

# **BIRMINGHAM CITY COUNCIL**

## **CABINET**

**TUESDAY, 20 APRIL 2021 AT 10:00 HOURS**  
**IN ON-LINE MEETING, MICROSOFT TEAMS**

## **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 Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

### **2 APOLOGIES**

To receive any apologies.

### **3 DECLARATIONS OF INTERESTS**

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

### **4 EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC**

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

b) To formally pass the following resolution:-

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

and public were present there would be disclosure to them of exempt information.

- 5     **UPDATE ON COVID-19**
- To receive a verbal update on the item.
- 1 - 18**     6     **BUSINESS RATES – EXPANDED RETAIL DISCOUNT 2021 TO 2022**
- Director for Digital and Customer Services
- 19 - 38**     7     **BID TO MINISTRY OF HOUSING COMMUNITIES AND LOCAL GOVERNMENT MHCLG)- SUPPORTED HOUSING OVERSIGHT PILOTS 2020-2021**
- Report of the Acting Director of Neighbourhoods
- 39 - 46**     8     **REFURBISHMENT AND CONVERSION OF THE FORMER YOUTH COURT TO RELOCATE THE CORONERS SERVICE**
- Report of Director - Neighbourhoods (Acting)
- 47 - 58**     9     **UPDATE ON PROGRESS AND DEVELOPMENT PLANS FOR SOCIAL VALUE**
- Interim Director of Chief Finance Officer
- 59 - 72**     10     **NEW WAYS OF WORKING PROGRAMME**
- Report of Director for Digital and Customer Services
- 73 - 80**     11     **INVESTING IN OUR FUTURE - ENABLING STRUCTURES**
- Report of the Acting Chief Executive.
- 81 - 86**     12     **DELIVERY PLAN RESERVE**
- Report of Interim Chief Finance Officer
- 87 - 92**     13     **GREATER BIRMINGHAM AND SOLIHULL LEP ACCOUNTABLE BODY ARRANGEMENTS**
- Report of the Interim Chief Finance Officer.
- 93 - 124**     14     **MAYFIELD SCHOOL CONVERSION FROM COMMUNITY SCHOOL TO ACADEMY STATUS**
- Report of Director for Education & Skills

- |                  |    |   |
|------------------|----|---|
| <u>125 - 148</u> | 15 | <p><b><u>FULL BUSINESS CASE AND RECOMMENDED CONTRACT AWARD FOR THE CAPITAL SCHEME AT HOLY TRINITY CATHOLIC SCHOOL</u></b></p> <p>Director of Education and Skills</p>                             |
| <u>149 - 164</u> | 16 | <p><b><u>OSCOTT MANOR SCHOOL PRIORITY SCHOOL BUILDING PROGRAMME NEW BUILD - CAPITAL CONTRIBUTION FOR ADDITIONAL WORKS</u></b></p> <p>Report of Director for Education &amp; Skills</p>            |
| <u>165 - 178</u> | 17 | <p><b><u>CONTRACT EXTENSION - CIVIL PARKING ENFORCEMENT SERVICES (P129)</u></b></p> <p>Report of Acting Director Inclusive Growth</p>   |
| <u>179 - 202</u> | 18 | <p><b><u>PROCUREMENT STRATEGY FOR SUPPLY OF NON-PERMANENT WORKERS &amp; PERMANENT RECRUITMENT SOLUTIONS</u></b></p> <p>Head of Contract Management</p>  |
| <u>203 - 224</u> | 19 | <p><b><u>PLANNED PROCUREMENT ACTIVITIES (MAY 2021 – JULY 2021)</u></b></p> <p>Report of Assistant Director - Development and Commercial Finance</p>   |
|                  | 20 | <p><b><u>OTHER URGENT BUSINESS</u></b></p> <p>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.</p> |



# Birmingham City Council

## Report to Cabinet

Date: 20<sup>th</sup> April 2021



**Subject:** BUSINESS RATES – EXPANDED RETAIL DISCOUNT 2021 TO 2022

**Report of:** Director, Digital and Customer Services

**Relevant Cabinet Member:** Councillor Brigid Jones, Deputy Leader  
Councillor Tristan Chatfield, Finance and Resources

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

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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
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

### 1 Executive Summary

- 1.1 To provide details of the business rates expanded retail discount announced in the budget on 3 March 2021.

## **2 Recommendations**

That Cabinet:

- 2.1 Approve the award of Expanded Retail Discount to eligible ratepayers using discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended) for the 21/22 financial year.

## **3 Background**

### **3.1 Background and Service Requirements**

- 3.1.1 Since the beginning of the 2019/20 tax year the government has provided a Business Rates Retail Discount for retail properties which for 2020/21 it expanded to include the leisure and hospitality sectors.
- 3.1.2 On 3 March 2021 the government confirmed that the Expanded Retail Discount would continue to apply in 2021/22 at 100% for three months, from 1 April 2021 to 30 June 2021, and at 66% for the remaining period, from 1 July 2021 to 21 March 2022.
- 3.1.3 The government confirmed that there would be no cash cap on the relief received for the period from 1 April 2021 to 30 June 2021. From 1 July 2021, relief will be capped at £105,000 per business, or £2m per business where the business is in occupation of a property that was required, or would have been required to close, based on the law and guidance applicable on 5 January 2021.
- 3.1.4 Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties subject to the cash caps.
- 3.1.5 Details of the broad eligibility criteria for Expanded Retail Relief Discount are shown below:
  - a) They are wholly or mainly being used:
    - i. as shops, restaurants, cafes, drinking establishments, cinemas and live music venues,
    - ii. for assembly and leisure; or
    - iii. as hotels, guest & boarding premises and self-catering accommodation
- 3.1.6 Full details of the Expanded Retail Relief Discount Scheme are provided in Appendix A but it is expected that approximately 9,499 businesses will benefit from the relief estimated to total £142m.

## **4 Consultation**

- 4.1 None

## **5 Risk Management**

- 5.1 None

## **6 Compliance Issues:**

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

6.1.1 This discount will make a direct contribution and is consistent with the Council's Priorities and Plan 2018 – 2022 (updated 2019) These policies are outlined below:

- Birmingham is a great city to live in; awarding of the Expanded Retail Discount in 2021/22 to those eligible ratepayers will provide much needed support and assistance during difficult times through the Covid-19 pandemic.

### **6.2 Legal Implications**

6.2.1 Award of Expanded Retail Discount to eligible ratepayers using discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended).

6.2.2 As this is a measure for 2021/22 only, the government is not changing the legislation relating to the reliefs available to properties.

### **6.3 Financial Implications**

6.3.1 The government will, reimburse local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1998 (as amended) to grant relief.

6.3.2 This will be reimbursed using section 31 of the Local Government Act 2003.

6.4 The scheme from 1 April 2021 includes the option for ratepayers to refuse the discount.

6.5 At the end of the 21/22 financial year, Birmingham City Council will be asked to provide outturn data on the actual total cost for providing the relief. Any loss of income due to the awarding of the Expanded Retail Discount relief will be reconciled against the on-account payments made over the course of the year, and any difference paid or recovered.

### **6.6 Human Resources Implications**

6.6.1 None

### **6.7 Public Sector Equality Duty**

6.8 Not required

## **7 Appendix A**

7.1 Expanded Retail Discount Guidance





## About this guidance

This guidance is intended to support local billing authorities in administering the business rates expanded retail discount announced in the Budget on 3 March 2021. This guidance applies to England only.

This guidance sets out the criteria for the Expanded Retail Discount for 2021/22. The guidance does not replace existing legislation.

Enquiries on this measure should be addressed to: [ndr@communities.gov.uk](mailto:ndr@communities.gov.uk)

## Introduction

Since 2019/20 the government has provided a Business Rates Retail Discount for retail properties which for 2020/21 it expanded to include the leisure and hospitality sectors. On 3 March 2021 the government confirmed that the Expanded Retail Discount would continue to apply in 2021/22 at 100% for three months, from 1 April 2021 to 30 June 2021, and at 66% for the remaining period, from 1 July 2021 to 31 March 2022. The government confirmed that there would be no cash cap on the relief received for the period from 1 April 2021 to 30 June 2021. From 1 July 2021, relief will be capped at £105,000 per business, or £2 million per business where the business is in occupation of a property that was required, or would have been required, to close, based on the law and guidance applicable on 5 January 2021.

This document provides guidance to authorities about the operation and delivery of the policy.

## Expanded Retail Discount

### How will the relief be provided?

As this is a measure for 2021/22 only, the government is not changing the legislation relating to the reliefs available to properties. Instead, the government will, in line with the eligibility criteria set out in this guidance, reimburse local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended), to grant relief. It will be for individual local billing authorities to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47. The government will fully reimburse local authorities for the local share of the discretionary relief, using a grant under section 31 of the Local Government Act 2003.

As a short-term measure, authorities may consider rolling forward their 2020/21 scheme into the first three months of 2021/22. Under regulations made under section 47 of the Local Government Finance Act 1988 authorities must give at least 12 months of varying a rate relief scheme the effect of which would have been to increase rate bills. Therefore, authorities should be clear in their scheme, decision and determination that the 100% scheme is for three months only. Authorities should also ensure that their scheme from 1 April 2021 includes the option for ratepayers to

refuse the discount (see paragraph 10(b) and 11 below). Billing authorities may also wish to consider issuing a letter to ratepayers providing notification of the award of the extended relief to all effected ratepayers. This should highlight that the 100% relief only applies for the first three months of the financial year and that a further relief scheme will be made in respect of the period 1 July to 31 March, when a 66% relief will apply to eligible ratepayers.

The government will reimburse billing authorities and major precepting authorities for their loss of income under the rates retention scheme as a result of awarding the relief that falls within the definitions in this guidance. Because billing authorities have completed their NNDR1s for 2021/22 already, payments to major precepting authorities will be unaffected by the award of relief. Therefore, billing authorities only will be provided with “on-account” s.31 payments covering the full amount of relief awarded, in order to ensure that their cashflow is not affected. In the first instance, payments will cover the first three months relief and will be based on existing data.

At the end of the year, billing authorities will also be asked to provide outturn data on the actual total cost for providing the relief, as per the usual process, via the National Non-Domestic Rate 3 (NNDR3) forms for 2021/22. Each billing and major precepting authority's loss of income from relief will be reconciled against the on-account payments made over the course of the year, and any difference paid or recovered. In addition, billing authorities should ensure that they are able to monitor and report the take up of scheme at Parliamentary constituency level.

### **Which properties will benefit from relief?**

Hereditaments which benefit from the relief will be those which for a chargeable day in 2021/22:

a. meet the eligibility criteria at Annex A,

and

b. the ratepayer for that chargeable day has not refused the discount for the eligible hereditament. The ratepayer may refuse the discount for each eligible hereditament anytime up to 30 April 2022. The ratepayer cannot withdraw their refusal for either all or part of the financial year.

Local authorities should make it clear in their approved scheme that, for the purposes of section 47 of the 1988 Act, hereditaments where the ratepayer has refused the relief are outside of the scheme and outside of the scope of the decision of which hereditaments qualify for the discount and are therefore ineligible for the relief.

In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, billing authorities may not grant the discount to themselves or a precepting authority. A “precepting authority” includes fire, police and parish councils or a functional body, within the meaning of the Greater London Authority Act 1999.

## **How much relief will be available?**

Subject to the cash caps, the total amount of government-funded relief available for each property for 2021/22 under this scheme is:

- a. For chargeable days from 1 April 2021 to 30 June 2021 100% of the chargeable amount, and
- b. for chargeable days from 1 July 2021 to 31 March 2022, 66% of the chargeable amount.

The relief should be applied after mandatory reliefs and, other discretionary reliefs funded by section 31 grants have been applied, excluding those where local authorities have used their wider discretionary relief powers introduced by the Localism Act, which are not funded by section 31 grants. Councils may use their discretionary powers to offer further discounts outside this scheme or additional relief to hereditaments within the scheme. However, where an authority applies a locally funded relief, under section 47 this must be applied after the Expanded Retail Discount.

Subject to the cash cap, the eligibility for the discount and the discount itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a chargeable day for a particular hereditament in the financial year 2021/22:

Amount of relief to be granted =  $V \times \text{percentage Expanded Retail Discount as found at paragraph 13 above}$ , where:

V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any other discretionary reliefs, excluding those where local authorities have used their discretionary relief powers introduced by the Localism Act which are not funded by section 31 grants.

This should be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.

Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties subject to the cash caps explained below.

## **Instalments**

The standard payment arrangement for business rates is for the liability for the year to be paid in 10 or 12 instalments. However, for those eligible for the Extended Retail Discount for 2021/22, this would mean those ratepayers having to make instalments in the first three months of the year when 100% relief is available. Therefore, authorities should ensure in line with this guidance and in accordance with Part 1, Schedule 1 of The Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Regulations) 1989 (SI 1989/1058), as amended, that ratepayers eligible for the Extended Retail Discount are not asked to make an instalment in respect of 2021/22 for the three month period of 100% relief is available for. Billing authorities should provide an alternative installment arrangement for ratepayers which spreads the

liability for the period from 1 July 2021 to 31 March 2022 over some or all of the remaining nine months of the year.

## **The cash caps**

No cash caps will apply for the period between 1 April 2021 to 30 June 2021.

Under the cash caps, a ratepayer may only receive up to the following cash caps of Expanded Retail Discount in 2021/22 ignoring any relief for the period before 1 July 2021:

- a. £2 million for ratepayers meeting the eligibility for the closed cash cap test set out in Annex B (subject to paragraphs 21-23), or
- b. £105,000 for all other ratepayers (subject to paragraphs 21-23).

No ratepayer can in any circumstances exceed the £2 million cash cap across all of their hereditaments in England. Where a ratepayer eligible for the closed cash cap also occupies hereditaments which do not meet the criteria for the closed cash cap and the value of the discount on the closed hereditaments is less than £2 million then they may also claim the discount on other eligible hereditaments but only up to the cap of £105,000 in respect of those other eligible hereditaments. For example, such a ratepayer whose rate bill from 1 July 2021 onwards on hereditaments eligible for the closed cash cap is £1 million and also occupies other eligible hereditaments with a rates bill of £3 million is able to claim up to £1,105,000 in discount from 1 July 2021 onwards (£1million on their closed hereditament and then up to the £105,000 cash cap on their other eligible hereditaments).

Where a ratepayer has a qualifying connection with another ratepayer then those ratepayers should be considered as one ratepayer for the purposes of the cash caps. A ratepayer shall be treated as having a qualifying connection with another:

- a. where both ratepayers are companies, and
  - i. one is a subsidiary of the other, or
  - ii. both are subsidiaries of the same company; or
- b. where only one ratepayer is a company, the other ratepayer (the “second ratepayer”) has such an interest in that company as would, if the second ratepayer were a company, result in its being the holding company of the other.

In those cases where it is clear to the local authority that the ratepayer is likely to breach the cash caps then the authority should automatically withhold the discount. Otherwise, local authorities may include the discount in bills and ask the ratepayers, on a self-assessment basis, to inform the authority if they are in breach of the cash caps. Annex D of this guidance contains a sample cash cap ratepayer declaration, which local authorities may wish to use to discharge this responsibility.

## **Splits, mergers, and changes to existing hereditaments**

The discount should be applied on a day-to-day basis using the formula set out above. A new hereditament created as a result of a split or merger during the

financial year, or where there is a change of use, should be considered afresh for the discount on that day.

## **Annex A – eligibility for the Expanded Retail Discount**

Hereditaments that meet the eligibility for Expanded Retail Discount will be occupied hereditaments which meet all of the following conditions for the chargeable day:

a. they are wholly or mainly being used:

- i. as shops, restaurants, cafes, drinking establishments, cinemas and live music venues,
- ii. for assembly and leisure; or
- iii. as hotels, guest & boarding premises and self-catering accommodation,

We consider shops, restaurants, cafes, drinking establishments, cinemas and live music venues to mean:

i. Hereditaments that are being used for the sale of goods to visiting members of the public:

- Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
- Car/caravan show rooms
- Second-hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

ii. Hereditaments that are being used for the provision of the following services to visiting members of the public:

- Hair and beauty services (such as: hairdressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/TV/domestic appliance repair
- Funeral directors

- Photo processing
- Tool hire
- Car hire
- Employment agencies
- Estate agents and letting agents
- Betting shops

iii. Hereditaments that are being used for the sale of food and/or drink to visiting members of the public:

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bars

iv. Hereditaments which are being used as cinemas

v. Hereditaments that are being used as live music venues:

- Live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g. the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g. because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).
- There may be circumstances in which it is difficult to tell whether an activity is a performance of live music or, instead, the playing of recorded music. Although we would expect this would be clear in most circumstances, guidance on this may be found in Chapter 16 of the statutory guidance issued in April 2018 under section 182 of the Licensing Act 2003.

We consider assembly and leisure to mean:

i. Hereditaments that are being used for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities).

- Sports grounds and clubs
- Museums and art galleries
- Nightclubs
- Sport and leisure facilities
- Stately homes and historic houses

- Theatres
- Tourist attractions
- Gyms
- Wellness centres, spas, massage parlours
- Casinos, gambling clubs and bingo halls

ii. Hereditaments that are being used for the assembly of visiting members of the public.

- Public halls
- Clubhouses, clubs and institutions

We consider hotels, guest & boarding premises and self-catering accommodation to mean:

i. Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business:

- Hotels, Guest and Boarding Houses
- Holiday homes
- Caravan parks and sites

To qualify for the discount the hereditament should be wholly or mainly being used for the above qualifying purposes. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief. For the avoidance of doubt, hereditaments which have closed due to the government's advice on COVID19 should be treated as occupied for the purposes of this relief.

The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied uses that exist within the qualifying purposes. There will also be mixed uses. However, it is intended to be a guide for authorities as to the types of uses that the government considers for this purpose to be eligible for relief.

Authorities should determine for themselves whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.

The list below sets out the types of uses that the government does not consider to be an eligible use for the purpose of this discount. Again, it is for local authorities to determine for themselves whether particular properties are broadly similar in nature to those below and, if so, to consider them not eligible for the discount under their local scheme.

i. Hereditaments that are being used for the provision of the following services to visiting members of the public

- Financial services (e.g. banks, building societies, cash points, bureaux de change, short-term loan providers)

- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers)
- Post office sorting offices

ii. Hereditaments that are not reasonably accessible to visiting members of the public

## **Annex B – eligibility for the Closed Cash Cap (£2 million)**

Ratepayers that meet the eligibility criteria for the closed cash cap will be ratepayers who for a chargeable day occupy one or more hereditaments whose use on the chargeable day would, based on the law and guidance applicable on 5 January 2021, have meant that the business or activity would have been mandated to close by the government.

For the avoidance of doubt, hereditaments which have closed due to the government's response to coronavirus should be treated as occupied for the purposes of the closed cash cap.

If, under this eligibility test, a person would have been required to close its main, in-person service but could have adapted its business to operate takeaway, click and collect or online with delivery services, it will be considered closed and be eligible for the closed cash cap because its substantive business would have been mandated to close.

In cases where hereditaments would have remained open to provide services that can continue as they are exempt from the regulations (e.g. post office services, food banks) the ratepayer may still be eligible for the closed cash cap, because they would have been unable to provide their main in-person service.

The following hereditaments do not meet eligibility for the closed cash cap:

- a. Hereditaments occupied by businesses and other ratepayers that would have been able to conduct their main service because they do not depend on providing direct in-person services from premises and can operate their services effectively remotely (e.g. accountants, solicitors).
- b. Hereditaments whose occupiers may have chosen to close but not been required to.

## **Annex C: Calculation examples for 2021/22**

The Expanded Retail discount is always calculated after mandatory relief and other discretionary reliefs funded by section 31 grant. Ignoring cash caps.

### **Example 1: An occupied shop with a rateable value of £40,000**



<b>Gross rates (before any reliefs) = £40,000 x 0.499:</b>	<b>= £19,960</b>
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £19,960 x 91/365	= -£4,976
Expanded Retail Discount (66% from 01/07/21 to 31/03/22), £19,960 x 0.66 x 274/365	= -£9,889
Rates due (after Expanded Retail Discount):	= £5,094

### **Example 2: An occupied shop with a rateable value of £100,000**

<b>Gross rates (before any reliefs) = £100,000 x 0.512:</b>	<b>= £51,200</b>
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £51,200 x 91/365	= -£12,765
Expanded Retail Discount (66% from 01/07/21 to 31/03/22), £51,200 x 0.66 x 274/365	= -£25,367
Rates due (after Expanded Retail Discount):	= £13,068

### **Example 3: An occupied charity shop with a rateable value of £40,000**

<b>Gross rates (before any reliefs) = £40,000 x 0.512</b>	<b>= £20,480</b>
Net rates after charity relief (80% discount):	= £4,096
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £4,096 x 91/365	= -£1,021
Expanded Retail Discount (66% from 01/07/21 to 31/03/22), £4,096 x 0.66 x 274/365	= -£2,029
Rates due (after charity relief and Expanded Retail Discount):	= £1,045

### **Example 4: An occupied shop with a rateable value of £13,500 eligible for Small Business Rate Relief (SBRR)**

<b>Gross rates (before any reliefs) = £13,500 x 0.499</b>	<b>= £6,737</b>
Net rates after SBRR (50%):	= £3,368
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £3,368 x 91/365	= -£840
Expanded Retail Discount (66% from 01/07/21 to 31/03/22), £3,368 x 0.66 x 274/365	= -£1,669
Rates due (after SBRR and Expanded Retail Discount):	= £860

### **Example 5: An occupied shop with a rateable value of £10,000 eligible for Small Business Rate Relief (SBRR)**

<b>Gross rates (before any reliefs) = £10,000 x 0.499</b>	<b>= £4,990</b>
Net rates after SBRR (100%):	= £nil

Rates bill is nil and, therefore, no Expanded Retail Discount applies

**Example 6: An occupied shop with a rateable value of £40,000 eligible for Transitional Relief (TR) and receiving Revaluation Discretionary Relief**

<b>Gross rates (before any reliefs) = £40,000 x 0.499</b>	<b>=</b>
	<b>£19,960</b>
Transitional Relief (say):	= -£1,500
	=
Net rates after Transitional Relief:	£18,460
	=
Net rates after Revaluation Discretionary Relief (say):	£15,460
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £15,460 x 91/365	= -£3,854
Expanded Retail Discount (66% from 01/07/21 to 31/03/22), £15,460 x 0.66 x 274/365	= -£7,660
Rates due (after TR, revaluation relief and Expanded Retail Discount):	= -£3,946

**Example 7: An occupied shop with a rateable value of £18,000 previously paying nothing prior to revaluation 2017 and eligible for Supporting Small Businesses Relief (SSB)**

<b>Gross rates (before any reliefs) = £18,000 x 0.499</b>	<b>= £8,982</b>
Supporting Small Businesses Relief (say):	= -
	£6,582
Net rates after SSB:	= £2,400
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £2,400 x 91/365	= -£598
Expanded Retail Discount (66% from 01/07/21 to 31/03/22), £2,400 x 0.66 x 274/365	= -
	£1,189
Rates due (after SSB and Expanded Retail Discount):	= -£613

**Example 8: A shop with a rateable value of £40,000 (example 1) but only occupied until 30 September 2021**

<b>Gross rates while occupied (before any reliefs) = £40,000 x 0.499 x 183/365</b>	<b>=</b>
	<b>£10,007</b>
Expanded Retail Discount (100% from 01/04/21 to 30/06/21), £10,007 x 91/183	= -£4,976
Expanded Retail Discount (66% from 01/07/21 to 30/09/21), £10,007 x 0.66 x 92/183	= -£3,320
Net rates while occupied	= £1,711
Gross rates while unoccupied (before any reliefs) = £40,000 x 0.512 x 182/365	=
	£10,212

Unoccupied property relief (100% from 01/10/21 to 31/12/21), £10,212 x 92/182:	= -£5,162
Net rates while unoccupied	= £5,050
Rates due for the year (after empty property relief and Expanded Retail Discount):	= £6,760

## **Annex D: Sample paragraphs that could be included in letters to ratepayers about the Expanded Retail Discount and the cash cap**

At the Budget on 3 March 2021, the Chancellor announced that eligible ratepayers will receive a discount on their business rates bills for the year 2021/22 of 100% for the first three months and 66% for the remainder of the year.

Relief will be provided to eligible occupied retail, hospitality and leisure properties in 2021/22. Your current rates bill includes this discount.

In line with the conditions set by the government for the funding of this relief, ratepayers may for the period from 1 July 2021 onwards only claim up to £2 million of Expanded Retail Discount in 2021/22 for hereditaments which based on the coronavirus rules at 5 January would have been required to closed and £105,000 for other eligible properties (up to a cap of £2 million for all properties). This cash cap applies at a Group company level (so holding companies and subsidiaries cannot claim up to the cash cap for each company) and also to organisations which, although not a company, have such an interest in a company that they would, if they were a company, result in its being the holding company.

If you (or if appropriate a company in your Group) have received Expanded Retail Discount on any other property then you should return the attached declaration to this authority including any other Expanded Retail Discount you are being granted for premises other than the one to which this bill and letter relates, and confirming that the award of Expanded Retail Discount does not exceed the cash cap for 2021/22. If this applies to you, please complete the declaration at Form A and return it to the address above.

If you have exceeded the cash cap on other properties and wish to refuse to receive the Expanded Retail Discount granted in relation to the premises to which this bill and letter relates, please complete the attached Form B and return it to the address above. You do not need to complete the declaration at Form A. This may be particularly relevant to those premises that are part of a large chain, where the cumulative total of Expanded Retail Discount received could exceed the cash cap.

The government and [name of local authority] will not tolerate any business falsifying their records or providing false evidence to gain this discount, including claiming support above the cash cap. A ratepayer who falsely applies for any relief, or provides false information or makes false representation in order to gain relief may be guilty of fraud under the Fraud Act 2006.

If you have not received any other Expanded Retail Discount for premises other than the one to which this bill and letter relates, you do not need to complete or return either form.

## Form A: cash cap declaration

Dear [ ]

NON-DOMESTIC RATES ACCOUNT NUMBER: \_\_\_\_\_

The value of the non-domestic rates Expanded Retail Discount to be provided to [name of undertaking] by [name of local authority] is £ [ ].

This award shall comply with the cash cap on claiming the Expanded Retail Discount on the basis that, including this award, [name of ratepayer] (together with any other companies in the same Group) shall not receive (from 1 July 2021 onwards) more than £2 million of Expanded Retail Discount in 2021/22 for properties which based on the coronavirus rules at 5 January would have been required to closed and £105,000 for other eligible properties (up to a cap of £2 million for all properties) within 2021/22. See guidance on the cash cap in the [guidance for the Expanded Retail Discount](#)

Value of Expanded Retail  
Discount

Property Reference  
No.

Local authority providing  
aid

I confirm that:

- 1) I am authorised to sign on behalf of \_\_\_\_\_ [name of ratepayer]; and
- 2) \_\_\_\_\_ [name of ratepayer] shall not exceed Expanded Retail Discount Cash Cap by accepting this Discount.

SIGNATURE: NAME: POSITION: BUSINESS: ADDRESS: DATE:   ###Form B:  
Refusal of Expanded Retail Discount form

Name and address of  
premises

Non-domestic rates account  
number

Amount of Expanded Retail  
Discount

I confirm that I wish to refuse Expanded Retail Discount in relation to the above premises.

I confirm that I am authorised to sign on behalf of \_\_\_\_\_ [name of ratepayer].

SIGNATURE: NAME: POSITION: BUSINESS: ADDRESS: DATE:

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# Birmingham City Council

## Report to Cabinet

20 April 2021



**Subject:** Bid to Ministry of Housing Communities and Local Government (MHCLG) - Supported Housing Oversight Pilots 2020/2021

**Report of:** Director of Neighbourhoods (Acting)

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

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

**Report author:** Guy Chaundy, Senior Service Manager Housing Strategy

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: 008675/2021		
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 On 13<sup>th</sup> October 2020 Cabinet approved the bid submission to the Ministry for Housing Communities and Local Government (MHCLG) for the 'Supported Housing Oversight Pilots 2020/2021' along with 4 other Local Authorities (Blackburn, Blackpool, Bristol and Hull).

- 1.2 The original grant allocation from MHCLG for 6 months up to 31st March 2021 was £1,048,000. There is a carry forward of this grant due to slippage of £500,000, which has been allowed by MHCLG.
- 1.3 The total cost of the 2nd phase Bid is for £756,000 taking the overall funding to £1.804m. A breakdown of the 2nd phase proposal expenditure is contained with the application in Appendix 1. This will be fully met from the Pilot funding from MHCLG which also includes for programme management costs.
- 1.4 We will continue to explore with MHCLG any opportunities for further extensions should there be further slippage.
- 1.5 As the Prospectus and notification for the second pilot phase was issued on February 22<sup>nd</sup>, 2021, with a submission deadline of 9<sup>th</sup> March 2021. Cabinet are asked to therefore approve the bid submission and receipt of any awarded grant retrospectively.

## **2 Recommendations**

- 2.1 Cabinet approves the bid submission to MHCLG in Appendix 1 at a value of £756,000 and acceptance of funding from MHCLG for the pilot activity for Supported Exempt Accommodation as described in the submission.
- 2.2 Authorises the City Solicitor (or their delegate) to negotiate and complete any agreements to give effect to the above recommendation.

## **3 Background**

- 3.1 In Birmingham the growth in exempt accommodation has been increasing significantly since 2017. The last 12 months have seen the sharpest increase in the amount of supported exempt accommodation claimants with over 20,000 in payment in February 2021 compared with 14000 in November 2019. The range and quality of this accommodation varies and at its worst, provides poor support to some of the most vulnerable people living in our city.
- 3.2 The highest majority of exempt accommodation claimants are living in Housing Association accommodation, much of which has materialised over the last few years, with private landlords building up portfolios of leased and owned accommodation and then applying for registered provider status, exempting them from licensing regulations.
- 3.3 The scale and nature of the accommodation is causing problems for neighbourhoods and communities as well as reducing the available accommodation for families. As supply outstrips local need, Landlords continue to market vacancies and seek referrals of vulnerable people from well beyond the City's boundaries, bringing people with support needs to Birmingham where they are remote from their natural support networks and without the support infrastructure to cope.
- 3.4 The accommodation is trapping some of the most vulnerable people in some of the poorest accommodation with inadequate support, unable to take up employment or



with any pathway to move on. There is also a concerning prevalence of housing providers linked to organised Crime Groups (OCGs) which in turn exacerbates the vulnerability of their tenants

3.5 In the first Pilot period up to April 2021, the Birmingham model proposed six main objectives from the pilot:

- Improve the quality and standard of exempt accommodation in Birmingham through the roll out of the Birmingham Quality Standard and a multi-disciplinary team who will undertake a regime of inspections.
- Ensure citizens are safeguarded and supported to effectively build their capability and autonomy.
- Empower citizens living in exempt accommodation through effective communication and roll out of the charter of rights developed by Spring Housing
- Codesign a partnership led strategic plan for the use of exempt accommodation in Birmingham.
- Investigate and prosecute Organised Crime Groups in the exempt accommodation sector as part of a partnership commodity - based approach
- Undertake an evaluation of effective interventions and initiatives.

Although we are still currently working on the first phase of the pilot and formal evaluation is still to take place there has been good progress in some areas including over 130 responsive inspections despite Covid, a Complex Case review team investigating links to organised crime, undertaking Benefit reviews for over 30 providers, support in raising standards,. A partnership 'Operational Tasking Group' is meeting 3 times a week to review key cases on a multi-disciplinary level, focussing on key providers and key wards and work has begun on a Strategic Needs Assessment and the Quality Standards and Charter of Rights has now been formally launched.

3.6 One area that has not been able to be delivered to the extent originally planned due to Covid-19 restrictions is the proactive inspection activity and this will be a key element of focus for the additional funding and timeframe.

3.7 MHCLG have recognised the impact Covid-19 restrictions has had on delivery of the current Pilot and have, as recently as 1<sup>st</sup> March 2021, released a prospectus for a 6 month extension to the Pilot from April to September 2021.

3.8 The additional areas of activity proposed in the second pilot phase are detailed in the bid submission in Appendix 1. In summary this will allow, subject to any further Covid-19 restrictions, a wider roll out of inspection activity to deliver improvements in property and support provision within the supported housing sector in the city. Including training for providers, action planning on a new supported housing strategy and related governance arrangements. This will link directly with the expansion of the Quality Standards accreditation scheme and Charter of rights.

## **4 Options considered and Recommended Proposal**

- 4.1 The only alternative option is to not bid for/accept the additional pilot funding. This sector is growing at a rapid rate and dealing with the issues within the non commissioned supported housing sector is a key priority in a number of areas of the city. By not increasing the resource capacity this will prevent us from carrying out the required interventions.

## **5 Consultation**

- 5.1 The relevant Lead Cabinet Members have been consulted, Councillor Paulette Hamilton Adult Social Care, Councillor Brigid Jones Deputy Leader and Councillor John Cotton Social Inclusion, Community Safety and Equalities
- 5.2 Homelessness Partnership Board, Chair of the Community Safety Partnership Board, Independent Chair of the Birmingham Adult Safeguarding Board and the Exempt Accommodation working Group which consists of partners and stakeholders have all been consulted and supportive of the bid.
- 5.3 All Cabinet Members, Overview and Scrutiny Chair and stakeholders consulted are supportive of the bid and recognise the importance of securing the additional resource into the City to start to tackle this agenda

## **6 Risk Management**

- 6.1 The key risk will be that the pilot is only for a further 6 months, key resources are already mobilised and the use of agency inspection resources will be sourced quickly. Existing governance structures are already in place to provide oversight and delivery i.e. Sponsor Board, Pilot delivery group and operational tasking.

## **7 Compliance Issues:**

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

Outcome 4: Birmingham a great City to live in:

- We will have the appropriate housing to meet the needs of our citizens, this decision will directly support the council in driving up accommodation standards in the private sector and the in the care and support to some of its most vulnerable citizens.

### **7.2 Legal Implications**

- 7.2.1 Local housing authorities have a statutory duty under Part 1 of the Housing Act 2004 to keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them under a number of statutory provisions. The Local Authority also has duties under Part 7 of the Housing Act 1996, the Homelessness Act 2002 and the Homelessness Reduction Act 2017 to provide emergency and interim

accommodation for vulnerable households, as well as a duty to provide an advisory service and to formulate a homelessness strategy.

7.2.2 Under Section 17 Children Act 1989 the Council has a duty to safeguard and promote the welfare of children within their area who are in need.

### 7.3 Financial Implications

7.3.1 The total cost of the 2<sup>nd</sup> phase Bid is for £756,000 taking the overall funding to £1.796m. A breakdown of the 2<sup>nd</sup> phase proposal expenditure is contained with the application in Appendix 1. This will be fully met from the Pilot funding from MHCLG which also includes for programme management costs.

7.3.2 We will continue to explore with MHCLG any opportunities for further extensions should there be further slippage.

### 7.4 Procurement Implications

7.4.1 There are external partners listed in the bid proposal who currently support this agenda. Officers will work with procurement colleagues with regards to securing that ongoing input. The strategy development will be subject to a tender exercise, alongside some internal officer support.

### 7.5 Human Resources Implications

7.5.1 There will be a need to recruit to necessary positions at pace not currently in place. This will be achieved through a mixture of agency and backfill, use of existing partners and fixed term contracts.

### 7.6 Public Sector Equality Duty

7.6.1 Equality Assessment is contained within Appendix 2. The interventions proposed will seek to improve provision of non-commissioned supported accommodation and support for some of the most vulnerable individuals in the city.

## 8 Appendices

- Appendix 1 – MHCLG prospectus and bid submission
- Appendix 2 - Equality Assessment (to follow)

## 9 Background Documents

- 9.1 'Exempt Accommodation Report' findings – Birmingham Adult Safeguarding Board and Birmingham University.
- 9.2 Cabinet report of October 13<sup>th</sup> 2020, supported housing oversight pilot



## **Supported Housing oversight pilot extension: April to September 2021**

MHCLG intends to extend funding for the supported housing oversight pilots for an additional six months. Local authorities are required to submit short proposals detailing their proposed continued and additional activities for the extra six months.

This prospectus is an addendum to the document issued to local authorities in September 2020. Applicants should consider all requirements and guidance in the original prospectus as still valid, unless indicated otherwise below.

### **Objectives and required activities**

Continued and additional pilot activity will be extended until end September 2021. Local authorities will be expected to continue to work closely with Kantar (the evaluator) until end November 2021 as they gather learnings and best practice from the pilots and develop the final report.

The pilots' original objectives were to:

- Drive up quality of accommodation;
- Drive up quality and appropriateness of support;
- Improve value for money and where relevant reduce overall spend on Housing Benefit;
- Establish whether existing LA enforcement powers are sufficient to address poor quality, and understanding barriers to enforcement;
- Test approaches to data collection and develop a local need and supply assessment;
- Gather insight into best practice in delivering activities across all the above objectives.

For the extension of the pilots, local authorities will be expected to:

- Continue current activity, working to original objectives, to test enforcement interventions and gather data on their impact (as set out in the original prospectus); and
- Undertake additional activity which builds on findings from the first phase to deliver more targeted learnings.

Based on findings and insight so far, in the second phase we will expand our objectives to:

- Develop full strategic plans for short-term supported housing;
- Test approaches to managing local supply based on local need; and
- Consolidate and agree best practice in specific activities (Housing Benefit scrutiny, mitigating for impacts on homelessness and rough sleeping, and managing local supply)

Additional activity should build on existing work to go further in meeting our objectives. This could include:

- Follow up inspections to track the impact of enforcement interventions over a longer time period
- Follow up reviews to track the impact on support over a longer time period
- Tracking individual outcomes
- Deeper investigation and assessment of providers
- Approaches to managing local supply
- Understanding pathways into short-term supported housing and developing an ideal pathway.

