

# **BIRMINGHAM CITY COUNCIL**

## **CABINET**

**TUESDAY, 23 JULY 2024 AT 10:00 HOURS**  
**IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

## **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 Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

### **2 APOLOGIES**

To receive any apologies.

### **3 DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

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

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

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

**5 - 30**

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on the 25 June 2024.

5 **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.

**31 - 94**

6 **SECTION 151 OFFICER UPDATE ON THE FINANCIAL POSITION OF THE COUNCIL – JULY 2024 & GENERAL FUND MEDIUM TERM FINANCIAL PLAN UPDATE**

Report of: Director of Finance & Section 151 Officer.

**95 - 220**

7 **STREET SCENE TRANSFORMATION PROGRAMME**

Report of the Strategic Director, City Operations.

There are three separate reports attached covering:

- (a) Street Scene Transformation Programme - Fleet Procurement.
- (b) Waste Collection Service IT Software - Procurement.
- (c) Procurement of Food Waste Vehicles and Containers

**221 - 230**

8 **INTRODUCTION OF PEAK PRICING FOR BIRMINGHAM WILDLIFE AND CONSERVATION CENTRE**

Report of the Strategic Director - City Operations

**231 - 308**

9 **PROCUREMENT OF THE BIRMINGHAM COMMUNITY LOAN EQUIPMENT SERVICE (BCELS)**

Report of Acting Director for Adult Social Care

<b><u>309 - 350</u></b>	10	<b><u>APPROVAL TO EXTEND CONTRACT FOR THE PROVISION OF ADULTS SUBSTANCE MISUSE SERVICE</u></b>	Report of Director for Public Health
<b><u>351 - 370</u></b>	11	<b><u>SELY OAK TRUST SCHOOL: NEW BUILD EXTENSION</u></b>	Report of Strategic Director for Children & Families
<b><u>371 - 388</u></b>	12	<b><u>GRANT FOR THE REFURBISHMENT OF THE OAKLANDS PARK CHILDREN'S CENTRE FOR CALTHORPE ACADEMY.</u></b>	Report of Strategic Director for Children and Families
<b><u>389 - 406</u></b>	13	<b><u>GRANT FOR THE EXTENSION WORKS AT HAMILTON SCHOOL</u></b>	Report of Strategic Director for Children & Families
<b><u>407 - 510</u></b>	14	<b><u>HOMELESSNESS PREVENTION STRATEGY 2024-2029</u></b>	Report of Strategic Director - City Housing
<b><u>511 - 534</u></b>	15	<b><u>PERRY BARR STOCK APPROPRIATION FOR SOCIAL HOUSING</u></b>	Report of Strategic Director - City Housing
<b><u>535 - 572</u></b>	16	<b><u>LOCAL AUTHORITY HOUSING FUND ROUND 3</u></b>	Report of Strategic Director - City Housing
<b><u>573 - 696</u></b>	17	<b><u>HOUSING OMBUDSMAN 2023-2024 ANNUAL REVIEW</u></b>	Report of Strategic Director - City Housing
<b><u>697 - 724</u></b>	18	<b><u>KEY DECISION PLANNED PROCUREMENT ACTIVITIES (AUGUST 2024 – OCTOBER 2024)</u></b>	Report of Interim Director of Commercial and Procurement
<b><u>725 - 734</u></b>	19	<b><u>NON KEY DECISION PLANNED PROCUREMENT ACTIVITIES (AUGUST 2024 – OCTOBER 2024)</u></b>	Report of Interim Director of Commercial and Procurement
<b><u>735 - 760</u></b>	20	<b><u>ANNUAL APPOINTMENTS TO OUTSIDE BODIES 2024/2025</u></b>	Report of the Interim City Solicitor and Monitoring Officer.
<b><u>761 - 768</u></b>	21	<b><u>CABINET COMMITTEE GROUP COMPANY GOVERNANCE - TERMS OF REFERENCE</u></b>	Report of the Interim Director of Finance, s151 Officer.

22 **OTHER URGENT BUSINESS**

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



<b>CABINET MEETING</b> <b>TUESDAY, 25 JUNE 2024</b>
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**MINUTES OF A MEETING OF THE CABINET COMMITTEE HELD ON  
TUESDAY 25 JUNE 2024 AT 1000 HOURS IN COMMITTEE ROOMS 3&4,  
COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB**

**PRESENT:** - Councillor John Cotton, Leader in the Chair

Councillor Nicky Brennan, Cabinet Member for Social Justice, Community Safety and Equalities

Councillor Majid Mahmood, Cabinet Member for Environment and Transport

Councillor Karen McCarthy, Cabinet Member for Finance

Councillor Robert Pocock, Cabinet Member for Transformation, Governance & HR

Councillor Saima Suleman, Cabinet Member for Digital, Culture, Heritage and Tourism

**ALSO PRESENT:-**

Councillor Robert Alden, Leader of the Opposition (Conservative)

Councillor Roger Harmer, Leader (Liberal Democrat)

Councillor Ewan Mackey, Deputy Leader of the Opposition (Conservative)

Guy Chaundy, Assistant Director Housing Strategy and Enabling

Craig Cooper, Strategic Director of City Operations

Louise Collett, Director, Adult Social Care

Maria Dunn, Head of Development Policy

Katy Fox, Director of People Services

Fiona Greenway, Interim Finance Director and Section 151 Officer

Sue Harrison, Strategic Director of Children & Families (DCS) online

Julia Lynch, Assistant Director, Finance and Governance

Philip Nell, Strategic Director of Place, Prosperity and Sustainability

Marie Rosenthal, Interim City Solicitor and Monitoring Officer (online)

Mike Smith, Head of Category, People (online)

Dr Justin Varney, Director of Public Health

Errol Wilson, Committee Team Leader

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**NOTICE OF RECORDING/WEBCAST**

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## **Cabinet Committee – 25 June 2024**

The Leader invited the Acting Chief Executive to give an update on some of the technical issues we faced this morning.

The Acting Chief Executive advised that the Council was currently experiencing disruptions to its IT services and that this was due to some changes that were made last week which had particularly affected internet access and some email users. He added that internal teams were working to resolve the issues as quickly as possible, and it was expected that normal services would resume later today.

The Acting Chief Executive continued that in the interim papers for the Cabinet meeting were being emailed to the Cabinet Members. He stated that some of documents were sizeable and that we may need to have some of them printed for the meeting. He highlighted that he was asked the question and could confirm that this was not a cyber-attack. He apologised on behalf of the officer core and stated that the issue will be rectified as quickly as possible.

