstow. What we were doing was in line with the best practice to address congestion and traffic right across urban areas.

Councillor Clements stated that she empathised with Councillor Mackey's comments - *We needed to do it with people not do it to them*. She emphasised that this was an outline, and we will work further on the detailed designs and try and address as many concerns of residents as we could. Not every concerns could be addressed as there was a question of practicality. This project was the most consulted and engaged project that we have ever had, and we now needed to get on and implement this and look at the impact this approach had in mode shift and get people out the practice. This was where we were trying to get to. The Birmingham Transport Plan was a transformational one and a bold agenda. *Be Bold Be Birmingham* meant to start making some bold decisions and try and take people with us as we make them.

It was

66. RESOLVED: -

That Cabinet:-

- a) Approved the Outline Business Case for the second phase of the Kings Heath and Moseley Places for People (PfP) scheme at a total estimated cost of £2.564m, funded by the Active Travel Fund Tranches 2 and 3, Road Safety Budget, School Streets Budget, Local Network

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Improvement Plan (LNIP), HS2 MSQW and Clean Air Zone Fund. The concept scheme is (subject to detailed design) shown in Appendix A to the report and on the scheme plan in Appendix F to the report;

- b) Delegated authority to the Assistant Director Transport and Connectivity in consultation with the Cabinet Member for Transport to approve the Full Business Case for the main scheme (construction, preliminaries and optimism bias across entire scheme at an estimated cost of £2.085m);
- c) Noted that the Full Business Case for the associated 20mph speed limits (construction estimated at £0.097m), Bus Gate (Bus Lane Enforcement) scheme (construction estimated at £0.097m) and traffic calming scheme on Billesley Lane (construction estimated at £0.185m) will be subject to separate approvals through existing delegations;
- d) Noted that design fees of £0.100m required to develop the scheme to Full Business Case have been approved separately. A further £0.060m is now being sought to ensure completion of both preliminary and detailed design;
- e) Noted that the scheme is to be delivered via a permanent Traffic Regulation Order subject to the usual statutory process;
- f) Approved the procurement strategy and commencement of tendering activities for the works using the Black Country Framework Contract for Minor Works 2021- 2024 and delegates authority to the Strategic Director, Place, Prosperity and Sustainability in conjunction with Assistant Director, Procurement, the Strategic Director, Council Management and the City Solicitor & Monitoring Officer (or their delegates) to award contracts, subject to the works cost being within the approved budget; and
- g) Authorised the City Solicitor & Monitoring Officer to negotiate, execute, seal and complete all necessary documentation to give effect to the above recommendations.

CITYWIDE ADDITIONAL LICENSING - HOUSES IN MULTIPLE OCCUPATION

Councillor Sharon Thompson, Cabinet Member for Housing and Homelessness joined the meeting online, but under the regulations she would not be allowed to vote on the recommendations.

Councillor Thompson then introduced the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

(See document No. 8)

In response to questions and comments Councillor Thompson and Sajeela Nasser made the following statements:-

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1. Councillor Thompson noted Councillor Hunt's comments in relation to bogus exempt properties and stated that she understood the frustrations around exempt accommodations and the differences.
2. Exempt accommodations were not viewed as the private rented sector in law unless it was a private accommodation.
3. Our hands were tied, and this was the reason we were pushing for legislation change particularly around planning rules.
4. If the legislation was changed in terms of planning rules it meant that we could possibly bring them into this, but as the law stands at the moment we could not include them.
5. We were doing all that we could so that when enquires were brought to us in terms of exempt accommodations particularly around where the provider was not delivering what they were supposed to be doing we were doing submissions to the DWP etc. This was separate to the Houses in Multiple Occupation (HMO).
6. In relation to Councillor Alden's comments as to whether a review could be done to see if this would include any additional Wards to be able to go into selective licensing so that an additional request could be made to the government to expand the area covered by selective licensing and advised that in terms of selective licensing the application was slightly different as there were a number of criteria that needed to be met.
7. We had worked closely with the ministry to consider what the best possible options were and how we could get the largest coverage approved as this needed to be approved by the Secretary of State.
8. In terms of selective licensing this was different to traditional licensing. There were evidence based selective licensing around declaration and crime and evidence based on insufficient management of the HMO sector.
9. Unfortunately, we could not go back to the government to request a larger area as we would need to gather new evidence for any specific areas.
10. Ms Nasser undertook to check whether the new information obtained in the process could be used for selective licensing. In our current position we had looked at the 25 Wards that we covered, and this was what they wanted us to progressed with for the time being.

It was

67. RESOLVED: -

That Cabinet:-

- Noted and considered the outcome of the consultation in respect of the proposed Additional Licensing scheme;
- Approved the pursuance of an additional licensing scheme covering all wards;
- Approved commencement of the scheme from the 5 June 2023; and

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- Delegated to the Director of Regulation and Enforcement in consultation with the portfolio holder to take such steps as are necessary to promote and implement this decision on behalf of the Council.

PRIVATE RENTED SECTOR LEASING SCHEME – CAPITAL GRANT – EXTENSION OF DELEGATION

Councillor Sharon Thompson, Cabinet Member for Housing and Homelessness joined the meeting online, but under the regulations she would not be allowed to vote on the recommendations.