### *Strategic planning*

In phase one of the pilots, LAs were required to complete a local need and supply assessment (see para 30-34 of September prospectus for specifications). By September, LAs will be expected to deliver a strategic plan setting out:

- An assessment of current need and supply locally
- Projected future demand
  - Using demographic data, data from children's services and probation services, waiting lists etc
- Projected future supply
  - Using data on recent growth in providers, planning applications, notification of intent on new schemes etc
- Any difference between future supply and demand
- Plan to meet any gap in need and supply
  - Identify different options (building stock, commissioning v relying on non-commissioned, reducing supply where there is over provision)
  - Identify how future need and supply fit within the larger pathway and any wider challenges – e.g. lack of affordable one-bed units
  - Costing of options
  - Identify limitations in the ability to meet future need

### *Working groups*

The second phase of the pilots aims to capture learnings and insight from local authority leads and colleagues. LAs will be asked to contribute to working groups on a range of topics to share expertise and consolidate local knowledge. The working groups will meet 3-4 times over six months to discuss and agree best practice and proposed solutions across a range of topics.

Funding proposals should include costings for 12 hours of participation in working groups across the local authority.

### **Additional requirements of funding**

Local authorities will be expected to continue their participation in all evaluation and governance activities, as set out in the original prospectus.

### **Process and how to respond**

#### *Process*

Local authorities should submit proposals for use of the funding in the form at Annex A by 9 March 2021.

Once proposals have been received, an MHCLG assessment panel will review the proposals in the round. The supported housing team in MHCLG will provide a final decision, along with feedback.

Stage	Timings (date by)
Invite local authorities to participate in pilot extension	26 Feb
Local authorities to submit Annex A to MHCLG	9 March
MHCLG to review final proposals and recommend funding allocations	10 – 12 March
Formal approval to undertake work	w/c 15 March

Proposals should be based on provision of funding for the financial year 2021/22, to run activity until end September 2021. The evaluation of the pilots will run until end December 2021 and LAs will be expected to continue to support the evaluation through this period (e.g. through ‘wash up’ interviews and a final Steering Group meeting).

#### *Costs and allocation of funding*

MHCLG have a total of £3.2m to allocate through this process. Local authorities should keep this budget in mind when submitting proposals that are achievable and proportionate. Funding will be allocated to LAs subject to scale and severity of the issue and proposed interventions outlined in the proposal.

All proposed activities should demonstrate that they are not simply an extension of ongoing work and must represent additional value to the pilots. Work in phase two must build on the first to gather wider, deeper or new insight.

Proposals must include:

- The total amount of funding sought, including a high-level breakdown of costs
- A summary of activities to be continued from phase one (including demonstration of how these activities will build on learnings from the first phase)
- Any proposed additional activities or projects, and demonstration of how these will support the pilots’ objectives
- A summary, for each core work area, of activity undertaken so far and how this work has met the original objectives – or if not met, the reasons for this
- A project plan with key milestones and dates

Proposals should demonstrate that:

- Interventions are locally appropriate
- Interventions are proportionate to the local context
- Existing interventions will continue to deliver on the core objectives
- Proposed new activities deliver additional value to the project



- They represent good value for money

If you intend to bid for a higher amount than your previous allocation, please ensure you discuss this with the MHCLG team in advance.

MHCLG reserves the right not to allocate the full £3.2m budgeted.

Funding will be allocated based on criteria and process set out in the original prospectus.

*How to respond*

Applicants are asked to submit proposals (template at Annex A) no later than COP 9 March 2021 to [SupportedHousingOversight@communities.gov.uk](mailto:SupportedHousingOversight@communities.gov.uk). If applicants foresee issues with meeting this deadline, please contact the team as soon as possible.



**Annex A: Application template****Section 1: Commitment to the pilots**

This individual will be responsible for communicating with MHCLG, for providing the monitoring data as approved by the Section 151 officer, and ensuring information is submitted to the central steering group, as required.

<b>Name</b>	<b>Guy Chaundy</b>
<b>Email address</b>	Guy.Chaundy@birmingham.gov.uk
<b>Phone number</b>	07766924420

**Declaration**

	<b>Guy Chaundy</b> <b>Senior Service Manager Housing Strategy</b>
<b>Signature</b>	<b>Print name and title</b>

By submitting this proposal you are confirming:

- the information provided is accurate to the best of your knowledge
- agreement to fully participate in the evaluation activities
- agreement to share relevant information with MHCLG
- all necessary internal support has been secured.

**Section 2: Summary.**



Please briefly summarise your proposal, including your proposed activities and their outputs and outcomes. This should include an explanation of which activities are continued (from your previous bid), and which are additional. The summary should also demonstrate that the proposed activities are appropriate and proportionate to the local context, as set out in your original bid.

As a result of the Non-Pharmaceutical Interventions due to Covid we have been unable to deliver the inspection activity in phase 1 to the degree originally intended. This was a significant and fundamental element of our approach and as such the continued activities will mainly include this element. To support the inspection work, (which will identify issues relating to Environmental Health Officers, Benefit scrutiny, safeguarding and support/care planning and community safety/ASB issues), we have included the relevant continuation of resources in these areas as per the original bid submission.

Also there will be carry over of original funding to complete other areas of activity relating to the development and roll out of Charter of Rights and Quality Standards.

We have a current carry over of phase 1 funding due to holding back on recruitment which has been taken into account for these areas when calculating the resource requirement for phase 2.

From our learning in the work done to date we are focusing our additional requirements in the following areas:

- Greater focus on training providers and referring agencies which will provide longer term impacts on quality. Training for providers will focus on HB regulations and requirements, safeguarding, Care Act, support planning and delivery, quality standards and charter of rights. Training for referral agencies will centre upon awareness of what supported accommodation is, what they should expect for citizens placed in the accommodation, duty of care and how to check and report concerns. It is expected this approach which will include development of toolkits will be used by agencies to reduce inappropriate out of area referrals.
- Speeding up the accreditation of providers against the Quality standard, this has become even more important to act as mitigation as we are seeing some fall out from some providers as we intensify our scrutiny and the RSH targeting the larger providers.
- Develop a robust decommissioning strategy/policy setting out how we will work with providers in the city when managing instances where they fall out of the sector – this for commissioned and non-commissioned providers.
- Undertake wider engagement activity with tenants living in supported housing.
- Action planning and governance of the new supported housing strategy to ensure successful implementation.
- Data analytical activity to track outcomes etc across all elements of the bid
- Undertaking detailed analysis of supply and demand data to undertake predictive analysis of future need and options and ensuring robust linkages and alignment to other key strategies such as the Housing Strategy, Homelessness Prevention Strategy and Health and Wellbeing Strategy.
- Mapping out of the pathways into and out of exempt accommodation with focus on pathways from prison release and hospital discharge.
- Understanding the growth of supported exempt accommodation linked to government funding, where providers feel they will be able secure additional tenants. A recent example of this has been increases in approaches to support victims of domestic abuse.

Phase 1 progress

Although we are still currently working on the first phase of the pilot and formal evaluation is still to take place there has been good progress in some areas including over 130 responsive inspections despite Covid, a Complex Case review team investigating links to organised crime, undertaking Benefit reviews for over 30 providers, support in raising standards,. A partnership 'Operational Tasking Group' is meeting 3 times a week to review key cases on a multi-disciplinary level, focussing on key providers and key wards and work has begun on a Strategic Needs Assessment and the Quality Standards and Charter of Rights has now been formally launched.

**Section 3: Costings***Continued activities*

Activity	Cost of continued activity	Detail/comments
Inspections, Housing Benefit scrutiny and other proposed actions to improve quality	£131k	Post Covid restrictions, recruitment of the remaining inspection resource and Environmental Health Officers to undertake targeted proactive inspections. This will result in x10 inspection officer resource capacity. The rate for EHOs has increased due to lack of availability. Increase training for non EHO staff to undertake informal intervention for Cat 1 and 2 hazards. This will enable delivery of the original 550 inspections with an additional 240 with associated follow up.
	£82k	Enhanced provider and tenants engagement plan and delivery and support re Charter of rights roll out – carry over.
	£70k	Housing benefit continuation of support review officers x 5 to support follow up work from inspection findings to check benefit entitlement, compliance and ensure value for money.  Ongoing activity relating to Serious organised crime and seconded Police Officer and 3x



		serious case officers aimed at identifying and tackling links to serious organised crime, human trafficking and other associated criminal activity .
Care and support review and assessment	£74k	Continuation of Social Work resource to support care assessments, ensure that support is adequate and relevant for citizens and to respond and ensure safeguarding concerns are addressed.
Strategic planning		It is envisaged the original bid activity on the needs assessment and strategy will be delivered as per the original bid. However additional work planned on the implementation of the strategy is detailed below in the proposed additional activities.
Monitoring and evaluation		
Other		
<b>Total</b>	<b>£357k.</b>	

*Proposed new (additional) activities*

Activity	Cost of new activity	Description
Inspections, Housing Benefit scrutiny and other proposed actions to improve quality	Personnel: £53K	The introduction of the tenancy transition officer has provided learning on homeless presentations both from and into supported exempt accommodation. Further work to understand the homelessness pathway linked to supported exempt accommodation will be undertaken through a resource of 3x transition officers. As well as helping map out the pathway, including impact upon potential rough sleeping, the officers will provide targeted support to track individuals accessing and egressing from exempt accommodation to understand patterns, barriers and challenges.
	£30k	Learning from phase 1 has included the close linkages with planning, building on this provide a dedicated resource within the planning function to focus purely on RP and Exempt accommodation enforcement activity. Clearly the potential impact to improve overall property standards utilising planning enforcement powers could be significant.
	£36K	Learning from provider fall out and those providers with their grading under review we will work alongside the Homelessness Partnership Board develop/ write a decommissioning strategy/approach for providers falling out of the sector to include evidence gathering on resulting issues/consequence of provider fall out. i.e. prospect. 1x



		<p>officer resource Officer resource to support.</p> <p>The current pilot has identified inconsistent skill levels amongst providers in assessing and undertaking care and support and producing quality support plans. We are seeking to deliver targeted training for providers covering a Quality Standards HB regulations and requirements, Charter of rights, Care Act, Support planning and safeguarding.</p> <p>There will also be a module for referring agencies covering duty of care and monitoring and reporting of concerns. The training and development and delivery will be procured.</p> <p>Learning has identified an inadequate response/approach by some providers in dealing with ASB whereby they simply resort to just moving tenants. This additionality will focus on Improving providers approach and response to low level ASB – 3 x ASB officers managing a caseload and working with providers on quality ASB policies, training needs, toolkits etc.</p> <p>Additional Benefit resource to would enable the service to conduct additional reviews focussing on levels of care support and supervision where full support evidence was not available at the start of the claim for additional services coming on board to existing exempt</p>
	£60k	
	£48k	
	£26	





		delivery and develop a comprehensive dashboard to pull relevant data sources on provision, track trends, growth and mapping etc. that can be used in various settings and partnership audiences.
Other		
<b>Total</b>	£399k	

### Section 3: Delivery plan

Please attach a delivery plan with details of:

- Anticipated timings of inspections or other enforcement activities, including recruitment where needed
- Anticipated timings for the strategic plan, including recruitment.
- Planned monitoring and engagement activities, factoring in monthly monitoring to MHCLG and bimonthly reporting on impact.

[Please insert here or attach as separate document with your application.]



Title of proposed EIA	Supported housing oversight pilot phase 2
Reference No	EQUA671
EA is in support of	Amended Service
Review Frequency	Six Months
Date of first review	15/10/2021
Directorate	Neighbourhoods
Division	Housing
Service Area	Strategy
Responsible Officer(s)	<input type="checkbox"/> Guy Chaundy
Quality Control Officer(s)	<input type="checkbox"/> Leroy Pearce
Accountable Officer(s)	<input type="checkbox"/> John Jamieson
Purpose of proposal	Bid for 2nd phase funding for supported housing oversight pilot
Data sources	relevant reports/strategies; relevant research
Please include any other sources of data	Findings from phase 1 activity
ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Not Applicable
Age details:	
Protected characteristic: Disability	Not Applicable
Disability details:	
Protected characteristic: Sex	Not Applicable
Gender details:	
Protected characteristics: Gender Reassignment	Not Applicable
Gender reassignment details:	
Protected characteristics: Marriage and Civil Partnership	Not Applicable
Marriage and civil partnership details:	
Protected characteristics: Pregnancy and Maternity	Not Applicable
Pregnancy and maternity details:	
Protected characteristics: Race	Not Applicable
Race details:	
Protected characteristics: Religion or Beliefs	Not Applicable
Religion or beliefs details:	
Protected characteristics: Sexual Orientation	Not Applicable
Sexual orientation details:	

Gender information details.

Socio-economic impacts

Please indicate any actions arising from completing this screening exercise.

Please indicate whether a full impact assessment is recommended NO

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

Consultation analysis

Adverse impact on any people with protected characteristics.

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

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

What data is required in the future?

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

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

This EA supports the Cabinet report for additional funding for phase 2 of the supported housing oversight pilot activity from April - Sept 2021. There are no identified equality impacts for this proposal

#### QUALITY CONTROL SECTION

Submit to the Quality Control Officer for reviewing? No

Quality Control Officer comments This has been passed to the Accountable Officer for final approval.

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 08/04/2021

Reasons for approval or rejection

Please print and save a PDF copy for your records Yes

Julie Bach

Person or Group

Content Type: Item

Version: 26.0

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# Birmingham City Council

## Report to Cabinet

20<sup>th</sup> April 2021



**Subject:** Refurbishment and conversion of the former Youth Court to relocate the Coroners Service

**Report of:** Director of Neighbourhoods (Acting)

**Relevant Cabinet Member:** Councillor Tristan Chatfield, Cabinet Member Finance and Resources  
Councillor Sharon Thompson, Cabinet Member for Homes and Neighbourhoods

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

**Report author:** Lesley Steele Property Services  
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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Ladywood		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Reference: 008504/2021		
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 purpose of this report is to request approval for additional capital funding to complete the refurbishment and conversion of the former Youth Court to relocate the Coroners' Service.

## **2 Recommendations**

That Cabinet:

- 2.1 Authorises the Chief Finance Officer to earmark a capital sum of £0.428m from the Corporate Contingency, as an additional contribution towards the refurbishment of the former Youth Court to facilitate the conversion for use by the Coroners Service.
- 2.2 Authorises the Director of Neighbourhoods (Acting) to place an order for the construction related works following the completion of the procurement process not to exceed the increased sum of £1.133m (inclusive of fees) to progress the proposal to refurbish and fit out the former Youth Court Building.
- 2.3 Authorises the Director of Neighbourhoods (Acting) to place orders for the supply and fit out of the ICT and digital services and the fit out of furniture not to exceed £0.150m.
- 2.4 Authorises the City Solicitor to prepare, negotiate, execute and complete all relevant legal documents to give effect to the above recommendations.

## **3 Background**

- 3.1. A report and Full Business Case (FBC) were approved by Cabinet on the 21<sup>st</sup> April 2020 for the 'Purchase and refurbishment of the Youth Court'. A sum of £1.03m was identified within the report for the refurbishment and conversion of the former Youth Court building on Steelhouse Lane to provide the Coroners Service with 3 courts, front facing public facilities and back of house offices, meeting rooms and welfare facilities. The Coroners Service are currently sited in the adjacent building at 50 Newton Street, B4 6NE. The existing accommodation provision is no longer fit for purpose. There is only one court room (which does not meet the Service requirements), limited disabled access and the building is in an overall poor state of repair.
- 3.2. The purchase of the former Youth Court was completed on the 12<sup>th</sup> June 2020 and thereafter the City Council took vacant possession of the building. A full complement of intrusive surveys was carried out that could not be progressed until the building was in the council's ownership. The surveys identified areas of work that had not been included within the original estimated costs for the refurbishment. They also identified areas of the building which had failed specifically the roof which was beyond economical repair. There is evidence that the roof has undergone previous patch repairs. The original Cabinet Report only included for further repairs rather than a full roof replacement. Adverse weather has caused further deterioration of the roof coverings with water accessing the internal fabric of the building causing further damage.
- 3.3. The buildings heating system operated off a District supply from Victoria Law Courts. The Ministry of Justice (MoJ) approved a 12-month extension of this

use from vacant possession however the supply would thereafter be terminated. Due to the disruption these works would cause to the service it was concluded that a new supply and heating system would need to be included within the refurbishment works.

- 3.4. The existing Coroners Court has one operational court, it is proposed that the new facility will have 3 courts. On receipt of vacant possession, the design process commenced which included the repurposing and reconfiguration of the former youth Court. The furniture for the court rooms is very specific and is bespoke to fit each room. On completion of the layout design both the ICT and furniture fit out of the courts, front facing public areas and back of house offices has been investigated and recent quotes show the cost far exceeds what was originally anticipated. This is due to the court room furniture being bespoke and specific to each court. It is essential to ensure the building can operate in a manner which meets the needs of the Coroners Service and creates an appropriate environment for grieving families. Transferring the existing furniture which is in a poor condition is not an option. Also, the unusual shape of the building dictates that some of the rooms could not accommodate existing items.
- 3.5. As stated earlier, the existing Coroners Court only has one operational court, a second court was provided by Solihull Metropolitan Borough Council . This is no longer available meaning the Coroners Service is operating from two /three sites in the city centre at an additional revenue cost to the Service. There has been an increase in workload over the last five years, which has been exacerbated during the Current Covid19 pandemic. Jury inquests require much larger spaces to occur during the pandemic in line with the requirements of the Ministry of Justice. This has increased revenue costs.
- 3.6. The existing Coroners Court and the refurbished former Youth Court building on completion will operate in parallel for the first few months prior to the Newton St building being closed and decommissioned.
- 3.7. The Coroner is an independent judicial office holder with a statutory responsibility to investigate all violent or unnatural deaths, deaths where the cause is unknown and deaths in custody or state detention. The nature of the cases means they often involve other agencies and the independence of the Coroner is paramount in all we do to ensure an open and transparent service for families and interested persons. For that reason, it is important that they can operate from one building independently whilst conducting the judicial role.
- 3.8. Due to the extremely poor condition of the roof and the increasing issue with water ingress creating further damage to the internal building fabric the replacement roof works has been procured as a separate contract in order to avoid further costs apportioned to making good the building from water damage. A further competition exercise has been carried out via the Construction West Midlands (CWM) Building Fabric Lot 1 framework agreement for the replacement

of the roof works and an order placed with Graham FM. Work commenced in early January 2021 with completion estimated in April 2021 dependent on the weather.

- 3.9. The main refurbishment works are being tendered using the CWM#2 Capital Works Lot 1 framework agreement. Work is programmed to start on site on the 7<sup>th</sup> May 2021 and completion anticipated by 27<sup>th</sup> September. The building will be operational as of November 2021 to allow for a commissioning and training period.

#### **4 Options considered and Recommended Proposal**

- 4.1 Do nothing – this is not a feasible or viable option. The refurbishment and fit out needs to be of a reasonable standard to enable the Coroners Service to operate effectively and efficiently in a building that is fit for purpose to allow this to happen.
- 4.2 Reduce the scope of works proposed - the scope of works only includes essential works to provide a building that can meet health and safety requirements together with the needs of the Coroners Service. There is no allowance for a reduction to the scope.
- 4.3 The recommended proposal is that the additional funding is identified to enable the additional works and fit out to be carried out within the allocated programme and to avoid any delays to the building becoming operational.

#### **5 Consultation**

- 5.1. There has been no formal public consultation, as this proposal is part of a statutory obligation for the City Council to provide a Coroners Service.
- 5.2. The proposal for additional capital funding was presented to the Capital Board on the 12<sup>th</sup> November 2020 whereby further information was requested in the form of a more detailed financial analysis of costs which has been carried out by Acivico Ltd.

#### **6 Risk Management**

- 6.1 The main risks are
- 6.1.1 If additional funding is not secured, the refurbishment project will have to be scaled back meaning the requirements of a fit for purpose Coroners Court are not realised impacting on their ability to provide a modern first-class service.

- 6.1.2 The actual cost of the work exceeds the budget available when the tendering exercise is completed – a cost plan has been provided by Acivico Limited based on the outcome of the intrusive surveys , design and specification. It also includes a contingency which will be sufficient to offset any additional/unknown costs.
- 6.1.3 Covid19 - potential impact on labour, cost and lead in for building materials. As well as inclusion of a contingency to mitigate any unforeseen additional costs the contractor will be required to submit their own programme which will highlight areas of float that can be utilised to amend the delivery of some activities.

## **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 supports the priorities outline in the Birmingham City Council Plan 2018 -2022 specifically it contributes to Outcome 1 Birmingham is an entrepreneurial city to learn, work and invest in due to the investment in the City building (Priority 2) and by improving the environmental performance of the building when refurbishing, contribution is also made to Priority 4 of Outcome 4 'Birmingham is a great, clean and green city to live in' and Priority 2 of Outcome 6 'Birmingham is a city that takes a leading role in tackling climate change'.

### **7.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)**

The estimated construction and fit out costs are below the threshold for works for the BBC4SR. However, the payment of the Real Living Wage will apply and form part of the conditions of the contract.

## **7.2 Legal Implications**

- 7.2.1 Section 24 (1) of the Coroners and Justice Act 2009 requires the relevant authority to "provide, or secure the provision of, accommodation that is appropriate to the needs of the coroner for that area in carrying out their functions". The relevant authority must also "maintain or secure the maintenance of" such accommodation. In deciding how to discharge the above duties, "the relevant authority for a coroner area must take into account the views of the senior coroner for that area (Section 24 (4) of the said Act).

## **7.3 Financial Implications**

- 7.3.1 The capital sum of £1.030m was identified from the Capital Corporate Contingency allocation outlined in the Financial Plan 2020-2024. Provision is available for the additional £0.428m to be funded from the same allocation. The total allocated capital budget required for this proposal is £1.458m.

- 7.3.2 It should be noted that the Full Business Case appended to the Cabinet Report of the 26<sup>th</sup> April 2020 stated that costs at the time were indicative ( as the building was not in the council's ownership at that time) and were not based on surveys.
- 7.3.3 Acivico Limited have produced a cost plan which indicates the proposals can be delivered within the overall total budget. The total project costs are detailed in the table below:

Project	2020/21 £	2021/22 £	2022/23 £	TOTAL £
<b>Total construction cost</b>	27,500	1,080,311	24,867	1,132,678
<b>Other associated project costs:</b>				
Furniture, Fittings & equipment (including ICT)		150,000		150,000
Replacement roof cost*	175,108			175,109
<b>Total associated costs</b>	175,108	150,000		325,109
<b>Total project cost</b>	<b>202,608</b>	<b>1,230,311</b>	<b>24,867</b>	<b>1,457,786</b>
<b>Approved Budget</b>				<b>1,030,000</b>
<b>Budget shortfall</b>				<b>427,789</b>
*roof works have commenced on site.				

- 7.3.4 Further delays in delivering the project will risk increased revenue costs incurred due to the high cost of having to hire temporary court facilities, including the ongoing impact of Covid-19 restrictions meaning that jury inquests have to be held in much larger premises.

## 7.4 Procurement Implications

- 7.4.1 A procurement strategy was not included as part of the Cabinet Report and Full Business Case approval of the 21<sup>st</sup> April 2020. Cabinet was advised of the forthcoming procurement activity for the refurbishment works in the Planned Procurement Activities Report to Cabinet dated 9<sup>th</sup> February 2021. It was noted in the report that no contract award will be finalised until the additional funding is approved. The project will be administered by Acivico Limited and tendered in Lot 1 as a single contract via the CWM#2 framework agreement.

## 7.5 Human Resources Implications (if required)

- 7.5.1 The movement of staff to different locations is governed by a specific human resources procedure. This procedure will be followed when the former Youth Court is refurbished and for occupation.
- 7.5.2 Professional services to support the project will be provided by Property Services, Finance, Procurement and Legal Officers who will be engaged to deliver this proposal with technical support from Acivico Ltd.



## **7.6 Public Sector Equality Duty**

- 7.6.1 An initial Equality Impact Assessment was undertaken and appended to the Cabinet Report and FBC of the 21<sup>st</sup> April 2020 Ref No: EQA467.

## **8 Background Documents**

- 8.1 Cabinet Report and Full Business Case 'Purchase and Refurbishment of the former Youth Court' 21<sup>st</sup> April 2020.
- 8.2 Planned Procurement Activities Report dated 9<sup>th</sup> February 2021

### **List of appendices accompanying this report:**

None



# Birmingham City Council

## Report to Cabinet

Date 20 April 2021



**Subject:** Update on delivery and development of the Council's Social Value Policy

**Report of:** Interim Director of Finance and Governance

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

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

**Report author:** Rokneddin Shariat, Procurement Strategy and Development Manager,  
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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 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, provide exempt information paragraph number or reason if confidential :		

## **1 Executive Summary**

- 1.1 Significant progress has been made in implementing the Council's Social Value Policy since its launch in September 2013. This report details these improvements and achievements which include the introduction of:
- Specific and measurable commitments for each contract or grant
  - Alignment with a national proxy-based methodology (TOMs – Themes, Outcomes, Measures)
  - Ward multipliers, where the activity is in the most deprived wards, rewards bidders with a higher score when bidding during a competitive tender. The specific ward multipliers are contained in the Charter action plan which is downloadable from [www.birmingham.gov.uk/bbc4sr](http://www.birmingham.gov.uk/bbc4sr)
- 1.2 Despite these incremental improvements, there remains opportunities to enhance our approach both in design and implementation of social value. The proposed improvements are listed in this report and will be brought to Cabinet in a separate report in September 2021.

## **2 Recommendations**

That Cabinet:

- 2.1 Notes the progress made on implementing the Council's Social Value Policy and
- 2.2 Notes the plans for the development of social value in the Council (subject to further consultation and a report for approval in September 2021.)

## **3 Background**

- 3.1 The Council has a statutory duty in accordance with the Public Services (Social Value) Act 2012 in regard to economic, social and environmental well-being in connection with public services contracts.
- 3.2 The Council launched its Social Value Policy (SVP) and BBC4SR in 2013 along with the Birmingham Living Wage Policy (LWP). These extended our consideration of Social Value to goods, works and grants. The SVP and BBC4SR were last reviewed in December 2018. The LWP was revised in March 2017. No further revisions are proposed to the LWP at this stage. This mechanism is how the Council secures social value as required by the Act. Details of policies and related guidance can be found on [www.birmingham.gov.uk/bbc4sr](http://www.birmingham.gov.uk/bbc4sr)

## **4 Progress to date**

- 4.1 Networking and collaboration
- As part of the on-going development of this agenda, the Council is

represented on the West Midlands Social Value Taskforce and on the National Social Value Taskforce, which comprises representatives from all sectors to jointly develop and share best practice. These forums are used for sharing best practice with other public sector bodies.

- The Council is represented on the Anchor Institutions Network facilitated by the Centre for Local Economic Strategies (CLES). This group which includes Aston University, University of Birmingham, University Hospital Birmingham, WM Police, Pioneer Group and Bourneville Village Trust works collaboratively and coordinates activities in order to bring about more local spending by the partners particularly with Social Enterprises and 3<sup>rd</sup> Sector.
- The Council is coordinating social value activity with WMCA and the organising committee to ensure that the Commonwealth Games social value outcomes can be consolidated.
- The Council supported Birmingham and Solihull NHS Sustainable Transformation Partnership to develop their social value policy.
- The Council is working with partners across the city to promote the Real Living Wage and encouraging employers to become accredited Living Wage employers.
- 'Meet the Buyer' events have been run through the Finditinbirmingham platform. The last event was with McLoughlin and Harvey relating to the redevelopment of Alexander Stadium.
- We continue to use Finditinbirmingham to post our procurement opportunities and encourage tier 1 contractors to do the same. The list of current opportunities is emailed to all Councillors every Tuesday for them to share with local businesses in their wards.
- The Council's Corporate Procurement Service together with other West Midlands local authorities hosted an event for 3<sup>rd</sup> sector organisations on how to utilise social value to win business from the public sector. Detailed guidance is available on the Council's website on how to bid for Council tenders.
- We promote the use of Finditinbirmingham for local businesses to respond to our tenders and that of businesses. Since its launch:
  - 47,496 unique registered companies
  - 29,238 members in West Midlands and 22,206 in Birmingham
  - 6,558 opportunities posted since launch (with weekly updates on live opportunities circulated to Members)
  - £36.383Bn of opportunities posted
- We are currently supporting the Diverse Supply Chain programme, managed by Aston University, by providing workshops on bidding and social value as well as 1 to 1 consultation sessions. The programme supports 75 local, small and diverse (VCSE, BAME, LGBTQ+, Disabled and Women owned) businesses to help them access public sector contracts.

#### 4.2 Internal networking

- There have been 123 commissioning, procurement and contract management officers trained on our social value approach, with 45 more awaiting training and more to be identified.
- A MS Teams group has been set up where all staff with a responsibility or an interest in social value can network.
- Social Value lead officers have been identified across the Council to spread the ownership and responsibility for delivery.

#### 4.3 Process to achieve Social Value

- The social value rationale is currently set out in a short form that identifies the reasoning behind the social value outcomes that are relevant to the contract that is being established. It is completed at the earliest stage of commissioning as it's a pre-procurement duty that helps the process flow smoothly. Where appropriate, citizen engagement can help to determine social value outcomes and this is the reason for developing the "match my project" web portal.
- Social Value must be relevant to the core contract requirements and guidance has been issued to commissioners and procurers to enable the achievement of Council policies that are supported through the BBC4SR. This guidance, together with the social value rationale, ensure that the outcomes sought are related to the Council priorities.
- At the procurement strategy stage, the weighting for social value is set, whilst the default minimum is currently 10% it is proposed to be increased to 20% in the September Cabinet report.
- At the contract management stage, the delivery of the agreed social value commitments of the winning tenderer(s) are monitored and progress is reported. Delivery of the action plan is enforceable through the contract conditions.
- There are currently 496 businesses/organisations that have been accredited to the BBC4SR (seen [here](#)).

#### 4.4 Achievements

- Reporting of amalgamated figures for the achievement of the Council's social value outcomes has thus far been a challenge due to the fragmented nature of the data across hundreds of contracts. This issue is being addressed in the continuing development of social value including building social value into the Oracle 1B system. In the meanwhile, we will carry out biannual data collection of our top contractors.
- A data collection exercise carried out in March 2021 surveyed 20 of the largest contractors and asked for achievements by financial year. Below is the tabulated return:

	<b>2019/2020</b>	<b>2020/2021</b>
<b>Weeks of local* employment</b>	53,612	68,141
<b>Weeks of local* apprenticeship</b>	4,395	4,607
<b>Weeks of local* work placements</b>	686	430
<b>£ Amount of local* spend</b>	£166,444,290	£194,619,328
<b>£ Amount of Social Enterprise spend</b>	£3,557,520	£3,172,513
<b>Hours of voluntary time</b>	9,883	10,825
<b>£ Amount of money raised and / or donated</b>	£210,779	£218,881

*\* Local is defined as within 30 miles of the point of service delivery*

- A recent analysis of the Council's 2019/2020 spend by CLES who facilitate the Anchor Institutions Network in Birmingham shows that 56% (£661,074,655) of the Council's procurement spend is with businesses located in Birmingham and 79% (£926,869,841) with businesses in the West Midlands.
- We can see from the table above that, other than work placements, COVID has not had a negative impact on delivery of social value.
- We also asked the respondents for social value highlights, 13 responded and these can be found in Appendix 1.

#### 4.5 The Council's Social Value Development Programme

- A programme has been implemented to further develop our social value approach over the coming years. The development programme is divided in 4 group of activities (details are included in Appendix 2):
  - Improving Capability:
  - Encouraging Creativity
  - Ensuring Delivery
  - Promoting Achievements

#### 4.6 Birmingham Business Charter for Social Responsibility update

The Charter was last updated in 2018. A report is scheduled to go to Cabinet in September 2021 to propose revisions that reflect further changes and updates in practice.

### 5. Consultation

There has been ongoing dialogue with regional and national networks and providers such as the National Social Value Taskforce and West Midlands Social Value Taskforce as the social value policy and practice has developed.

## 6. Risk Management

6.1. Risk relating to Covid and related economic downturn need to be considered and mitigated.

Title	Description	Likelihood	Impact	Score	Mitigating Actions	Owner
Covid	Covid restrictions hampering the practical delivery of social value	10	5	50	Use of technology to replace face to face interactions with virtual interactions	Directorate Leads
Economic Downturn	Businesses are unable to deliver the same level of social value due to reduced business activity	8	6	48	Contract managers can agree replacing difficult measures (e.g. creating new employment) with other deliverable activities (e.g. voluntary time)	Directorate Leads

## 7. Compliance Issues:

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

7.1. The Social Value Policy and its development programme is designed to enable the delivery of Council priorities through commissioning, procurement and contract management. See appended examples.

## 8. Legal implications

8.1. There are no legal implications to consider.

## 9. Financial Implications

9.1. There are no financial implications.

## 10. Procurement Implications (if required)

10.1. There are no procurement implications.

## 11. Human Resources Implications (if required)

11.1. There are no human resources implications

## 12. Public Sector Equality Duty

12.1. There is no adverse impact

## 13. Background Documents

The Council's Social Value and Living Wage policies and the Birmingham Business



Charter for Social Responsibility and related guidance documents can be found on [www.birmingham.gov.uk/bbc4sr](http://www.birmingham.gov.uk/bbc4sr)

		F
Contractors	Birmingham is an entrepreneurial city to learn, work and invest in	Birmingham is an aspirational city to grow up in
1	4 placements within the depot	
2		<p>Took part in the Millennium point career fair 2019 exhibiting digital virtual reality headsets and being a panellist with over 250+ students.</p> <p>Sponsored event at Great Barr Academy themed around the Perry Barr Regeneration Scheme in June 2019. Facilitated by SME partner 'Ahead Partnership', the event covered Year 9 and 10s and gave students an insight into the construction sector with students presenting projects that were judged.</p> <p>Took part in the annual Career Ready Mentoring programme connecting young people to the world of work.</p>
3	<p>90% of all spend through contract is with suppliers based within 30 miles of Birmingham.</p> <p>92% of delivery team are Birmingham residents</p> <p>92% of services supplied to Birmingham office is via local business e.g. cleaning, catering, office maintenance.</p>	<p>69 schools supported during 2020</p> <p>350+ virtual career sessions hosted for BCU in 2020.</p>
4		We have supported Birmingham Children's Trust, Sifa Fireside & Acorns Children's Hospice since the beginning of our contract. Currently we are piloting the mentoring scheme with the BCT.
5	Large project within the local community - Milebrook Community Centre, Bartley Green worth nearly £250,000.00 that enabled us to meet a lot of social value targets in 2020.	
6		Appointed four STEM ambassadors who have developed relationships with four

		local schools in Birmingham and are arranging virtual career events and Women in Engineering sessions
7		<p>Birmingham Children's Trust – We discussed artwork for signboards on the vehicles to advertise key messages around foster carers, local recruitment, mental health and youth support.</p> <p>Secondary school careers support across the curriculum including virtual careers tools to support a larger audience and digital video which can be presented remotely to the students.</p>
8		Sent over 7 role vacancies to Kam Hung (BCC Employment Manager) to support local recruitment.
9	<p>Provided IT equipment to partners so they were able to continue providing support to service users.</p> <p>Provided mobile phones with ongoing credit to service users (particularly the homeless)</p>	
10	<p>July 2020 - launched the "You Matter Communities" scheme offering project resources in the form of volunteer time (TimeBank), small grants (Community Fund) and free access to unused materials from the construction period (ResourceBank).</p> <p>31 applications received to the Community Fund and 5 for the TimeBank.</p> <p>We have provided 6 community organisations with free materials. 17 local projects from across Birmingham to receive a Community Fund Grant of up to £1000.00, donating a total of £14,886.</p> <p>17 successful applicants demonstrated how they could use the grant to deliver against our Community Fund objectives – Promoting Equality and Diversity, Enhanced Environment, Community Cohesion, Tackling Poverty and Isolation and Supporting Children and Young People.</p> <p>The second round of You Matter Communities is focused on supporting local communities by providing resources, such as volunteer time, small grants and materials, to support community-led solutions to local challenges.</p>	

## Appendix 2: Social Value Development Programme

	As communities across Birmingham continue to deal with the impacts of the COVID-19 pandemic, You Matter Communities is focused on supporting community organisations to recover and to help people and communities experiencing disproportionate challenges to build back better, fairer and greener.	
11	200 jobs created on site, have case studies working with schools and a range of Social Value initiatives	
12	Despite the challenges of Covid 19 we have continued to deliver our projects to meet the needs of BCC projects on time and on budget. This has kept hundreds of local people employed, Apprentices and Graduates have had continuity and consistency during this period.	Partnership with South & City College Birmingham.
13	Accredited as a Living Wage employer. This means that everyone who works for us will receive the real living wage.  First construction company to become a Social Value UK Partner.	Local Children Train With Footballing Legends at MS Charity Event - More than 150 local children and a number of local businesses graced the hallowed turf at St Andrew's Stadium, the home of Birmingham City Football Club, for a charity football event.