The Leader advised that Agenda Item 7 – ***The Birmingham Local Plan – Consultation on ‘Preferred Options’ Document*** would be moved further down the agenda as this had a sizeable document and we may need to do the hardcopy work around.

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### **APOLOGIES**

2. Apologies for absence was submitted on behalf of Councillors Mick Brown, Cabinet Member for Children Young People and Families, Jayne Francis, Cabinet Member for Housing and Homelessness and Sharon Thompson, Deputy Leader and Cabinet Member for Economy and Skills.

Apologies were also submitted on behalf of Richard Brooks and Paul Langford.

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### **DECLARATIONS OF INTERESTS**

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

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

**MINUTES**

**4. RESOLVED: -**

The Minutes of the meeting held on the 14 May 2024 and the Minutes of the meeting held on the 19 March 2024 that was resubmitted for approval, having been previously circulated, were confirmed and signed by the Chair.

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

The Chair advised that the reports at Agenda items 12 and 13, contained an exempt appendix within the meaning of Section 100I of the Local Government Act 1972. As there were no indication from Cabinet that any issues would be raised on any of the exempt appendices the Chair advised that the meeting would continue in public.

**5. 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.

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**SECTION 151 OFFICER UPDATE ON THE FINANCIAL POSITION OF THE COUNCIL – JUNE 2024**

The Cabinet Member for Finance introduced the item and drew the attention of Cabinet to the information contained in the report.

Councillor Robert Alden referred to the capital sales in paragraph 3.13 of the report and sought confirmation that the figures stated were net of any borrowing or any overheads that the Council might need to pay out from the disposal of those buildings or whether this was the gross figure that was stated. He enquired whether there would be any consultation over the summer and into autumn as this was not spelt out in the report.

Councillor Roger Harmer sought reassurance that what the Commissioners were highlighting in their comments concerning the report were being taken seriously. He enquired about the £100m redundancy costs. He added that he understood that this was an estimated figure at the beginning of the process but there was a need to see something more closely defined. He further queried whether there was the possibility of the actual figure being lower and when we could see a figure that was not £100m.

The Cabinet Member for Transformation, Governance and Human Resources stated that we should be under no doubt that this Council had to change. He

added that it had to improve the way it worked, it had to transformed the way it organised its services. The transformation programme with efficiencies was key to the future of the Council's success. He added that the Commissioners were right to highlight the scope for transformation of services and to make efficiencies. It was evident that what we were now working on t this moment at scale and pace was an in depth look at where those transformational savings could be made across the forth coming years not just across the year ahead.

The Cabinet Member for Transformation, Governance and Human Resources continued that Councillor Harmer highlighted the need for assurance on the issue and advised that paragraph 3.22 of the report made it clear that work was ongoing to deal with these issues and that an updated position would be reported at the Cabinet meeting in July 2024. He further stated that Cabinet could be reassured that there was progress on the way and that work was being done and we were clear that this was the way forward for this Council.

Councillor Ewan Mackey questioned whether the Cabinet Member for Transformation, Governance and Human Resources was correct or whether we were looking at optimism bias. He voiced concerns about the rate of change that was seen at the moment and stated that there was a lot of rushing about when the Section 114 Notice was issued about trying to get a budget in place. He further added that he was concerned that we seemed to be going down a track of not delivering. He queried what the new culture change would look like.

The Cabinet Member for Finance stated that the remarks of the Commissioners to which Councillors Alden and Harmer drew attention to were in her world real. She added that we knew we needed pace and rigor. We needed those savings identified for this year either to be delivered or where there were problems for mitigations to be found as there was no option to shunt them into next year. We needed to do what we stated we would do and deliver those savings. We appreciate the work of people across the Council to do his but there was no option to sat and hope it would passed over. In terms of consultation we would be in a position in July to outline where we were going with that. Part of the culture change was that we no longer thought that savings targets was there for show as they were real and needed to be met. What we were looking for was accuracy, not optimism.

The Interim Finance Director and Section 151 Officer advised that in terms of the capital spend in paragraph 3.13 the other figures were gross figures, so the costs of disposals were not netted off those figures. The figures for the cost of disposal would be provided separately. In terms of the £100m that figure was put in as a notional figure to work within to allow people to spend against that. We will put those figures into the finance update for July's Cabinet meeting.

**6. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- (i) Noted the financial context in relation to Exceptional Financial Support (paragraphs 3.1 to 3.4 refers);

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- (ii) Noted the update on the Financial Position for the General Fund to 2026/27 (paragraphs 3.05 to 3.12 refers); and
  - (iii) Noted the update on the budget setting process for 2025/26, including capital receipts (paragraphs 3.13 to 3.17 refers), capital programme (paragraphs 3.18 to 3.19 refers) savings allocation (paragraphs 3.20 to 3.22 refers), savings themes (paragraphs 3.23 to 3.25 refers), next steps for June and July 2024 (paragraph 3.26 refers) and Section 25 (paragraphs 3.27 to 3.28 refers).
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### **TENDER STRATEGY FOR THE PROVISION OF SECURITY SERVICES**

The Cabinet Member for Finance introduced the item and drew the attention of Cabinet to the information contained in the report.

The Strategic Director for Place, Prosperity and Sustainability noted Councillor Alden's comments concerning Perry Barr Regeneration Scheme costing 26% of the entire security budget and advised that Perry Barr was a significant cost in terms of the holding costs. He added that we would be bringing to Cabinet Committee – Property a disposal paper for Perry Barr and a majority of the built estate on Perry Barr in the next month which would mitigate the ongoing cost. The Strategic Director for Place, Prosperity and Sustainability further noted Councillor Alden's comment concerning risk and advised that he could not comment on this at the moment as risk management was the important part of our procurement framework and was an important part of everything that we do and everything that we do going forward. The comments about how rapidly we should be deploying security to buildings that were at risk the comments were noted and would be taken forward in the new contract negotiations.

The Chair echoed the point about the importance of risk documentations being attached to the Cabinet reports going forward. He requested that officers ensured that that was the case for reports coming in the future.