Councillor Thompson then introduced the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

(See document No. 9)

Following discussions by Cabinet, it was

68. RESOLVED: -

That Cabinet:-

- ❖ Extended the existing delegated authority to the Strategic Director for City Housing, in consultation with the Assistant Director, Procurement (or their delegate), the Strategic Director, Council Management (or their delegate) and the City Solicitor & Monitoring Officer (or their delegate) to include authority to make use of the negotiated procedure without prior publication under PCR Reg 32(2)(c) due to the urgent timescales and waives the requirement under the Procurement and Contract Governance Rules to report the award to Cabinet for approval; and
- ❖ Authorised the City Solicitor to negotiate, execute and complete all necessary documentation to give effect to the above recommendations.

MULTIPLY: FINANCIAL LITERACY PROGRAMME

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

(See document No. 10)

Following discussions by Cabinet, it was

69. RESOLVED: -

That Cabinet:-

- Approved acceptance of the bid funding as detailed in the BID Document at Appendix 1 of this report from the West Midlands Combined Authority

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for the purposes of supporting the development and implementation of the Multiply Project;

- Authorised the Director of Children and Families, in consultation with the Cabinet Member for Children, Young People and Families to develop and implement the Multiply Project; and
 - Noted that the Director of Children and Families will provide Cabinet with periodic updates as regards the progress of the Multiply Project.
-

DOMESTIC ABUSE HOMELESSNESS PREVENTION WAIVER

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

(See document No. 11)

Following discussions by Cabinet, it was

70. RESOLVED: -

That Cabinet:-

- i. Approved the waiver request for the existing implied contract arrangements with BSWAID for the period March 2021 to June 2023 at a value of up to £1,158,687.83;
 - ii. Authorised that the Director of Housing in consultation with the Director of Council Management and City Solicitor ensures compliant contractual and procurement arrangements are established by way of an open tender process using a compliant procurement route for June 2023 for this contract; and
 - iii. Noted that since existing procurement and breach, the Council's rules have been updated and amended with the new Procurement and Contract Governance Rules (July 2022), including strengthening requirements for maintaining of records for audit and accountability purposes in how decisions are taken.
-

APPOINTMENTS TO OUTSIDE BODIES

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

(See document No. 12)

It was

71. RESOLVED: -

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That Cabinet agreed the replacement of Honorary Alderman Stewart Stacey (Lab) with Councillor Zafar Iqbal (Lab) on the Yardley Great Trust for the remainder of the term i.e. 17 January 2023 until 4 March 2026.

KEY DECISION PLANNED PROCUREMENT ACTIVITIES (FEBRUARY 2023 – APRIL 2023)

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

(See document No. 13)

Following discussions by Cabinet, it was

72. RESOLVED: -

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

NON-KEY DECISION PLANNED PROCUREMENT ACTIVITIES (FEBRUARY 2023 – APRIL 2023)

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

(See document No. 14)

It was

73. RESOLVED: -

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

OTHER URGENT BUSINESS

The following items were submitted as urgent business:-

ADULT SOCIAL CARE DISCHARGE FUND

Councillor Mariam Khan, Cabinet Member for Health and Social Care introduced the item and drew the attention of Cabinet to the information contained in the report.

(See document No. 15)

A brief discussion ensued as to the reasons this item was not consider at the Cabinet meeting in December 2022.

It was

74. RESOLVED: -

That Cabinet:-

- a. Accepted the grant funding in the amount of £6,040,793.00; and
- b. Approved the allocation of £6,040,793.00 Adult Social Care Discharge Fund monies to Birmingham adult social care providers. The details of these allocations are in accordance with the Grant Determination Notice and are set out in 7.3.1 and Appendix 1 to the report.

A DIGITALLY CONNECTED CITY – ENABLED FOR FUTURE GROWTH

Councillor Jayne Francis, Cabinet Member for Digital, Culture, Heritage and Tourism introduced the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

(See document No. 16)

The Chair then requested that members of the public be excluded from the meeting in order to consider the private information to the report.

Following the private part of the meeting, Cabinet then returned to public session to consider the recommendations and it was

75. RESOLVED: -

That Cabinet:-

- i. Noted the OBC attached at Appendix 1 to the report and the current state of full fibre coverage across the City and supports an intervention from Council in order to address the speed and coverage of full fibre roll out in Birmingham where overall plans from providers do not address underserved areas;
- ii. In line with the recommended option from the OBC in Section 4, the Council commences a procurement analogous to competitive dialogue (subject to a further Cabinet award report) which targets, but is not limited to, a Joint Venture Limited by Shares to:
 - (a) Build, deploy and commercialise a ‘City Spine’ full fibre network.
 - (b) Targets the underserved constituencies with less than 50% full fibre coverage

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- (c) Utilises the current BCC WAN spend, in partnership with the new partner over a 20-year period, enabling an economic uplift to Birmingham and a financial return to the Council;
 - iii. Authorised the procurement and investment request of £0.656M to procure specialist resource to deliver:
 - (a) A compliant procurement process
 - (b) The development of a final business case which will come back to Cabinet for approval
 - (c) The development of a governance model and processes for the proposed Council oversight of any proposed JV/partnership arrangements.
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The meeting ended at 1208 hours.

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CHAIRPERSON