### Improving Capability:

- We will continue and expand the ongoing training programme for council staff to both raise awareness and understanding of why and how we implement social value.
- An online iLearn module will be developed as an introduction to social value so that all council staff can access it easily.
- We will maintain our networking activity with the West Midlands and National Social Value Taskforces as well as the Anchor Institutions Network in order to learn and influence the development of social value both regionally and nationally.
- Theme champions will be identified and be the focus of sharing knowledge and best practice for each theme. The themes are: Local Employment, Buy Local, Partners in Communities, Good Employer, Green & Sustainable and Ethical Procurement.

### Encouraging Creativity:

- We need to match the high leverage of some directorates with the high need of other directorates. We will achieve this through improved cross directorate communication and through the directorate leads.
- Facilitate a brokerage system where community organisations can post their needs, in the form of a project, and businesses can offer support to complete the project.
- Organise an advisory panel made up of some of our largest contractors so that they can advise us on how to get the most of our social value and, with the help of local charities, communicate the needs in the city.

### Ensuring Delivery:

- Ensure accountability and responsibility of social value delivery within directorates through directorate leads and contract managers.
- Through robust contract management process in accounting for social value; holding contractors to account and reporting evidenced activity.
- Deliver Council priorities through the commissioning, procurement and contract management

### Promoting Achievements:

- Establish social value targets and report against them on a regular basis.
- Provide an annual social value statement which captures our progress, achievements and plan for the following year. This report sets the baseline for an annual report to Cabinet.



# Birmingham City Council

## Report to Cabinet

20<sup>th</sup> April 2021



**Subject:** New Ways of Working

**Report of:** Director for Digital & Customer Services

**Relevant Cabinet Member:** The Leader of the Council, Councillor Ian Ward  
Councillor Tristan Chatfield, Cabinet Member for Finance and Resources  
Councillor Brigid Jones, Deputy Leader

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

**Report author:** Robin Burton, New Ways of Working Programme Manager  
Tel: 0777 908 1564  
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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name of ward: Newtown, Ladywood		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 008717/2021		
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 strategic drivers for New Ways of Working (NWOW) Programme are as follows:

- Our staff have embraced flexible working during the pandemic, and there is now an opportunity to make a permanent shift from a situation whereby 15-20% of our

workforce work, pre-pandemic, in an agile and flexible manner to one where 80-85% do so.

- Staff have expressed that would like more flexibility and enjoy working from home (Health and Wellbeing Survey Jan 2021)
- COVID has also shown us the art of the possible – we can leapfrog to the next stage of Council development, with the clarity and leadership needed to do so.
- COVID has revealed and amplified some of the challenges that our communities face. This is a moment in time to galvanise our intention to do better by them, and centre equality in our vision for the future, and in all that we do.
- The City Council has a shortfall in the Medium-Term Financial Plan (MTFP) of circa £76.3m.

1.2 New Ways of Working directly supports the achievement of one of the three key priorities outlined in the Council Delivery Plan 2020 – 2022:

- Being enabled by a Fit for Purpose Council (Delivering New Ways of Working): creating a more responsive, efficient, and effective organisation by ensuring our teams have the capability, confidence, and tools to continue to work where, when, and how they choose, with maximum flexibility and minimum constraints to optimise their performance in support of those we serve.

1.3 The other two key priorities outlined below are dependent upon the NWOW programme as a key enabler.:

- Stimulating Growth is focussed on stimulating an economic recovery that works for everyone, transforming the landscape of our city while creating opportunities for local communities and ensuring the 'just transition' to a green economy.
- Early Intervention focusses on establishing an empowering and enabling model of early intervention and prevention that 'helps people to help themselves', and ultimately achieve the aspirations they hold for themselves and their communities.

1.4 The New Ways of Working Programme has been identified as the means to bring together, build upon, and accelerate existing work on developing agile working, a modern workplace, and the provision of locality-based working. The future is about neighbourhoods, better use of community-based assets and more services delivered in our communities. The programme will seek to:

- Reduce Workforce Inequality – Reducing inequalities in the workplace, for example ensuring those with caring responsibilities can work more flexibly so they can build their careers while balancing the needs of those at home; through locality and remote working increase access to services from our communities, whilst creating a sense of community cohesion between the council and its communities; and for those that choose their home as their contracted place of work we will provide a package of measures for our Home Workers that includes suitable equipment plus any Access to Work equipment required to enable them to achieve



their outcomes, with increased wellbeing support to ensure we are an inclusive employer.

- Increase Neighbourhood Working – Moving services into the community, stimulating economic redevelopment with the Council becoming an anchor institution in more deprived parts of the city. This will be achieved through a combination of the creation of locality workspaces for staff to work in their communities and Public Hubs - an easily identifiable, welcoming place to the public which is central to a community, easily accessible on foot and by public and private transport. A Public Hub will house an array of public services encouraging a modern relationship with our citizens.
- Reduce Carbon Footprint – Delivering on our commitments to carbon reduction to zero by reducing the need for staff to commute and reducing energy consumption within our property estate.
- Maximise Property Assets – Creating opportunities to better utilise our property estate to the benefit of the city, thereby enabling the Council to realise savings and income.

- 1.5 As a result 1 Lancaster Circus has been identified as being surplus to Council requirements and it is proposed that this property will form part of an agreed programme of land and property sales to be implemented during financial year 2021-22.

## **2 Recommendations**

- 2.1 Approves the vacation of 1 Lancaster Circus and the Council House Extension (Margaret Street) within a 12-to-24-month period.
- 2.2 Notes the intention to develop proposals for the further reduction in the Council's office estate and optimise sequencing for this programme.
- 2.3 Notes the intention to consider the Council House Extension (Margaret Street) as part of a wider review of the entire Council House complex with due engagement and consultation with interested parties.
- 2.4 Declares 1 Lancaster Circus, as shown edged bold on enclosed plan at Appendix 1, surplus to Council requirements and authorise its subsequent sale of the the leasehold.
- 2.5 Notes that in accordance with existing surplus property procedures no internal re-use for 1 Lancaster Circus has been identified.
- 2.6 Notes that approval of final sale terms will be subject of further reports to Cabinet.
- 2.7 Authorises the City Solicitor to negotiate, execute and complete all necessary legal documents to give effect to the above recommendations.

## **3 Background**

- 3.1 Birmingham City Council has successfully delivered services during the COVID 19 pandemic, with very few staff being office based. This presents a generational

opportunity to introduce New Ways of Working at pace. It is also an opportunity to significantly re-shape our operational property portfolio, working on a 50% reduction in Council Administration Buildings (CAB) by 2022 with a 75% reduction target over the next 5 years. However, most of the property in the City Council portfolio is managed by service directorates. So, in order to maximise use of this portfolio, and to ensure that the estate is better maintained, portfolio management needs to be placed on a more professional footing. Therefore, a proposal to create a Corporate Landlord function is currently being developed as another essential pillar of the overall programme.

- 3.2 NWOW will agree the sequence and time in which buildings will be vacated and released to the Stimulating Growth portfolio, for disposal or repurposing, in line with the approved Stimulating Growth property strategy.

### **Current Position**

- 3.3 The Central Administrative Building estate presently comprises 7 buildings providing 5,953 workstations which supports 6,562 staff.
- 3.4 Due to the pandemic, we anticipate needing to close a budget gap estimated at £76.3m by 2023-24. No one believes a business-as-usual, salami slicing, approach to managing this gap will work. We have already overreached the limit of asking services to get ever smaller. This financial cliff edge presents a real and present danger to the sustainability of the Council and to the people who depend on us.
- 3.5 In our response to the pandemic, we have proven that the Council can deliver services effectively with Members and staff working both remotely and flexibly. Early data suggests we are seeing improvements in productivity and reductions in absence levels.
- 3.6 The current circumstance presents both a unique opportunity and challenge. We have an opportunity to create a sustainable agile workforce, increase our diversity and inclusion, and realise associated benefits for the Council, our workforce and the communities we exist to serve. Our challenge is to transition from an emergency response posture to a more considered and sustainable way forward, recognising what has worked well and what has not.
- 3.7 It is therefore intended, through increased staff agility and flexibility, to increase the utilisation of the five retained CAB properties (principally 10 Woodcock Street but including Sutton New Road, Lifford House, New Aston House and the Council House) to enable the vacation of 1 Lancaster Circus and the Council House Extension (Margaret Street).
- 3.8 As a result, 1 Lancaster Circus will be surplus to Council requirements, and has been fully considered in accordance with current surplus property procedures with no alternative internal use identified. The proposed release of the leasehold of the property represents a prime city centre redevelopment opportunity in a prominent “gateway” location and will enable its development potential to be realised. The

sale methodology to deliver the proposed sale will fully recognise market sentiment and individual circumstance. The proposed delivery strategy and mode of sale adopted will be tailored to maximise both the prospect of a sale completion within stipulated timescales, receipt realisation and demonstrate best consideration. The outcome of the tender process will be the subject of a future report to Cabinet.

- 3.9 In respect to the Council House a phasing plan has been discussed and agreed in principle with Birmingham Museum Trust (BMT) that would see the Council House building re-wired as a first phase followed by the Extension. This will allow the Birmingham Museum and Art Gallery (BMAG) areas within the Council House (the “1885 wing”) to be completed along with the Council’s primary civic spaces by March 2022 in time for the start of the Commonwealth Games cultural programme.
- 3.10 Following the approval of the Outline Business Case for the electrical refurbishment of the Council House complex by Cabinet on the 13<sup>th</sup> of October 2020, the Full Business Case will be present to Cabinet in May 2021, including details of the decant process for the museum collection with a view to conclude the programme of works at an earlier than anticipated date of Summer 2023. However, it is not intended to reoccupy the current City Council space within the Extension as office accommodation however this space will be utilised as a temporary home for Members and the Office of the Chief Executive during the refurbishment of The Council House.
- 3.11 In the intervening period it is intended to undertake a comprehensive review of the Council House complex and its potential for a renewed cultural and civic offer, increasing its relevance and accessibility to the citizens of Birmingham.
- 3.12 Since the approval of the Outline Business Case for NWoW in early January 2021, a Discovery Plan has been agreed, resources secured and detailed costs, plans and savings are being compiled to complete the Enhanced Business Case due to be delivered in June 2021.

#### 4 New Ways of Working Options Considered and Recommended Proposal

Option	Advantage	Disadvantage
1) ‘Do Nothing’ – All staff return to pre-covid working arrangements	<ul style="list-style-type: none"> <li>No change for staff</li> </ul>	<ul style="list-style-type: none"> <li>No reduction in inequality or increase in workplace diversity.</li> <li>Does not meet future business needs.</li> <li>No strategic fit</li> <li>No customer benefits.</li> <li>Does not contribute to our carbon reduction target.</li> <li>Will require investment in property repairs.</li> <li>Does not contribute to the MTFP shortfall.</li> </ul>

2) 'Do the Minimum' / Continue Remote Working, as is – all staff maintain current working arrangements	<ul style="list-style-type: none"> <li>• We can maximise our CAB estate, realising income and/or savings from vacated buildings.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not address staff health and wellbeing.</li> <li>• Work practices are not sustainable.</li> <li>• Managers not equipped to manage staff remotely.</li> <li>• Does not meet future business needs.</li> <li>• Productivity increases will decrease over time.</li> <li>• No benefits to our customers</li> <li>• Does not improve access to services.</li> <li>• Does not improve staff diversity and inclusion</li> </ul>
3) Optimum Scope fully embrace principles of agile working across all directorates across the Council	<ul style="list-style-type: none"> <li>• Meets the need from staff for more flexibility.</li> <li>• Good for health and wellbeing of staff</li> <li>• Supports the creation of a workforce that reflects the communities we serve at all levels in the organisation.</li> <li>• Creates an agile organisation.</li> <li>• Reduces our carbon footprint.</li> <li>• Meets the needs of customers, organisation, and staff.</li> <li>• We can maximise our CAB estate, realising income and/or savings from vacated buildings.</li> <li>• Helps to meet the MTFP requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Requires initial investment.</li> <li>• Requires a mindset shift for all staff.</li> <li>• Requires a cultural shift in employee working arrangements and management practices, that take time to embed</li> </ul>

- 4.1 Options have been considered for the disposal methodology for this asset, including the transfer of the asset into a wholly owned subsidiary of the council, Propco. Whilst the chosen route is considered to be the best in order to maximise both the prospect of a sale completion, receipt realisation and to demonstrate best consideration, work will continue in parallel with the identified route on developing the option of placing the asset into Propco in order to allow more time for the City Council to undertake planning and other work that would add value to the eventual sale. A decision on which route to take would not need to be taken until summer 2021.
- 4.2 The sale of this asset will form part of a focussed disposal programme of land and property sales, which will promote private investment into the city region.

- 4.3 While we remain in lockdown, and subject to the governments tests and critical milestones, the advice to all staff is where you can, you should continue to work from home. The Council may open some buildings from the 1<sup>st</sup> June in a covid secure manner, much as we did last year, and from the 1<sup>st</sup> August, fully open some CAB buildings. It is clear however that the re-opening of our CAB buildings will need to be done in a planned and managed fashion in line with public health and government guidance. It is likely that working from home for those who can will remain a significant part of staff working arrangements for 2021-22

## 5 Consultation

- 5.1 The Leader, Deputy Leader, Cabinet Member for Finance and Resources, and both Ward Councillors for Ladywood have been consulted (including the Chair of O&S) and are happy with the approach set out in this report.
- 5.2 We have consulted with the Ward Councillor for Newtown and are awaiting their feedback.
- 5.3 The Programme is actively engaged with the Trade Unions and will continue to consult with them throughout the programme.
- 5.3 Birmingham Children's Trust has been consulted and the Programme is actively engaged with them to co-design our approach and to co-design workspaces.
- 5.4 The Programme will engage with staff, team, and managers to co-design the shape, process, and agile workspaces as we recognise that one size does not fit all.
- 5.5 BMT have been consulted and welcome the opportunity to be part of a wider review of the future of the Council House Complex.
- 5.6 Staff were consulted through the January 2021 Health and Well Being survey where 81% of 2350 respondents stated that they either 'Enjoy working from home (43%)' or 'Prefer to work flexibly (38%).'

## 6 Risk Management

- 6.1 The New Ways of Working key risks are:

Main Risk	Mitigation
<b>DESIGN</b>	
That design will not be suitable for all services or individuals	Take a tailored approach to services and staff, shaping the proposition for each service / directorate based on their needs
<b>IMPLEMENTATION</b>	
Directorates do not embrace NWoW impacting service effectiveness	Support from Cabinet and Council Leadership Team in removing barriers and active support
Maintaining team cohesion and staff motivation	Manager training on how to successfully manage remote teams – including how to motivate and develop them

Ability to manage staff performance & motivation	Manager training on how to manage by outcomes build trust and staff empowerment
Change management overload – staff overwhelmed by amount of change	A cross organisation change management function that monitors and manages the pace of change
That optimism bias will lead to overstating the organisation's ability to effect timely and lasting behavioural change	Ensure change element is designed, approved, and delivered, starting with a baseline and monitoring change acceptance / compliance against that baseline. Focus on managers to ensure their understanding and support.

## **7 Compliance Issues:**

### **7.1 Legal Implications**

7.1.1 The Property Strategy, which was approved by Cabinet on 13th November 2018 , is aligned with the strategic outcomes outlined in the Council Plan 2018 -2022 to create a city of growth where every child, citizen, and place matters; an entrepreneurial city to learn in; a great city to grow up in; a fulfilling city to age well in; a great city to live in; and for residents to gain maximum benefit from hosting the Commonwealth Games.

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

7.1.2 The Property Strategy takes a medium to long term strategic approach to how we utilise our unique asset base and will ensure a balanced delivery of maximised commercial and social returns. Re-aligning the Council's property will provide a catalyst for development and underpin the social fabric of communities across the city.

7.1.3 The power to hold, appropriate and dispose of land is contained in Sections 120-123 of the Local Government Act 1972.

7.1.4 Section 1 of the Localism Act 2011 contains the Council's general power of competence and Section 111 of the Local Government Act 1972 contains the Council's ancillary financial and expenditure powers in relation to the discharge of its functions including the disposal and acquisition of property.

### **7.2 Financial Implications**

#### **7.1.1 Capital**

The cost of progressing the design to support the Enhanced Business Case has already been agreed by Cabinet. The Enhanced Business Case will also include the costs and timelines of de-commissioning Lancaster Circus and The Council House Extension (Margaret Street) and relocating essential IT such as the POPs site and relocating key services such as UTC and the CCTV control centre. The enhanced

Business Case will also include the cost of turning the CAB sites that we retain into agile workspaces; it is intended to present this to Cabinet in June 2021.

#### **7.2.2. Revenue**

The closure and vacation of 1 Lancaster Circus will yield estimated revenue budget savings of £1.4m which will contribute to the delivery of revenue savings built into the Council MTFP through CAB portfolio rationalisation estimated at £2.3m with effect from FY22/23. The final financial implications will be confirmed through future decision reports as the programme progresses, in line with the Council Gateway and Financial Approval Framework.

### **7.2 Procurement Implications**

7.2.1 There are no Procurement implications for this report.

### **7.3 Human Resources Implications (if required)**

7.3.1 There are no direct HR implications when disposing of a BCC property, however, where this results in a change in employee work location, there will be consultation, in line with the mobility clause in the BCC contract of employment. The potential for redundancies within support services such as Cleaning, Civic Catering and Security will be reviewed and developed during the course of project roll out.

### **7.4 Public Sector Equality Duty**

7.4.1 The initial equality assessment screening is underway. A full assessment will be carried out as part of the Enhanced Business Case development work.

## **8 List of appendices accompanying this report:**

8.1 Appendix 1 – Site Plan, 1 Lancaster Circus

8.2 Appendix 2 – Consultation summary

## **9 Background Documents**

Report to Cabinet dated 19th January 2021 – “Investing in our Future - What Birmingham City Council needs to do next: 2021 to 2026”

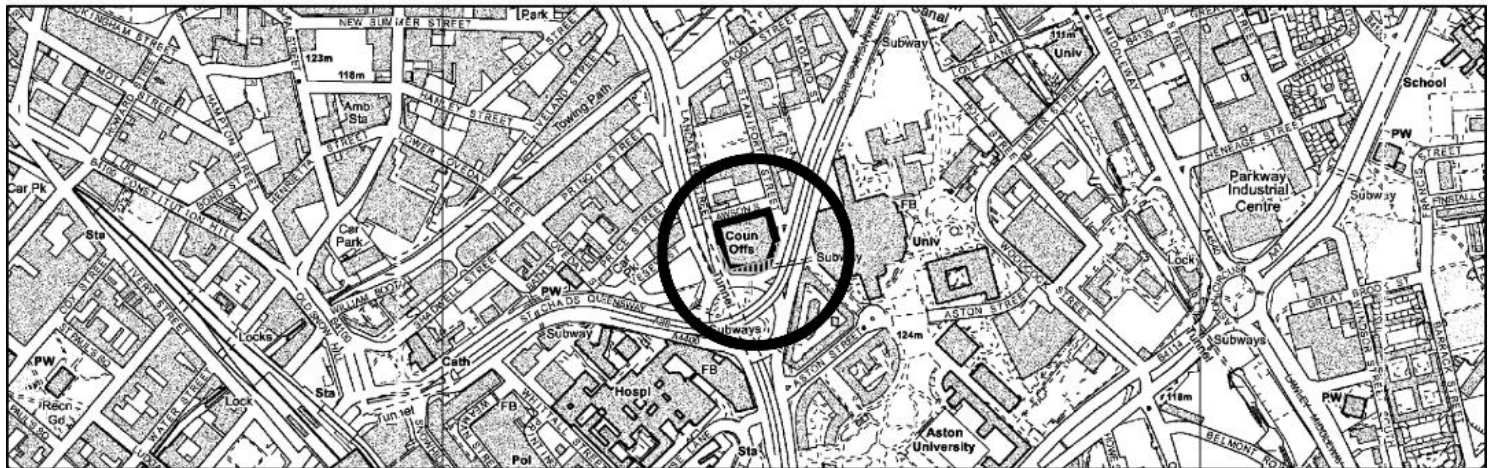
Report to Cabinet dated 13th October 2020 – “Council House Complex - Electrical Upgrade and Refurbishment Works”



Report to Cabinet dated 13<sup>th</sup> November 2018 – “Property Strategy 2018/19-2023/24 including first phase projects”

Health & Wellbeing Survey January 2021







 <b>Birmingham</b> City Council		Kathryn James Assistant Director Property Inclusive Growth Directorate 10 Woodcock Street Birmingham B7 4BG		
<b>1 Lancaster Circus Newtown</b>		Scale (Main Map)	Drawn	Date
		1:1,250	MI	22/01/2021
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## Appendix 2: Ward Member Consultation New Ways of Working

SUBJECT	WARD	CONSULTATION	COUNCILLOR RESPONSE	RESPONSE
New Ways of Working	Ladywood	Email dated 19/03/21 requesting comments by 26/03/21 (extended to 01/04/21)	<b>Cllr Sir Albert Bore</b> – no comments received	N/A
New Ways of Working	Ladywood	Email dated 19/03/21 requesting comments by 26/03/21 (extended to 01/04/21)	<b>Cllr Kath Hartley</b> – no comments received	N/A
New Ways of Working	Newtown	Email dated 19/03/21 requesting comments by 26/03/21 (extended to 01/04/21)	<b>Cllr Ziaul Islam</b> – email 30/03/21 – “I have read your email & support New Ways of Working. Thanks”	Email dated 30/03/21 - “Many thanks for your response; I will include your reply in the consultation summary appended to the report”



# Birmingham City Council

## Report to Cabinet

20 April 2021



**Subject:** INVESTING IN OUR FUTURE - ENABLING STRUCTURES

**Report of:** Professor Graeme Betts  
Acting Chief Executive

**Relevant Cabinet Member:** Cllr Tristan Chatfield - Finance & Resources

**Relevant O &S Chair(s):** Cllr Sir Albert Bore - Resources

**Report author:** Craig Scriven  
Assistant Director - HR & Org. Development  
Email: [Craig.Scriven@birmingham.gov.uk](mailto:Craig.Scriven@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: 008722/2021		
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 Cabinet decision to progress the proposals set out in the 'Investing in our Future' report of 19 January 2021, included support for a new operating model.
- 1.2 This new model incorporated best in class service delivery functions delivered on an in-house basis, designed from first principles to deliver the Council's key objectives - managing from crisis to prevention, growth and climate change, and customer oriented and relentlessly reliable universal services. It also included a new Council Core to set direction and purpose, join up and then hold delivery

departments and the wider system to account, as well as providing world class support and governance services.

- 1.3 As well as changes to the leadership structure and governance arrangements the latter aspect of the proposals also included changes to help create important elements of the Council Core and enable a more fit for purpose Council. These proposals incorporated a number of key changes to the Council's back office functions, including the creation of a new Council Management function that will bring together all the enabling functions including finance, digital and technology, legal and human resources and enhanced resources to support the Chief Executive in delivering the breadth of change required across the Council.
- 1.4 This paper sets out the detail behind two important new services identified in the 'Investing in our Future' proposals that form part of this reconfigured set of enabling functions and proposes the establishment and funding of these functions in the new structure.
  - 1.4.1 The first of these is the creation of a Corporate Programme Management Office to create, implement and oversee the governance, reporting, escalation and project management that is necessary for the Council to be assured and have confidence that major change programmes are delivered as intended, to budget and on time.
  - 1.4.2 The second is the creation of the Chief Executive's Delivery Unit to increase the breadth of the Chief Executive's contribution on behalf of Members. In particular this function would immediately address business critical issues identified by the Chief Executive, Cabinet and Members through the deployment of a small special projects team to deep dive into service or organisational issues. The function would also manage an enhanced National Graduate Programme on behalf of the Chief Executive.

## **2 Recommendations**

- 2.1 To agree the establishment and base funding of a Corporate Programme Management Office to oversee the implementation of major programmes of change across the Council.
- 2.2 To agree the establishment and base funding of the Chief Executive's Delivery Unit to support the Chief Executive in critical business investigations and in managing an enhanced National Graduate Development Programme.
- 2.3 To agree to the release of £1.092m from the Delivery Plan Reserve to fund the forecast 2021/22 costs and to reflect the full year costs of £1.458m in the Medium-Term Financial Plan from 2022/23.

## **3 Background**

- 3.1 Cabinet approved a direction of travel towards a new operating model and organisational structure when it discussed the proposed organisational changes set

out in the Investing in our Future report on 19 January 2021. The paper set out a proposed direction of travel for the leadership, design and organisation of Birmingham City Council so that it can fulfil the Council's ambition at this time of both hope and challenge. The paper indicated that, in order to reap the benefits of these opportunities, certain parts of the organisation would need to change in the short and medium term.

- 3.2 Part of this change included ensuring that the Council's core corporate services are able to support change and deliver improvement and do so in a way that is both assured and consistent. If we say we are going to make a change, we need to know that we can deliver. The key structural change in this respect, and as agreed by JNC Committee, is the creation of a Council Management function led by the Director of Council Management. This function has overall responsibility for all of the Council's back office and support services and platforms, performance improvement, programme delivery, performance and financial management, assurance and governance arrangements.
- 3.3 An integral part of this structure and the underlying model of governance and assurance is the creation of a fit for purpose Corporate Programme Management Office (CPMO) so that the Council can be assured and have confidence that major change projects deliver as intended, to budget and on time. The purpose of the CPMO is to support the establishment, resourcing, delivery, assurance, monitoring and reporting of programmes that will deliver the Council's Corporate Delivery Plan and wider priority programmes.
- 3.4 The CPMO will have a more proactive role rather than traditional administration only functions. It will act as the single source of truth for all programmes governed at the Corporate Delivery Oversight Group and Corporate Delivery Board, providing executive and Member visibility of programmes and projects and the associated benefits through robust and transparent monitoring and reporting practices.
- 3.5 The function will maintain oversight of the delivery portfolio of programmes within the Council, assessing pressures on resourcing (making recommendations for change where appropriate) and provide capacity, subject matter expertise, challenge and skills transfer as appropriate. The CPMO will ensure the Council realises benefits from its portfolio of programmes through programme and project governance and benefits management and tracking, ensuring compliance and supporting effective control with a focus on delivering tangible outcomes.
- 3.6 The CPMO will develop, implement and apply a common set of practices, principles and templates for managing programmes and projects ensuring compliance with agreed governance and regular monitoring and reporting – tracking the status of all programmes and projects governed under the scrutiny of Cabinet and Members through the Corporate Delivery Oversight Group and the executive Corporate Delivery Board.
- 3.7 The Chief Executive's Delivery Unit (CEDU) will play a key role in ensuring that the Chief Executive is focused on the right things and is fully briefed on the detail of



business critical issues in the organisation that are of importance to Members, citizens and that underpin the effective management of the Council's services. In addition to the Head of CEDU providing greater bandwidth to the Chief Executive by operating with their mandate in specific forums and in certain circumstances, the function will also increase the breadth of the Chief Executive's contribution.

- 3.8 In particular, the function will immediately address business critical issues identified by the Chief Executive, Cabinet and Members through the deployment of a small special projects team to deep dive into service or organisational issues. The team will act in discovery mode for the Chief Executive or in task and finish mode to provide immediate fixes or proposals on the Chief Executive's behalf. The work of the team may then be passed back into BAU delivery or escalated further to a more complete service review or transformational programme.
- 3.9 The function will also manage an enhanced version of the BCC graduate programme as part of the National Graduate Development Programme for local authorities. This enhanced programme will increase the number of high-quality local graduates entering the Council on a structured national programme of development and learning, rotating through a series of placements across the council in a variety of services and functions.
- 3.10 The enhanced programme will complement other local graduate arrangements and the Council's wider education offering and will be overseen by the Chief Executive in order to ensure that there is a council-wide view of development and that placements and development objectives are fully met. The recruitment process for the programme will also be managed to ensure that the programme meets the Council's objectives to create a workforce that reflects the local community.

#### **4 Options considered and Recommended Proposal**

- 4.1 The approach outlined in this paper is the recommended option in line with the Investing in our Future proposals in order to address the Councils and city's challenges and to take advantage of the opportunities to improve the lives of our residents.
- 4.2 Not creating these functions as part of the new Corporate Core, or not resourcing them sufficiently, risks continuing with status quo that does not provide the mechanisms for leadership to identify and address business critical issues quickly and effectively, nor does it provide appropriate grip on programme and project governance and assurance. The consequence of both, being the rapid escalation of issues to a point of criticality and of programmes and projects either not delivering on budget and on time or not at all. In many cases the early intervention of these teams and the assurance that they will provide will mitigate against the need for consultancy and professional service firms' intervention. As is currently the case when issues escalate and/or programmes do not deliver.



## 5 Consultation

- 5.1 Consultation and engagement on the creation of these new functions will be managed as part of the implementation, ensuring that all relevant stakeholders including trade unions and staff are fully involved.

## 6 Risk Management

- 6.1 The Council has an established approach to risk management which is set out in the Strategic Risk Register. Strategic and operational risks will be reviewed in light of this report.

## 7 Compliance Issues:

- 7.1 The plans detailed within this paper are in line with the implementation of the Cabinet report of 19 January (Investing in our Future) and the next phase to Birmingham City Council's Delivery Plan to 2022 agreed by Cabinet in November 2020.

### 7.2 Legal Implications

- 7.2.1 The plans detailed within this paper will ensure that all service provision is delivered in accordance with the relevant statutory framework and the associated statutory guidance.
- 7.2.2 Legal advice on any employment issues and any other governance issues that may arise will be provided on an ongoing basis to the JNC panel and others.

### 7.3 Financial Implications

- 7.3.1 The Corporate Programme Management Office structure will include a team of programme and project management professionals at an annualised cost of £708k. Given that the team will only be fully formed for the second quarter, the part year cost for 2021/22 will be £531k. This will be the base employee budget for the team, albeit that it is unlikely that this will fall wholly as an ongoing General Fund cost, given that the programmes may result in the function's costs being capitalised or otherwise attributed to non-General Fund budgets (HRA, DSG etc). The grade and cost structure are shown below:

Grade 7 x 1	£96,834
Grade 6 x 3	£220,290
Grade 5 x 6	£345,912
Grade 4 x 1	£44,984
<b>Total</b>	<b>£708,020</b>

- 7.3.2 The Chief Executive's Delivery Unit project team equate to an annualised cost of £350k. As above, given that the team will only be fully formed for the

second quarter, the part year cost for 2021/22 will be £262k. It is also possible that some of these costs may be charged to non-General Fund budgets depending on the projects undertaken.

7.3.3 Assuming the recruitment of a cohort of ten local graduates under the National Graduate Development Programme, the programme will cost £400k p.a., with the part year cost for 2021/22 being £299k, for the same reasons as above.

7.3.4 The grade and cost structure are shown below

Grade 7 x 1	£96,834
Grade 6 x 3	£73,430
Grade 5 x 1	£57,652
Grade 4 x 4	£179,936
Grade 3 x 10	£342,420
<b>Total</b>	<b>£750,272</b>

7.3.5 The part year costs for 2021/22, estimated to be £1.092m will be required to be funded from the Delivery Plan Reserve. The full year ongoing costs of £1.458m will be built into the refreshed Medium-Term Financial Plan from 2022/23.

## 7.4 Human Resources Implications

7.4.1 The functions set out in the report are new structures that will create opportunities for Council staff to progress and develop. Where new capability is required that does not currently exist within the Council external recruitment will take place.

7.4.2 As set out above, the enhanced graduate programme will be an important element in developing a workforce that reflects the community. The Council will appoint high quality, high potential local graduates who will help ensure the long-term succession planning of the Council.

7.4.3 It is proposed to affect a line-management change for the Strategic Planning and PMO Manager (and therefore all who account to this post) from the Head of Business Improvement and Change to the Assistant Director Service Finance.

7.4.4 The 'new' resource identified in this Cabinet paper should be used to quickly fill vacancies on the existing PMO structure to give the capacity needed.

7.4.5 The Council should step up strategic external advisory support utilising the CEO transformation fund and ring-fence the existing budget and head-count in Business Improvement and Change for the formation of the Equality Observatory cited in the Cabinet Investing in the Future report.

- 7.4.6 Consultation with the relevant Head of Service in BI&C and Programme / Change Manager should be undertaken prior to implementation.

## **7.5 Public Sector Equality Duty**

- 7.5.1 The consultation process and associated steps as identified within this report accord with the Council's legal duty to further its Public Sector Equality Duty. This duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Please note the obligation on the Council to comply with the Public Sector Equality Duty is set out within the Equality Act [2010].
- 7.5.2 A full equality impact assessment under the Equality Act 2010 will be completed that considers the impact on all protected characteristics including all staff and service users who are part of the protected characteristics cohort.

## **8 Appendices**

- 8.1 None

## **9 Background Documents**

- 9.1 Cabinet Report of 19 January 2021 (Investing in our Future)



## Reports not on the Forward Plan

**Birmingham City Council**

20 April 2021



**Subject:** DELIVERY PLAN RESERVE

**Report of:** Rebecca Hellard, Chief Finance Officer (S151 Officer)

**Report author:** Alan Layton, Interim Head of Financial Planning

**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>	<p>This matter was not included in the Forward Plan because the it has only recently become clear that Delivery Plan timescales have slipped which leads to the need to take key enabling decisions.</p> <p>The key decision is relating to a drawdown of £5m from the Delivery Plan Reserve, with allocations delegated to the Chief Executive in consultation with the Leader and Chief Finance Officer. This reserve decision must be taken by Cabinet under the Constitution. It is impracticable to defer the decision due to need to commit to project expenditure to enable Delivery Plan business cases to be produced by the revised June 2021 deadline.</p>
<i>Date Chief Executive Agreement obtained:</i>	<b>26 March 2021</b>
<i>Name, Date and any comments of O&amp;S Chair agreement obtained:</i>	<b>Councillor Albert Bore, 29 March 2021</b>



# Birmingham City Council

## Report to Cabinet

20 April 2021



**Subject:** DELIVERY PLAN RESERVE

**Report of:** Rebecca Hellard,  
Interim Chief Finance Officer

**Relevant Cabinet Member:** Cllr Tristan Chatfield - Finance and Resources

**Relevant O & S Chair(s):** Cllr Sir Albert Bore - Resources

**Report author:** Alan Layton,  
Interim Head of Financial Planning  
[Alan.Layton@birmingham.gov.uk](mailto:Alan.Layton@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:		
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 City Council's Delivery Plan for 2020-2022 has set in train a significant programme of work and this investment is planned to be funded from the Delivery Plan Reserve.
- 1.2 This paper sets out a proposal to release the £5m from the Delivery Plan Reserve to enable the swift funding of key work to avoid delay.

## **2 Recommendations**

- 2.1 To agree the release of £5m from the Delivery Plan Reserve to a corporate budget and that allocations from this budget are delegated to the Chief Executive in consultation with the Leader of the Council, the Cabinet Member for Finance and Resources, the Chief Finance Officer and the City Solicitor.

## **3 Background**

- 3.1 The Birmingham City Council Delivery Plan for 2020-2022 sets out a work programme for the next 18 months, with a continued focus on the six priority outcomes for Birmingham:
- An entrepreneurial city to learn, work and invest in
  - An aspirational city to grow up in
  - A fulfilling city to age well in
  - A great city to live in
  - A city whose residents gain the most from hosting the 2022 Commonwealth Games
  - A city that takes a leading role in tackling climate change
- 3.2 There are three priority areas in the Delivery Plan which are fundamental to tackling the critical challenges of creating a more equal and inclusive city whilst managing demand on council services to a more affordable level. These areas need to be shaped now and continue to develop beyond 2022.
- Area 1 – Shifting our focus from crisis to prevention
  - Area 2 – Increasing the pace and scale of growth, for those that need it the most, working while delivering our climate change objectives
  - Area 3 – Delivering new ways of working
- 3.3 A Delivery Plan Reserve (DPR) has been established in 2020 to enable the necessary investment required by the three priority areas. The balance on the reserve at 1 April 2021 is forecast to be £60.4m.
- 3.4 Delivery Plan business cases are now expected in June 2021, instead of March 2021. They will be reported to Cabinet together with their investment requests from the Delivery Plan Reserve. There is an urgent need to facilitate enabling expenditure to support the finalisation of these business cases. The budget for Delivery Plan programme management in 2020/21 was £4m. The 2021/22 budget contains a further £1.25m for programme management. To date that expenditure has been on external consultancy and specialist support. The 2021/22 budget was predicated on business cases being completed in March 2021 with only the need



for some residual consultancy support in 2021/22. Additional resources will be now needed to continue the programme management and enabling work through to conclusion in June 2021.

- 3.5 The proposal in this report is for Cabinet to release £5m held in the Delivery Plan Reserve into a corporate budget and delegate allocations from this budget to the Chief Executive in consultation with the Leader of the Council, the Cabinet Member for Finance and Resources the Chief Finance Officer and the City Solicitor.
- 3.6 The Corporate Programme Management Officer will oversee allocations, keep proper records and report to the Leader of the Council, the Cabinet Member for Finance and Resources, the Chief Finance Officer and the City Solicitor on the allocations made alongside progress with the programme.

#### **4 Options considered and Recommended Proposal**

- 4.1 The approach outlined in this paper is the recommended option to enable the swift progressing of Delivery Plan business cases.
- 4.2 An alternative would be to make regular requests of Cabinet to release funding based on individual requests. However, this is could lead to delays in funding decisions, would be impractical and would likely lead to some non-delivery of business cases for the June deadline.

#### **5 Consultation**

- 5.1 Consultation has not been necessary on this proposal.

#### **6 Risk Management**

- 6.1 The Council has an established approach to risk management which is set out in the Strategic Risk Register. The approach recommended in this report is intended to mitigate risks around timely progress of the Delivery Plan business cases.