#### **7. RESOLVED UNANIMOUSLY: -**

Cabinet agreed that:-

The Strategic Director for Place, Prosperity & Sustainability in conjunction with the Assistant Director – Procurement (or their delegate), the Interim Director of Finance and Section 151 Officer (or their delegate) and the Interim City Solicitor & Monitoring Officer (or their delegate):

- a) Approved the contents of the report in order to implement the strategy and the commencement of procurement activity for a Framework Agreement for Provision of Security Services in accordance with the requirement and approach set out in Section 3 of this report;
- b) Noted that the outcome of the procurement process will be reported to the Strategic Director for Place, Prosperity & Sustainability in conjunction with the Assistant Director – Procurement (or their delegate), the Interim Director of Finance and Section 151 Officer (or their delegate) and the Interim City Solicitor & Monitoring Officer (or their delegate) who will

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approve the award of the Framework Agreement for Provision of Security Services;

- c) Noted that the award of any call-off contracts will be approved in accordance with the Procurement and Contract Governance Rules/Scheme of Delegations, subject to Section 151 officer prior approval of spend; and
- d) Approved the deviation from the tender evaluation weighting for social value set out in the Council's Social Value Policy March 2023 from 20% down to 10% as justified in in section [3.5.5.2] of the report.

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### **CORPORATE PLAN 2022-2026: PERFORMANCE AND DELIVERY MONITORING REPORT**

The Cabinet Member for Transformation, Governance and Human Resources (HR) presented the item and drew the attention of Cabinet to the information contained in the report.

Members then made the following comments:-

- The figure for waste was poor and there was no report of missed collections.
- The bins issue was serious, and it was hoped some serious interventions would be made to ensure residents bins were collected on time and street bins were emptied as otherwise we would get increased vermin etc. during the hot weather.
- There were places in the city where collections were missed for months.
- The Council Tax and Business Rates collections was serious for getting the Council onto a sound financial footing.
- There was no improvement in the Council Tax collection for this year from last year.
- The delivery milestones for a number of new housing developments were all 'Red' and they were not hitting the timescales that were in the report.
- Getting new developments on time should be a priority for the city to help alleviate the situation concerning homelessness but this was not happening.
- The real test on the progress of the report was that we did not have to relaunch as this did not change anything on the ground.
- The report highlighted our progress and identified the areas needing further attention.
- Comments concerning Oracle reimplementation were acknowledged.
- The most telling thing and the thing we cannot get away from as a Councillor was the volume of casework we have about the refuse collection issues.

At this juncture, the Chair stated that when he talked about the refocussing of the Council and getting the basics right was exactly these kinds of issues he was thinking of, and we could all acknowledged particularly in regard to refuse

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and waste where we needed to see that fundamental improvements delivered, and we got the basics right with regards to that service.

The Cabinet Member for Environment and Transport made the following statements:-

- Taking on board the comments that have been relayed it was not thought that failure had become the norm or the public perception.
- The public perception was that they now had confidence in the service that the bins would be collected the next day which was the new working practice we now have in the depots.
- We have always heard about the bins that were not being emptied but not about the bins that were being emptied.
- We had 115,000 per day which equated to 29.9m in the entire year in the city. We needed to get a first-class service where people in the city did not have to worry about whether their bins would be collected or not.
- We were embarking on one of the largest transformation projects that this city would be starting.
- The work had already started, and a report would be presented to Scrutiny and there will be briefings to Elected Members cross-party the first of which had started last week where Members were briefed on food recycling.
- We were looking at other measures we were hoping to bring in and were in consultation with Elected Members around those measures.
- There would be some trials taking place across the city over the next few months.
- We have had some significant problems with the Lifford Lane Depot over the last two to three weeks around vehicle service and a report will be submitted to Cabinet in July concerning the purchasing of vehicles.
- In terms of the street bins we had a change in working practice over the last few weeks but that did not work as expected so we have reverted back to the old working practice.

The Cabinet Member for Finance stated that it was about every part of the organisation recognising their responsibility to tackle these improvements. It was creditable that so many of the indicators were showing improvements. But there were large chunks that needed to pick up the pace and ensured that there was a rigorous process to get those turning to Amber and then to Green.

The Cabinet Member for Transformation, Governance and Human Resources stated that the basic purpose of the report was to look to the future and the better management of performance management of the Council's work in this field. He assured Cabinet that this time things were different and that it was not just amending a set of performance data. The trick was to lock the data into the accountability that laid within a performance management regime, and it needed to be done in such a way so that the outside world could see what was happening.

### **8. RESOLVED UNANIMOUSLY:-**

That Cabinet:-

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- I. Noted this is the last corporate performance update of this kind and the final report on performance against priorities and ambitions for 2023/24 as set out in the Council's Corporate Plan 2022-2026; and that going forward reporting will be against the Council's Improvement and Recovery Plan and a revised set of performance indicators; and
- II. Approved the revised corporate performance indicator set as presented at appendix D to the report for reporting from Quarter 1 2024/25.

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### **CITY HOUSING CCTV PILOT PROGRAMME**

In the absence of the Cabinet Member for Housing and Homelessness the Cabinet Member for Social Justice, Community Safety and Equalities presented the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

Members made the following comments:-

- (i) Of concern was the process that had been used to select these blocks as there were no assessment as to why blocks have not been included.
- (ii) There were no comparisons between the ones that have been put forward to see whether they were the ones with the worst issues in the city. That data was not included in the report.
- (iii) CCTVs should be rolled out to all the blocks as every tenant in a tower block in the city deserved to live in a safe place.
- (iv) Members would like to see what the rationale was for the blocks that were chosen and the ones that were not chosen. All sheltered blocks should be given CCTVs as a matter of urgency.
- (v) Since the decommission of the CCTV's a lot of the tenants especially the elderly did not felt safe and that should not be the case for anyone in this city.
- (vi) Speaking with officers it was understood that the initial pilot selected those blocks that was most prone to crime, vandalism and anti-social behaviour so that the Council could then build an evidence base of the effectiveness of the CCTVs in deterring, detecting and prosecuting crime.
- (vii) The priority should be for tower blocks that were home to the elderly and the over 55s.
- (viii) If the pilot was successful it needed to be expanded to sheltered housing schemes particularly those that were suffering from excessive anti-social behaviour.
- (ix) Whether there was any feedback from tenants around the use of ring doorbells as following the decommission a number of tenants were using ring doorbells.

The Chair commented that it was important to note that this was a pilot to develop evidence around the use of CCTVs. He added that section four of the report gave some details around the rationale.