#### **7 Compliance Issues:**

- 7.1 The plans detailed within this paper are in line with the Financial Plan 2021-2025 agreed by the City Council on 23 February 2021.

##### **7.2 Legal Implications**

- 7.2.1 The spend of the delegated £5m must be in accordance with the decision-making processes as set out in the Council's constitution. It is advisable that the City Solicitor is consulted alongside the Chief Finance Officer.

##### **7.3 Financial Implications**

- 7.3.1 The financial implications are set out in the report. The recommendation is in line with the purpose of the Delivery Plan Reserve set out in the Financial Plan 2021-2025.

7.3.2 Corporate Programme Management Office proposal elsewhere on the Cabinet agenda is intended to provide proper governance and control of the programme and to ensure value for money in the use of these resources.

#### **7.4 Human Resources Implications**

7.4.1 There are no direct human resource implications in this proposal.

#### **7.5 Public Sector Equality Duty**

7.5.1 Full equality impact assessments under the Equality Act 2010 will be completed for any Delivery Plan proposals that require it. This duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Please note the obligation on the Council to comply with the Public Sector Equality Duty is set out within the Equality Act [2010].

### **8 Appendices**

8.1 None

### **9 Background Documents**

9.1 Financial Plan 2021-2025 City Council 23 February 2021

# Birmingham City Council Report to Cabinet

20 April 2021



**Subject:** **GREATER BIRMINGHAM & SOLIHULL LOCAL ENTERPRISE PARTNERSHIP (LEP) ACCOUNTABLE BODY ARRANGEMENTS**

**Report of:** **Rebecca Hellard**  
**Interim Chief Finance Officer**

**Relevant Cabinet Member:** **Cllr Tristan Chatfield - Finance and Resources**

**Relevant O & S Chair(s):** **Cllr Sir Albert Bore - Resources**

**Report author:** **Alison Jarrett**  
**Assistant Director, Development & Commercial**  
**Email Address:** [alison.jarrett@birmingham.gov.uk](mailto:alison.jarrett@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: 008713/2021		
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 Greater Birmingham and Solihull Local Enterprise Partnership Limited (GBSLEP) was established in 2010 as a partnership of business, public sector and further and higher education leaders. The area covered spans nine local authorities: Birmingham, Solihull, East Staffordshire, Cannock Chase, Lichfield, Tamworth, Redditch, Bromsgrove and Wyre Forest.
- 1.2 Whilst operating as a private company limited by guarantee, GBSLEP is able to manage its own operational and revenue funding. Much of its capital funding however is received in

the form of grants awards from government and is applied with terms and conditions that require a local authority to act as Accountable Body. This report seeks to extend that role with respect to the Local Growth Fund which expired on the 31<sup>st</sup> March 2021 but for which an extension has been granted by BEIS, and to put in place delegation for accountable body approvals of GBSLEP fund receipts to the Chief Finance Officer (CFO) in consultation with the Cabinet Member for Finance and Resources.

## **2 Recommendations**

- 2.1 Approves the extension of the Accountable Body (AB) role provided by Birmingham City Council to the GBSLEP for the remaining duration of the Local Growth Fund (LGF).
- 2.2 Delegates authority to the Chief Finance Officer in consultation with the Cabinet Member for Finance and Resources, to extend or vary the AB role over existing and future GBSLEP government funding awards.
- 2.3 Approves the retention of the AB status over revenue grant allocations received during 2020/21.
- 2.4 Notes that the City will recover its costs of AB role where the funding source allows for such a recovery through either a direct charge for services or through a service level agreement (SLA).
- 2.5 Authorises the City Solicitor to finalise, execute and complete all relevant legal documentation to give effect to the above recommendations.

## **3 Background**

- 3.1 On 8<sup>th</sup> December 2014 Cabinet approved the decision for Birmingham City Council to act as the Accountable Body for funding received by the GBSLEP through the Growth Deal. Further to this, on 22 March 2016, Cabinet approved the decision for the City Council to continue acting as the Accountable Body on behalf of the GBSLEP for funding received as part of the Growth Deal and the Growth Deal Expansion for the delivery of projects between 2016/17 and 2020/21.
- 3.2 The Grant Offer Letter states that the funding will be deployed solely in accordance with the decisions made through the locally agreed assurance framework agreed between GBSLEP and BCC in its Accountable Body role.
- 3.3 As Accountable Body, BCC is responsible for holding the funding received and for ensuring that funding is discharged in accordance with Government requirements, financial regulations and the decisions of the GBSLEP. The funds are accounted for separately to the funds of BCC. There is an Accountable Body Agreement between the GBSLEP and BCC and this sets out in detail the role of the both parties and certain designated officers, e.g. the s151 representative.
- 3.4 The profile of annual BEIS awards and actual project expenditure is summarised in Table 1.

LGF Award	15-16-17 £m	17-18 £m	18-19 £m	19-20 £m	20-21 £m	Total £m
	£96.489	£25.699	£19.303	£12.716	£31.847	£186.055
LGF Outturn	Financial Year					Total £m
	15-16-17 £m	17-18 £m	18-19 £m	19-20 £m	20-21 £m	
<b>Actual /Forecast</b>	£62.599	£23.229	£24.239	£22.671	£53.317	<b>£186.055</b>
<b>Progress towards Award</b>	65%	90%	126%	178%	167%	<b>100%</b>

- 3.5 Over the five years to March 2020, the programme achieved an outturn of £132.73m, with £53.32m remaining to be defrayed in 2020-21. Part of the pressure on the final year for the Growth Fund has been due to £21.85m of funds allocated to the A457 Dudley Road. The Department for Transport (DfT) was notified in July 2020 of the decision to accept £21.85m of Growth Deal funding previously allocated by DfT to the A457 Dudley Road scheme, back into the Local Growth Fund. The grant agreement to formally accept the funding by BCC as the LEP's Accountable Body was signed and the funding was paid to BCC on 3 September. The funding has the same conditions as the LGF programme and therefore had to be expended in full by 31 March 2021.
- 3.6 Within a very short time span these funds were reallocated in order to avoid the potential loss of resources for the region. Due to the tight timescales to approve, contract and expend the £21.851m grant in full by 31 March 2021, discussions took place with BEIS to request that up to £3.556m could be carried over to 30 June 2021 to mitigate any risks of projects not being able to draw down their grant claims in full by 31 March 2021. Until such approvals were in place, contingency plans were made to manage the grant claims past the 31<sup>st</sup> March LGF deadline using other GBSLEP funds held by BCC under the freedoms and flexibilities allowed within them.
- 3.7 Formal approval to a carry forward was received from BEIS on 24 February 2021. On 25<sup>th</sup> March, the GBSLEP Board approved a paper requesting the council to continue in its Accountable Body role over the LGF carry forward and to extend their AB role to all new funds for 2021/22. New funds received will follow standard BCC governance processes for approval of AB status.
- 3.8 On 14<sup>th</sup> May 2019, Cabinet agreed to the transfer of the Greater Birmingham & Solihull Local Enterprise Partnership (GBSLEP) to GBSLEP Limited (as a private limited company limited by guarantee) including existing staff and revenue assets. Within this report a distinction was drawn between the capital funds that would remain with the council and for which BCC would provide an AB role, and revenue funds which would be transferred to GBSLEP Ltd but which the council would no longer retain a direct AB role over. The council has retained a s151 AB relationship however with the GBSLEP overall in terms of public spending.
- 3.9 Three new revenue grants were received during 2020/21: Supplementary Growth Hub Funding for Covid-19 response, £187.5k; EU Transition Business Readiness Growth Hub Grant Funding £203.6k; and the Peer Network Grant, £270k. As revenue funds, these are passed through to the GBSLEP and not retained within the BCC account. These funds do however require s151 Officer approval for all claims with the originating government departments and carry conditions for audit at their close. In this regard it is considered prudent to formally reinstate the AB role of the council over revenue funds where such a

role is required by the awarding party, particularly where, as in these cases, the funds are responding quickly to wider unforeseen economic conditions.

#### **4 Options considered and Recommended Proposal**

- 4.1 BCC could refuse to act as AB for the GBSLEP. This would result in an alternative local authority within the LEP geography being sought to act in this role. This may delay funding and would appear contrary to the aims of a strategic partnership.

##### **Recommended Proposal**

- 4.2 BCC continues to act as AB for the LGF, existing capital funds and all revenue funds passed through the council to the GBSLEP. Having the flexibility to manage the role across year end deadlines, covering carry forwards and extensions will improve the efficiency of the process without removing from cabinet the transparency over the acceptance of new material funds. This is the recommended option.

#### **5 Consultation**

- 5.1 Key stakeholders, GBSLEP and MHCLG are aware of the need to have an AB role in place and support this continuing to be BCC.
- 5.2 The Leader and Deputy Leader are members of the LEP Board and will be party to the request to the City to remain as AB over the sums in question.

#### **6 Risk Management**

- 6.1 GBSLEP AB Funds are managed in line with the Accountable Body Agreement between the council and GBSLEP, and in line with any prevailing instruction received as part of the award from the relevant government department. The total sums held are audited annually, and all claims and returns are checked within finance, and/or audited in line with funding requirements.

#### **7 Compliance Issues:**

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

- 7.1.1 Providing the AB role in support of the GBSLEP's role in the region will support the delivery of the Council Plan 2018-2022 (as updated in 2019) specifically:
- Outcome 1, Birmingham is an entrepreneurial City to learn, work and invest in.
  - Priority 2- we will strive to maximise the investment in the City and engage local employers to create quality jobs and opportunities for citizens, especially for those in the most deprived circumstances.

##### **7.2 Legal Implications**

- 7.2.1 Under Section 1 of the Localism Act 2011, the Council has the power to enter into the arrangements set out in this report, which are within the remit and limits of the general power of competence Section 2 and 4 of the Localism Act 2011.

7.2.2 Section 111 of the Local Government Act 1972 contains the Council's ancillary financial and expenditure powers in relation to the discharge of its functions.

### 7.3 **Financial Implications**

7.3.1 In holding sums as AB the council has a duty to implement robust governance processes and to ensure that any conditions of grant are applied to GBSLEP. This duty is discharged through the s151 role and the Accountable Body Agreement in place between GBSLEP and the council.

7.3.2 There are costs associated with being the AB, including accounting/auditing, managing, report clearance, document approval, attending meetings, s151 advisory etc. For the Finance service, these are met through an annual service level agreement charge with the GBSLEP. For 2020/21 this charge amounted to £95k. Other services, for example Legal Services invoice GBSLEP for services provided.

### 7.4 **Procurement Implications**

7.4.1 There are no direct procurement implications arising from this report.

### 7.5 **Human Resources Implications**

7.5.1 There are no direct HR implications arising from this report

### 7.6 **Public Sector Equality Duty**

7.6.1 There are no implications within this report pertaining to the Public Sector Equality Duty.

## 8 **List of Appendices**

None

## 9 **Background Documents**

None





# Birmingham City Council

## Report to Cabinet

20<sup>th</sup> April 2021



**Subject:** MAYFIELD SCHOOL CONVERSION FROM COMMUNITY SPECIAL SCHOOL TO ACADEMY STATUS

**Report of:** Andy Couldrick  
Interim Director of Education & Skills

**Relevant Cabinet Member:** Cllr Jayne Francis, Education, Skills & Culture

**Relevant O & S Chair(s):** Cllr Kath Scott, Education and Children's Social Care

**Report author:** Jaswinder Didially - Head of Education Infrastructure  
0121 675 0228  
[Jaswinder.Didially@birmingham.gov.uk](mailto:Jaswinder.Didially@birmingham.gov.uk)

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Lozells		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007494/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

### 1 Executive Summary

- 1.1 Academy conversions are commenced by Order of the Secretary of State; the resulting process requires the property occupied by the school, together with all relevant and associated rights, liabilities and staff, to be transferred to the Education Impact Academy Trust in accordance with the terms as set out in the CTA and the suite of conversion documents. In order to achieve this, the City

Council is required to grant a 125 years lease and also to complete a Commercial Transfer Agreement (CTA).

- 1.2 This report seeks approval for the execution and completion of the legal documentation associated with this arrangement, substantially in the form of standard template documents required by the Department for Education (DfE)
- 1.3 To ensure that Members are fully aware of known financial implications associated with the conversion of Mayfield School. Specifically, that under the current legislation the cumulative projected deficit falls on the Local Authority to fund.

## **2 Recommendations**

That Cabinet;

- 2.1 Notes that Mayfield School is proposing to convert to Academy status on or after 1<sup>st</sup> June 2021 and their sponsor will be the Education Impact Academy Trust.
- 2.2 Notes that at the point of conversion Mayfield School will have a deficit balance of circa £2 million due to the staffing structure and over reliance on agency staff. This will remain with the Local Authority at the point of conversion as outlined in the DfE Guidance entitled 'Treatment of surplus and deficit balances when maintained schools become Academies' (Appendix 4)
- 2.3 Notes that Mayfield School occupies two separate sites: Heathfield Road B19 1HJ; and Wheeler Street B19 2EP. The Wheeler Street site is subject to PFI (Private Finance Initiative) contract arrangements until 2036, and the site is shared with two other schools, Holte School and Lozells Junior and Infant School and Nursery and known as the HML site.
- 2.4 Notes that a Shared Use Agreement is in place on the site between Lozells, Holte and Mayfield Schools (HML), which identifies the areas of the site that are shared and who is responsible for them. This document will form a schedule to the Commercial Transfer Agreement. The Shared Use Agreement has been prepared by the Council and currently in negotiation. The Shared Use Agreement will be agreed and signed with Lozells, Holte and Mayfield Schools before the conversion.
- 2.5 Authorises the grant and completion of 2 leases (one for each site) for Mayfield School to the Education Impact Academy Trust for 125 years substantially in the form of the model lease produced by the DfE at a peppercorn rent. The school's sites are identifiable as shown on the accompanying redline plans (**see Appendix 1a, 1b, 1c, and 2**).
- 2.6 Authorises the completion of a School Agreement between the Council and the academy trust relating to the PFI arrangements (as per section 2.7 below) on the HML site, this document replaces the Governing Body Agreement of the community school, this will be substantially in the form of the model provided by the DfE.

- 2.7 Authorises the completion of a standard form Deed of Variation to the Project Agreement relating to the Phase 1a PFI Contract and Schedules. This document is prepared by the Council and formally recognises Mayfield school's Academy status (in name change only) and that Council remains the client in respect of the PFI Contract and schedules.
- 2.8 Authorises the completion of a Commercial Transfer Agreement (CTA) to the Education Impact Academy Trust relating to the transfer of staff under the Transfer of Undertakings (Protection of Employment) Regulations 2006 and assets to the Academy Trust.
- 2.9 Authorises the City Solicitor to negotiate, execute and complete all necessary documents, including the Deed of Variation to the Facilities Management Contract, Principal Agreement and the Shared Use Management Agreement, to give effect to the above recommendations.

### **3 Background**

- 3.1 The Academies Act 2010 empowered the Secretary of State for Education to create Academies through Academy Orders.
- 3.2 Mayfield School is a Community Special school. Following an Ofsted inspection in May 2018, the school was judged as 'Inadequate' and was subject to a Directive Academy Order in June 2018 with Education Impact Academy Trust (EIAT) identified as the sponsor. The school intends to convert on or after 1st June 2021.
- 3.3 EIAT has been working with the school since 2018 and has supported the leadership team and the members of the Interim Executive Board (IEB) to ensure effective action is being taken to provide education for all of the pupils in the current context. This support was recognised by OfSTED during their most recent visit on 10<sup>th</sup> February 2021

*"Effective support is being given by the MAT in the development of the new curriculum. This includes support to leaders in the development of literacy, reading and mathematics"*

- 3.4 The school occupies two sites and associated buildings. One of the sites is a PFI (Private Finance Initiative), which will require a School Agreement to be entered into with the Council, the PFI provider and the academy sponsor.
- 3.5 The land and assets occupied and used by the school are currently owned by the City Council. In order for the Academy to operate, a lease is to be granted to the Academy Trust substantially in the form prescribed by the DfE – this requires the lease to be for 125 years and at a peppercorn rent. Under the terms of the lease granted to an Academy, the Trust cannot transfer or assign the land or assets to anyone else (save for as is set out at 3.3 a) – c) (incl.) below). The Trust can only use the land for the provision of educational services and any community and recreational use ancillary to the school's educational use. The Trust can only share occupation with another entity providing ancillary services to the Trust and

can only sub-let part or parts (not the whole) of the property demised under the lease under sub-leases of up to a maximum term of 10 years. The lease can only be assigned to:

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

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

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

3.7 The statutory TUPE consultation process, which needs to take place prior to the proposed conversion date, is being managed and coordinated by the HR Team. Following the completion of the restructure process which is currently taking place at the school, the TUPE process and consultations will commence in late April - early May with all staff remaining in the new staffing structure and the unions.

#### **4 Options considered and Recommended Proposal**

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

#### **5 Consultation**

5.1 Ward Councillor for Lozells has been consulted and no comments received.

#### **6 Risk Management**

6.1 The Academy Order granted by the Secretary of State requires the Local Authority to assist with the conversion and then 'Cease to Maintain' the school. If the conversion is delayed beyond 1<sup>st</sup> June 2021 it would have a negative impact on the school budget resulting in the deficit increasing.

- 6.2 Weekly Meetings are held with all parties to keep them informed of progress to ensure that any concerns are picked up at the earliest opportunity and are resolved in a timely manner to keep the Academy conversion on track.

## **7 Compliance Issues:**

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

- 7.1.1 The Academies Conversion Programme is a Central Government Policy.

### **7.2 Legal Implications**

- 7.2.1 The Secretary of State for Education has issued the Academy Order under section 4 of the Academies Act 2010. Section 5B of that Act requires all concerned parties, including the local authority, to take all reasonable steps to facilitate the conversion of the school into an Academy.

- 7.2.2 Although the Director for Education & Skills has the delegated authority under the Council's constitution to authorise the grant of long leases, Commercial Transfer Agreements and other ancillary documentation relating to the changing status of maintained schools to Academies, the value of the estimated deficit balance at Mayfield School means that Cabinet must be the decision-maker for all matters relating to this school's conversion.

The Authority has powers under sections 120 – 123 of the Local Government Act 1972 to hold and dispose of land. Paragraph 20 of Schedule 1 to the Academies Act 2010 dis-applies the requirement in section 123(2) of the Local Government Act 1972 not to dispose of land for less than the best consideration that can reasonably be obtained. The leasehold interest can therefore be granted at a peppercorn rent. The arrangements relating to the school land are firstly a matter for agreement between the Council and the relevant Academy Trust but the Secretary of State has reserve powers to make a scheme relating to the school land under Part 1 of Schedule 1 to the Academies Act 2010.

- 7.2.3 The Transfer will be subject to TUPE Regulations and all employees currently working at Mayfield School will move to the Academy Trust on their current terms and conditions of employment as at the date of transfer. There is an obligation on both parties to enter into meaningful consultation concerning the transfer. Consultation will commence with the majority of employees in late April – early May. Furthermore, there is an obligation on the Council to provide up to date Employee Liability Information at least 28 days prior to the date of transfer.

### **7.3 Financial Implications**

- 7.3.1 At the point of conversion (1st June 2021) it is estimated that Mayfield School will have a deficit balance of circa £2 million as outlined in para. 2.3. The

Local Authority has worked with the school and the sponsor to stabilise the deficit position. Under the DfE guidance relating to directed Academy conversions, the City Council will need to fund this deficit. The final deficit amount to be funded will be confirmed after conversion has taken place, following the usual 3 months financial close down process. The deficit will be funded from the one-off budget in Education & Skills directorate set up for this purpose in the 2021/22 budget

7.3.2 The recommendations in this report will enable Mayfield School to lease land and buildings from the City Council at a peppercorn rent as required by the DfE. Resourcing for corporate legal costs and potentially external legal costs arising from this conversion and the wider Academy Conversion programme will be met from school contributions and earmarked resources within the Education Infrastructure Budget for the purposes of the Academy conversion process.

7.3.3 In accordance with the Academy Conversion Charging Policy schools pay a contribution towards the legal costs associated with the conversion of the school and owing to the nature and volume of work anticipated for this conversion, taking into account the requirement for 2 leases and the PFI elements, the contribution for Mayfield School, as a Community School is £18,000.

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

7.4.1 Not applicable

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

7.5.1 The Statutory TUPE consultation process is being undertaken by the Schools ER Team as outlined in 3.7.

#### **7.6 Public Sector Equality Duty**

7.6.1 The Academies Conversion Programme is a Central Government Policy. An initial Equality Analysis was undertaken in February 2014 (EA000046) and the outcome indicated that a Full Equality Analysis was not required. The Central Government Policy has not changed since the initial Equality Analysis and it has been decided that the recommendations in this report do not require a full equality impact assessment.

### **8 Appendices**

**Appendix 1a** - Redline Plan HML Wheeler Street Site

**Appendix 1b** - Ground Floor Plan HML Wheeler Street Site

**Appendix 1c** - First Floor Plan HML Wheeler Street Site

**Appendix 2** - Redline Plan - Heathfield Road Site

**Appendix 3** - Academy Order Mayfield School

**Appendix 4** - Treatment of surplus and deficit balances when maintained schools become Academies

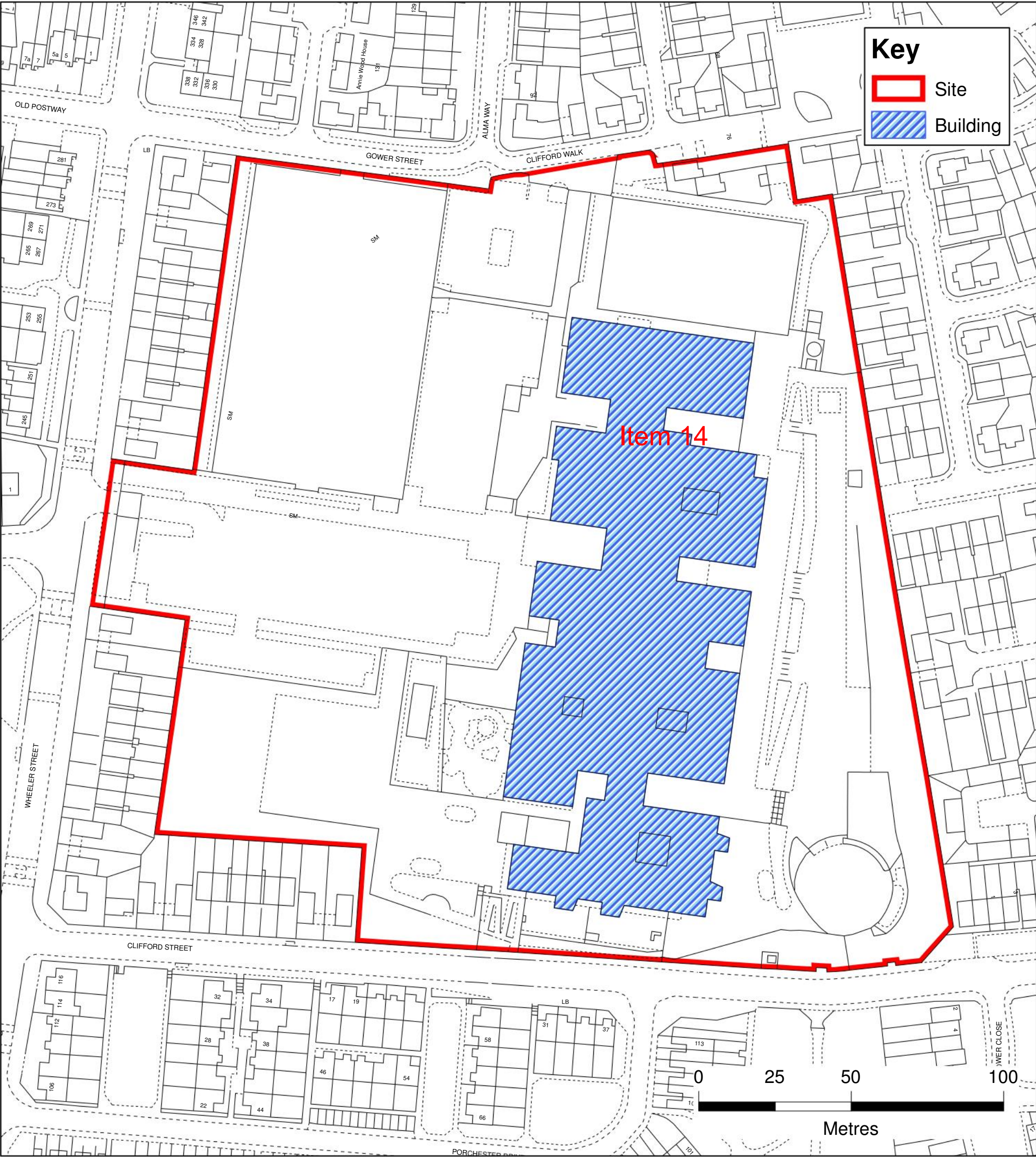
## **Appendix 5 - Environment and Sustainability Assessment**

### **9 Background Documents**



- 9.1 Relevant officer files.
- 9.2 Phase 1 A Project Agreement and associated documents relating to HML.







AREA EDGED RED	5.89	HECTARES APPROX.	14.56	ACRES APPROX.
AREA HATCHED BLUE	1.10	HECTARES APPROX.	2.73	ACRES APPROX.

 <b>Birmingham City Council</b>		Ian Macleod Interim Director Inclusive Growth 1 Lancaster Circus PO Box 14439 Birmingham, B2 2JE		
Holte, Lozells, Mayfield Schools Site Wheeler Street Lozells		SCALE	DRAWN	DATE
		1:1,250 @A3	Bharat Patel	10/02/2020
		O.S.Ref. SP0689E		





Legend

- Lozells
- Holte
- Mayfield
- HML Shared
- FM Areas/Rooms



LOCATION PLAN - SCALE 1:2500



GROUND FLOOR

Holte, Mayfield, Lozells Co-Location - (Ground Floor Plan)  
Wheeler Street  
Lozells

Area Edged Red
X Sq. Metres Approx.
X Sq. Yards Approx.

Scale: 1:500 (Main Plan @ A3)  
Date: 25/04/2013  
Drawn MI

Peter Jones BSc, MRICS  
Director of Property  
Birmingham Property Services  
PO Box 16255  
Birmingham B2 2WT

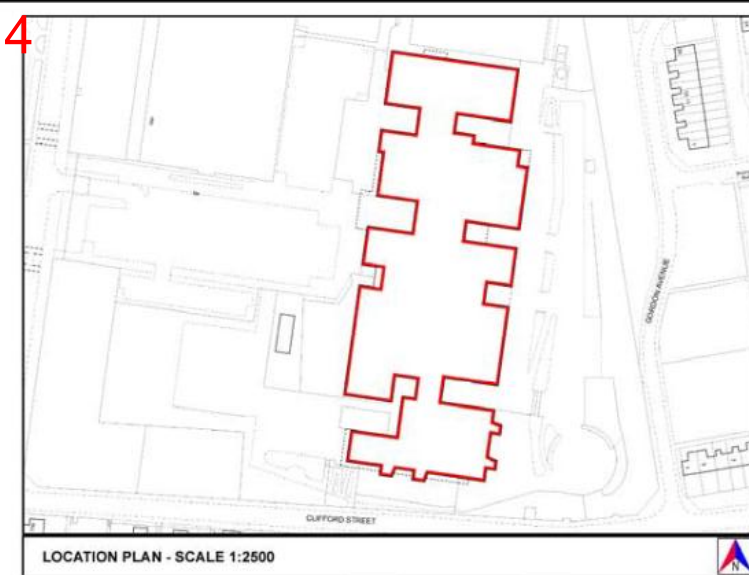


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## Legend

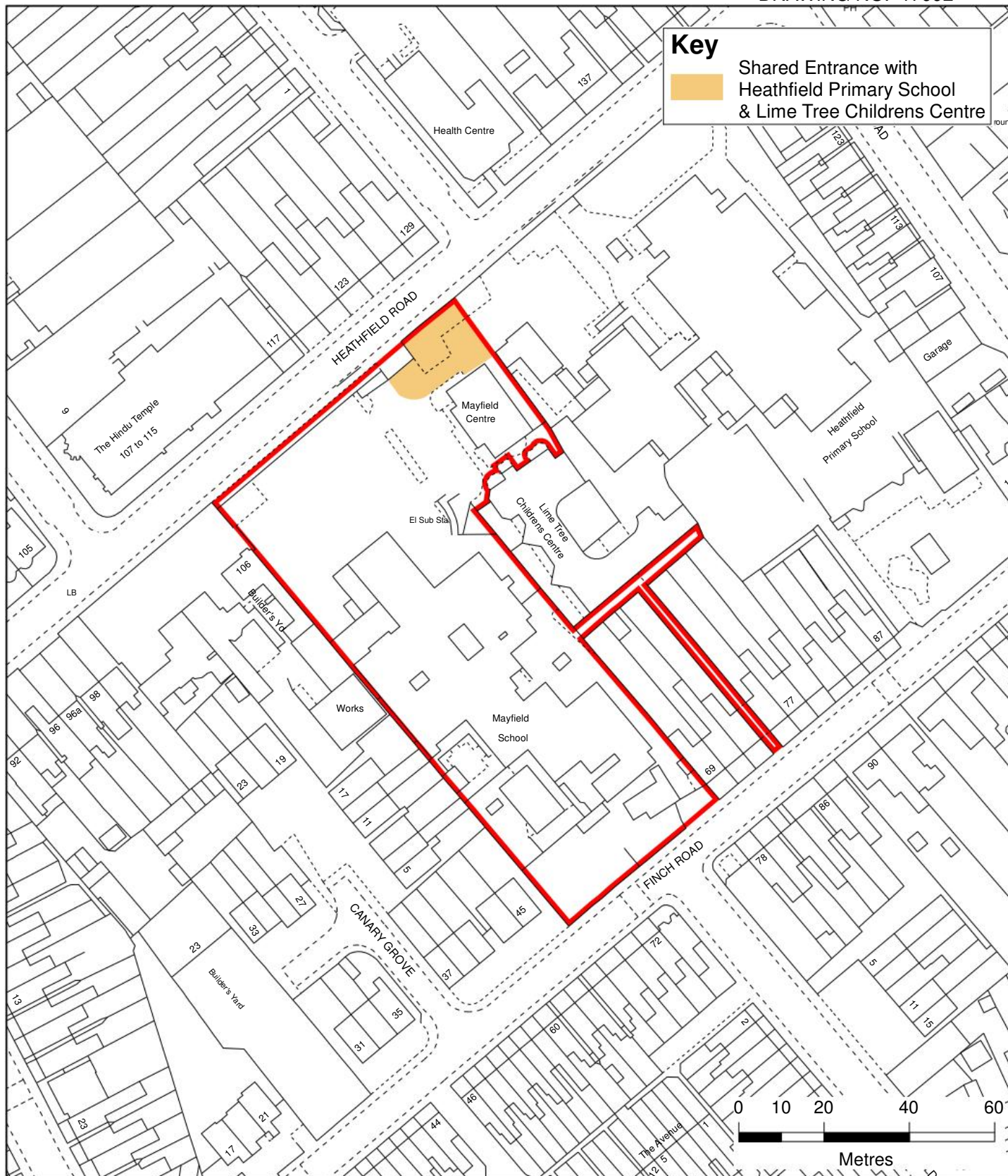
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-  Mayfield
-  HML Shared
-  FM Areas/Rooms



FIRST FLOOR







AREA EDGED RED      7377      SQ. METRES APPROX.      8823      SQ. YARDS APPROX.



**Birmingham**  
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Mayfield School  
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Lozells



SCALE	DRAWN	DATE
1:1,250	Bharat Patel	30/08/2019

O.S.Ref SP0689NW







**Rt Hon Damian Hinds MP**  
**Secretary of State**

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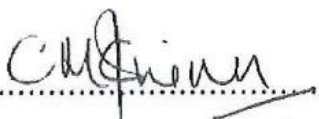
**To: The Chair of Governors of Mayfield School**

**Birmingham City Council**

**ACADEMY ORDER**

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

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

Signed: 

Date: 19 June 2018

**Christine Quinn,**  
**Regional Schools Commissioner**





Department  
for Education

# **Treatment of surplus and deficit balances when maintained schools become academies**

**Guidance note for schools, local  
authorities and academy trusts**

**March 2018**

# Contents

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# Summary

## About this guidance

When a maintained school becomes an academy, legislation sets out a process for the transfer of any surplus the school may have at the point of conversion. This guidance sets out what happens to a *surplus* balance when a school ceases to be maintained by the local authority (LA) and becomes an academy under the Academies Act 2010. It also sets out what happens to any *deficit* a converting school may have. It is intended to help LAs comply with their duties, and ensure that deficit or surplus balances are transferred within the statutory timescales. This guidance should be read alongside the legislation: the Academies Act 2010, the Academy Conversions (Transfer of School Surpluses) Regulations 2013 and the School and Early Years Finance (England) Regulations 2018.

## Expiry or review date

This guidance will be reviewed annually and updated when required.

## What legislation does this guidance refer to?

- The Academies Act 2010<sup>1</sup>
- The Academy Conversions (Transfer of School Surpluses) Regulations 2013 (“the 2013 Regulations”)
- The School and Early Years Finance (England) Regulations 2018 (“the Finance Regulations”)

## Who is this guidance for?

- This guidance is for:
- LAs
- School leaders, school staff and governing bodies in all maintained schools and academies
- Academy trusts

---

<sup>1</sup>Section 7 of the Academies Act 2010 requires local authorities to transfer a maintained school’s surplus balances when the school converts to an academy. The Academy Conversions (Transfer of School Surpluses) Regulations 2013 set out the procedure that the local authority must follow in determining and paying the amount.

# Key points

## 1 Definition of converter academies and sponsored academies

1.1 In this document, converter academies are those that convert (whether as a standalone academy or as part of a multi academy trust) by means of an academy order (AO) made after an application by the governing body of the school. Schools which are eligible for intervention, within the meaning of Part 4 of the Education and Inspections Act 2006, and schools that have applied to become an academy but where the Regional Schools Commissioner (RSC), on behalf of Secretary of State (SoS), does not consider the school strong enough to convert without the additional support of a sponsor are treated as sponsored academies, even where their route to becoming an academy is through an application for an AO by the governing body.

## 2 Converter academies with a surplus balance on conversion

2.1 If a school has a surplus balance when it converts to academy status, the 2013 Regulations provide that:

- the LA must determine and notify the amount of that surplus within **four months** of the date of conversion;
- if that amount is agreed, pay it to the Academy Trust (AT) within one month following the AT's agreement to the determination;
- the LA and AT must work together to reach an agreement on the determination within the four month timescale. However, should agreement not be possible, the AT has a right to apply to the SoS for a review. This must ordinarily be done within one month of the determination, giving reasons for the disagreement and an account of what endeavours have been made to reach agreement;
- an AT may also make a request for a review at a later time, but only in exceptional circumstances. The AT must set out why it considers there to be exceptional circumstances, and it is for the SoS to determine whether exceptional circumstances exist;
- the SoS has three months from receiving the request for a review, or deciding that exceptional circumstances apply, to make a decision. However, he can extend the period for reviewing a determination; and
- the LA then has one month in which to pay over the surplus following receipt of this decision.

2.2 If the new academy has made commitments against an anticipated surplus, advice should be sought from the Education and Skills Funding Agency (ESFA) on how to secure an advance of funding to meet this commitment. The preferred approach in these circumstances is for ESFA to make a partial payment in anticipation of an agreement on the amount of the surplus.

### **3 Capital and revenue differentiation (converter projects)**

3.1 For converter academy capital projects, where the Department is notified of a committed capital surplus alongside a revenue deficit, we advise LAs to preserve the capital surplus so that the school can use it on the capital project they have in mind and to pay that capital surplus over to the school, rather than netting it off the revenue deficit. This ensures that capital funding is not spent on revenue. Revenue surpluses, on the other hand, can be used to reduce or clear a capital deficit.

### **4 Converter academies with a deficit balance on conversion**

4.1 Deficit balances unlike surplus balances are not covered in the same way by primary legislation and regulations. The Department's policy, however, is to treat deficits in a similar way, so the Department reimburses LAs and recovers the money back from the academy through abatement of General Annual Grant (GAG). The Department has to ensure the amount due is a true reflection of what is owed and will only pay once the amount is agreed by both parties. In the event of a disputed deficit balance, the AT may apply to the SoS for a review. The SoS will base his decision on the evidence provided by both parties.

4.2 If a school is concerned that the size of its deficit could prevent it from converting, but the school is not eligible for intervention or otherwise eligible to be treated as a sponsored academy, it is open to the LA to agree to absorb part or all of the deficit rather than insist on it being repaid by the school. This is most likely to apply where the school is joining the AT of an external sponsor, but as a converter academy.

### **5 Sponsored academies with a surplus balance on conversion**

5.1 Where a school is to open as a sponsored academy, there are two possible routes to closure of the maintained school: the route where the governing body or Interim Executive Board (IEB) applies for an AO; and the route where the SoS issues an AO in respect of a school eligible for intervention. There will be a difference in the treatment of surplus balances on conversion, depending on the route taken:

- where the SoS issues an AO following an application from the maintained school's governing body or IEB, the law requires that the surplus will transfer to the AT;
- under the other route, the surplus remains with the LA (though the surplus can be transferred to the AT and, in practice, some LAs have agreed to this).

## 6 Sponsored academies with a deficit on conversion

6.1 Where a school with a deficit is to open as a sponsored academy, the deficit remains with the LA, to be funded from its core budget. School deficits are not an allowable charge on the LA's schools budget (funded by its allocation of Dedicated Schools Grant); however, if the schools forum has agreed to de-delegate a contingency provision, then the deficit may be funded from that contingency, depending on the criteria agreed for its use. This arrangement applies to all sponsored academies as defined in section 1.1.

6.2 LAs should work closely with schools becoming an academy to ensure that they manage the risk of an increasing deficit, and if a school is not managing its expenditure in a satisfactory manner, the LA may withdraw delegation of the school's budget share in order to limit the potential cost to the LA's budget. Some LAs may have an approach which sees their finance officers working closely with school improvement officers, so they can identify at an early stage schools which are underperforming and may require a sponsored academy solution, and can provide additional financial monitoring prior to them becoming an academy.

## 7 Federated schools

7.1 The 2013 Regulations require that a LA and AT should agree on the method of determining the surplus balance for a school that was a federated school, and if no agreement is reached, the balance would be split based on pupil numbers.

7.2 The formula used for splitting surplus balances at federated schools where there is no agreement is  $A \times (B / C)$ , where:

**A** is the amount of a school's delegated budget that has not been spent by the governing body or any head teacher in the federation immediately before the conversion date;

**B** is the total number of pupils registered at the school immediately before the conversion date; and

**C** is the total number of pupils registered at all of the schools within the federation on that date.



7.3 As in the case of non-federated schools, the LA and AT must use reasonable endeavours to reach agreement on the amount of surplus payable. Where agreement cannot be reached, the AT has the right to ask the SoS for a review.

## **8 Schools with internal loans outstanding**

8.1 The Department would expect that the liability to repay a loan made by the LA to a maintained school would normally transfer to the academy, which would continue repayments from its revenue budget on the previously agreed schedule, unless the LA and school agree to liquidate the loan and pay it off at the point of transfer. The transfer of responsibility for the loan should be reflected in a legal agreement between the LA and the AT, either by amending the Commercial Transfer Agreement (CTA) or in a separate agreement. Any current loan repayments a maintained school has to make will need to be checked for their affordability alongside the repayment of any deficit at the point of conversion. The Department will not recognise as a loan any arrangement that is agreed between the LA and a maintained school after the governing body or IEB has made an application to become a sponsored academy or after the school becomes eligible for intervention by the SoS, unless the AT sponsoring the academy has agreed to take on the liability. The Department will also not recognise as a loan any sum that has been provided in order to fund a deficit that has arisen because a school's recurrent costs exceed its current income and where this has been agreed or an existing loan arrangement was revised on or after 22 March 2018.

## **9 Other borrowing and leases**

9.1 Schools may have borrowed from other lenders prior to conversion and have liabilities for continuing repayments. SoS approval of this borrowing is required before the loan is taken out. The associated repayment liabilities would normally transfer to the academy, which would continue repayments from its revenue budget on the previously agreed schedule, unless the lender and school agree to liquidate the loan and pay it off prior to the school becoming an academy.

9.2 One form of such borrowing is leases. There is a distinction between operating leases and finance leases. A broad explanation of the distinction between these two types of leases is that an operating lease is where the school makes a regular payment to use the equipment and the equipment is returned to the provider at the end of the lease, and a finance lease is where the body making the payment acquires the asset at the end of the repayment period. It is up to the prospective academy's accountants, however, to determine whether a lease is an operating lease or finance lease. Finance leases are regarded as a form of borrowing and, as with any borrowing other than the internal loans that LAs make to their maintained schools, SoS approval of this borrowing is required before the lease is taken out.

9.3 If any such borrowing occurs prior to the school becoming an academy, it will be necessary for the finance lease payments or repayments of the loan to be checked for affordability alongside the repayment of any deficit at the point of conversion.

9.4 Any queries in relation to the contents of this note should be submitted through the [contact form](#).



Department  
for Education

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## **Environment and Sustainability Assessment**

Birmingham City Council is required to assess any positive or negative impacts that any policy/strategy/ decision/development proposal is likely to have on the environment. To complete the assessment you should consider whether that policy/development/proposal will have a positive or a negative impact on each of the key themes by placing a (√) for positive, (x) for negative and (?) for unclear impact, and (N/A) for non-applicable impact. The assessment must be completed for all Cabinet reports. It is the responsibility of the Service Director signing off the report to ensure that the assessment is complete. The officers from the sustainability team can help to fill the assessment especially during the early days of implementation.

<b>Theme</b>	<b>Example</b>
Natural Resources- Impact on natural resources including water, soil, air.	<p>Does the decision increase water use?</p> <p>Does the decision have an impact on air quality?</p> <p>Does the decision impact on soil?</p> <p>For example, development will typically use water for carrying out various operations and, once complete, water will be needed to service the development. Providing water to development and treating affluent water requires energy and contributes to climate change. Some of the activities including construction or disposal of waste may lead to soil pollution. The decisions may lead to more journeys thereby deteriorating air quality and thus contribution to climate change and greenhouse gases.</p>
Energy use and CO <sub>2</sub> emissions.	<p>Will the decision have an impact on energy use?</p> <p>Will the decision impact on carbon emissions?</p> <p>Most day-to-day activities use energy. The main environmental impact of producing and using energy such as electricity, gas, and fuel (unless it is from a renewable source) is the emission of carbon dioxide.</p>
Quality of environment.	<p>Does the decision impact on the quality of the environment?</p> <p>Decisions may have an impact on the overall setting, character and distinctiveness in the area. For example if development involves ground digging and excavations etc. it may have an impact on the local archaeology.</p>
Impact on local green and open spaces and biodiversity	<p>The proposal may lead to localised impact on the local green and open spaces which may have an impact on local biodiversity, trees and other</p>

	vegetation in the area. For example selling an open space may reduce access to open space within an area and lead to a loss of biodiversity. However, creating a new open space would have positive effects.
Use of environmentally sustainable products, equipment and packaging'	Will the decision present opportunities to incorporate the use of environmentally sustainable products (such as compostable bags, paper straws etc.), recycled materials (i.e. Forest Stewardship Council (FSC) Timber/wood), non-polluting vehicles, avoid the use of single use plastics and packaging.
Council plan priority: a city that takes a leading role in tackling climate change and deliver Route to Zero.	How does the proposal or decision contribute to tackling and showing leadership in tackling climate change and deliver Route to Zero aspirations?

<b>Project Title:</b>		<b>Mayfield School conversion from Community School to Academy status</b>		
<b>Department:</b> Education Infrastructure		<b>Team:</b> Education Property Management		<b>Person Responsible for assessment:</b> ?
<b>Date of assessment:</b> 04/03/2021		<b>Is it a new or existing policy/strategy/decision/development proposal?</b> New decision to execute government order/strategy to convert this school to academy.		
<b>Brief description of the proposal:</b> To execute all matters related to the conversion of the school to academy status, as per the government order.				
<b>Potential impacts of the policy/development decision/procedure/ on:</b>	<b>Positive Impact</b>	<b>Negative Impact</b>	<b>No Specific Impact</b>	<b>What will the impact be? If the impact is negative, how can it be mitigated, what action will be taken?</b>
Natural Resources- Impact on natural resources including water, soil, air	N/A	N/A	√	N/A
Energy use and CO <sub>2</sub> emissions	N/A	N/A	√	N/A
Quality of environment	N/A	N/A	√	N/A
Impact on biodiversity	N/A	N/A	√	N/A
Use of sustainable products and equipment	N/A	N/A	√	N/A
Council plan priority: a city that takes a leading role in tackling climate change	N/A	N/A	√	N/A
Overall conclusion on the environmental and sustainability impacts of the proposal'	The proposal has no specific environmental impacts. Only the status of the school is changing from Community School to Academy status. There are no specific material changes to the school and environment.			

If you require assistance in completing this assessment then please contact: Amit Bratch ([amit.bratch@birmingham.gov.uk](mailto:amit.bratch@birmingham.gov.uk)).



# Birmingham City Council

## Report to Cabinet

Date: 20<sup>th</sup> April 2021



**Subject:** FULL BUSINESS CASE AND RECOMMENDED CONTRACT AWARD FOR THE CAPITAL SCHEME AT HOLY TRINITY CATHOLIC SCHOOL

**Report of:** Andy Couldrick  
Interim Director for Education & Skills

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

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

**Report author:** Zahid Mahmood,  
Capital Programme Manager, Education Infrastructure  
Telephone No: 0121 464 9855  
Email Address: [zahid.mahmood@birmingham.gov.uk](mailto:zahid.mahmood@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): Bordesley Green Ward		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 08735/2021		
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 To seek approval for the Full Business Case and note the contract award for the capital scheme at Holy Trinity School as described in **Appendix A**. The capital costs of the scheme will not exceed £3,584,052.

## **2 Recommendations**

That Cabinet:

- 2.1 Approve the Full Business Case (**Appendix A**) for the capital works at Holy Trinity School at a total project cost of up to £3,584,052 including Education Infrastructure Capitalisation of £104,390.
- 2.2 Authorise the Director for Education & Skills to make a grant payment of up to £3,479,662 to the Archdiocese of Birmingham (Diocesan Education Service).
- 2.3 Note the recommended contract award to Greswold Construction Limited by the Diocesan Education Service on the basis of their submission being ranked first after the evaluation of quality and price.
- 2.4 Authorise the City Solicitor to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

## **3 Background**

- 3.1 The Local Authority has a statutory duty to ensure that there are sufficient pupil places, secure diversity in the provision of schools and increase opportunities for parental choice through planning and securing additional provision (Section 14, Education Act 1996).
- 3.2 A report on the changing demand and supply of school places was shared at the Overview and Scrutiny Committee for Learning, Culture and Physical Activity in September 2018.
- 3.3 Holy Trinity School is a secondary school with capacity for 630 pupils between the ages of 11 and 16. The land is owned by the Arch Diocese of Birmingham. The proposal is for the school to expand by an additional one form of entry (25 pupils per year group) to become a secondary school with 755 places for pupils aged between 11 and 16. There is a need for more secondary school places in the city and the proposed development provides the opportunity to fulfil some of that need.
- 3.4 The Local Authority is keen to ensure that future places are provided in the areas or schools that they are needed; helping children to attend a good school nearer to home as part of their local community. The proposed changes at Holy Trinity are considered appropriate for the current pupils at the school and are part of a programme to enhance the overall school accommodation solution for both the current and future pupils.
- 3.5 The project includes internal re-modelling of existing teaching spaces, administration area's and circulation space; the provision of a new sports hall and changing rooms in order to accommodate a permanent increase in pupil numbers in fit-for purpose accommodation.
- 3.6 The works are proposed to commence in May 2021 with a completion in December 2021, subject to the current emergency situation involving Covid-19.

## **4 Options considered and Recommended Proposal**

- 4.1 The option of doing nothing would mean the Local Authority fails to meet its statutory obligation to ensure that there are sufficient pupil places, promote diversity and increase parental choice through planning and securing additional provision.
- 4.2 The recommended option is to refurbish the existing building to provide a fit for purpose facility capable of accommodating an additional 1 form of entry.

## **5 Consultation**

- 5.1 The Governing body fully supports the permanent expansion of the school.
- 5.2 The Leader and Ward Member for Bordesley Green have been consulted in relation to the proposals proceeding to an executive decision. No response was received from the Ward Member.

## **6 Risk Management**

- 6.1 Contractors will be working in line with guidance provided by the Government. The contractor has been asked to continually monitor the Government guidance and look at mitigation measures to limit the impact on the timeframe proposed for completion should guidance change.
- 6.2 Weekly meetings are held to ensure that all parties are informed of progress to ensure any concerns are picked up at the earliest opportunity and resolved to ensure that the programme stays on track. Where costs are seen to escalate, a value engineering exercise is undertaken to ensure that the costs do not exceed the approved budget.
- 6.3 GNA surveyors and CBP architects appointed by the Diocesan Education Service, have many years' experience at delivering refurbishment projects to schools of this nature and will manage and co-ordinate the works in consultation with the school.
- 6.4 GNA surveyors appointed by the Diocesan Education Service will oversee all Construction (Design & Management) Regulations (CDM) duties including Principal Designer role and management of the design and overall project risk register.

## **7 Compliance Issues:**

- 7.1 **How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**
  - 7.1.1 These works are to ensure that all pupils are provided with a safe and secure learning environment. The spending priorities proposed are in accordance with the Schools' Basic Need Programme 2020-21 approved by Cabinet on 21st April 2020, and the Council's Vision and Forward Plan priorities for Children, particularly 'A great place to grow up in by providing an environment where children have the best start in life and are able to realise their full potential through great education'.

## 7.2 Legal Implications

- 7.2.1 The recommendations in this report facilitate the discharge of functions contained within section 14 of the Education Act 1996 whereby the local authority has a duty to ensure that there are sufficient school places to provide all pupils the opportunity of appropriate education.

## 7.3 Financial Implications

- 7.3.1 The capital cost of the proposed works at Holy Trinity School will not exceed £3,584,052. This will be funded from the Local Authority's Basic Need Allocation. The detailed breakdown of this cost is included in **Appendix A**.
- 7.3.2 Consequential revenue costs arising including additional staffing, utility costs and any on-going day to day repair and maintenance of the asset will be the responsibility of the School and funded from the school's delegated budget. The school is an Academy and, as such, any resultant revenue financial issues will be an issue for the school and the Education & Skills Funding Agency (ESFA)

## 7.4 Procurement Implications (if required)

- 7.4.1 The procurement route for this project is via single stage open traditional tender aligned with the Diocese of Birmingham's Procured Framework. GNA surveyors and CBP architects on behalf of Diocesan Education Service developed full detailed designs and specifications for the works and a pre-tender estimate to achieve best value for money based on current DfE education space guidelines and industry benchmark rates. GNA surveyors and CBP architects will provide Project, Cost and Contract Management services and close project progress monitoring to ensure value for money is achieved throughout delivery.
- 7.4.2 Greswold Construction Limited are recommended for appointment to take forward the contracted works, based on quality and returning the most price competitive tender, and GNA surveyors and CBP architects are satisfied from their assessment this price is inclusive of all tender requirements.
- 7.4.3 The contractor has been asked to sign up to the Birmingham Business Charter for Social Responsibility and has provided a relevant and proportionate action plan. Some of the following outputs will be provided as part of the contract:
- create a minimum of 1 full-time work experience and training placements during the life of the project
  - 80% Of spend with SMEs to be within a 30-mile radius
  - Undertake 2 community engagement activities to support the school and the local community
  - 100% of all persons employed on the project will be paid above the living wage
  - 85% of construction waste recycled

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

7.5.1 N/A

## **7.6 Public Sector Equality Duty**

7.6.1 A Full Equality Analysis EQUA650 was carried out in May 2021 for Schools' Capital Programme 2021-22. The outcomes from consultation demonstrate that proposed capital developments support positive outcomes for children, young people, their families and carers. No negative impact on people with Protected Characteristics was identified. It was concluded that sufficiency of educational places and opportunities for all children and young people contributes to providing positive life chances, and supports a positive approach to Safeguarding in Birmingham: actively reducing the number of children and young people out of school helps to mitigate risk to their safety and wellbeing. We have assessed the content and can confirm that it still remains relevant to proposed expansions by having a positive impact.

The Local Authority has considered whether a full equality impact assessment should be conducted in relation to the decision to authorise the full business case at **Appendix A** and decided that the recommendations in this report were considered unlikely to have an adverse impact on those with a protected characteristic and therefore the current equality impact assessment remains relevant.

## **8 Background Documents**

8.1 Schools' Capital Programme –School Condition Allocation, Basic Need Allocation 2021-22+ Future Years Cabinet Report 16<sup>th</sup> March 2021

## **9 List of Appendices**

9.1 Appendix A - Full Business Case

9.2 Appendix B – Environment & Sustainability Assessment



## APPENDIX

## FULL BUSINESS CASE (FBC)

## A. GENERAL INFORMATION

## A1. General

<b>Project Title</b> <i>(as per Voyager)</i>	<b>HOLY TRINITY SCHOOL FULL BUSINESS CASE</b>		
<b>Voyager code</b>	CA-01903-02-1-232		
<b>Portfolio /Committee</b>	Education and Skills	<b>Directorate</b>	Education, Skills & Culture
<b>Approved by Project Sponsor</b>	Jaswinder Didially	<b>Approved by Finance Business Partner</b>	John Betts

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

Cabinet Report 16<sup>th</sup> March 2021 Schools Capital Programme – School Condition Allocation, Basic Need Allocation 2021-22 + Future Years

## A3. Project Description

The project includes internal re-modelling of existing teaching spaces, administration area's and circulation space; the provision of a new sports hall and changing rooms in order to accommodate a permanent increase in pupil numbers in fit-for purpose accommodation.

## A4. Scope

This scheme involves works as described in the above project description

## A5. Scope exclusions

No works outside this scope will be undertaken

## B. STRATEGIC CASE

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

## B1. Project objectives and outcomes

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

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

## B2. Project Deliverables

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

Create sufficient pupil accommodation to enable the school to increase its Planned Admission Number (PAN) and accommodate a permanent increase in pupil numbers to meet local demand. Existing accommodation to be remodelled and refurbished to create additional teaching space along with provision of a new sports hall and changing rooms and associated external works.

**B3. Project Benefits**

*These are the social benefits and outcomes from the project, eg additional school places or economic benefits.*

Measure	Impact
<i>List at least one measure associated with <b>each</b> of the objectives and outcomes in B1 above</i>	<i>What the estimated impact of the project will be on the measure identified – please quantify where practicable (eg for economic and transportation benefits)</i>
The students will be taught in modern fit for purpose accommodation allowing for the delivery of a quality education.	Providing appropriate accommodation addresses identified demand and fulfils the Authority's statutory obligations to provide sufficient pupil places
The project delivers new teaching places.	Raised standards, improved behaviour, staff well-being and reduced turnover, mobility, facilitation of the sharing of good practice.
Support and enrich community and family learning e.g. positive parenting programme, basic skills, opportunities to address worklessness.	Children and young people will have a safe, warm and dry environment before, during and after school hours.  The local community will also be able to access the new sports hall out of school hours.
Promoting designs which support Birmingham's Education Vision.	Creating teaching and learning environments that are suitable for delivering education.

**B4. Benefits Realisation Plan**

*Set out here how you will ensure the planned benefits will be delivered*

Additional pupil numbers to be accepted by Holy Trinity School and PAN increased accordingly through formal agreement with Local Authority.

**B5. Stakeholders**

A stakeholder analysis is set out at G4 below.

**C. ECONOMIC CASE AND OPTIONS APPRAISAL**

*This sets out the options that have been considered to determine the best value for money in achieving the Council's priorities*

**C1. Summary of options reviewed at Outline Business Case**

*(including reasons for the preferred option which has been developed to FBC)*

*If options have been further developed since the OBC, provide the updated Price quality matrix and recommended option with reasons.*

- The option of doing nothing would mean the City Council failing to meet its statutory obligation to ensure that there are sufficient pupil places, promote diversity and increase parental choice through planning and securing additional provision.
- The recommended option is to provide a new sports hall and changing rooms, remodel and refurbish the existing buildings to provide sufficient, fit for purpose teaching space capable of accommodating additional pupils.

**C2. Evaluation of key risks and issues**

*The full risks and issues register is included at the end of this FBC*

- Weekly meetings are held to ensure that all parties are informed of progress to ensure any concerns are picked up at the earliest opportunity and resolved to ensure that the programme stays on track. Where costs are seen to escalate, a value engineering exercise is undertaken to ensure that the costs do not exceed the approved budget.
- To ensure Birmingham City Council meets its statutory obligations by providing sufficient capacity for educating children.
- Working in a live school building and ensuring Health & Safety is maintained. The main contractor, GNA Surveyors and CBP Architects have many years' experience at delivering large scale refurbishments of this nature and will manage and co-ordinate the works in consultation with the school.



- A project risk register will be maintained.

### C3. Other impacts of the preferred option

*Describe other significant impacts, both positive and negative*

- Facilities will provide appropriate accommodation that is fit-for-purpose and meets the education standards for 21st Century teaching provision.
- Sufficient accommodation will be available to enable Holy Trinity School to permanently increase its PAN.

## D. COMMERCIAL CASE

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

### D1. Partnership, Joint venture and accountable body working

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

Scheme will be delivered by Project Team as follows:

- Client for the Project is the Archdiocese of Birmingham (Diocesan Education Service)
- Project Manager, Quantity Surveyor and Principal Designer services will be provided by GNA Surveyors as appointed / approved consultant to the Archdiocese.
- Architectural services will be provided by CBP Architects as appointed / approved consultant to the Archdiocese.
- End User will be Holy Trinity Catholic School
- Contractor is to be formally appointed, pending a formal tendering period.
- Project will be managed by personnel identified above and End User throughout the duration of the project development and delivery to ensure that project deliverables are achieved.
- Regular 2 – 4 weekly meetings held with Project Team including client and end user
- Programme monitored and developed to ensure that required timescales are achieved.
- Scheme costs assessed, developed and monitored

### D2. Procurement implications and Contract Strategy:

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

The procurement route for this project was via competitive tender with a traditional approach including full bills of quantities. Best value for money will be demonstrated against current DfE education space guidelines and industry benchmark rates such as Ebdog rates.

Contractors were invited to tender for the works based on their experience and ability to deliver within the proposed timeframes.

### D3. Staffing and TUPE implications:

None

## APPENDIX

Capital Costs & Funding	Voyager Code	Financial Year	Financial Year	Totals
		2020/21	2021/22	
<b>Expenditure</b>				
Holy Trinity School				
Construction costs, incl. Surveys, Investigations, & Statutory Fees	CA-01903-02-1-232	80,336	£3,399,326	£3,479,662
EDSI Capitalisation		£9,864	£94,526	£104,390
<b>Total Project Cost Excluding VAT</b>		£90,200	£3,493,852	£3,584,052
<b>Funding sources</b>				
<b>Basic Need</b>	CA-01903-02-1-232	£90,200	£3,493,852	£3,584,052
<b>Totals</b>		<b>£90,200</b>	£3,493,852	£3,584,052

### E2. Evaluation and comment on financial implications:

The current costs for the project are based on tendered costs received in October 2020.

### E3. Approach to optimism bias and provision of contingency

N/A

### E4. Taxation

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

N/A

## F. PROJECT MANAGEMENT CASE

*This considers how project delivery plans are robust and realistic*

### F1. Key Project Milestones

*The summary Project Plan and milestones is attached at G1 below*

### Planned Delivery Dates

Cabinet Approval

**20<sup>th</sup> April 2021**

## APPENDIX

Main Construction works	May 2021 – December 2021	
Practical completion	December 2021	
<b>F2. Achievability</b>		
<i>Describe how the project can be delivered given the organisational skills and capacity available</i>		
<ul style="list-style-type: none"><li>• Scope of work identified as in the project description.</li><li>• Extensive site investigation carried out.</li><li>• Project programme and costs have been developed. Project is being competitively tendered to suitable contractors.</li><li>• Funding is in place.</li><li>• Contractors have considerable previous experience.</li><li>• Availability of resources, will be confirmed by tendering contractors.</li><li>• Similar projects have been delivered on budget and to time by using the project team provided by the Archdiocese.</li><li>• The project team (GNA Surveyors and CBP Architects) has successfully delivered similar projects.</li></ul>		
<b>F3. Dependencies on other projects or activities</b>		
<ul style="list-style-type: none"><li>• Placing orders with Contractor.</li><li>• Planning Permission has been granted for the development.</li></ul>		
<b>F4. Officer support</b>		
<b>Project Manager:</b>	Zahid Mahmood 07860906126	Capital Programme Manager, Education Infrastructure <a href="mailto:zahid.mahmood@birmingham.gov.uk">zahid.mahmood@birmingham.gov.uk</a>
<b>Project Accountant:</b>	Jaspal Madahar 07766922478	Finance & Resources Manager <a href="mailto:jaspal.madahar@birmingham.gov.uk">jaspal.madahar@birmingham.gov.uk</a>
<b>Project Sponsor:</b>	Jaswinder Didially 07825 117334	Head of Education Infrastructure <a href="mailto:jaswinder.didially@birmingham.gov.uk">jaswinder.didially@birmingham.gov.uk</a>
<b>F5. Project Management</b>		
<i>Describe how the project will be managed, including the responsible Project Board and who its members are</i>		
As per D1		

## G. SUPPORTING INFORMATION

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

### G1. PROJECT PLAN

*Detailed Project Plan supporting the key milestones in section F1 above*

**G2. SUMMARY OF RISKS AND ISSUES REGISTER**

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

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

		Risk after mitigation:	
Risk or issue	Mitigation	Severity	Likelihood
Stakeholders do not consider School Travel Plans and transportation issues prior to consultation	Review school travel plans in partnership with transportation prior to local consultation in order to mitigate possible objections.	Low	High
Stakeholders/ Trust do not engage in project and do not sign up to the solution	The Design Team will ensure regular meetings and consultation with stakeholders and Trust.	Low	Medium
New Free Schools and Academies opening across Birmingham	Liaise closely with Free School Providers and Academies when planning the provision of Additional Secondary Places.	Medium	Medium
Building costs escalate	The Design Team will closely monitor the schedule of works and build costs. Cost schedules include contingency sums. Any increase in costs will need to be met through value re-engineering to ensure projected spend remains within overall allocation	Low	Medium
Building works fall behind	The Design Team will closely monitor schemes on site and liaise with Contractor Partners to identify action required.	Medium	Medium
BCC faced with increasing revenue costs	Consequential revenue costs arising including additional staffing, utility costs and any on-going day to day repair and maintenance of the asset will be the responsibility of the Academy and funded from the Academy's General Annual Grant (received by the Academy directly from the EFA). Any increase in revenue costs will be offset by an increase in income through increased pupil numbers provided by the DfE.	Low	Low
Problems with contract procurement process	Work closely with Partners to ensure compliance with City Council standing orders.	Low	Low
Impact of the Covid-19 pandemic on the delivery of the construction project.			

**G3. EXTERNAL FUNDING AND OTHER FINANCIAL DETAILS**

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

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## G4. STAKEHOLDER ANALYSIS

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

**G5. BENEFITS REGISTER**

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

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

**Other Attachments**

*provide as appropriate*

•





## **Environment and Sustainability Assessment**

Birmingham City Council is required to assess any positive or negative impacts that any policy/strategy/ decision/development proposal is likely to have on the environment. To complete the assessment, you should consider whether that policy/development/proposal will have a positive or a negative impact on each of the key themes by placing a (✓) for positive, (x) for negative and (?) for unclear impact, and (N/A) for non-applicable impact. The assessment must be completed for all Cabinet reports. It is the responsibility of the Service Director signing off the report to ensure that the assessment is complete. The officers from the sustainability team can help to fill the assessment especially during the early days of implementation.

Theme	Example
Natural Resources - Impact on natural resources including water, soil, air.	<p>Does the decision increase water use?</p> <p>Does the decision have an impact on air quality?</p> <p>Does the decision discourage the use of the most polluting vehicles (private and public) and promote sustainable modes of transport or working from home to reduce air pollution?</p> <p>Does the decision impact on soil?</p> <p>For example, development will typically use water for carrying out various operations and, once complete, water will be needed to service the development. Providing water to development and treating affluent water requires energy and contributes to climate change. Some of the activities including construction or disposal of waste may lead to soil pollution. The decisions may lead to more journeys thereby deteriorating air quality and thus contribution to climate change and greenhouse gases.</p>
Energy use and CO <sub>2</sub> emissions.	<p>Will the decision have an impact on energy use?</p> <p>Will the decision impact on carbon emissions?</p> <p>Most day-to-day activities use energy. The main environmental impact of producing and using energy such as electricity, gas, and fuel (unless it is from a renewable source) is the emission of carbon dioxide.</p>
Quality of environment.	<p>Does the decision impact on the overall quality of the built environment?</p> <p>Decisions may have an impact on the overall setting, character and distinctiveness in the area. For example, if development involves ground digging and excavations etc. it may have an impact on the local archaeology.</p>

Impact on local green and open spaces and biodiversity	<p>The proposal may lead to localised impacts on the local green and open spaces which may have an impact on local biodiversity, trees and other vegetation in the area.</p> <p>Will the proposal lead to loss (or creation) of green and blue infrastructure? For example, selling an open space may reduce access to open space within an area and lead to a loss of biodiversity. However, creating a new open space would have positive effects.</p>
Use of environmentally sustainable products, equipment and packaging'	<p>Will the decision present opportunities to incorporate the use of environmentally sustainable products (such as compostable bags, paper straws etc.), recycled materials (i.e. Forest Stewardship Council (FSC) Timber/wood), non-polluting vehicles, avoid the use of single use plastics and packaging.</p>
Minimising waste	<p>Will the decision minimise waste creation and the maximise recycling during the construction and operation of the development/programme/project?</p> <p>Will the decision provide opportunities to improve recycling? For example, if the proposal involves the demolition of a building or a structure, could some of the construction materials be reused in the new development or recycled back into the construction industry for use on another project?</p>
Council plan priority: a city that takes a leading role in tackling climate change and deliver Route to Zero.	<p>How does the proposal or decision contribute to tackling and showing leadership in tackling climate change and deliver Route to Zero aspirations?</p>

<b>Project Title:</b>	<b>Holy Trinity Catholic School</b>	
<b>Department:</b>	<b>Team:</b> Education Infrastructure (Capital	<b>Person Responsible for assessment:</b> Mick Day / Susan Thomas

Education & Skills	Investment)			
<b>Date of assessment:</b> 08/03/2021		Is it a new or existing proposal? New		
<b>Brief description of the proposal:</b> The project includes internal re-modelling of existing teaching spaces, administration area's and circulation space; the provision of a new sports hall and changing rooms in order to accommodate a permanent increase in pupil numbers in fit-for purpose accommodation.				
<b>Potential impacts of the policy/development decision/procedure/ on:</b>	<b>Positive Impact</b>	<b>Negative Impact</b>	<b>No Specific Impact</b>	<b>What will the impact be? If the impact is negative, how can it be mitigated, what action will be taken?</b>
Natural Resources- Impact on natural resources including water, soil, air	YES			Water usage will be reduced as areas of St Chads and St Michael's are refurbished these will be fitted with water saving measures, LED lighting and vehicle usage is expected to remain the same.
Energy use and CO <sub>2</sub> emissions	YES			<p>An Energy Statement has been prepared in support of the planning Application Ref: 2020/04217/PA, involving erection of a single-storey detached SEN teaching block and a double-storey detached sports hall at Holy Trinity Catholic Media Arts College.</p> <p>The following hierarchy has been followed with regards to optimising energy use:</p> <ul style="list-style-type: none"><li>• <b>Be Lean</b> – Use Less Energy</li><li>• <b>Be Clean</b> – Efficient Energy Supply</li><li>• <b>Be Green</b> – Renewable Energy</li></ul> <p>This is a widely adopted and recognised set of principles to guide design, planning and development decisions to optimise energy provision. The Hierarchy prioritises minimising the need for energy consumption through firstly design and energy efficiency and then through generating the reduced energy demand via renewables. The Hierarchy can also help to balance the economic and environmental dimensions of sustainability, supporting choices which are both environmentally and economically sustainable.</p>

				<p>It is considered that of the above principles carbon reduction forms the most appropriate approach from both a practical and financial perspective. The industry is broadly in agreement that the energy efficiency and low carbon technologies have the greatest impact offsetting CO<sub>2</sub> emissions. Therefore, it is logical to encourage enhanced mitigation through energy efficiency and low carbon technologies in the first instance, as opposed to applying renewables as the first option at a significantly greater cost.</p> <p>The table below shows the resulting CO<sub>2</sub> and energy demand for both buildings before and after applying the ‘Be Lean’ measures outlined above.</p> <p>As shown, the figures are predicted to be lower than the base case. This is due to the high performance of building fabric and services.</p> <table><tr><th>Stage of Energy Hierarchy</th><th>Building</th><th>Energy demand (kWh/yr)</th><th>Energy consumption savings (%)</th><th>Regulated CO<sub>2</sub> emissions (kg/yr)</th><th>Regulated CO<sub>2</sub> emission savings (%)</th></tr><tr><td rowspan="3">Baseline</td><td>Sports Hall</td><td>407,030</td><td>N/A</td><td>4,396</td><td>N/A</td></tr><tr><td>SEN Block</td><td>14,060</td><td>N/A</td><td>90,631</td><td>N/A</td></tr><tr><td>Total</td><td>421,090</td><td>N/A</td><td>95,026</td><td>N/A</td></tr><tr><td rowspan="3">Be Lean</td><td>Sports Hall</td><td>389,579</td><td>4.3</td><td>88,784</td><td>2.0</td></tr><tr><td>SEN Block</td><td>14,580</td><td>-3.7</td><td>4,229</td><td>4.0</td></tr><tr><td>Total</td><td>404,159</td><td>4.0</td><td>93,013</td><td>2.1</td></tr></table> <p><i>Regulated Energy &amp; CO<sub>2</sub> savings from Be Lean Stage</i></p> <p>These measures save 2,013 kg (2.1%) of CO<sub>2</sub> emissions and 16,931 kWh/yr (4.0%) of energy demand, over the baseline.</p>	Stage of Energy Hierarchy	Building	Energy demand (kWh/yr)	Energy consumption savings (%)	Regulated CO <sub>2</sub> emissions (kg/yr)	Regulated CO <sub>2</sub> emission savings (%)	Baseline	Sports Hall	407,030	N/A	4,396	N/A	SEN Block	14,060	N/A	90,631	N/A	Total	421,090	N/A	95,026	N/A	Be Lean	Sports Hall	389,579	4.3	88,784	2.0	SEN Block	14,580	-3.7	4,229	4.0	Total	404,159	4.0	93,013	2.1
Stage of Energy Hierarchy	Building	Energy demand (kWh/yr)	Energy consumption savings (%)	Regulated CO <sub>2</sub> emissions (kg/yr)	Regulated CO <sub>2</sub> emission savings (%)																																					
Baseline	Sports Hall	407,030	N/A	4,396	N/A																																					
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Be Lean	Sports Hall	389,579	4.3	88,784	2.0																																					
	SEN Block	14,580	-3.7	4,229	4.0																																					
	Total	404,159	4.0	93,013	2.1																																					
Quality of environment	YES			Building orientation was carefully considered to maximize solar gain during winter month to reduce heating demand. Building Glazing was design to allow natural daylight to reduce the																																						

				requirement of artificial lighting.
Impact on local green and open spaces and biodiversity	YES			<p>The buildings proposed as being constructed are specific to their use, this being education. The teaching facility will be flexible within the school curriculum. The spaces created can be put to uses as required by the school and suitable for a broad range of subjects.</p> <p>The sports hall will be a specific and bespoke building, suitable for all types of indoor sports activities. Whilst primarily used by the school, the building can be made available for community use. The building will be designed to Sport England guidelines.</p> <p>It is the intention to limit ecological impact on the site by retaining trees, in particular to the outer / boundary limits of the school ground. It is not the intention to build on green space, and instead make use of brown sites that have already been developed. The 2 sites that have been chosen for re-development include a hard surface tarmac area to become the new location for the sports hall, and a temporary building standing on a concrete plinth to become the small teaching hub.</p>
Use of sustainable products and equipment	YES			The use of single use plastics and packaging will be avoided. Hardcore and such materials are to be delivered in bulk to reduce vehicle trips as will all material deliveries where possible.
Minimising waste	YES			<p>In order to control cost, waste generated from new materials will be strictly limited. The proposed materials to be procured in line with requirements will include:</p> <p>Brickwork to walls, all unused bricks to be returned to supplier.</p> <p>Blockwork to inner walls, all unused bricks to be returned to supplier.</p> <p>All glazing ordered to measure, and off site fabricated.</p> <p>All roofing ordered to measure.</p> <p>All steelwork to be ordered to measure and off site fabricated.</p> <p>All internal partitioning ordered to measure.</p> <p>The Main contractor will provide a method statement identifying recycling proposals and local suppliers to be used. Transportation to and from site to be controlled, kept to a minimum and</p>

				restricted to specific times.
<b>Council plan priority: a city that takes a leading role in tackling climate change</b>	<b>YES</b>			<p>The energy strategy has been developed in order to comply with Part L2A 2013 of the Building Regulations which requires a carbon emission calculation to be carried out. SBEM calculation have been carried out for the development based upon the planning drawings and construction specification.</p> <p>The Adopted Birmingham Development Plan 2031 requires new developments to maximise energy efficiency and the use of low carbon energy and to incorporate low and zero carbon forms of energy generation where possible, or to connect into low and zero carbon energy generation networks where they exist and where practicable. Further analysis on the Planning Conditions and Drivers can be found in section 3.2 Planning Conditions.</p> <p>Please refer to the energy statement that has been prepared to satisfy the planning requirements to grant permission for the proposed SEN teaching block and sports hall at Holy Trinity Catholic Media Arts College. The statement includes an energy demand assessment outlining how selected energy efficiency, low carbon and renewable energy measures have been considered and selects those which have been deemed appropriate for the scheme.</p>
<b>Overall conclusion on the environmental and sustainability impacts of the proposal</b>	<b>The environmental and sustainability impact of this project has been fully assessed in the design stage to ensure it has a positive outcome.</b>			

If you require assistance in completing this assessment, then please contact: [ESAGuidance@birmingham.gov.uk](mailto:ESAGuidance@birmingham.gov.uk)





# Birmingham City Council

## Report to Cabinet

Date: 20<sup>th</sup> April 2021



**Subject:** OSCOTT MANOR SCHOOL PRIORITY SCHOOL BUILDING PROGRAMME NEW BUILD – CAPITAL CONTRIBUTION FOR ADDITIONAL WORKS

**Report of:** Interim Director for Education and Skills  
Andy Couldrick

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

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

**Report author:** Emma Bourne,  
Acting Property Manager, Education Infrastructure  
Telephone No: 0121 675 5938  
Email Address: [emma.bourne@birmingham.gov.uk](mailto:emma.bourne@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): Oscott and Stockland Green		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007966/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

### 1. Executive Summary

- 1.1 To seek approval for the contribution for additional works to support the Central Government Priority School Building Programme 2 (PSBP2) at Oscott Manor School. The contribution to the cost of the scheme will not exceed £1.402 million.