The Assistant Director Housing Strategy and Enabling advised that the pilot was data driven and it was triangulating data we got from our internal systems



about anti-social behaviour reports, crime data and what tenants were saying. He added that the point around assurance was needed that was robust data and was accurate data. There were a lot of other blocks that would have issues around anti-social behaviour. The blocks in Erdington, Acocks Green etc. that were raised we would go back and check those data and come back and provide those assurance. This was a pilot and we needed through the course of the 12 months to start looking at our longer-term strategy around the rollout of CCTVs, taking up the points around sheltered housing etc. Further reports would be submitted to Cabinet around how we use the learning from this to rollout a wider scheme.

The Cabinet Member for Social Justice, Community Safety and Equalities undertook to pick up the issue with the local safety team and the Police about the strategies that could be used on a citywide basis to feed into this and to help residents to feel safe in their homes.

**9. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- a. Approved the implementation of CCTV during a 12-month pilot across specific hot-spot areas in line with an evidenced based approach to inform the wider consideration of the installation of CCTV as part of a rolling programme either through planned Capital Works or on a case-by-case basis where needed;
- b. Approved the intention not to recover service charge for the revenue element of the CCTV programme in hot-spot areas for the 12-month pilot period to enable the Council to evaluate success;
- c. Approved the anticipated maximum spend of £500k in capital costs and £120k in revenue costs across the 12-month pilot period;
- d. Approved and endorsed the Council's approach, positively responding to feedback from tenants and leaseholders in relation to CCTV;
- e. Delegated authority to the Strategic Director - City Housing in consultation with the Chief Operating Officer, the Interim Director of Finance (Section 151) and the Interim City Solicitor & Monitoring Officer (or their delegates) to approve the procurement strategy and contract award to implement the pilot; and
- f. Authorised the Interim City Solicitor and Monitoring Officer to execute the necessary documents to implement the above recommendations.

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**INCREASE VALUE OF CONTRACT AWARD OF SECURITY MEASURES  
PROVISION FOR VICTIMS OF DOMESTIC ABUSE (P0779)**

In the absence of the Cabinet Member for Housing and Homelessness the Cabinet Member for Social Justice, Community Safety and Equalities

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

Councillor Ewan Mackey remarked that there was no risk register included with the report and that Cabinet would be approving something not knowing how much risk was attached to the report. He questioned what Cabinet's attitude was concerning risks and where the report featured on Cabinet's scale of risks, which risks in the report Cabinet were identified and mitigated and which were the ones that were causing concerns.

The Cabinet Member for Finance commented that this work was important because of the protection of victims abuse and the avoidance of homelessness and use of temporary accommodations. The ability of victims to stay in their own homes because of the additional security measures was immeasurable in terms of their recovery, the impact on young people and children in those families. It would be a good news story if the underlying cause were not so grim. She added that there were no financial risks to the Council from this project as the funding came from the Homelessness Protection Grant.

The Cabinet Member for Digital, Culture, Heritage and Tourism stated that this critical service aligned with our commitment to safeguarding vulnerable citizens, preventing homelessness and allowing people to remain in their homes. The report recognised that the delivery partner have demonstrated confidence in delivering these specialised services ensuring safety and security for all those at risk. This measure was essential to fulfilling our obligations under the Domestic Abuse Act 2021 and supported our broader strategy to protect and support vulnerable residents across the city.

The Cabinet Member for Social Justice, Community Safety and Equalities stated that it was important that we help women and children that were victims of domestic violence to be able to stay in their home. Refuge provision did not work for everybody as it caused a lot of disruption to children's lives especially when they had to leave their families, schools, pets, routine etc. This was not a good experience for children particularly those with SEND and the report was a good news story for the Council that we could continue our good work in supporting the victims of domestic abuse.

**10. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- I. Authorised the Director of Housing in conjunction with the Interim Director – Commercial and Procurement (or their delegate), the Interim Director of Finance and Section 151 Officer (or their delegate) and the Interim City Solicitor & Monitoring Officer (or their delegate) to approve a variation to the existing contract for the provision of Security Measures for Victims of Domestic abuse between the Council and Theam Security by increasing the contract amount by a maximum value of £0.6m; and
- II. Authorised the Interim City Solicitor & Monitoring Officer (or their delegate) to execute and complete all necessary legal documents to give effect to above.

**PROCUREMENT STRATEGY FOR HIGHWAYS MAINTENANCE AND MANAGEMENT**

The Cabinet Member for Environment and Transport presented the item and drew the attention of Cabinet to the information contained in the report. He highlighted that since the submission of the Cabinet paper Birmingham City Council had been successful in the judicial proceedings against the Department for Transport to continue funding for the Council's Highways Maintenance and Management Public Finance Initiative (PFI) arrangements. He added that the judgment was published on Monday 17 June 2024 held that the Department of Transport decision was unlawful so that decision had been quashed.

Councillor Mackey commented that it was the pragmatic thing to do to extend the Kier contract whilst we were sorting the issue.

The Cabinet Member for Transformation, Governance and Human Resources stated that there was a good reason to extend the interim service contract for another two years. He added that the Commissioners have highlighted a need to exit it if necessary within that 24 months period which was built into the extension. We have some continuity which was essential, but there would be a period of negotiation between this Council and Government over some months, so we needed time to continue with the existing contract.

Councillor Harmer stated that he made sense to do what the Cabinet Member for Transformation, Governance and Human Resources had stated to give us that breathing space. He expressed congratulations to the officers who took part in the work on the judicial review and for winning that review. He added that it had seemed to him a bizarre decision by Government which was a strong case. Even though we have won the judicial review the amount of disruption and costs this have caused to the Council at a time when we were under huge stress needed to be understood and accepted that that bad decision by Government that had been shown to be illegal have caused knock-on-problems of great significance. Councillor Harmer further added that he would welcome a report outlining how quickly we could get back to the sort of services and level of investment that the PFI promised. The state of the highways have been deteriorating whilst we were waiting the issue to be resolved.

The Cabinet Member for Environment and Transport stated that he welcomed the £600m back to the city but that he was mindful that there was a period that the Department of Transport could appeal the decision up to the 26 July 2024. He highlighted that 85% of the cost of the judicial review have been won by the City Council which was a huge achievement. He expressed well done to all the officers for the incredible work that had been carried out by the highways officers and the litigation team from the City Council.

The Interim Finance Director and Section 151 Officer stated that it was agreed when the budget was set that we would not leave the £12m issue just for the City Operations team to deal with, but that it would be a corporate issue and would look at how this would be dealt with along with the Cabinet member for Finance.

**11. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- a. Approved the extension of the Interim Services Contract for the maintenance and management of the Council's public highways network for a period of up to 24 months commencing 1 August 2024 for the value of £75.3m with Birmingham Highways Ltd (BHL) in accordance with the approach in paragraph 7.4.1 of the report;
- b. Noted in the event that the current Project Agreement between BCC and BHL terminates, the road maintenance term service contract held by Birmingham Highways Ltd (BHL) with Kier Transportation Ltd (KTL) will novate to the Council. This will be for a period of up to 24 months commencing 1 August 2024;
- c. In the event the Project Agreement terminates and the contract novates to the Council, under the Council's Procurement and Contract Governance Rules (PCGR) paragraph 4.59 vi, approved applying a Negotiated Contract without competition for the following ancillary services in accordance with the approach in paragraph 7.4.3 & 7.4.4 and delegated the award of any subsequent contracts to the Strategic Director, City Operations in consultation with the Interim Director, Commercial and Procurement, the Interim Director of Finance (Section 151 Officer) and the Interim City Solicitor and Monitoring Officer (or their delegates):
  - Highways Insurance and Associated Cover with Howden Insurance Brokers Ltd.
  - Third party claims handling service with Gallagher Bassetts.

For a sufficient period of time to allow for contingency arrangements and to allow for a full procurement to take place;

- d. Noted the feedback from the Sustainability and Transport Overview and Scrutiny Committee, and the response, as set out in paragraph 5.2 and Appendix A (Exempt Information); and
- e. Authorised the Interim City Solicitor and Monitoring Officer (or their delegate) to execute and complete all necessary documentation to give effect to the above recommendations.

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**NEGOTIATED CONTRACT FOR SPECIALIST EXTERNAL ADVOCACY,  
LEGAL ADVICE AND SUPPORT RELATING TO THE HIGHWAY  
MAINTENANCE AND MANAGEMENT CONTRACT (P0989 - 2024-1)**

The Cabinet Member for Environment and Transport presented the item and drew the attention of Cabinet to the information contained in the report.

Following a brief discussion it was

**12. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- a) Approved, under the Council's Procurement and Contract Governance Rules, the commencement of a negotiated procedure by Head of Highways PFI with DLA Piper LLP for the provision of specialist external advocacy, legal advice and support relating to the Highway Maintenance and Management contract for the maximum total sum of up to £4.5m over a period of up to 24 months, commencing 1 July 2024; and
- b) Delegated approval to award a contract for the provision of specialist external advocacy, legal advice and support relating to the Interim Monitoring Officer & City Solicitor or their delegate, in consultation with Interim Commercial & Procurement Director (or their delegate) and Interim Director of Finance and Section 151 Officer (or their delegate).

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**TRANSPORTATION AND HIGHWAYS DELIVERY PROGRAMME 2024/25 to 2029/30 – ANNUAL PROGRAMME UPDATE**

The Cabinet Member for Environment and Transport presented the item and drew the attention of Cabinet to the information contained in the report.

Councillor Ewan Mackey voiced concerns regarding the workplace parking levy and stated that Birmingham was not an island, and that people could go elsewhere. He questioned the impact this would have on people in the city. He added that the workplace parking levy was an aggressive tax.

The Cabinet Member for Finance commented that this was a solid piece of work that showed how the Council could deliver for the city. Its supported savings proposal hits other elements of policy that was important to our residents and maximises external funding opportunities. She added that she was pleased to see the Environment and Transport Neighbourhood Fund (ETNF) as this would enable Members and residents across the city to tackle some of the issues that they wanted to develop their own plans for going forward.

Councillor Robert Alden stated that it was great to have Ward budgets but voiced concerns that this was becoming more restrictive in terms of what Members and residents could actually do in their local areas with it. It was hoped that when this came out it would not be more restrictive as it appeared in the reading of the report. He added that the LED lighting rollout was to be welcomed which gave a valuable lesson to the Council. It needed to be ensured that when savings were being considered they were savings that do saved the Council money in the long run and not ones that saved a small amount in the short term that cost more in the long run. He added that in terms of the City Centre Public Realm it was concerning that this had been increased by £400k to complete the work. He further stated that the steps down from the fountain were not properly secured after all the work that had happened. Councillor Alden stated that it was clear that there was an issue in the city with

people who raced around the streets and more needed to be done concerning the issue which needed to be looked at.

The Cabinet Member for Environment and Transport referred to the death of a pedestrian in Quinton on Monday and that his and all Cabinet Members thoughts were with the family of the pedestrian. He stated that he was in agreement with Councillor Alden's comments around the LED lights as this was something he had pushed for, and the Commissioners have also pushed for which would bring the Council some savings in the electricity bills that the Council encountered. He added that it was also make the streets safer as there would be more visibility for people which would encourage them into active travel and walking.

The Cabinet Member for Environment and Transport advised that the Ward budget had not been restricted but was probably expanded as we were also going to include an option for Members to plant trees as this was an ask from Members across the Council that they wanted to plant trees in and around their Wards. He advised that there was a strict timeline on this as there were some funds which have not been spent from previous years. Members will be encouraged to use the funds that were available to them for projects within their Wards. In terms of the City Centre Public Realm it was agreed that we wanted to make the City Centre looked the best not only for the residents but also for the visitors.

The Cabinet Member for Environment and Transport advised that no decision had been made concerning the workplace parking levy. It was successful in Nottingham, but Birmingham was different to Nottingham. He remarked that the last thing he would wanted to was not supporting SMEs as we needed to balance the support we gave to SMEs. Work was being done concerning the workplace parking levy and he undertook to come back to Members if a decision was to be made around that, but it was still work in progress.

The Chair commented that he endorsed the comments around road safety, the importance of road safety and the interventions that were set out in the report. One of the most profound moving things that he had attended a number of times was the Annual Road Safety commemoration events at the church in the Bull Ring commemorating those who have been lost in road crashes was a real reminder of the work we have to do to ensure that our roads were safe for everybody.

The Cabinet Member for Environment and Transport advised that it was proposed to convert a lot of the roads in the city from 40 mph to 30 mph and to formally allocate the funding to provide the necessary delegations to officers to proceed in an expeditious manner. It was expected that formal consultation on the Traffic Regulation Order (TRO) soon.