- 1.2 PSBP2 is a central government led asset replacement programme under which Oscott Manor School will be rebuilt on a new site providing the pupils with a purpose-built facility to meet their needs.  
The Local Authority contribution enables the creation of 28 additional places for Autistic pupils in line with our sufficiency requirements for special school places.

## **2. Recommendations:**

That Cabinet

- 2.1 Approves the contribution of £1.402m for the capital works to provide space for the school to admit 28 additional pupils and for the highways works under S278 of the Highways Act 1980 to the Department for Education (DfE) as part of the overall PSBP2 construction.
- 2.2 Authorises the Director for Education and Skills to make this payment to the DfE

## **3. Background**

- 3.1 The Local Authority has a statutory duty to ensure that there are sufficient pupil places, secure diversity in the provision of schools and increase opportunities for parental choice through planning and securing additional provision (Section 14, Education Act 1996 and Education & Inspections Act 2006). Under section 22 of the School Standards and Framework Act 1998 the Council has a duty to defray all of the expenses of maintaining the school
- 3.2 The second phase of the Priority Schools Building Programme (PSBP2) concentrates on the rebuilding or refurbishment of individual school and college buildings or blocks in the worst conditions.
- 3.3 Due to the success of the PSBP Phase 1 the DfE invited bids to Phase 2 of the PSBP for schools in need of urgent repair. 12 Birmingham Schools were successful in securing funding, one of which was Oscott Manor School.
- 3.4 As part of the PSBP programme Local Authorities are required to agree Section 278 works (Highways works). The total cost of the project at Oscott Manor is circa £8.5million of which the Local Authority contribution is £1.4million, as determined in the S151 letter dated 20<sup>th</sup> May 2019. Please see Appendix 1 outlining what was agreed.
- 3.5 The works approved by the DfE was for a completely new build of the school. Owing to the constraints of the current school site it was agreed that the school would be relocated to an alternative site on Reservoir Road, Erdington. The Local Authority contribution will enable additional classrooms to be provided which will support the school in taking additional pupils once the school opens on the new site.
- 3.6 The decision on the school organisation proposal to relocate the site and expand the provision was completed and approved by the decision maker in June 2019 see Appendix 2.

## **4 Options considered and Recommended Proposal**

- 4.1 The option of doing nothing would mean the City Council would fail to meet its statutory obligation in providing appropriate provision to meet the needs of the children. In addition, the Council would be in breach of the agreement made with the DfE in the S151 letter.
- 4.2 The current building is beyond economic repair and no longer fit for purpose. It would therefore not be cost effective to bring this up to the standard that was needed to safely accommodate the schools' pupils.
- 4.3 The preferred option was to provide a new facility which is more cost effective and will ensure that the pupils can continue to be taught on the current site whilst the new school is being built.

## **5 Consultation**

### External

- 5.1 The proposal was fully consulted upon in line with the requirements set out in the statutory guidance "Making significant changes ('prescribed alterations') to maintained schools (October 2018) published by the Department for Education (DfE). At the end of the statutory consultation 18 responses were received (2 from parents, 12 from staff, 2 from local residents, 1 from a parent governor and 1 from a respondent who did not specify, all were in favour of the proposal.

### Internal

- 5.2 The Leader and Ward Members for Oscott and Stockland Green have been consulted in relation to the proposals. No comments were received from the Ward Members for Stockland Green. The Ward Member for Oscott and the Leader responded with no objection to proceeding to an executive decision.

## **6 Risk Management**

- 6.1 Should the proposals not be approved the school buildings would have to close as they are beyond economic repair and would no longer offer a safe environment for the pupils. Works have been undertaken on the current site to ensure compliance of the buildings whilst the new build is being constructed. Practical completion is programmed for January 2022.
- 6.2 Alternative places would need to be found if the proposal was not approved for the current and future pupils of Oscott Manor School and this may increase the Council's reliance on independent provision if sufficient places are not available.

## **7 Compliance Issues:**

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

- 7.1.1 These works are required to enable the Local Authority to meet its statutory duty to not only ensure the provision of sufficient SEN provision at Oscott

Manor School but also to secure diversity in the provision of schools and increase opportunities for parental choice (Section 14 Education Act 1996 and Education & Inspections Act 2006). The spending priorities proposed are in accordance with the Schools' Capital Programme 2020-21 and the Council's Vision and Forward Plan priorities for Children, particularly 'A great place to grow up in by providing an environment where children have the best start in life and are able to realise their full potential through great education'.

## **7.2 Legal Implications**

- 7.2.1 This report facilitates the discharge of the local authority's duty under section 14 of the Education Act 1996 to ensure that sufficient schools are available to provide for all pupils the opportunity of appropriate education. The authority is also under a duty to defray the expenses of maintaining the school pursuant to section 22 of the School Standards and Framework Act 1998.

## **7.3 Financial Implications**

- 7.3.1 The cost of the works at Oscott Manor School will be funded from Department for Education PSBP2 programme and the Local Authority's Special Provision Allocation. The total project cost is circa £8.5 million and the Local Authority contribution towards the total cost of the scheme will not exceed £1.4 million.
- 7.3.2 Consequential revenue costs will be the responsibility of the school and funded from the school's delegated budget. As at the end of the last financial year the school had a surplus in excess of £0.250m, indicating a reasonably healthy financial position.

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

- 7.4.1 There are no procurement implications for BCC as the project is procured and delivered by the Department for Education through the Priority School Building Programme contract. BCC has provided a contribution to provide the additional classroom space required for the school to take the additional pupils as identified by our pupil forecasting.

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

- 7.5.1 N / A

## **7.6 Public Sector Equality Duty**

- 7.6.1 A Full Equality Analysis (EA0001202) was carried out in May 2016 for Education Infrastructure's Education Development Plan and Schools' Capital Programme 2020-21. The outcomes from consultation demonstrate that proposed capital developments support positive outcomes for children, young people, their families and carers. No negative impact on people with Protected Characteristics was identified. It was concluded that sufficiency of educational places and opportunities for all children and young people contributes to providing positive life chances and supports a positive approach to Safeguarding in Birmingham: actively reducing the number of children and young people out of school helps to mitigate risk to their safety

and wellbeing. We have assessed the content and can confirm that it still remains relevant as the works to provide a new facility will have a positive impact.

## **8 Appendices**

- 8.1 Section 151 Letter dated 20<sup>th</sup> May 2019
- 8.2 School Organisation Proposal – Determination Letter

## **9 Background Documents**

- 9.1 Schools' Capital Programme - School Condition Allocation 2020 -21+ Future Years Cabinet Report – Cabinet Approval on 21<sup>st</sup> April 2020.
- 9.2 Changing demand and supply of school places – Overview & Scrutiny Report – September 2018







Our ref: OM S151

Mike Green  
Director General  
Operations Directorate  
Department for Education  
5th Floor Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

20<sup>th</sup> May 2019

Dear Mr Green

**Priority School Building Programme MV West Midlands 2 – Capital Contribution relating to additional works at Oscott Manor School, 84a Old Oscott Hill, Birmingham B44 9SP**

Birmingham City Council (*the "Council"*) is aware that Oscott Manor School (*the "School"*) is to be rebuilt as part of the Priority Schools Building Programme (PSBP). The Council acknowledges that the Secretary of State for Education (*the "Secretary of State"*) intends to enter into a Design and Build Contract (*the "Contract"*) for the carrying out of design and construction work relating to the School. The Council wishes to use this opportunity to incorporate additional works at the School via the Contract that are over and above the Department for Education's (DfE) control option, specifically:

- An additional 431m<sup>2</sup> of accommodation to support an increased PAN from 92 to 120 (*the "Additional Works"*)

To progress this matter the Council agrees to the following.

**Capital Contribution**

It is the Council's intention to provide a capital contribution of £1,400,000.00 plus VAT (*the "Contribution"*) for the provision of the Additional Works. The Council acknowledges that this figure is an estimate only and that the total cost of the Additional Works, and therefore the Contribution, may be higher or lower than this estimate. The Council is aware that the DfE will invoice only once the final cost for the Additional Works has been confirmed and agreed with the Council, and the Council agrees to pay this amount (whether it is more or less than the original estimate) in accordance with the arrangements set out below.

**Challenge Process**

Once the DfE has concluded the final design in line with the planning requirements, both parties will have a firm understanding of what the final costs for the Additional Works will be before the works commence on site. At this point the Council can evaluate these costs, which will be provided on an open book basis to the Council, prior to agreeing the Contribution with the DfE.

**Additional Costs once in Contract**

In addition, the Council acknowledges that the Additional Works are being procured on behalf of the Council and therefore agrees to reimburse the DfE for any additional costs properly payable by the DfE to the Contractor under the Contract which directly relate to the Additional Works.

The DfE will notify the Council upon receipt of any legitimate claim for such costs and will keep the Council informed as the DfE seeks to agree a figure with the Contractor. The Council agrees to pay any further contribution in accordance with the invoicing arrangements set out below.



### **Abortive costs associated with cancellation of the proposal**

If the Council decides not to go ahead with the provision of any or all of the Additional Works then the Council agrees to pay any costs properly incurred by the DfE in relation to any abortive design and project management costs associated with the incorporation of the Additional Works into the Contract.

### **Matters not Funded by the PSBP**

The Council acknowledges that the PSBP does not fund any off-site works, including but not limited to works required under the Town and Country Planning Act 1990 (including but not limited to section 106 works) or the Highways Act 1980 (including but not limited to section 278 works). The Council acknowledges that should any such works be necessary then the Council will be required to fund the costs of them in addition to the figure referred to above.

### **Contractual position**

The Council acknowledges that, in order to procure the construction of the proposed items on behalf of the Council, the DfE will be the 'client' for the purposes of the Contract for the overall project at the School.

### **Payment**

The Council agrees to pay the Contribution (and any further contribution) including VAT as agreed in accordance with this letter within 30 working days of receipt of an invoice from the DfE *and in the case of the Contribution prior to the Secretary of State executing the Contract*. The invoice shall be issued to Birmingham City Council, and addressed for the attention of Mrs Jaswinder Didially, Education Infrastructure, PO Box 15843, 1 Lancaster Circus, Birmingham, B2 2RT

The Council confirms that the cost code to be used on all invoices relating to this matter is: CA-01903-02-1-225

Yours Sincerely,



Clive Heaphy

Chief Finance Officer  
Finance and Governance





Our ref: MLDET  
Date: 19<sup>th</sup> June 2019

**Letter by email to:**

**Oscott Manor School**

Head Teacher Mrs V Miller

Chair of Governors

Office of the Schools Adjudicator

Jonathan Vesey – Archdiocese of Birmingham

Toni Guest – Archdiocese of Birmingham

## **Determination: Proposal to Transfer Oscott Manor to a New Site**

Dear Colleague,

I am writing to advise you that on 19<sup>th</sup> June 2019 Birmingham City Council, as the Local Authority, in exercise of the powers conferred on it, has determined to implement the proposal, as detailed.

The Cabinet Member for Education, Skills and Culture and the Director for Education & Skills jointly approved the proposal to transfer Oscott Manor School to a new site at Reservoir Road effect from 1<sup>st</sup> November 2021.

Full details of the proposal and link to the decision report can be found via the consultation webpage:

<https://www.birminghambeheard.org.uk/people-1/oscottmanor>

Should you need any further information, please do not hesitate to contact the Education Infrastructure -School Organisation Team using the details below.

Yours sincerely,

**Jaswinder Didially**

Head of Education Infrastructure  
Birmingham City Council

**Education Infrastructure**

PO Box 15843  
1 Lancaster Circus  
Birmingham  
B2 2RT

Tel: 0121 303 8847

Email: [EdSI.Enquiries@birmingham.gov.uk](mailto:EdSI.Enquiries@birmingham.gov.uk)  
[www.birmingham.gov.uk/schools/esr](http://www.birmingham.gov.uk/schools/esr)



## **Environment and Sustainability Assessment**

Birmingham City Council is required to assess any positive or negative impacts that any policy/strategy/ decision/development proposal is likely to have on the environment. To complete the assessment, you should consider whether that policy/development/proposal will have a positive or a negative impact on each of the key themes by placing a (✓) for positive, (x) for negative and (?) for unclear impact, and (N/A) for non-applicable impact. The assessment must be completed for all Cabinet reports. It is the responsibility of the Service Director signing off the report to ensure that the assessment is complete. The officers from the sustainability team can help to fill the assessment especially during the early days of implementation.

Theme	Example
Natural Resources - Impact on natural resources including water, soil, air.	<p>Does the decision increase water use?</p> <p>Does the decision have an impact on air quality?</p> <p>Does the decision discourage the use of the most polluting vehicles (private and public) and promote sustainable modes of transport or working from home to reduce air pollution?</p> <p>Does the decision impact on soil?</p> <p>For example, development will typically use water for carrying out various operations and, once complete, water will be needed to service the development. Providing water to development and treating affluent water requires energy and contributes to climate change. Some of the activities including construction or disposal of waste may lead to soil pollution. The decisions may lead to more journeys thereby deteriorating air quality and thus contribution to climate change and greenhouse gases.</p>
Energy use and CO <sub>2</sub> emissions.	<p>Will the decision have an impact on energy use?</p> <p>Will the decision impact on carbon emissions?</p> <p>Most day-to-day activities use energy. The main environmental impact of producing and using energy such as electricity, gas, and fuel (unless it is from a renewable source) is the emission of carbon dioxide.</p>
Quality of environment.	<p>Does the decision impact on the overall quality of the built environment?</p> <p>Decisions may have an impact on the overall setting, character and distinctiveness in the area. For example, if development involves ground digging and excavations etc. it may have an impact on the local archaeology.</p>

<b>Project Title:</b>	<b>Oscott Manor Capital Contribution to PSBP2 project</b>
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Impact on local green and open spaces and biodiversity	<p>The proposal may lead to localised impacts on the local green and open spaces which may have an impact on local biodiversity, trees and other vegetation in the area.</p> <p>Will the proposal lead to loss (or creation) of green and blue infrastructure?  For example, selling an open space may reduce access to open space within an area and lead to a loss of biodiversity. However, creating a new open space would have positive effects.</p>
Use of environmentally sustainable products, equipment and packaging'	<p>Will the decision present opportunities to incorporate the use of environmentally sustainable products (such as compostable bags, paper straws etc.), recycled materials (i.e. Forest Stewardship Council (FSC) Timber/wood), non-polluting vehicles, avoid the use of single use plastics and packaging.</p>
Minimising waste	<p>Will the decision minimise waste creation and the maximise recycling during the construction and operation of the development/programme/project?  Will the decision provide opportunities to improve recycling?  For example, if the proposal involves the demolition of a building or a structure, could some of the construction materials be reused in the new development or recycled back into the construction industry for use on another project?</p>
Council plan priority: a city that takes a leading role in tackling climate change and deliver Route to Zero.	<p>How does the proposal or decision contribute to tackling and showing leadership in tackling climate change and deliver Route to Zero aspirations?</p>

<b>Department:</b> Education & Skills	<b>Team:</b> Education Infrastructure (Capital Investment)			<b>Person Responsible for assessment:</b> Susan Thomas
<b>Date of assessment:</b> 08/03/2021		Is it a new or existing proposal? New – decision to relocate Oscott Manor School to a new site with a new purpose-built facility – contribution required from LA to provide additional classroom space.		
<b>Brief description of the proposal:</b> Development of a new purpose-built facility on a new site to address the special educational needs of the pupils and increase capacity.				
<b>Potential impacts of the policy/development decision/procedure/ on:</b>	<b>Positive Impact</b>	<b>Negative Impact</b>	<b>No Specific Impact</b>	<b>What will the impact be? If the impact is negative, how can it be mitigated, what action will be taken?</b>
Natural Resources- Impact on natural resources including water, soil, air	√			<p>The new development is being built on an existing brownfield site which had four separate uses; day centre, school, school accommodation and children’s centre. As the uses on the site are being reduced and the new building will have more sustainable systems, it is envisaged that the impact on the natural resources would reduce.</p> <p>The site is in a good location for bus and train routes which will assist in reducing the need to rely on car usage. As part of the planning requirements associated with the development the school will need to update their school travel plan and encourage sustainable modes of transport within their school community.</p> <p>The proposals incorporate the use of Sustainable Urban Drainage features, which have been agreed with the LLFA, to slow down the rate of water entering the drainage network when compared to existing; The use of potable water will be kept to a minimum through careful specification of sanitary ware, using dual flush cisterns, and aerating taps.</p> <p>The construction process will aim to limit the pollution to the soil by reusing and recycling demolition waste, spoil and building materials where possible.</p>

Energy use and CO <sub>2</sub> emissions	√			<p>The design proposals have been based upon the accepted energy hierarchical strategy of "Be Lean, Be Clean, Be Green". The existing school building is in a poor condition with low energy efficiency rating which will be having a negative impact on the environment.</p> <p>The new building has been designed to exceed the current Building Regulations Part L standards and has passive and active measures within the building to facilitate energy efficient control which include:</p> <ul style="list-style-type: none"> <li>• Improvement to Thermal Transmittance of all thermal elements with an average improvement of</li> <li>• 23% on the building regulations</li> <li>• LED Lighting with performance far in excess of the Building Regulations, providing an average</li> <li>• luminous efficacy of 120lm/circuit W.</li> <li>• Lighting control provided with automatic absence/presence detection and daylight dimming.</li> <li>• High Efficiency Gas fired water heaters with low standing losses.</li> <li>• Ventilation solutions including a combination of natural &amp; Mechanical ventilation. All mechanical</li> <li>• ventilation is provided complete with heat recovery</li> <li>• Need for cooling reduced through the provision of hybrid ventilation &amp; high performance glazing.</li> <li>• Variable speed drives to all pumps and main ventilation systems.</li> <li>• BMS installation to facilitate energy efficient control.</li> </ul> <p>The new building is designed to have an Energy Performance Asset Rating of B.</p>
Quality of environment	√			<p>The new development is being built on an existing brownfield site which had four separate uses; day centre,</p>

				school, school accommodation and children's centre. The new design brings together the site into two uses which now link together. The master plan for the site includes retained areas for wildlife
Impact on local green and open spaces and biodiversity	√			The new school is being built on an existing brownfield school, accommodation and children's home site. While the development does require a loss of central green space it is predominantly grass. The new design incorporates play spaces, new soft landscaping and ecological enhancements such as bat and bird boxes and wildflower planting to encourage wildlife. Mature trees are being retained to the perimeter of the site and any lost are being replaced with new native tree species.
Use of sustainable products and equipment	√			The project will use responsibly sourced materials (e.g. timber - responsibly and legally sourced with FSC certification or equivalent); Where materials with high embodied content (e.g. concrete) are required their impact will be reduced through the use of recycled aggregates and cement replacement products. The construction will have bulk deliveries of materials to ensure reduced trips to site and reduction in unnecessary wrapping of individual materials.
Minimising waste	√			The demolished material has a high content of asbestos meaning it will not be possible for it to be re-used / recycled on site. The project will re-use excavated earth to change the levels on the whole site. The intention throughout the construction is to ensure a high percentage of the building waste is recycled with the minimum ending up in landfill.
Council plan priority: a city that takes a leading role in tackling climate change	√			The energy strategy has been developed in order to comply with Part L2A 2013 of the Building Regulations which requires a carbon emission calculation to be carried out. SBEM calculation have been carried out for the development based upon the planning drawings and construction specification.

				<p>The Adopted Birmingham Development Plan 2031 requires new developments to maximise energy efficiency and the use of low carbon energy and to incorporate low and zero carbon forms of energy generation where possible, or to connect into low and zero carbon energy generation networks where they exist and where practicable. Further analysis on the Planning Conditions and Drivers can be found in section 3.2 Planning Conditions.</p> <p>An energy and sustainability statement has been prepared to satisfy the planning requirements and provides full details on how these have been considered as part of the design process and that the proposals incorporate appropriate measures.</p>
Overall conclusion on the environmental and sustainability impacts of the proposal	<p>While the proposed works will change the use of the site, the new school and external areas will enhance the area. This will be through consolidation of buildings and enhancement to the general habitat. The new building will have a lesser impact on the environment through use of active and passive measures within the design.</p>			

If you require assistance in completing this assessment, then please contact: [ESAGuidance@birmingham.gov.uk](mailto:ESAGuidance@birmingham.gov.uk)



# Birmingham City Council

## Report to Cabinet

20 April 2021



**Subject:** Contract Extension - Civil Parking Enforcement Services (P129)

**Report of:** Acting Director Inclusive Growth

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

**Relevant O & S Chair(s):** Councillor Liz Clements, Chair of Sustainability and Transport Overview and Scrutiny Committee  
Councillor Sir Albert Bore, Chair of Resources Overview and Scrutiny Committee

**Report author:** Stacey Ryans, Parking Services Manager,  
Telephone No: 0121 303 6427  
Email Address: [stacey.ryans@birmingham.gov.uk](mailto:stacey.ryans@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: 008616/2021		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Exempt Appendix 2: Item 3 Information relating to the financial or business affairs of any particular person (including the council)		

## 1 Executive Summary

- 1.1 To seek approval to extend the current contract with NSL Services Ltd for Civil Parking Enforcement Services (including Vehicle Removals) and for Traffic Regulation Order (TRO) Support for the period 1<sup>st</sup> February 2022 to 31<sup>st</sup> January 2023 as an amendment to contract within the scope of regulation 72 of the Public Contracts Regulations 2015.
- 1.2 The reasons for the proposed extension are due to the impact of Covid-19 and the uncertainty regarding the future, together with the need to remain in a strong position to maintain contract stability to deliver the enforcement requirements associated with the Commonwealth Games Summer 2022. Also, sufficient time needs to be allowed to complete the re-commissioning process, which would include the work to review and update the service specification. Re-commissioning activity for a service of this size and nature typically takes between 14-18 months as illustrated below.

Preparatory Work for Tender	Aug 2021-May 2022
Cabinet Approval (Strategy)	Jun-22
OJEU Notice Issued	Jun-22
Tender Response Period	Jul-Aug-22
Evaluation Period	Sep-22
Cabinet Approval (Award)	Oct-22
Contract(s) Award	Oct-22
Mobilisation Period (3 months)	Nov-22 to Jan-23
Contract(s) Start	1 <sup>st</sup> February 2023

- 1.3 In addition, it is expected that local authorities will be given the powers to enforce moving traffic offences within the next 12-18 months and by delaying the re-procurement until this is the case, the contract specification can be modified accordingly for the replacement enforcement contract.

## 2 Recommendations

- 2.1 Approves the extension of the contract for the provision of Civil Parking Enforcement Services (including Vehicle Removals) and for Traffic Regulation Order (TRO) Support to NSL Services Ltd, commencing 1<sup>st</sup> February 2022 for a period of 12 months to 31<sup>st</sup> January 2023. The estimated annual value is £2.7m and will be funded as part of the costs of enforcement from income generated from enforcement activities.
- 2.2 Notes the risks and mitigations set out in Exempt Appendix 2.
- 2.3 Authorises the City Solicitor (or their delegate) to execute and complete all necessary legal documents to give effect to 2.1.

## 3 Background

- 3.1 The Council successfully applied for a designation order and adopted the powers contained within the Road Traffic Act 1991; superseded by the Traffic Management Act 2004 (Part 6) to undertake civil parking enforcement, and a vehicle removals operation in Birmingham, with effect from September 2001.

Therefore, the Council has a statutory obligation to enforce the parking restrictions in Birmingham.

- 3.2 The contract award for the provision of Civil Parking Enforcement Services (including vehicle removals and Traffic Regulation Order support) by NSL Services Ltd was approved by Cabinet on 8<sup>th</sup> December 2014. The contract set out an initial term of five years to 31<sup>st</sup> January 2020 with the option to extend for a further two years. The Acting Director, Inclusive Growth approved the option to extend for the period to 31<sup>st</sup> January 2022 by delegated approval on 27<sup>th</sup> November 2019.
- 3.3 It is proposed to extend the contract, by 12 months to 31<sup>st</sup> January 2023, as a consequence of the impact of Covid-19 and the uncertainty regarding the future, together with the need to maintain contract stability to deliver enforcement requirements for the Commonwealth Games Summer 2022.
- 3.4 Since the award of this contract, NSL Services Ltd has provided a good service in accordance with contractual requirements. Based on this position it is recommended that the contract is further extended.
- 3.5 It is anticipated that the re-commissioning strategy for replacement service delivery will be presented to Cabinet in Spring/Summer of 2022.

#### **4 Options Considered and Recommended Proposal**

- 4.1 If the contract is not extended, it will expire as there is insufficient time to complete the procurement activity for a new tender. As such, there will be no provision to continue to deliver enforcement services which would have a major negative impact on the traffic network and would jeopardise the safety of the public.
- 4.2 If the contract is extended, it will allow the continued ability to deliver enforcement services whilst work takes place to prepare for a new tender.

#### **5 Consultation**

- 5.1 Discussions have been held with NSL Services Ltd regarding the potential contract extension.

#### **6 Risk Management**

- 6.1 The risks associated with this contract extension are set out within the Exempt Appendix 2.

#### **7 Compliance Issues:**

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

7.1.1 This contract will support the following objectives of the Council:

**Birmingham is an entrepreneurial city to learn, work and invest in.**

**Priority 4:- We will develop our transport infrastructure, keep the city moving through walking, cycling and improved public transport.**

- the provision of a high-quality parking enforcement service contributes towards achieving the strategic outcomes of improved traffic management and more reliable public transport.
- the parking enforcement operation assists with improving traffic flow and reliability of journey times by tackling and deterring illegal parking, improving the image of local neighbourhoods.
- By helping to ensure that the road network is kept clear of obstructions to the free flow of vehicle traffic, the parking enforcement and vehicle removal operation both contribute towards tackling the causes of traffic congestion and reducing delays to public transport.

**Birmingham is a great city to live in.**

**Priority 4:-We will improve the environment and tackle air pollution.**

- by deterring illegal parking, the parking enforcement service helps to reduce traffic pollution caused by congestion.

**Priority 5:- We will work with partners to ensure everyone feels safe in their daily lives.**

- the activities of the parking enforcement service provide a visible uniformed presence and help to make the streets safer for pedestrians by tackling illegal obstructive parking and enforcing against illegal parking around schools.
- the parking enforcement service will respond to instances of illegal parking identified by local residents.

#### 7.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

NSL Services Ltd has signed up to and has adopted the principles of the Birmingham Business Charter for Social Responsibility. Delivery of this will continue during this extension term.

## 7.2 Legal Implications

- 7.2.1 The authority for the Council to undertake Civil Parking Enforcement is provided in the Statutory Instrument No. 2883 entitled the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Birmingham) Order 2001 made under the provisions for the Road Traffic Act 1991; superseded by Part 6 Traffic Management Act (TMA) 2004 (TMA).
- 7.2.2 Powers to undertake aspects of the vehicle removal function are provided through the Refuse Disposal (Amenity) Act 1978, the Road Traffic Regulation Act 1984, the Removal and Disposal of Vehicles Regulations 1986, the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 and the Clean Neighbourhoods and Environment Act 2005.

7.2.3 Traffic Regulation Orders (TROs) are implemented by virtue of the Road Traffic Regulation Act 1984.

### **7.3 Financial Implications**

7.3.1 Under the proposed contract extension the costs of provision will continue to consist of a fixed element for core services and a variable element for flexibility of deployed hours for Civil Enforcement Officers.

7.3.2 The variable costs will continue to be subject to increase/decrease in line with the fluctuation clause in the contract that is based on any change in Retail Price Index.

7.3.3 The estimated annual value of the contract extension is £2.7m based on existing levels of enforcement expenditure including Bus Lane enforcement. This will be funded as part of the costs of enforcement from income generated from enforcement activities.

### **7.4 Procurement Implications**

#### **7.4.1 Publication of Contract Modification Notice**

As the Council is seeking to modify a contract within the scope of regulation 72(1)(c) of the Public Contracts Regulations 2015 a transparency requirement applies. This means that the Council is required to publish a contract modification notice in the Official Journal of the European Union (OJEU) and Find a Tender Service setting out the nature and extent of the modifications.

#### **7.4.2 Service Delivery and Performance Management**

This contract will continue to be managed operationally and commercially by the Parking Services Manager, Highways and Infrastructure, with support from Corporate Procurement Services.

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

7.5.1 None

### **7.6 Public Sector Equality Duty**

7.6.1 The requirements of Standing Order No. 9 in respect of the Council's Equal Opportunities Policy have been incorporated into the contract.

7.6.2 The requirements of the Equality Act 2010 have been specifically included in the contract to comply with the Act.

7.6.3 A stage 1 Equalities Report (EAR) was carried out as part of the Tender Strategy for Civil Parking Enforcement Services (P129) report which did not identify any adverse equalities implications within the service which is subject of procurement and therefore was not necessary to progress to a Stage 2. This has been reviewed and nothing has changed since (Appendix 1).

**8 List of Appendices accompanying this Report (if any):**

8.1 Appendix 1 Equalities Analysis

8.2 Exempt Appendix 2

**9 Background Documents**

9.1 Tender Strategy for Civil Parking Enforcement Services (P129) – Public Report  
14th July 2014.

9.2 Contract Award for Civil Parking Enforcement Services (P129) - Public Report,  
8th December 2014.

## Parking Services Equality Analysis

## INITIAL SCREENING – STAGE 1

As a public authority we need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Full EINA/EQUALITY ANALYSIS is required.

<b>Name of policy, strategy or function:</b> Highways – Parking Services  (Overarching Equality Assessment covering Parking Service Function)	<b>Ref:</b> EC 04 12 PA
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<b>Responsible Officer:</b> Jamie Davies  <b>Directorate:</b> Environment & Culture	<b>Role:</b> Chairperson of EINA/EQUALITY ANALYSIS Task Group  <b>Assessment Date:</b> 4 <sup>th</sup> April 2012
---	---

<b>Is this a:</b> Policy <input type="checkbox"/> Strategy <input type="checkbox"/> Function <input checked="" type="checkbox"/> Service <input checked="" type="checkbox"/>
<b>Is this:</b> New or Proposed <input type="checkbox"/> Already exists and is being reviewed <input checked="" type="checkbox"/> Is Changing <input type="checkbox"/>

## 1. What are the main aims, objectives of the policy, strategy, function or service and the intended outcomes and who is likely to benefit from it

The Parking Service is a key service provision within Highways and is headed by the Traffic Manager, as required by the Traffic Management Act 2004. The Traffic Manager has responsibility for securing the expeditious movement of traffic on the highway network within Birmingham. The Traffic Manager and his team are responsible directly for all on-street parking, BCC off-street parking facilities in the city centre core area, and has an overview for the remainder of the BCC parking service within the City. Key parking functions are:

- Effective management the City Council's car parking Service.
- Enforcement /implementation of the Traffic Management Act 2004 (Road Traffic Act 1991).
- Managing / reducing congestion
- Compliance with and contribution to the City Council's traffic management and congestion management duty and responsibilities.
- Compliance with the legislation controlling the processing of Penalty Charge Notices.
- Liaising with Emergency Services, Highways Agency and other Traffic Authorities, Statutory undertakers, Public Transport providers, stakeholder groups and highway users.
- Resolving issues affecting disabled users, businesses, faith and religious organisations and taking into account equality issues.
- Manage and maintain the provision of Traffic Regulation Orders.
- The effective management of the delivery of capital parking improvement schemes/initiatives and managing the associated parking revenue budgets
- Compliance with and contribution to the City Council's traffic management and congestion management duty and responsibilities.
- Compliance with the legislation controlling the processing of Penalty Charge Notices.

### **Outcomes** of the Service provision and function:

- High Level of compliance with the Parking Regulations throughout the City resulting in effective traffic flow.
- Effective processing of Penalty Charge Notices.
- The expeditious movement of traffic to facilitate predictable, reliable journey times.
- Minimise congestion and unexpected delays to traffic flow.
- Improve the effective operation of a balanced Transportation Policy
- Input to changes in the design of the highway layout and traffic regulations to take into account the particular requirements of specific highway users.
- Ensure Traffic regulation Orders are managed and maintained to facilitate effective enforcement of traffic regulations.
- Meet statutory obligations in accordance with relevant legislation. The key objectives are derived from the National/ West Midland Local Transport Plan.  
National objectives: reduce congestion, improve accessibility, improve air quality, improve road safety.

Local objectives: economic revitalisation, improve safety and health, contribute to social inclusion, improve transport integration, promote sustainable development and growth.

### **Beneficiaries** are a wide range of customer groups that benefit from this function. They include

- the general public,
- parent groups,
- businesses and trading associations,



- road user groups,
- people with mobility difficulties e.g. Blue badge Holders requiring use of designated Blue Badge bays,
- public transport bodies.

## 2. Explain how the main aims of the policy, strategy, function or service will support the Equality Duties?

1. Eliminate discrimination, harassment and victimisation? ☒
2. Advance equality of opportunity? ☒
3. Foster good relations? ☒
4. Promote positive attitudes towards disabled people? ☒
5. Encourage participation of disabled people? ☒
6. Consider more favourable treatment of disabled people? ☒

There is **no potential adverse** impact on equality as a result of delivery of this service / function and the explanation (with examples) in support of each equality duty is given below:

### 1. Eliminate discrimination, harassment and victimisation

Parking services and associated initiatives are developed not only to serve any one type of stakeholder but their scope is wide ranged to deliver benefits to all protected characteristics of equality. Parking Services fully supports the requirements that need to be met as part of the equality duty e.g. enforcement of blue badge system to prevent abuse, enforcement of use of blue badge parking bays, provision of disabled parking bays both on and off-street bays.

### 2. Advance Equality of Opportunity

In undertaking changes and initiatives with in the Parking Service, where there are specific equality or disability issues the scheme design can be submitted to the Access Committee who can use their expertise to check designs and provide advice on design standards to ensure disability and equality considerations are fully taken into account in developing the final scheme design. All proposed changes to Traffic Regulation Orders which are associated with Parking changes are sent to the Access Committee inviting comment.

### 3. Foster Good Relations

Good relations between various groups in the community are fostered by supporting particular community events. E.g. assisting with parking suspensions for community events. The activity would help to foster good relations in respect of Blue Badge holders as we issue Penalty Charge Notices to those using designated Blue Badge bays who are not badge holders/not displaying a badge.

### 4. Promote Positive attitudes towards Disabled People.

Parking Services seeks to promote positive attitudes towards disabled people by commenting on highway improvement designs. Issues promoted include provision of appropriate footway width, unobstructed footways (including decluttering schemes), provision of pedestrian crossings where appropriate with

appropriate tactile paving /buttons and audible signals for blind and visually impaired, provision of tactile paving at uncontrolled footway crossings. Provision of appropriate disabled parking bays. Provision of disabled bay markings outside residential premises. Implementing pilot scheme to ban parking on footways and verges

5. Encourage participation of disabled people.

All proposed changes to Traffic Regulation Orders associated with Parking changes are sent to the Access Committee for comment. Frontagers and any identified interest groups are contacted to seek their views on the proposals. Where relevant works promoters must submit their proposals to Parking Services for checks on scheme design to ensure access issues have been taken into account in the scheme design. Good highway design standards will assist people with mobility difficulties to be move in the public realm and be more active in the community.

A representative of the Traffic Manager regularly attends the Access Committee to pass on information about future events, works and highway changes and to take on board concerns raised in connection with disability access. We also encourage participation of disabled people as more favourable treatment is given to disabled people who hold a Blue Badge. They are provided with designated bays on street and they can also use the City Council's Pay and Display car parks without having to purchase a ticket if they display their badge.

6. Consider more favourable treatment of disabled people

The provision of advisory residential disabled parking bays outside homes of people with disability mobility issues is carried out to recognise that people with specific mobility requirements may require favourable treatment to assist some citizens in fully integrating into the community and taking advantage of local facilities. The provision of appropriate regulatory disabled parking bays in shopping centres in advantageous favourable locations can also assist people with particular mobility requirements to use facilities and promote social inclusion.

**3. Does your policy, strategy, function or service affect:**

Service users	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Employees	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Wider community	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Please provide an explanation for your 'Yes' or 'No' answer**

As service users, employees and the wider community all have access to the public highway; any changes made will have some form of effect on service users, employees and the wider community. The wider community derives benefits from the service through our effective enforcement strategy e.g. they can find parking space more easily, more efficient traffic flow and safer community by reducing abuse of parking restrictions that could cause accidents to motorists/pedestrians.

However, the affect is **not adverse**. Through the effective commitment, engagement, consultation and monitoring processes, the adverse effect is quantified and then control measures are put in place to minimise its affect.

**4. Are there any aspects of the policy, strategy, function or service, including how it is delivered, or accessed, that could contribute to inequality?** (including direct or indirect discrimination to service users or employees)

Yes ☐

No ☒

**Please provide an explanation for your 'Yes' or 'No' answer**

There will be **no direct or indirect discrimination** to service users or employees.