**13. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

1. Approved the Annual Programme Update (APU) provided as Appendix A to the report at a total estimated value of £308.372m;

2. Approved, subject to the Council's Gateway and Related Financial Approval Framework (GRFAF), confirmation of 2024/25 funding and pursuant to the delegations set out in recommendations 2.5 to 2.9:
  - (a) An estimated allocation of £6.254m in 2024/25 of new Local Network Improvement Plan (LNIP) funding provided through West Midlands Combined Authority (WMCA) devolved transport grant process, to named projects; and
  - (b) The release of LNIP development funding of £2.605m from within the allocation shown in paragraph to progress named projects to Outline Business Case (OBC) and Full Business Case (FBC) stage, which have a strong probability of being delivered through either current or future funding mechanisms;
3. Approved the allocation of up to £31.482m of net surplus revenues from the Clean Air Zone in accordance with the Transport Act 2000 and the statutory charging order, noting that actual expenditure will require the approval of specific OBC and/or FBC reports;
4. Delegated approval of all OBCs, FBCs and related reports including revised financial appraisals for named projects and programmes detailed in Appendix A of the report to the Strategic Director of Place, Prosperity and Sustainability in consultation with the Director of Finance (Section 151 Officer) or their delegate, up to a maximum value of £5.000m, and to the relevant portfolio holder up to a maximum value of £10.000m;
5. Approved the strategy for the procurement activity in 7.4 and delegated the award of contracts for services and works to support the delivery of the named projects within Appendix A of this report to the Strategic Director of Place, Prosperity and Sustainability in consultation with the Interim Director Commercial and Procurement, Director of Finance (Section 151 Officer) and the City Solicitor and Monitoring Officer (or their delegates) for values above the procurement threshold and up to £10.000m;
6. Under the Council's Procurement and Contract Governance Rules paragraph 4.59 vi, approved applying a Negotiated Contract without competition to West Midlands Combined Authority, for any highways and infrastructure works and services to support the delivery of named projects within Appendix A of the Transport and Highways Delivery Programme, in accordance with the approach in paragraph 7.4.4 and delegated the award of any subsequent contracts to the Strategic Director of Place, Prosperity and Sustainability in consultation with the Interim Director Commercial and Procurement, Director of Finance (Section 151 Officer) and the City Solicitor and Monitoring Officer (or their delegates);
7. Delegated authority to bid for and accept external capital and revenue resources in line with Council priorities and consistent with the policies and objectives of the Birmingham Transport Plan to the Assistant

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Director Transport and Connectivity in consultation with the Director of Finance (Section 151 Officer) or their delegate, up to a maximum value of £5.000m, and to the relevant portfolio holder up to a maximum value of £10.000m. Schemes that are successful in securing external capital and revenue resources will be added to the THDP as appropriate;

8. Delegated authority to approve virements of funding into and between named projects within Appendix A of the THDP to the Assistant Director Transport and Connectivity, up to a maximum value of £5.000m, and to the relevant portfolio holder up to a maximum value of £10.000m; and
9. Authorised the City Solicitor and Monitoring Officer to negotiate, execute and complete any necessary legal documentation to give effect to the above recommendations.

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### **AWARDING VISION SCREENING CONTRACTS VIA PROVIDER SELECTION REGIME**

The Cabinet Member for Social Justice, Community Safety and Equalities presented the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

The Cabinet Member for Transformation, Governance and Human Resources highlighted that another case where it was best to use the Provider Selection Regime(PSR) direct award process an entitlement now to go to providers who were best placed to deliver services. This took us away from the unnecessary complexities of competitive tendering where there was clearly a competitive marketplace. We needed to reflect on what was appropriately placed on competitive tendering in terms of best value purposes, but also cases where it was difficult to go through a charade.

The Cabinet Member for Finance noted Councillor Mackey's comments concerning risks and undertook to get back to him and colleagues with an answer. On this particular item and on the technical point around contracting it needed to be the right process for the right service. The programme will help every young people in every aspect of their lives.

The Director of Public Health advised that in relation the risks around commissioning of this service, this was the prescribed function which was part of the national screening programme and was funded by the Public Health ringfenced grant that was allocated currently by Government on an annual basis. It was not known what the allocation for 2025/26 would be. However, as it was a national screening programme should the grant be cut or removed from the Council the expectation was that the Department would have to put in place alternative provision to maintain the contract that currently held by every council across the country. We did not consider this a high-risk commissioning strategy in relation to a mandated screening programme in relation to it being funded from a grant.

#### **14. RESOLVED UNANIMOUSLY: -**



That Cabinet:-

- I. Approved implementation of the strategy as set out in the report;
- II. Approved the commencement of procurement activity for Vision Screening in accordance with the requirement and approach set out in paragraphs 3.6 - 3.9 of the report; and
- III. Delegated the award of contracts for Vision Screening to the Director of Public Health in consultation with the Interim Director Procurement, Director of Finance (& Section 151 Officer) (or their delegate) and the City Solicitor & Monitoring Officer.

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**DATES OF MEETINGS AND APPOINTMENT OF OTHER BODIES FOR 2024/2025**

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

Councillor Robert Alden advised that the following changes needed to be made:-

- ❖ Teachers Grievances – Cllr Adam Higgs instead of Cllr Ken Wood
- ❖ Contest Board – Cllr Alex Yip instead of Cllr Ewan Mackey.

**15. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- 1) Agreed that meetings of the Cabinet be held on the dates and time set out in Appendix A to the report;
  - 2) Agreed that the bodies detailed in Appendix B to the report be appointed until the appropriate meeting of the Cabinet in the next Municipal Year (provisionally set for 24 June 2025) which considers appointments, with the functions and delegations detailed in Appendix B and that Members be appointed to serve thereon;
  - 3) Agreed that those appointments which are no longer needed, detailed in Appendix C to the report, be noted;
  - 4) Noted that any updates to Appendix B, reflecting the final appointments made at today's meeting, will be posted on the CMIS database; and
  - 5) Noted that a further report, concerning all representatives to be appointed/re-appointed to serve on Outside Bodies, be considered by Cabinet on 23 July 2024 and that current appointments to Outside Bodies remain in place until this time.
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**THE BIRMINGHAM LOCAL PLAN-CONSULTATION ON ‘PREFERRED OPTIONS’ DOCUMENT**

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

Councillor Roger Harmer referred to the *housing needs of the city* and stated that within the wider area there was likely to be a bigger housing need. He stated that unless the Council along with other neighbouring authorities took this seriously and find ways of tackling the problem we would be condemning the next generation to the same problems that this generation had, in term of the huge burden of temporary accommodations on the Council and all residents to endure it and the difficulties of young people getting on the property ladder. It was hoped that within this process there was urgent action taken at the appropriate point in the process to work with our neighbouring local authorities to deal with the difficult issues and decisions to meet the housing needs that we faced.

Councillor Ewan Mackey voiced concerns in relation to the built to rent sector and stated that it was a niche area of the private rented sector. This was a private equity fund creating a vehicle to obtain the maximum return on their investments.

Councillor Robert Alden stated that he understood that some organisations (at least one) had been in touch with the Council concerning some inaccuracies in the report and that these needed to be picked up by the department before the final report got published. He added that as a group we would put some response into the consultation scheduled to take place this summer. It was clear that the document needed to get the policies around heritage, design, building in keeping with the existing communities we have in this city right if it was going to be a policy that was worthwhile going forward. It will need strong sections in those areas.

We needed to build properties that people wanted in the city and not build properties that might be easiest to deliver the biggest returns. The Council did not need thousands of more studio and one bedroomed or two bedroomed flats cramming people into small properties that barely meets the minimum room standards. It needed more family housing which was what the city needed more of going forward. It was disappointing to see the document supporting more build to rent to be built in the city. Built to rent schemes were not affordable as most were in excess of the average mortgage in this city.

In terms of the local Growth Zones all the Ward Councillors needed to be involved in both the finalising of these but also the additional work that was mentioned that was going to happen. Where there were proposed site allocations any schemes that came forward needed to reflect the setting it was in and that the dominant building on the high street remained example the Parish Church. Some of the numbers assigned against some of these sites were unlikely to allow the retention of the character of those areas where they have listed buildings surrounding them. It was needed to ensured that when

those sites were developed that they protect the character of the local communities and the listed buildings.

The Cabinet Member for Digital, Culture, Heritage and Tourism stated that the Birmingham Local Plan was crucial for the city's growth ensuring that our rich cultural heritage was preserved whilst promoting digital invasion and sustainable tourism. This Plan will help create vibrant connected communities and safeguard our historical assets for future generations.

The Cabinet Member for Transformation, Governance and Human Resources stated that the public consultation would be key to this as there were two stages. We needed to ensure that we engaged with people and provide the best opportunity for people to get involved in terms of the housing needs of this city. The dilemma we faced was between the housing that we needed in this city and the housing that developers were prepared to build. We needed to get an agreement that the housing we needed in this city was constructed by the developers who needed a profit motive in order to do that. The point of this Plan was to try and reach that agreement. As a Council we needed to play our own roll as to how the nation resolved the housing needs for the future.

The Chair stated that there needed to be a step change in the delivery of housing and particularly affordable housing. A number of the comments would feed into the consultation process by Cabinet agreeing the report today.

The Strategic Director for Place, Prosperity and Sustainability stated that this was the start of a critical consultation and process for what would define the city as we moved forward. He assured Cabinet that this Plan formed an integral part of our performance and delivery frameworks. Within the PPS directorate we were focussed on how we were going to shape the city and this was through the place-based work we were doing with the authority and how we focussed on those sites was important to deliver the right affordable homes, the right connectivity and infrastructure and the right employment and skills opportunities for our local residents. This was an integral part to that Plan which was focussed on delivering to those key aims that were important to the city.

The Head of Development Policy gave the following responses:-

- The unmet need in Birmingham and across the Black Country was an issue that was subject to discussions through the Housing Market Area Working Group.
- The Group was in the process of agreeing to update a strategic housing study that was undertaken a few years ago.
- It was considered important to update that work to look at the new shortfalls and the opportunities for addressing them. That work would support the examination and we have commitment from Birmingham City Council to be part of that study.
- In terms of the built to rent concerns the National Planning Policy Framework required that we include a policy approach to build to rent to promote and accommodate built to rent.
- Our housing and economic needs development and assessment recommended that we include such a policy as there was demand for such accommodation in Birmingham.

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- The policy was designed to set out the standards that we expected from built to rent.
- Regarding the inaccuracies in the report we have been in touch with the people who made the comments, and we were working to address those.
- With regard to the policies concerning affordable housing comments the policies in the housing section had a local planning designed to set out the expectations in terms of the affordability and the type and tenure of homes we required.
- There was an affordable housing contribution on the built to rent sector which was specific to the sector, and we were introducing a new approach of a differential requirement across the city based on value zones.
- It was hoped that this would make it easier to achieve the policy compliance on affordable housing coming through once the Plan was adopted.
- In terms of designs and responding to local context the Government through the Levelling Up and Regeneration Act now required us to undertake a Design Coding, so we were looking in addition to the local policies in the local Plan to undertake that design coding work and to focus that work on the areas of greatest change in the city. This work will start to come through.

### **16. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- a. Approved the Birmingham Local Plan 'Preferred Options' Document, including the accompanying Sustainability Appraisal and Policies Map (attached as Appendices 1, 2 and 8) for public consultation for a period of 6 weeks commencing in July 2024;
- b. Delegated authority to the Strategic Director for Place, Prosperity and Sustainability in consultation with the Deputy Leader of the Council and Cabinet Member for Economy and Skills to make any minor typographical/graphical amendments to the Preferred Options document and Policies Map prior to consultation;
- c. Approved the Statement of Consultation as set out at Appendix 3 to the report;
- d. Approved the Consultation Strategy at Appendix 4 to the report as the basis for the consultation; and
- e. Approved the amended Terms of Reference for the Local Plan Member Working Group as set out at Appendix 5 to the report.

**KEY DECISION PLANNED PROCUREMENT ACTIVITIES (JULY 2024 – SEPTEMBER 2024) AND QUARTERLY CONTRACT AWARDS (JANUARY MARCH 2024)**

The Cabinet Member for Finance presented the item and drew the attention of Cabinet to the information contained in the report.

The Cabinet Member for Digital, Culture, Heritage and Tourism referred to the *Delivery Partner in respect of a Digital Triage and Integrated View of the Citizen Solution* item and stated that she had raised concerns with officers as in past attempts that had not been successful. She added that she had noted the lack of data cleansing leading to increased costs. It was essential that we addressed these concerns comprehensively to ensure the success of this initiatives.