In undertaking changes to the Parking service or new initiatives, officers are required to demonstrate that they have identified and allocated sufficient resources to meet the implications they are changing. There is no proposed change to this protocol. If the potential for an adverse impact is identified during consultation, an alternative measure will be investigated and, where possible, be incorporated into the design. In all instances, no scheme would be implemented if it did not meet scheme objectives and provide an overall improvement over existing conditions. Achieving those objectives should have a direct and positive impact on equalities

**5. Will the policy, strategy, function or service, have a adverse (negative) impact upon the lives of people, including employees and service users?**

Yes ☐

No ☒

**Please provide an explanation for your 'Yes' or 'No' answer**

Delivery of this service and function **will not have an adverse impact** on the lives of people or service users, as any adverse effects would be highlighted and dealt with as part of the early engagement and consultation process for each proposed scheme.

The decisions taken will ensure that equality requirements are assessed and any funding implications are clearly determined. This will ensure that resources are available to ensure that highway infrastructure is maintained to an appropriate professional and technical standard to serve all forms of equality strands.

## 6. Is an Equality Impact Needs Assessment/Equality Analysis required?

If your answer to question 2 has identified potential adverse impact and you have answered 'yes' to any of the following questions 3, 4, or 5, then you should carry out a Full EINA/EQUALITY ANALYSIS.

Does the Policy, Strategy, Function or Service require a Full EINA/EQUALITY ANALYSIS?    Yes ☐    No ☒

If a Full EINA/EQUALITY ANALYSIS is required, before proceeding you should discuss the scope of the assessment with service managers in your service area as well as the Directorate EINA/EQUALITY ANALYSIS Contact Officer.

If a Full EINA/EQUALITY ANALYSIS is Not required, please sign the declaration below and forward a copy of the Initial Screening to your Directorate EINA/EQUALITY ANALYSIS Contact Officer

## DECLARATION

A Full EINA/EQUALITY ANALYSIS is not required, the Initial Screening has demonstrated that the Policy, Strategy, Function or Service is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Chairperson: Jamie Davies

Summary statement:

Sign-off Date: 4<sup>th</sup> April 2012

I have reviewed the initial screening - Stage 1 analysis and concur that it represents the consideration of the Task Group. This demonstrates that the commitment, engagement, consultation and monitoring processes are considered sufficiently robust to eliminate any potential for discrimination or adverse impact as a result of delivering the Parking function and the implementation of initiatives, changes and improvements by Parking Services

Quality check: The screening document has been checked using the agreed audit arrangements in the Directorate:

<p>Name: (Officer/Group carrying out the Quality Check)</p> <p>Lesley Ariss</p> <p>Directorate:</p> <p>Environment and Culture (now known as Local Services Directorate).</p> <p>Contact number:</p> <p>303 9121</p>	<p>Date undertaken:</p> <p>12 April 2012</p>	<p>Screening review statement:</p> <p>The service have advised that they give due regard and consider all relevant groups.</p> <p>There is no change to the service and I confirm there is no requirement to proceed to a Full Eina.</p> <p>I suggest that stakeholders details are included in the Task Group list as we are required to show that we have included these in the review of the service.</p>
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#### EINA/EQUALITY ANALYSIS Task Group Members

<u>Name</u>	<u>Role on Task Group</u> (e.g. service user, manager or service specialist)	<u>Contact Number</u>
1. Jamie Davies	Chairperson	0121 303 7189
2. Kevin Hicks	Manager	0121 303 7679
3. Bob Wilde	Service Specialist	0121 303 6421
4. Sue Cartwright	Service Specialist	0121 303 7871
5. Stacey Ryans	Service Specialist	0121 303 6427

Public Report

**Birmingham City Council****Report to Cabinet**

20th April 2021



**Subject:** **PROCUREMENT STRATEGY FOR THE SUPPLY OF NON-PERMANENT WORKERS AND PERMANENT RECRUITMENT SOLUTIONS (P0188 & P0188\_2021)**

**Report of:** Head of Contract Management, Corporate Procurement Services

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

**Relevant O &S Chair(s):** **Councillor Sir Albert Bore, Chair of Resources Overview and Scrutiny Committee**

**Report author:** Richard Tibbatts, Head of Contract Management, Corporate Procurement Services Telephone No: 07827367245  
Email Address: [Richard.tibbatts@birmingham.gov.uk](mailto:Richard.tibbatts@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):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007787/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential:		

## **1 Executive Summary**

- 1.1 This report sets out the procurement strategy and route to market for the Supply of Non-permanent Workers and Permanent Recruitment Solutions.

## **2 Recommendations**

That Cabinet

- 2.1 Approves the award of a new 2 year call off contract to Hays Specialist Recruitment Ltd (Hays) commencing on 4<sup>th</sup> September 2021 for the estimated annual value of £41,600,000 based on historic spend (Category 1).
- 2.2 Delegates approval to exercise the option to extend to Assistant Director, Development & Commercial, Interim Chief Finance Officer and City Solicitor (or their delegates) subject to satisfactory performance and budget availability.
- 2.3 Delegates authority to approve both the procurement strategy and award of contracts for Worker Categories 2-7 to the successful provider(s) to the Assistant Director, Development & Commercial, Director of Finance and Interim City Solicitor (or their delegates)
- 2.4 Approves the amendment of the contract term of the framework agreements for Temporary Agency Workers for Educational Establishments with those organisations listed in Appendix 1 commencing 1<sup>st</sup> September 2021 for a period of 12 months to 31<sup>st</sup> August 2022. The estimated annual value is £2.5M
- 2.5 Authorises the City Solicitor (or their delegate) to execute and complete all necessary legal documents to give effect to 2.1 - 2.4

## **3 Background**

- 3.1 The Council has an ongoing requirement for temporary workers, interims, fixed term assignments and professional skills for permanent recruitment solutions to support the Council in delivering the workforce strategy 2018-2022 (& any successor to this).
- 3.2 The existing framework agreement for temporary agency workers via Hays expires on 3<sup>rd</sup> Sept 2021 (c. £41m p.a.) as does the framework for the supply of temporary workers to educational establishments (c. £4.4m pa). It is therefore prudent to determine and commence procurement activity to ensure a successor agreement is in place prior to this date. The procurement has been delayed due to a lack of available resource to undertake the tendering activity due to resource being diverted to more critical projects such as security services, PPE etc where existing contracts are not in place.
- 3.3 There are no overarching contracts in place for the supply of interims and fixed term assignments particularly for specialist or professional support workers (legal, finance, HR etc). The Hays framework described in 3.2 above includes provision for these workers but both the Council & Hays have struggled to fill these roles through this arrangement. The proposed new arrangements will have



a different approach & will capture all of the lessons learnt as a result of not being able to fill under the Hays agreement. Consequently, this spend totalling approximately £8m p.a. is fragmented and non-compliant from the perspective of good procurement governance. In addition, it creates a potential risk that officers sourcing these workers do not ensure IR35 protocol is adhered to. A more controlled solution is therefore required in this area to regularise this requirement and underpin the delivery of the Cabinet Member for Finance and Resources objective to ensure clear oversight of interims and consultants as set out within the Constitution.

- 3.4 The existing contracts for Executive search and recruitment with Seymour John Public Services Ltd & Gatenby Sanderson Ltd will expires on 31<sup>st</sup> June 2021. The contract commenced on 13<sup>th</sup> May 2019. This contract will be superseded by the implementation of recommendation 2.3. Total contract spend to date is c. £125k.
- 3.5 Recognising the fragmented spend and contract profile above and as the workforce strategy evolves there is need for the Council to have appropriately tendered agreements in place to supply non-permanent and permanent workers across a diverse range of skills and professions. The procurement strategy seeks to address this.

#### **4 Options considered and Recommended Proposal**

- 4.1 In considering the route to market, various options to aggregate worker categories were considered. However, having undertaken market analysis in relation to these Category areas it is apparent that no one provider can currently provide all these worker types, particularly around roles within Educational establishments, Finance, Legal, Procurement, ICT and the specialisms required for executive recruitment.
- 4.2 Consequently, the procurement options for each are considered separately within Section 7 of the report.

#### **5 Consultation**

- 5.1 The Chair of the Resources Overview and Scrutiny Committee has been briefed on the content of this report.
- 5.2 All relevant departments of the Council were consulted.

#### **6 Risk Management**

- 6.1 The risks associated with this procurement strategy are set out within the Private report.

#### **7 Compliance Issues:**

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

7.1.1 The roles appointed under these Category areas will enable all areas of the Council to appoint temporary, interim and permanent staff into roles that both directly and indirectly contribute to the delivery of all of the 5 key outcomes within the Council Plan.

7.1.2 **Birmingham Business Charter for Social Responsibility (BBC4SR)** - 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 periods. The procurement activity proposed here is clearly linked to employment and skills. The social value priorities will be:

- **Priority 1** - Through the Charter action plan Suppliers' commitments need to focus on employment and employability for Birmingham residents, particularly in disciplines and job roles that historically have been hard to fill for the Council;
- **Priority 2** - Through the Charter action plan Suppliers' commitments need to focus on engaging with local schools to give young people information about working at the Council and the range of jobs and disciplines available to them particularly focusing on the hard to fill roles; and
- **Priority 3** - Through the Charter action plan Suppliers' commitments need to focus on how they will use their influence as an employment expert to educate their customers on good employment practices

## **7.2 Legal Implications**

7.2.1 The Council is required by Section 112 Local Government Act 1972 to appoint such officers as it thinks necessary for the proper discharge of Section 111 Local Government Act 1972 provides that the Council may do anything which is calculated to facilitate the discharge of any function, and this will include the recruitment of agency workers. Some Council services may only be provided by persons qualified. It is therefore necessary to recruit qualified staff to comply with such regulatory provision.

## **7.3 Financial Implications**

7.3.1 The contracts will not commit the Council to any particular level of spend, this is incurred when an agency worker is hired against the contract. The estimated total annual expenditure is as follows

- £41.6m for the additional call off under the Hays contract. This is based upon the numbers of agency workers on assignment over the last 12 months. In arriving at the recommendation for this further call off, Officers benchmark contract rates & historic/projected usage against the direct award rates of a large 3<sup>rd</sup> party framework agreement. On a like

for like rates comparison this showed a 0.0002% saving. However, when factoring in mobilisation costs this showed an increase in costs for the Council if this were the preferred route. Value for money can therefore be demonstrated.

- £8m for worker category 2-6 this is based on known historic annual usage but noting that due to the limitations of data from Voyager this figure is an estimate.
- £4.4m for worker category 7 (£4.1m from schools directly and £0.300m for Education & Skills) spend will be met from the schools individual budgets and the Special Guides/Escorts approved budget within Education & Skills

7.3.2 Any spend associated with these contracts will be met from approved Directorates service budgets.

7.3.3 These frameworks will underpin and facilitate the successful operation of the recently introduced HR procedure for the appointment of interims and consultants as well as assist in the achievement of the workforce savings target through the smart use of the successful agencies.

## **7.4 Procurement Implications**

7.4.1 The scope of the future procurement strategy falls into 7 worker categories;

- Category 1, temporary workers covered under the existing agency framework referred to in 3.2 above (multiple role types, skills and service areas, GR7 and below);
- Category 2, Interim and Permanent roles for support services professional disciplines such as Finance, Procurement, HR, Legal Services;
- Category 3, interim and permanent roles for ICT&D;
- Category 4, Building, Property and construction related roles interim and permanent;
- Category 5, Interim and permanent roles for Project and Programme Management positions;
- Category 6, Executive Roles, interim and permanent recruitment and;
- Category 7, temporary workers for educational establishments.

7.4.2 **Category 1** Options - worker types covered under the existing agency framework with Hays.

There are several national frameworks available to access with authorities being given the option of direct award without competition (which to award to Hays via this route would mean a price increase) or mini-compete our requirements.

The Council's existing framework with Hays enables other local authorities to 'call off contracts' under this agreement. The length of individual contracts based on the framework agreement is determined by each local authority. Call off contracts must be awarded before the end of the term of the framework agreement itself and do not need to coincide with the duration of that framework agreement, but might, as appropriate, be shorter or longer.

For this Category, the recommended approach is to enter into a new 2 year call off contract with the option, at the Council's discretion, for this call off contract to be extended for up to a further 2 years (a maximum of 4 years) to Hays, under this existing framework for Birmingham & for the job roles set out in the framework. The commencement date will be 4<sup>th</sup> September 2021. The rationale for this is set out below;

- Throughout the contract term, Hays have worked with the Council to achieve the strategic aims of the contract (demonstrated through the Hays and the Council winning a 'Go; award in 2019 for Best Service Award Medium and Large Organisations Category) and consistently exceeded on KPI performance;
- Tendering costs for the Council will be avoided (circa £60-£80k in officer time based on the previous tender);
- Hays have implemented a robust system for the administration of workers e.g. electronic time sheets;
- Hays have worked very closely and effectively on mobilising key projects during the COVID response – demonstrating a commitment to support the council.
- Profit margins for Agencies is typically low (i.e. around 5% or less), therefore the margin of value that could potentially deliver savings through tendering as a percentage of the total value of the contract is very small. In addition, when factoring in any potential cost of change for both the Council and providers it is felt that better value can be negotiated directly with Hays.
- Were the Council to tender this and result in a change of supplier in Sept 2021 the bedding-in period for this contract would coincide with the go live of ERP in April 2022. Typically, the Council receives 100+ invoices a month and there is a tried & tested system in place for the electronic exchange of invoice data with Hays that will be migrated from Voyager to 1B with little need for testing. Data from a new supplier would need more rigorous testing & the Council would need to provide the resources to do this. Retendering would therefore create significant risks for the Council and the delivery of the ERP programme.
- The 2 years would allow sufficient time to address and consolidate off-contract spend with a view to the whole category of spend being re-tendered in 2023.

- Much work has taken place over the last 3-4 years to understand & stabilise this area of spend resulting a high level of compliance with both the contract & the process for appointing agency workers. The further call off will allow officer time to focus on applying the same process & rigour to worker categories 2-6 (see below) with the result being a high level of compliance in these areas also. This has the added benefit of supporting the new HR process for interims and consultants.

#### 7.4.3 **Categories 2 – 6** Interim and Permanent Recruitment and Recruitment advertising for Professional and specialist roles

There are several national frameworks available to access with authorities having the ability to mini-compete for these requirements which would facilitate a more expedient solution than Council own tender. These frameworks are fully compliant with EU and UK procurement legislation and all suppliers listed on such frameworks have been assessed during the procurement process, by the framework owner for their financial stability, track record, experience and professional ability.

However, there is no single framework that can accommodate the diversity and range of roles required by the Council. In addition, for some of the Category areas the market will have providers that focus on either permanent recruitment or interim roles whereas other worker categories consist of providers capable of delivering both interim and permanent roles. The sub-lotting strategy will be finalised as part of the development of the tender documentation.

Utilisation of multiple frameworks will result in different worker categories being contracted under the differing terms and conditions of each framework and will lead to a lack of consistency across worker categories and a challenging suite of contracts to manage.

It is therefore recommended that the Council undertake its own procurement exercise in line with the approach and lot strategy set out below.

Lot	Worker Category	Sub Lots	Minimum No. of providers per Lot
1	Interim and Permanent roles for support services professional disciplines such as Finance, Procurement, HR, Legal Services.	1 Lot, Finance & Procurement, HR and Legal Services	4
2	Interim and permanent roles for ICT&D	1 Lot	2
3	Building, Property and construction related roles interim and permanent.	1 Lot	2
4	Interim and permanent roles for Project and Programme Management positions	1 Lot	2
5	Executive Roles, interim and permanent recruitment	1 Lot	2

Market intelligence suggests that the future market for the contingent workers market very much depends on the future way of working after lock down restrictions have been lifted & the bounce back in the economy

It is therefore proposed that the procurement strategy for Categories 2-7 be deferred until later in 2021 when the market predictions are a little clearer. It is also proposed that approval of this procurement strategy is delegated to Assistant Director, Development & Commercial, Interim Chief Finance Officer and City Solicitor (or their delegates)

#### **7.4.4 Category 7 - Temporary workers for educational establishments**

Temporary supply of Agency workers to schools (educational and non-educational roles). Schools and the Council have an ongoing need for:

- supply teachers, (Secondary, Primary and Special Education Needs)
- teaching assistants and Learning Support Assistants
- nursery officers; and
- non-educational staff to work in schools
- Pupil guides for the Home to School transport service

The existing frameworks will expire on 31<sup>st</sup> August. The re-procurement of these frameworks has been delayed. Further details are provided within the Private Report. It is therefore proposed that these frameworks be extended for a period of 12 months to allow for the re-procurement to be concluded & to ensure that the start of the new frameworks does not coincide with the start of a new school year during which time schools are busy with other things. For the reasons stated in 7.4.3 above it is proposed to delegate the procurement strategy is delegated to Assistant Director, Development & Commercial, Interim Chief Finance Officer and City Solicitor (or their delegates)

The extended framework agreements will continue to offer value to the schools as the breakdown of the charge rate is transparent, temporary agency workers are hired on the Council's terms of business and there is no introductory fee payable if a worker is taken on permanently following a recruitment and selection process.

#### **7.5.4 Risk**

The CPS approach is to follow the Council Risk Management Methodology and the Category Team is responsible for local risk management.

#### **7.4.5 Implementation Timescales**

The contractual arrangements for Worker Category 1 (worker types covered under the existing agency framework with Hays) can be implemented with immediate effect following Cabinet approval with the new arrangements commencing 4<sup>th</sup> September 2021.

The timetable for the procurement of worker categories 2-7 will be determined as part of the delegated procurement strategy. Further details are provided within the Private Report.

It should be noted that with respect to Worker Category 6 (Executive Roles, interim and permanent recruitment) there is an immediate need for an interim arrangement to be established to support the Council delivery plan whilst the contracts to deliver the Council's longer-term procurement strategy is delivered. Approval to proceed with this interim arrangement will be sought via the Planned Procurement Activities Report.

## **7.6 Contract & Performance Management**

The Framework Agreements will be managed commercially by the Contract Manager – Corporate Procurement Services with support from Human Resources. Schools will manage individual call off agreements with Agencies.

## **7.7 Human Resources Implications (if required)**

- 7.7.1 The contracts will support the delivery of the Council's workforce strategy for 2018 – 2022 by enabling resourcing capacity to deliver agreed priorities and in particular, service areas will benefit from the broader framework where roles are difficult to recruit to.
- 7.7.2 The contracts will provide a platform to enable Directorates to deliver their workforce plans and where there are peaks and troughs and short-term specialist transformational resource requirements, the contracts will be an enabler to the completion of priorities in the Delivery Plan.
- 7.7.3 The contracts will provide assurances surrounding various vetting compliance requirements e.g. right to work, Disclosure and Barring Service Checks (DBS) and qualifications in order to mitigate legal and financial risks to the Council.

## **7.8 Public Sector Equality Duty**

- 7.8.1 A relevance test to decide whether this planned procurement has any relevance to the equality duty contained in Section 149 of the Equality Act 2010 of eliminating unfair/unlawful discrimination and to promoting equality and human rights was conducted on 20<sup>th</sup> August 2020, reference EQA555. The screening identified that there was no requirement to assess this further and completion of an Equality Assessment form was not required.

## **8 Background Documents**

- 8.1 Report to Cabinet - COMMISSIONING & PROCUREMENT STRATEGY FOR THE RECRUITMENT AND MANAGEMENT OF AGENCY WORKERS FOR THE COUNCIL (EXCLUDING CHILDREN'S SOCIAL) dated 22<sup>nd</sup> March 2016
- 8.2 Report to STRATEGIC DIRECTOR OF CHANGE AND SUPPORT SERVICES - CONTRACT AWARD FOR THE RECRUITMENT AND MANAGEMENT OF AGENCY

WORKERS FOR THE COUNCIL (EXCLUDING CHILDREN'S SOCIAL WORKERS)  
(P188) DATED 30<sup>th</sup> January 2017

8.3 Report to Chief Operating Officer - CONTRACT AWARD FOR THE PROVISION  
OF TEMPORARY AGENCY WORKERS FOR EDUCATIONAL  
ESTABLISHMENTS – LOT 2: CONTRACT REFERENCE (P188) dated 13th  
JULY 2017

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

- None



## Appendix 1 – Framework Providers -Temporary Agency Workers for Educational Establishments

Ambassadors Resourcing Limited
Aspire People Limited
Axcis Education
Balfor Recruitment Limited
Affinity Workforce Solutions Ltd (Monarch)
Connaught Resourcing Limited
Danluker Limited
Education Staffing Link Limited
Eyears Limited
First for Education Limited
Hays Specialist Recruitment Limited
ITN Mark Education
James Andrews Recruitment Solutions
Protocol Education Limited
Randstad Employment Bureau Limited
Teacher Active Limited
Timeplan Education Group Limited



Public Report

**Birmingham City Council****Report to Cabinet**

20th April 2021



**Subject:** **PROCUREMENT STRATEGY FOR THE SUPPLY OF NON-PERMANENT WORKERS AND PERMANENT RECRUITMENT SOLUTIONS (P0188 & P0188\_2021)**

**Report of:** Head of Contract Management, Corporate Procurement Services

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

**Relevant O & S Chair(s):** **Councillor Sir Albert Bore, Chair of Resources Overview and Scrutiny Committee**

**Report author:** Richard Tibbatts, Head of Contract Management, Corporate Procurement Services Telephone No: 07827367245  
Email Address: [Richard.tibbatts@birmingham.gov.uk](mailto:Richard.tibbatts@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):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007787/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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If relevant, provide exempt information paragraph number or reason if confidential:		

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## **3 Background**

- 3.1 The Council has an ongoing requirement for temporary workers, interims, fixed term assignments and professional skills for permanent recruitment solutions to support the Council in delivering the workforce strategy 2018-2022 (& any successor to this).
- 3.2 The existing framework agreement for temporary agency workers via Hays expires on 3<sup>rd</sup> Sept 2021 (c. £41m p.a.) as does the framework for the supply of temporary workers to educational establishments (c. £4.4m pa). It is therefore prudent to determine and commence procurement activity to ensure a successor agreement is in place prior to this date. The procurement has been delayed due to a lack of available resource to undertake the tendering activity due to resource being diverted to more critical projects such as security services, PPE etc where existing contracts are not in place.
- 3.3 There are no overarching contracts in place for the supply of interims and fixed term assignments particularly for specialist or professional support workers (legal, finance, HR etc). The Hays framework described in 3.2 above includes provision for these workers but both the Council & Hays have struggled to fill these roles through this arrangement. The proposed new arrangements will have

a different approach & will capture all of the lessons learnt as a result of not being able to fill under the Hays agreement. Consequently, this spend totalling approximately £8m p.a. is fragmented and non-compliant from the perspective of good procurement governance. In addition, it creates a potential risk that officers sourcing these workers do not ensure IR35 protocol is adhered to. A more controlled solution is therefore required in this area to regularise this requirement and underpin the delivery of the Cabinet Member for Finance and Resources objective to ensure clear oversight of interims and consultants as set out within the Constitution.

- 3.4 The existing contracts for Executive search and recruitment with Seymour John Public Services Ltd & Gatenby Sanderson Ltd will expires on 31<sup>st</sup> June 2021. The contract commenced on 13<sup>th</sup> May 2019. This contract will be superseded by the implementation of recommendation 2.3. Total contract spend to date is c. £125k.
- 3.5 Recognising the fragmented spend and contract profile above and as the workforce strategy evolves there is need for the Council to have appropriately tendered agreements in place to supply non-permanent and permanent workers across a diverse range of skills and professions. The procurement strategy seeks to address this.

#### **4 Options considered and Recommended Proposal**

- 4.1 In considering the route to market, various options to aggregate worker categories were considered. However, having undertaken market analysis in relation to these Category areas it is apparent that no one provider can currently provide all these worker types, particularly around roles within Educational establishments, Finance, Legal, Procurement, ICT and the specialisms required for executive recruitment.
- 4.2 Consequently, the procurement options for each are considered separately within Section 7 of the report.

#### **5 Consultation**

- 5.1 The Chair of the Resources Overview and Scrutiny Committee has been briefed on the content of this report.
- 5.2 All relevant departments of the Council were consulted.

#### **6 Risk Management**

- 6.1 The risks associated with this procurement strategy are set out within the Private report.

#### **7 Compliance Issues:**

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

7.1.1 The roles appointed under these Category areas will enable all areas of the Council to appoint temporary, interim and permanent staff into roles that both directly and indirectly contribute to the delivery of all of the 5 key outcomes within the Council Plan.

7.1.2 **Birmingham Business Charter for Social Responsibility (BBC4SR)** - 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 periods. The procurement activity proposed here is clearly linked to employment and skills. The social value priorities will be:

- **Priority 1** - Through the Charter action plan Suppliers' commitments need to focus on employment and employability for Birmingham residents, particularly in disciplines and job roles that historically have been hard to fill for the Council;
- **Priority 2** - Through the Charter action plan Suppliers' commitments need to focus on engaging with local schools to give young people information about working at the Council and the range of jobs and disciplines available to them particularly focusing on the hard to fill roles; and
- **Priority 3** - Through the Charter action plan Suppliers' commitments need to focus on how they will use their influence as an employment expert to educate their customers on good employment practices

## **7.2 Legal Implications**

7.2.1 The Council is required by Section 112 Local Government Act 1972 to appoint such officers as it thinks necessary for the proper discharge of Section 111 Local Government Act 1972 provides that the Council may do anything which is calculated to facilitate the discharge of any function, and this will include the recruitment of agency workers. Some Council services may only be provided by persons qualified. It is therefore necessary to recruit qualified staff to comply with such regulatory provision.

## **7.3 Financial Implications**

7.3.1 The contracts will not commit the Council to any particular level of spend, this is incurred when an agency worker is hired against the contract. The estimated total annual expenditure is as follows

- £41.6m for the additional call off under the Hays contract. This is based upon the numbers of agency workers on assignment over the last 12 months. In arriving at the recommendation for this further call off, Officers benchmark contract rates & historic/projected usage against the direct award rates of a large 3<sup>rd</sup> party framework agreement. On a like

for like rates comparison this showed a 0.0002% saving. However, when factoring in mobilisation costs this showed an increase in costs for the Council if this were the preferred route. Value for money can therefore be demonstrated.

- £8m for worker category 2-6 this is based on known historic annual usage but noting that due to the limitations of data from Voyager this figure is an estimate.
- £4.4m for worker category 7 (£4.1m from schools directly and £0.300m for Education & Skills) spend will be met from the schools individual budgets and the Special Guides/Escorts approved budget within Education & Skills

7.3.2 Any spend associated with these contracts will be met from approved Directorates service budgets.

7.3.3 These frameworks will underpin and facilitate the successful operation of the recently introduced HR procedure for the appointment of interims and consultants as well as assist in the achievement of the workforce savings target through the smart use of the successful agencies.

## **7.4 Procurement Implications**

7.4.1 The scope of the future procurement strategy falls into 7 worker categories;

- Category 1, temporary workers covered under the existing agency framework referred to in 3.2 above (multiple role types, skills and service areas, GR7 and below);
- Category 2, Interim and Permanent roles for support services professional disciplines such as Finance, Procurement, HR, Legal Services;
- Category 3, interim and permanent roles for ICT&D;
- Category 4, Building, Property and construction related roles interim and permanent;
- Category 5, Interim and permanent roles for Project and Programme Management positions;
- Category 6, Executive Roles, interim and permanent recruitment and;
- Category 7, temporary workers for educational establishments.

7.4.2 **Category 1 Options** - worker types covered under the existing agency framework with Hays.

There are several national frameworks available to access with authorities being given the option of direct award without competition (which to award to Hays via this route would mean a price increase) or mini-compete our requirements.

The Council's existing framework with Hays enables other local authorities to 'call off contracts' under this agreement. The length of individual contracts based on the framework agreement is determined by each local authority. Call off contracts must be awarded before the end of the term of the framework agreement itself and do not need to coincide with the duration of that framework agreement, but might, as appropriate, be shorter or longer.

For this Category, the recommended approach is to enter into a new 2 year call off contract to Hays, under this existing framework for Birmingham & for the job roles set out in the framework. The commencement date will be 4<sup>th</sup> September 2021. The rationale for this is set out below;

- Throughout the contract term, Hays have worked with the Council to achieve the strategic aims of the contract (demonstrated through the Hays and the Council winning a 'Go; award in 2019 for Best Service Award Medium and Large Organisations Category) and consistently exceeded on KPI performance;
- Tendering costs for the Council will be avoided (circa £60-£80k in officer time based on the previous tender);
- Hays have implemented a robust system for the administration of workers e.g. electronic time sheets;
- Hays have worked very closely and effectively on mobilising key projects during the COVID response – demonstrating a commitment to support the council.
- Profit margins for Agencies is typically low (i.e. around 5% or less), therefore the margin of value that could potentially deliver savings through tendering as a percentage of the total value of the contract is very small. In addition, when factoring in any potential cost of change for both the Council and providers it is felt that better value can be negotiated directly with Hays.
- Were the Council to tender this and result in a change of supplier in Sept 2021 the bedding-in period for this contract would coincide with the go live of ERP in April 2022. Typically, the Council receives 100+ invoices a month and there is a tried & tested system in place for the electronic exchange of invoice data with Hays that will be migrated from Voyager to 1B with little need for testing. Data from a new supplier would need more rigorous testing & the Council would need to provide the resources to do this. Retendering would therefore create significant risks for the Council and the delivery of the ERP programme.
- The 2 years would allow sufficient time to address and consolidate off-contract spend with a view to the whole category of spend being re-tendered in 2023.



- Much work has taken place over the last 3-4 years to understand & stabilise this area of spend resulting a high level of compliance with both the contract & the process for appointing agency workers. The further call off will allow officer time to focus on applying the same process & rigour to worker categories 2-6 (see below) with the result being a high level of compliance in these areas also. This has the added benefit of supporting the new HR process for interims and consultants.

#### 7.4.3 **Categories 2 – 6** Interim and Permanent Recruitment and Recruitment advertising for Professional and specialist roles

There are several national frameworks available to access with authorities having the ability to mini-compete for these requirements which would facilitate a more expedient solution than Council own tender. These frameworks are fully compliant with EU and UK procurement legislation and all suppliers listed on such frameworks have been assessed during the procurement process, by the framework owner for their financial stability, track record, experience and professional ability.

However, there is no single framework that can accommodate the diversity and range of roles required by the Council. In addition, for some of the Category areas the market will have providers that focus on either permanent recruitment or interim roles whereas other worker categories consist of providers capable of delivering both interim and permanent roles. The sub-lotting strategy will be finalised as part of the development of the tender documentation.

Utilisation of multiple frameworks will result in different worker categories being contracted under the differing terms and conditions of each framework and will lead to a lack of consistency across worker categories and a challenging suite of contracts to manage.

It is therefore recommended that the Council undertake its own procurement exercise in line with the approach and lot strategy set out below.

Lot	Worker Category	Sub Lots	Minimum No. of providers per Lot
1	Interim and Permanent roles for support services professional disciplines such as Finance, Procurement, HR, Legal Services.	1 Lot, Finance & Procurement, HR and Legal Services	4
2	Interim and permanent roles for ICT&D	1 Lot	2
3	Building, Property and construction related roles interim and permanent.	1 Lot	2
4	Interim and permanent roles for Project and Programme Management positions	1 Lot	2
5	Executive Roles, interim and permanent recruitment	1 Lot	2

Market intelligence suggests that the future market for the contingent workers market very much depends on the future way of working after lock down restrictions have been lifted & the bounce back in the economy

It is therefore proposed that the procurement strategy for Categories 2-7 be deferred until later in 2021 when the market predictions are a little clearer. It is also proposed that approval of this procurement strategy is delegated to Assistant Director, Development & Commercial, Interim Chief Finance Officer and City Solicitor (or their delegates)

#### **7.4.4 Category 7 - Temporary workers for educational establishments**

Temporary supply of Agency workers to schools (educational and non-educational roles). Schools and the Council have an ongoing need for:

- supply teachers, (Secondary, Primary and Special Education Needs)
- teaching assistants and Learning Support Assistants
- nursery officers; and
- non-educational staff to work in schools
- Pupil guides for the Home to School transport service

The existing frameworks will expire on 31<sup>st</sup> August. The re-procurement of these frameworks has been delayed. Further details are provided within the Private Report. It is therefore proposed that these frameworks be extended for a period of 12 months to allow for the re-procurement to be concluded & to ensure that the start of the new frameworks does not coincide with the start of a new school year during which time schools are busy with other things. For the reasons stated in 7.4.3 above it is proposed to delegate the procurement strategy is delegated to Assistant Director, Development & Commercial, Interim Chief Finance Officer and City Solicitor (or their delegates)

The extended framework agreements will continue to offer value to the schools as the breakdown of the charge rate is transparent, temporary agency workers are hired on the Council's terms of business and there is no introductory fee payable if a worker is taken on permanently following a recruitment and selection process.

#### **7.5.4 Risk**

The CPS approach is to follow the Council Risk Management Methodology and the Category Team is responsible for local risk management.

#### **7.4.5 Implementation Timescales**

The contractual arrangements for Worker Category 1 (worker types covered under the existing agency framework with Hays) can be implemented with immediate effect following Cabinet approval with the new arrangements commencing 4<sup>th</sup> September 2021.

The timetable for the procurement of worker categories 2-7 will be determined as part of the delegated procurement strategy. Further details are provided within the Private Report.

It should be noted that with respect to Worker Category 6 (Executive Roles, interim and permanent recruitment) there is an immediate need for an interim arrangement to be established to support the Council delivery plan whilst the contracts to deliver the Council's longer-term procurement strategy is delivered. Approval to proceed with this interim arrangement will be sought via the Planned Procurement Activities Report.

## **7.6 Contract & Performance Management**

The Framework Agreements will be managed commercially by the Contract Manager – Corporate Procurement Services with support from Human Resources. Schools will manage individual call off agreements with Agencies.

## **7.7 Human Resources Implications (if required)**

- 7.7.1 The contracts will support the delivery of the Council's workforce strategy for 2018 – 2022 by enabling resourcing capacity to deliver agreed priorities and in particular, service areas will benefit from the broader framework where roles are difficult to recruit to.
- 7.7.2 The contracts will provide a platform to enable Directorates to deliver their workforce plans and where there are peaks and troughs and short-term specialist transformational resource requirements, the contracts will be an enabler to the completion of priorities in the Delivery Plan.
- 7.7.3 The contracts will provide assurances surrounding various vetting compliance requirements e.g. right to work, Disclosure and Barring Service Checks (DBS) and qualifications in order to mitigate legal and financial risks to the Council.

## **7.8 Public Sector Equality Duty**

- 7.8.1 A relevance test to decide whether this planned procurement has any relevance to the equality duty contained in Section 149 of the Equality Act 2010 of eliminating unfair/unlawful discrimination and to promoting equality and human rights was conducted on 20<sup>th</sup> August 2020, reference EQA555. The screening identified that there was no requirement to assess this further and completion of an Equality Assessment form was not required.

## **8 Background Documents**

- 8.1 Report to Cabinet - COMMISSIONING & PROCUREMENT STRATEGY FOR THE RECRUITMENT AND MANAGEMENT OF AGENCY WORKERS FOR THE COUNCIL (EXCLUDING CHILDREN'S SOCIAL) dated 22<sup>nd</sup> March 2016
- 8.2 Report to STRATEGIC DIRECTOR OF CHANGE AND SUPPORT SERVICES - CONTRACT AWARD FOR THE RECRUITMENT AND MANAGEMENT OF AGENCY

WORKERS FOR THE COUNCIL (EXCLUDING CHILDREN'S SOCIAL WORKERS)  
(P188) DATED 30<sup>th</sup> January 2017

8.3 Report to Chief Operating Officer - CONTRACT AWARD FOR THE PROVISION  
OF TEMPORARY AGENCY WORKERS FOR EDUCATIONAL  
ESTABLISHMENTS – LOT 2: CONTRACT REFERENCE (P188) dated 13th  
JULY 2017

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

- None

## Appendix 1 – Framework Providers -Temporary Agency Workers for Educational Establishments

Ambassadors Resourcing Limited
Aspire People Limited
Axcis Education
Balfor Recruitment Limited
Affinity Workforce Solutions Ltd (Monarch)
Connaught Resourcing Limited
Danluker Limited
Education Staffing Link Limited
Eyears Limited
First for Education Limited
Hays Specialist Recruitment Limited
ITN Mark Education
James Andrews Recruitment Solutions
Protocol Education Limited
Randstad Employment Bureau Limited
Teacher Active Limited
Timeplan Education Group Limited



# Birmingham City Council

## Report to Cabinet

Date: 20<sup>th</sup> April 2021



**Subject:** **PLANNED PROCUREMENT ACTIVITIES (MAY 2021 – JULY 2021)**

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

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

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

**Report author:** Richard Tibbatts, Head of Contract Management  
Email Address: [richard.tibbatts@birmingham.gov.uk](mailto:richard.tibbatts@birmingham.gov.uk)

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

### 1 Executive Summary

- 1.1 This report provides details of the planned procurement activity for the period May 2021 – July 2021. 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 May 2021 – July 2021 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 (£189,330) and £10m. This will give members visibility of all procurement activity within these thresholds and the opportunity to identify whether any procurement reports should be brought to Cabinet for approval even though they are below the £10m delegation threshold.
- 3.4 It should be noted that the procurement threshold has changed from £164,176 to £189,330 and will apply from 1<sup>st</sup> January 2020 for a period of 2 years.
- 3.5 Individual procurements may be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Chair of Resources Overview & Scrutiny Committee where there are sensitivities or requirements that necessitate a decision being made by Cabinet.
- 3.6 Procurements below £10m contract value that are not listed on this or subsequent monthly reports can only be delegated to Chief Officers if specific approval is sought from Cabinet. Procurements above £10m contract value will still require an individual report to Cabinet in order for the award decision to be delegated to Chief Officers if appropriate.
- 3.7 A briefing note with details for each item to be procured is listed in Appendix 2. The financial information for each item is detailed in Appendix 3 – Exempt Information.

## **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 May 2021 – July 2021
- 2. Appendix 2 – Background Briefing Paper
- 3. Appendix 3 – Exempt Information

## APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (MAY 2021 – JULY 2021)

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
Single Contractor Negotiation	Ancillary Footway and Carriageway Works on the A34 and A45 Sprint Routes	TBC	The delivery of ancillary footway and carriageway resurfacing works in association with construction of the SPRINT Route programme to corridors on the A34 and A45 being undertaken by Transport for West Midlands (TfWM).	11 months	Inclusive Growth	Transport and Environment	Simon Ansell	Thomas Clarkson Williams / Charlie Short	24/05/2021
Single Contractor Negotiation	Repair and Maintenance (R&M) of the Lifts Communication Systems	(P0241_2021)	A lift communication system to maintain communication between a lift that requires repair and maintenance through a monitoring unit. This equipment offers real time notification of failures to the lifts and other warning events through various media and is connected to the central computerised system.	4 years	Neighbourhoods	Homes and Neighbourhoods	Carl Tomlinson	Andrea Webster	24/05/2021
Approval to Tender Strategy	Dispute Resolution and Mediation Service for Special Education Needs	TBC	There is a requirement for a dispute resolution and mediation service for local authority decisions made around education and health care plan for children and young people with SEND and complex needs. This is a service where mediation is carried out between the Council and parents to avoid an appeal to the Courts and Tribunals Service.	4 years	Education	Education and Skills	John Betts	Saadiah Kamran	01/06/2021
Single Contractor Negotiation	Enforcement Agent for the Revenues Service	TBC	There is a requirement for the arrears to be passed to an enforcement agent who will be expected to use their powers where appropriate to recover and collect arrears.	1 year	Digital and Customer Services	Deputy Leader	Lee Bickerton	John Woodward / Stuart Follows	24/05/2021
Single Contractor Negotiation	Paradise (U-Turn) Junction Amendment Works	TBC	There is a requirement for delivery of civil engineering works for the Paradise U-Turn. Work involves: •Creation of a U-turn facility between the two Suffolk Street Queensway slip roads. Involves modifications to the existing kerbs and traffic signals already constructed by the Midland Metro Alliance (MMA). •Creation of a restricted traffic flow section between the proposed Paradise main access and Cambridge Street, accessible only for buses, taxis (hackney) and cyclists. •Changes to the wider directional signage.	2 months	Inclusive Growth	Transport and Environment	Simon Ansell	Nigel Tammo / Charlie Short	01/06/2021
Approval to Tender Strategy	Security Measures for Victims of Domestic Abuse	TBC	The provision of security measures to support the Sanctuary Scheme to enable the prevention of homelessness as a result of domestic abuse.	4 years	Neighbourhoods	Homes and Neighbourhoods	Carl Tomlinson	Debbie Parkes / Stuart Follows	01/06/2021
Approval to Tender Strategy	Prevention and Relief Service for Homeless Domestic Abuse Victims	TBC	The service will deliver prevention and relief services and to make recommendations to the Council regarding the discharge of the Council's Homelessness prevention and relief statutory duties, specifically for those experiencing domestic abuse.	4 years	Neighbourhoods	Homes and Neighbourhoods	Carl Tomlinson	Debbie Parkes / Stuart Follows	01/07/2021
Approval to Tender Strategy	Holiday Activity & Food (HAF) Programme 2021	TBC	To coordinate and facilitate healthy food and enriching activities to disadvantaged children aged 5-16 years in Birmingham who are eligible for Free School Meals. The funding is available for activities in the Easter, Summer and Christmas school holidays.	various dates	Education	Education and Skills	John Betts	Mark Baxter / Mike Smith	17/05/2021
Single Contractor Negotiation	Major Adaptations for Housing	TBC	The delivery of disabled adaptations to housing for vulnerable citizens in Birmingham.	1 year and 4 months	Adult Social Care	Adult Social Care and Health	Mark Astbury	Timsey Deb / Satinder Bains	01/06/2021
Strategy / Award	Personal Protection Equipment and Workwear	TBC	The supply of personal protective equipment (PPE) and workwear which includes clothing, footwear and accessories (such as ear protection) for Council departments.	4 years	Finance and Governance	Finance and Resources	Lee Bickerton	Jane Piovesana	01/06/2021
Strategy / Award	Advice to Undertake Valuation, Negotiation & Completion of Commercial Lease Renewals & Rent Reviews	TBC	To undertake rental valuations of commercial properties and negotiate market value rentals to completion, for the Council's commercial portfolio	3 years	Inclusive Growth	Leader	Simon Ansell	Anser Suleman	24/05/2021
Strategy / Award	Telephony Services	TBC	The provision of telephony services to support the Council's Voice Strategy. This will include Corporate Telephony, Contact Centre and Legacy Telephony Services.	Up to 5 years	Digital and Customer Services	Deputy Leader	Lee Bickerton	Rhona Bowditch	01/07/2021
Strategy / Award	Leisure Centre Management Software	TBC	A leisure activity booking management software for leisure centres across Birmingham. The software is installed and used across 23 sites, 22 leisure sites and 1 community centre.	5 years	Digital and Customer Services	Deputy Leader	Lee Bickerton	Rhona Bowditch	01/06/2021
Single Contractor Negotiation	Blue Chip - IBM Software and Hardware Support Contract	TBC	The provision of a 24/7 technical telephone / onsite support and hardware maintenance on the IBM P- Series Servers.	1 year, 6 months	Digital and Customer Services	Deputy Leader	Lee Bickerton	Rhona Bowditch	29/04/2021
Strategy / Award	Delivery Partner for the Commonwealth Games (CWG) and Perry Barr Regeneration Scheme (PBRs)	TBC	There is a requirement for services to manage and integrate the CWG capital projects and the PBRs that sit under the remit of the CWG Capital Programme Board and PBRs Programme Board respectively to which the Council is chair.	2 years	Commonwealth Games	Leader	Guy Olivant	Craig Cooper / Charlie Short	24/05/2021
Strategy / Award	Consultancy Support the delivery of the Council's new ERP system	PQ0266	The Council is seeking to procure an Oracle Fusion Project advisor to act as their intelligent client and lead the ERP project, support the resolution of issues and develop and manage the delivery of the solution within agreed timescales.	14 months	Finance and Governance	Finance and Resources	Lee Bickerton	Richard Tibbatts	24/05/2021
Strategy / Award	Legal Advice to Support the Development of the Future Waste Strategy	TBC	There is a requirement for external legal advice to support the in-house legal team to support the development of the future waste strategy and the procurement for the management and disposal of waste.	3 years	Neighbourhoods	Street Scene	Carl Tomlinson	Michelle Climer / Meena Chuhan	24/05/2021

## **APPENDIX 2**

### **BRIEFING NOTE ON PLANNED PROCUREMENT ACTIVITIES** **CABINET – 20<sup>th</sup> April 2021**

<b>Title of Contract</b>	<b>SCN - Ancillary Footway and Carriageway Works on the A34 and A45 Sprint Routes</b>
Director/ Assistant Director	Kevin Hicks, Assistant Director, Highways and Infrastructure
Briefly describe the service required	The delivery of ancillary footway and carriageway resurfacing works in association with construction of the SPRINT Route programme to corridors on the A34 and A45 being undertaken by Transport for West Midlands (TfWM).
What is the proposed procurement route?	To enter into single contractor negotiations with TfWM.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The current contract for delivery of the Interim Renewal Works Programme is between Kier Highways and Birmingham Highways Limited and the Council oversees this arrangement through the Highways Maintenance and Management PFI. The works that are proposed are those included within the council's Interim Renewal Works Programme which was a requirement of the 2019 Settlement Agreement. The works are immediately adjacent to the SPRINT bus route programme which is in the process of being constructed by TfWM.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	<p>TfWM has possession of the sites and has commenced construction of the SPRINT Route programme. The carriageway and footway surfacing works would be most efficiently and effectively delivered as part of this programme.</p> <p>If the carriageway and footway works were delivered independently then this would take place upon completion of the SPRINT Route.</p> <p>The combining of traffic management, design, supervision which will realise cost and time efficiencies and reduce disruption to the travelling public. Coordinating and delivering these works through TfWM offers the least disruption to road users and the best value for money. TfWM will be required to become a certified signatory to the BBC4SR and provide commitments proportionate to the value of the proposed contract.</p>
Has the In-House Preferred Test been carried out?	Yes, and as this is a one-off contract for works, the test demonstrated this is not suitable to be carried out in-house.
How will this service assist with the Council's commitments to Route to Zero?	<p>Carbon savings could be generated from:</p> <ul style="list-style-type: none"> <li>• Works reduced to 1 scheme instead of 2 or more BCC schemes and time saved on journeys for public and workers</li> <li>• 1 road-space booking resulting in a reduction of congested traffic emissions</li> <li>• Use of less abortive pavement materials at joints and tie-in locations</li> </ul> <p>Use of newer plant &amp; equipment with lower emissions</p>
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	The Council is under a statutory duty to maintain its public highways as Highway Authority under the Highways Act 1980. The PFI contract also supports statutory duties under the New Roads and Street Works Act 1992 and Traffic Management Act 2004.
What budget is the funding from for this service?	The services will be funded from the HMMPFI budget and associated reserves secured under the 2019 Settlement Agreement.
Proposed start date and duration of the new contract	The proposed start date by TfWM is May 2021 and for a duration of 11 months.

<b>Title of Contract</b>	<b>SCN - Repair and Maintenance (R&amp;M) of the Lifts Communication Systems (P0241 2021)</b>
Director / Assistant Director	Julie Griffin – Assistant Director Housing
Briefly describe the service required	<p>A lift communication system to maintain communication between a lift that requires repair and maintenance through a monitoring unit. This equipment offers real time notification of failures to the lifts and other warning events through various media and is connected to the central computerised system. The warning events could be, for instance:</p> <ul style="list-style-type: none"> <li>• Lift trappings</li> <li>• Lift breakdowns</li> <li>• When lift services are due</li> </ul>
What is the proposed procurement route?	To enter into a single contractor negotiation with Thames Valley Controls Ltd (TVCL).
What are the existing arrangements? Is there an existing contract? If so when does that expire?	A contract was awarded under Delegated Authority which expired on the 31 <sup>st</sup> March 2021. There has been a delay with the formalising arrangements with new contract with TVC due to the lack of available resource due to other priorities. The service has continued to be provided in line with the terms and conditions of the expired contract.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	<p>The lifts communication system is connected to housing and non-housing Property's. TVCL is the sole supplier and manufacturer of the communication systems installed by the Council in the lifts and owns all the software and intellectual property rights. These types of system are generally closed protocol in that once installed they can only be serviced and maintained effectively by the equipment installer. This means that replacing the contractor would mean having to replace the equipment. The council has invested over £1M upgrading this equipment over the past 3 years and a complete replacement, to save money on the R&amp;M, would require a further investment of at least the same amount again. Any benefit in terms of reducing servicing costs would be minute when compared to the capital costs and losses to the Council. A like for like value for money assessment is therefore not possible on the repair &amp; maintenance costs. What is possible to say is that the aforementioned investment in the equipment over recent years has delivered a reduction in servicing costs from circa £90k / year to circa £70k / year.</p> <p>TVCL is accredited with the Birmingham Business Charter for Social Responsibility and will be required to provide additional commitments proportionate to the value of this contract.</p>
Has the In-House Preferred Test been carried out?	Yes, and as this is a one-off contract for works, the test demonstrated this is not suitable to be carried out in-house.
How will this service assist with the Council's commitments to Route to Zero?	The contractor will be required to reduce its environmental impact within the lifecycle of the Contract. As part of the negotiations the contractor shall be required to demonstrate how they will measure their progress against the Council's commitments to Route to Zero. This will be monitored through contract management activities.
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 supports the efficient running of the Council's lift portfolio.
What budget is the funding from for this service?	The housing related cost is funded through the Housing Revenue Account whilst the non-housing costs are funded from individual Directorate's approved budgets.
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> May 2021 for a period of 4 years.

Title of Contract	<b>Dispute Resolution and Mediation Service for Special Education Needs</b>
Director / Assistant Director	Nichola Jones – Assistant Director, SEND and Inclusion
Briefly describe the service required	<p>There is a requirement for a dispute resolution and mediation service for local authority decisions made around education and health care plan for children and young people with SEND and complex needs. This is a service where mediation is carried out between the Council and parents to avoid an appeal to the Courts and Tribunals Service.</p> <p>The service must be independent of the local authority – no-one who is directly employed by a local authority can provide the service.</p>
What is the proposed procurement route?	An open procurement exercise will be undertaken advertised in Find a Tender, Contracts Finder and <a href="http://www.finditinbirmingham.com">www.finditinbirmingham.com</a>
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There is not a formal contract in place for the service that is currently being delivered on a non-contract basis.
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 this is not permissible under the SEND Code of Practice 2015.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the service to be delivered in a way that reduces or eliminate their carbon footprint, in particular with transport to and from the locations where the mediations are taking place.
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	<p>There is a statutory duty for this service to comply with the SEND Code of Practice 2015 to meet the following legislation:</p> <p>The Children and Families Act 2014 Sections 51 – 57 and 60.</p> <p>The Children Act 1989, section 26</p> <p>The Education Act 1996, Section 496 and 497</p> <p>Regulations</p> <p>The Special Educational Needs Regulations 2014</p>
What budget is the funding from for this service?	The budget is funded from the Dedicated School Grant, High Needs Block.
Proposed start date and duration of the new contract	The proposed start date of 1 September 2021 for a period of 4 years.

<b>Title of Contract</b>	<b>SCN - Enforcement Agent for the Revenues Service</b>
<b>Director / Assistant Director</b>	Peter Bishop, Director Digital and Customer Services
Briefly describe the service required	There are in excess of 445k domestic dwellings within Birmingham worth £421m of council tax, £47k business rates hereditaments worth £458m and 12 Business Improvement Districts worth £3.2m in BID levies. The Council also has combined prior years' arrears of £220m. Where the Revenues Service has obtained a liability order and all other internal avenues of collection have been exhausted the case, there is a requirement for the arrears to be passed to an enforcement agent who will be expected to use their powers where appropriate to recover and collect arrears.
What is the proposed procurement route?	To enter single contractor negotiations with Equita Ltd.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing arrangement is with Capita Birmingham Ltd under the Remaining Services contract that expired on 31 <sup>st</sup> March 2021. The services are provided by Equita Ltd, a subsidiary of Capita plc, the holding company of Capita Birmingham Ltd.
If single /multiple contractor negotiations is proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	A procurement process was undertaken for the replacement services as approved in the Cabinet report dated 13 <sup>th</sup> October 2020. This process has been stopped due to market sector issues and there is a requirement for a continuation of this critical service whilst an options appraisal is carried out to formulate the strategy which if there are any changes will be reported to a future Cabinet. There is not a cost to the Council for this service and the negotiations will involve seeking added value in service delivery for the period of the contract. Equita Ltd will be required to be certified to the BBC4SR and produce commitments proportionate to the estimated value to the supplier of the contract.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house for the period of this contract. A further test will be carried out for any replacement service.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the service to be delivered in a way that reduces or eliminate their carbon footprint, in particular with transport to collect charges from debtors' premises.
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	The Council has a legal duty to ensure cost effective billing, collection and recovery of council tax, business rates and BID levies due to the Council and requires an enforcement agent service to fulfil its statutory obligations arising under a number of legislations, for example, the Local Government Finance Act 1988 to manage the financial affairs of the Council.
What budget is the funding from for this service?	Enforcement Agent charges are recovered directly from the debtor and therefore there is no direct cost to the Council.
Proposed start date and duration of the new contract	The proposed start date is May 2021 for a period of 12 months with an option to extend for 12 months.

<b>Title of Contract</b>	<b>SCN - Paradise (U-Turn) Junction Amendment Works</b>
Director/ Assistant Director	Philip Edwards, Assistant Director, Transport and Connectivity
Briefly describe the service required	<p>There is a requirement for delivery of civil engineering works for the Paradise U-Turn. Work involves:</p> <ul style="list-style-type: none"> <li>• Creation of a U-turn facility between the two Suffolk Street Queensway slip roads. Involves modifications to the existing kerbs and traffic signals already constructed by the Midland Metro Alliance (MMA).</li> <li>• Creation of a restricted traffic flow section between the proposed Paradise main access and Cambridge Street, accessible only for buses, taxis (hackney) and cyclists.</li> <li>• Changes to the wider directional signage.</li> </ul> <p>A contract will not be entered into until approval of the Full Business Case, planned in June 2021.</p>
What is the proposed procurement route?	To enter into single contractor negotiations with the West Midlands Combined Authority (WMCA).
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)?	<p>The WMCA awarded an alliance contract to the MMA that is primarily for infrastructure works to support a tram network. The MMA is a partnership and not a contracting entity therefore in order to access the arrangement, a contract is required to be entered into with the WMCA to be compliant with the Council's Constitution and Procurement Governance Arrangements</p> <p>WMCA is the sole supplier that could deliver the works as they are managed the Westside Metro Extension and would be best able to advise on how the U-Turn project interfaces with the current tram operation including risk mitigation. This requirement is not being tendered as this may result in different specifications to match the adjoining Metro scheme.</p> <p>WMCA is a certified signatory to the BBC4SR and will be required to produce actions proportionate to the value of this contract</p>
Has the In-House Preferred Test been carried out?	Yes, and as this is a one-off contract for works, the test demonstrated this is not suitable to be carried out in-house.
How will this service assist with the Council's commitments to Route to Zero?	The service supports the Emergency Birmingham Transport Plan's aspirations to promote active travel and to reduce car usage, particularly through-trips for general traffic in the city centre.
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 public transport (bus and tram) by restricting through-trips for general traffic.
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 and will be funded by 3 <sup>rd</sup> party contributions.
Proposed start date and duration of the new contract	The proposed start date is October 2021 for a duration of up to 2 months.



<b>Title of Contract</b>	<b>Security Measures for Victims of Domestic Abuse</b>
Director / Assistant Director	Julie Griffin, Assistant Director of Housing
Briefly describe the service required	<p>The provision of security measures to support the Sanctuary Scheme to enable the prevention of homelessness as a result of domestic abuse.</p> <p>A range of security measures e.g. replacement locks, panic alarms, fencing, fireproof letterbox, replacement doors to help those experiencing domestic abuse to stay in a settled home.</p>
What is the proposed procurement route?	An open procurement exercise will be undertaken advertised in Find a Tender, Contracts Finder and <a href="http://www.finditinbirmingham.com">www.finditinbirmingham.com</a>
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing contract expired in March 2018 with the services been supplied under the terms and conditions of the expired contract.
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.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the materials to be of the highest sustainable standard and the installation service to be delivered in a way that reduces or eliminate their carbon footprint, in particular with transport.
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	<p>There is no statutory duty to provide this service. However, the service supports:</p> <ul style="list-style-type: none"> <li>• Increase safety and security for those experiencing domestic abuse</li> <li>• Reduce the need for those experiencing / at risk of domestic abuse to move away</li> <li>• Reduce homelessness</li> <li>• Reduce repeat victimisation</li> </ul>
What budget is the funding from for this service?	This is funded from the Government Grants, Homelessness Prevention Grant and New Burdens Fund.
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> September 2021 for a period of 4 years.

<b>Title of Contract</b>	<b>Prevention and Relief Service for Homeless Domestic Abuse Victims</b>
Director / Assistant Director	Julie Griffin, Assistant Director of Housing
Briefly describe the service required	The service is to deliver prevention and relief services and to make recommendations to the Council regarding the discharge of the Council's homelessness prevention and relief statutory duties, specifically for those experiencing domestic abuse.
What is the proposed procurement route?	An open procurement exercise will be undertaken advertised in Find a Tender, Contracts Finder and <a href="http://www.finditinbirmingham.com">www.finditinbirmingham.com</a>
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There is not a contract in place for this service. The service was delivered by Birmingham and Solihull Women's Aid and on a non-contract basis.
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.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the service to be delivered in a way that reduces or eliminate their carbon footprint, in particular with transport where attendance at meetings is required.
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, this service will support the Council's discharge of homelessness prevention and relief statutory duties in accordance with the Homelessness Reduction Act 2017.
What budget is the funding from for this service?	This is funded from New Burdens Fund.
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> December 2021 for a period of 4 years.

<b>Title of Contract</b>	<b>Holiday Activity &amp; Food (HAF) Programme 2021</b>
Director / Assistant Director	Assistant Director, Nigel Harvey-Whitten
Briefly describe the service required	<p>The Council has been allocated a grant of £8.1m to coordinate and facilitate healthy food and enriching activities to disadvantaged children aged 5-16 years in Birmingham who are eligible for Free School Meals. The funding is available for activities in the Easter, Summer and Christmas school holidays.</p> <p>We want children who attend to eat more healthily, be more active, take part in engaging and enriching activities, be safe and not to be socially isolated, have a greater knowledge of health and nutrition and be more engaged with school and other local services.</p> <p>The procurement will also be for delivery of support services such as Training, Consultation/Engagement, Reporting and Evaluation support, Food logistics and administration etc.,</p> <p>A number of complementary approaches will deliver these services. This procurement will also be for organisations to deliver activities that will provide greater scale than the grant allocation process described below.</p> <p>Alongside, but separate to this procurement, a Programme Management organisation is being procured via Open Procurement (value less than £500k approved via Cabinet Member report) to plan, prepare and coordinate the programme and ensure the timely delivery of the Summer programme. Contract variations of our existing arrangements with Leisure providers will ensure activities at our leisure facilities are in place. The Council's Early Years team will administer DfE monies through grants to out-of-school provision. Finally, a grant allocation process for the remaining DfE monies to be distributed amongst schools, SEND and voluntary organisations will be co-ordinated via a single contractor negotiation with the Council's voluntary sector partner (BVSC).</p>
What is the proposed procurement route?	An open procurement exercise will be undertaken advertised in Find a Tender, Contracts Finder and <a href="http://www.finditinbirmingham.com">www.finditinbirmingham.com</a>
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There are no existing contractual arrangements in place.
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.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the service to be delivered in a way that reduces or eliminate their carbon footprint, in particular with transport.
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	No, this is the first time the Council has been directly awarded funds by the DfE to run holiday activity scheme at this scale.
What budget is the funding from for this service?	This is funded from the grant funding of £8.1m from the DfE.
Proposed start date and duration of the new contract	The proposed start date is 30th June 2021 to allow mobilisation to deliver the contracted activities during the summer and Christmas holiday periods.

<b>Title of Contract</b>	<b>SCN - Major Adaptations for Housing</b>
Director / Assistant Director	John Williams, Assistant Director Adult Social Care
Briefly describe the service required	The delivery of disabled adaptations to housing for vulnerable citizens in Birmingham. The types of adaptations include: Stairlifts, ceiling track hoists, level access showers, ramps etc
What is the proposed procurement route?	To enter into single contractor negotiations with Able Access UK Ltd, Dolphin Lifts Midlands Ltd, 3MS Gold Services Ltd, Bickford Construction, Eden Adaptations, Fortem Solutions Ltd, Goodwells Ltd, Hardyman Group Ltd, John Gillespie Contractors Ltd, Laker BMS Ltd, S Kitaure Construction and Wates Construction Ltd.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The contract for the equipment expires on 31 <sup>st</sup> August 2021 and the contract for building works expires on 30 <sup>th</sup> April 2022.
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)?	Single contractor negotiations are required with the existing providers to allow for the review of the DFG service to be completed and enable the expiry of both contracts to endco-terminus. The equipment requires a 12-month contract to be in place following the end of the current extension period in August 2021, The building works requires a 4-month contract to be in place. This will result in both contracts ending on 31 <sup>st</sup> August 2022. A decision has been taken to not retender the current contract following the end of the current extension periods, due to the anticipated changes expected from the DFG review. Conducting a procurement process will result in unnecessary costs being incurred for a short-term contract. The service providers will be required to produce additional actions to be added to their existing BBC4SR Action Plans.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated these works are not suitable to be carried out in-house.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the bidders to deliver the service in a way that reduces or eliminates their carbon footprint with sustainable materials and transport.
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	The provision of adaptations under the disabled facilities grant is a statutory duty for the Council under the Housing Grants Construction and Regeneration Act 1996.
What budget is the funding from for this service?	The budget for this contract is the DFG allocation which sits in the pooled Better Care Fund.
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> September 2021 for the equipment for a period of 1 year; and 1 <sup>st</sup> May 2022 for the works for a period of 4 months.

<b>Title of Contract</b>	<b>Personal Protection Equipment and Workwear</b>
Director / Assistant Director	Alison Jarrett, Assistant Director Development and Commercial Services
Briefly describe the service required	The supply of personal protective equipment (PPE) and workwear which includes clothing, footwear and accessories (such as ear protection) for Council departments.
What is the proposed procurement route?	There are a number of collaborative framework agreements available to opt into which include the Eastern Shires Purchasing Organisation framework, Yorkshire Purchase Organisation framework and Crown Commercial Service framework. It is proposed that following an options appraisal for the most suitable framework agreement to use by the Council and dependent on the framework protocol, a further competition exercise will be undertaken. Why is this not known at this stage?
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing agreement was awarded to Direct Corporate Clothing Ltd for 4 years commencing 1 <sup>st</sup> September 2014, approved via DPR. Due to the lack of available Procurement resource to undertake the tendering activity and the prioritisation of key Council projects over the renewal of PPE DCC has continued to provide the service in line with the terms and conditions of this contract.
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 it is not suitable as it is a goods contract.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the services to be delivery in way that reduces or minimises their carbon footprint from a logistical perspective. The tender will also seek to explore if possible the use of PPE that has a low carbon manufacturing footprint.
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	There is a statutory duty to provide PPE under The Personal Protective Equipment at Work Regulations 1992 (as amended) to protect users from health and safety risks whilst at work.
What budget is the funding from for this service?	This spend is met from directorate, service budgets and schools' budgets.
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> September 2021 for a period of 4 years.

<b>Title of Contract</b>	<b>Advice to Undertake Valuation, Negotiation &amp; Completion of Commercial Lease Renewals &amp; Rent Reviews</b>
Director / Assistant Director	Kathryn James – Assistant Director, Property Services Growth
Briefly describe the service required	To undertake rental valuations of commercial properties and negotiate market value rentals to completion, for the Council's commercial portfolio.
What is the proposed procurement route?	A further competition exercise will be undertaken using the Crown Commercial Services Estates Professional Services Framework Agreement.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing contract with BNP Paribas Real Estate Ltd will expire on 19 <sup>th</sup> May 2021.
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 it is not suitable as additional capacity is required to support the internal resource.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the delivery of the service in way that reduces or eliminate their carbon footprint by encourage the promotion of agile/remote working; employing locally to reduce travel time of inspections; paperless communications/recycling of paper.
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 will support the Council's Property Investment Strategy.
What budget is the funding from for this service?	This is funded from the Property Services, Property Strategy Investment Portfolio.
Proposed start date and duration of the new contract	The proposed start is 1st June 2021 for a duration of 3 years.

<b>Title of Contract</b>	<b>Telephony Services</b>
Director / Assistant Director	Peter Bishop, Director Digital and Customer Services
Briefly describe the service required	<p>The provision of telephony services to support the Council's Voice Strategy. This will include Corporate Telephony, Contact Centre and Legacy Telephony Services.</p> <p>This will support the Council's initiatives for New Ways of Working and the review of Customer Services.</p>
What is the proposed procurement route?	<p>Until the design phase for all the IT security elements is complete and the packages of work are identified, it is not possible to confirm the actual procurement route to be used.</p> <p>However, a further competition exercise or direct awards will be undertaken using a collaborative framework agreement identified by CPS Officers as being suitable for this contract such as; Crown Commercial Service, ESPO, NHS Shared Business Services or other public sector frameworks.</p>
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing corporate telephony contract is with Capita and is due to expire in March 2022. The legacy telephony services contract is with Virgin Media Business and is due to expire in March 2022. The Contact Centre contract is with Cirrus Response and due to expire in October 2022.
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 the Council does not have the technical ability to be able to provide this service.
How will this service assist with the Council's commitments to Route to Zero?	The telephony solutions and the integration with Microsoft Teams will remove the requirement for staff to be office based. Therefore, reducing the requirement to travel.
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, this service supports the delivery of the Councils IT, and by extension Council services.
What budget is the funding from for this service?	This is funded from RF003 – IT&D Network Services.
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> October 2021 for a period of up to 5 years.

<b>Title of Contract</b>	<b>Leisure Centre Management Software</b>
Director / Assistant Director	Chris Jordan – Assistant Director Neighbourhoods
Briefly describe the service required	<p>A leisure activity booking management software for leisure centres across Birmingham.</p> <p>The software is installed and used across 23 sites, 22 leisure sites and 1 community centre.</p> <p>The software supports the following functions:</p> <ol style="list-style-type: none"> <li>1. Point of sale equipment</li> <li>2. Courses/ activities management</li> <li>3. Bookings including on site and online (self-serve)</li> <li>4. Payments via multiple means (cash, card, direct debit, vouchers)</li> <li>5. Business intelligence- report generating</li> <li>6. Retention and profiling</li> <li>7. Financial accounting and transfers</li> <li>8. Stock control</li> </ol>
What is the proposed procurement route?	A further competition exercise will be undertaken using the Crown Commercial Services G-Cloud 12 Framework Agreement.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing service is with Omnico Group Ltd which will expire 30 <sup>th</sup> September 2021.
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 the Council does not have the technical ability to be able to produce this service.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the bidders to deliver the service in way that reduces or eliminates their carbon footprint.
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 deliver this service. However, this service supports the delivery of the Council's IT and Council services.
What budget is the funding from for this service?	This is funded from the Neighbourhoods Leisure Budget.
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> October 2021 for a period of 5 years with a break clause in Year 4 and 5.



<b>Title of Contract</b>	<b>SCN - IBM Software and Hardware Support Contract</b>
Director / Assistant Director	Peter Bishop, Director Digital and Customer Services
Briefly describe the service required	<p>The provision of a 24/7 technical telephone / onsite support and hardware maintenance on the IBM P- Series Servers. This service supports the Data Centre Hardware Maintenance and AIX Support Services for IBM Power Systems which is a critical service hosting the SAP, RBIS products.</p> <p>The continuation of the 3<sup>rd</sup> party support service provides 24/7 365 day per annum hardware maintenance for the legacy IBM P-series hardware.</p>
What is the proposed procurement route?	To enter into single contract negotiations with Blue Chip Customer Engineering Ltd in accordance with Part D of the Council's Constitution (paragraph 2.5 iv) in conjunction with regulation 32.2(b)(ii) and or (iii) of the Public Contract Regulations (PCR) 2015.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing Hardware Maintenance (17648) and Support (17647) contract will expire 30 <sup>th</sup> April 2021.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	<p>The contract is required whilst the final datacentre migrations from the legacy hardware are completed. To advertise this requirement in the open marketplace would not be a suitable solution, changing vendors at this time could cause critical system issues and risk to the delivery of Council services.</p> <p>Due to the criticality of the support service this is the only vendor that can meet the Council's requirements for the duration without a significant cost increase and risk to the Council's data centre migration and IT Services.</p> <p>Blue Chip Customer Engineering Ltd will be required to be certified to the BBC4SR and produce commitments proportionate to the estimated value to the supplier of the contract.</p>
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 the Council does not have the technical ability to be able to produce this service.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the bidders to deliver the service in way that reduces or eliminates their carbon footprint.
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, without the on-going Support and Maintenance service a hardware failure will impact several key critical services utilised to provide statutory services to the citizens of Birmingham.
What budget is the funding from for this service?	This is funded from IT&D Infrastructure Budget code RF028.
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> May 2021 for a maximum of 18 months.

Title of Contract	<b>Delivery Partner for the Commonwealth Games (CWG) and Perry Barr Regeneration Scheme (PBRs)</b>
Director / Assistant Director	Craig Cooper – Programme Director, Commonwealth Games 2022
Briefly describe the service required	<p>There is a requirement for services to manage and integrate the CWG capital projects and the PBRs that sit under the remit of the CWG Capital Programme Board and PBRs Programme Board respectively to which the Council is chair. These are:</p> <ul style="list-style-type: none"> <li>• Development of the Alexander Stadium</li> <li>• Construction of the Sandwell Aquatics Centre</li> <li>• PBRs</li> <li>• Public Realm and other venue developments</li> </ul> <p>The professional services required will include:</p> <ul style="list-style-type: none"> <li>• Strategic Advice</li> <li>• Governance and Reporting</li> <li>• Integration and Co-ordination of Capital Projects</li> <li>• Cost and Value Management</li> <li>• Risk and Issue Management</li> <li>• Change and Document Control</li> <li>• Programme Assurance</li> </ul> <p>The Department for Digital, Culture, Media and Sport (DCMS) has requested the continuation of the services currently delivered that has resulted in the requirement to enter into a new contract.</p> <p>Turner &amp; Townsend is a certified signatory to the BBC4SR and will be required to produce commitments proportionate to the value of this contract.</p>
What is the proposed procurement route?	A direct award using the CCS PMDS Framework Agreement Individual work packages will be drawn down from this contract on an annual basis or more frequently as changing requirements emerge, within the overall identified funding available for this work.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	A call-off contract using the Crown Commercial Services Project Management and Design Services (CCS PMDS) Framework Agreement was awarded to Turner & Townsend Project Management Services Ltd commencing 29 <sup>th</sup> November 2019 for a period of 3 years, approved via DPR. The value of this contract has been exhausted.
If single /multiple contractor negotiations are proposed, what is the reason for not tendering the requirement, how do we ensure value for money (vfm) 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 this CWG is a one-off complex programme that does not lend itself to being solely delivered in-house.
How will this service assist with the Council's commitments to Route to Zero?	The specification will require the delivery of the service in way that reduces or eliminates their carbon footprint.
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 service to provide this service. However, external professional services are required to support the Council's delivery and responsibility for the capital projects for the 2022 Commonwealth Games and the PBRs.
What budget is the funding from for this service?	Funding is in part from the existing approved CWG Delivery Team and PBRs revenue budgets. A substantial proportion of the funding is a grant from the DCMS, with the value of such funding confirmed annually.
Proposed start date and duration of the new contract	The proposed start date is no later than June 2021 for a period of up to 2 years.

<b>Title of Contract</b>	<b>Consultancy Support the delivery of the Council's New ERP System (PQ0266)</b>
Director / Assistant Director	Rebecca Hellard – Chief Finance Officer
Briefly describe the service required	An Oracle Fusion Project advisor to act as their intelligent client and lead the ERP project, support the resolution of issues and develop and manage the delivery of the solution within agreed timescales. This project involved development of a rebaselined programme plan, implementation of improved governance, more rigorous supply chain management and supporting the transition of Council's existing supplier base to the oracle solution.
What is the proposed procurement route?	A direct award will be undertaken using the Crown Commercial Services G-Cloud framework following suitability shortlisting.
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 the Council does not have the technical ability to provide this service
How will this service assist with the Council's commitments to Route to Zero?	As this is a fixed term agreement for consultancy and there are no detrimental environmental impacts of this award. Consequently, this agreement will not need to assist with the Council's Route to Zero commitments.
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	<p>The Council has statutory obligations under Section 151. More specifically the obligations of a CFO to ensure good financial management to safeguard value for money and operate a fit for purpose Finance service.</p> <p>The required services will ultimately support the Council's financial report requirements including the production of the Statement of Accounts, adherence to accounting standards and unqualified audit opinions through effective and timely implementation of the ERP system</p>
What budget is the funding from for this service?	The requirement will be funded from the ERP programme budget.
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> June for a period of 14 months

Title of Contract	<b>Legal Advice to Support the Development of the Future Waste Strategy</b>
Director / Assistant Director	Darren Share – Assistant Director, Street Scene
Briefly describe the service required	<p>There is a requirement for external legal advice to support the in-house legal team for the development of the future waste strategy and the procurement for the management and disposal of waste. The legal advice is for the transitional recycling and resource management contract (Transitional Contract).</p> <p>The complexity of the service and regulatory requirements relating to waste disposal mean that the required specialised legal resource is not available internally. The City Solicitor is in agreement for external legal advice to be engaged.</p> <p>Bevan Brittan LLP has been providing legal advice to the waste programme and have done so since its inception in 2016. The value of the contract with the provider has been exhausted due to unforeseen delays with responding to stakeholder engagement and the additional complexities encountered with the innovative nature of the replacement contract, hence the requirement for further support. The services will be called off as and when required subject to satisfactory performance and budget availability, managed by the Assistant Director, Street Scene.</p>
What is the proposed procurement route?	A direct award to Bevan Brittan LLP using the Crown Commercial Services Wider Public Sector Legal Services Framework Agreement.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	<p>The current contract was awarded to Bevan Brittan LLP and expires in March 2024.</p> <p>An interim PPAR for a Direct Award request was approved by Cabinet on 8<sup>th</sup> September 2020. The PPAR stated there would be a further request for funding for the remaining three years once budget had been secured.</p>
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.
How will this service assist with the Council's commitments to Route to Zero?	The service will provide the advice to support the development that is being constructed to the latest environmental standards.
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, it supports the Council's statutory duty as a Waste Disposal authority to arrange for the disposal of certain specified categories of waste in its area in accordance with Section 51 Environmental Protection Act 1990.
What budget is the funding from?	This is funded from the Waste Strategy budget.
Proposed start date and duration of the new contract	The proposed start date is May 2021 for a duration of 3 years.