Councillor Robert Alden referred to the Commissioners comments around contract structure etc. and enquired whether there was confirmation for the decisions that were being made today and that the delegations to officers were going to be clear that they needed to be picked up. The *Highways PFI Technical and Commercial Advice and Support (continuation July 2024 onwards)* item and stated that this needed to be seen in context with the earlier agenda item 13 as this was another £2.2m on technical advice which was a cost together around the PFI.

Looking at the *Provision of Mobile Catering Services in Parks* there was more that could be done around income generation, and it was hoped that this would not be a final figure. He added that we could look to see whether we could generate more income and providing additional concessions etc. There was also the *Supply and Delivery of Tools, Equipment and Ancillaries and Cleaning Products and Security* etc all of which were operating under waivers which further emphasised the continued situation we were having at the Council where contracts were not procured in time which either had to operate outside the contract which ended up costing the Council more money or they were operating with a waiver because the new one was not procured early enough. These needed to be picked up, so they stopped happening.

Councillor Alden continued that the *Delivery Partner in respect of a Digital Triage and Integrated View of the Citizen Solution* item that it was not clear from the information in the report what was being proposed. He sought confirmation as to how this related to the digital customer service work being done through the Contact Centre. He queried what assurance could be given that there was no duplication of work happening here.

The Cabinet Member for Finance advised that waivers and continuations were a matter of prioritisation and that we would want to have gotten to a position where we were no longer seeing these. In terms of the *Delivery Partner in respect of a Digital Triage and Integrated View of the Citizen Solution* she gave assurance that there was no duplication but undertook to get back to Members with a written response concerning the issue.

**17. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

- I. Approved the planned procurement activities and approved Chief Officer delegations, set out in the Constitution for the subsequent decisions around procurement strategy for the following:
  - Highways PFI Technical and Commercial Advice & Support (Continuation July 2024 onwards)
  - Mobile Catering Services in Parks
  - Morning Goods for Schools and Care Homes
  - Fresh Fruit and Vegetables for Schools and Care Homes
  - Halal Meat for Schools and Care Homes
  - Direct Payments Support Services
  - Delivery Partner in respect of a Digital Triage & Integrated View of the Citizen Solution
  - Supply of Cleaning Products and Hygiene Paper Products
  - Security for Events
  - Construction Works on Various Buildings in Council and School Premises
  - Commercial Removals and Office Relocations
  - Supply and Delivery of Tools, Equipment and Ancillaries
  - Welfare Benefit & Debt Advice Services 2025-2028
  - Supply of Identity Plates for Private Hire Vehicles and Hackney Carriages – Amendment;
- II. Noted the contract award decisions made under Chief Officers delegation during the period January 2024 – March 2024 as detailed in Appendix 4.

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**NON-KEY DECISION PLANNED PROCUREMENT ACTIVITIES (JULY 2024 – SEPTEMBER 2024) AND QUARTERLY CONTRACT AWARDS (JANUARY 2024 – MARCH 2024)**

The Cabinet Member for Finance presented the item and drew the attention of Cabinet to the information contained in the report.

Councillor Alden referred to the Alexander Stadium works and commented that Birchfield Harriers whose home was there have raised a number of issues over the last couple of years around trying to ensure they were able to use the stadium. He requested some feedback as to whether those concerns have been resolved.

The Strategic Director for City Operations advised that there have been discussions and debate with Birchfield Harriers. He added that they were a key component of sports in this part of the city, and we were able to satisfy the arrangements for their use of the stadium and extend where possible and looked forward to working with them more closely.

**18. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

## **Cabinet Committee – 25 June 2024**

- a. Approved the planned procurement activities and approved Chief Officer delegations, set out in the Constitution for the subsequent decisions around procurement strategy for the following:
  - Construction Professional Services for the Alexander Stadium Legacy Works
  - Passive Fire Protection System Remediation Works
  - Asbestos Removals and Encapsulation Works
  - Demolition of the Minerva Centre
  - Demolition of the Former Oscott Manor School – Amendment; and
- b. Noted the contract award decisions made under Chief Officers delegation during the period January 2024 – March 2024 as detailed in Appendix 4.

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### **SCALING UP RETROFIT THROUGH ENERGY COMPANY OBLIGATION 4 (ECO4) AND GREAT BRITISH INSULATION SCHEME (GBIS)**

In the absence of the Cabinet Member for Housing and Homelessness, the Cabinet Member for Environment and Transport presented the item and drew the attention of Cabinet to the information contained in the report highlighting the key points.

A brief discussion ensued concerning the covering report as there was no reason the report was late and urgent given.

The Assistant Director Housing Strategy and Enabling advised that we had shared with the Commissioners who have some comments back regarding procurement and some questions around the weighting adjustments for the assessments. We have amended the weighting around that. As we moved into that developing the procurement process we needed to capture those risks around any potential liability against the Council. The scheme proposed that energy companies would provide up front based on targets set against what we were looking to see them delivering in terms of numbers. The onus was on them to deliver, and we needed to as part of this put in place the resources so that we could effectively contract manage. The proposal will allow us to put in place that assurance that was needed.

#### **19. RESOLVED UNANIMOUSLY: -**

That Cabinet:-

1. Approved the Council's procurement strategy and commence the procurement to secure 3 to 5 concessionaires to deliver ECO and GBIS retrofit installations;
2. Delegated authority to the Strategic Director of City Housing in consultation with the Interim Director Commercial & Procurement (or their delegate), the Strategic Director of Council Management (or their delegate), and the Interim City Solicitor & Monitoring Officer (or their delegate) to approve the appointment of concessionaires and award

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concession agreements with each concessionaire for an initial contract period of 17 months in consultation with the Cabinet Member for Housing and Homelessness and Assistant Director for Route to Net Zero;

3. Delegated authority to the Strategic Director of City Housing to extend the contracts in accordance with the contract terms and subject to satisfactory performance;
4. Delegated authority to the Assistant Director of Housing, Strategy and Enabling in consultation with Assistant Director of Route to Net Zero to agree the annual allocation of the income generated through the concession agreements. To be agreed annually and in line with the proposed spend areas identified at paragraph 3.30; and
5. Authorised the Interim City Solicitor and Monitoring Officer (or their delegate) to negotiate, execute and complete all necessary legal documents to give effect to the above recommendation.

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### **OTHER URGENT BUSINESS**

#### **20. IT Issues**

Councillor Ewan Mackey referred to the IT issues we experienced at the meeting today and enquired whether someone could attend a future meeting to give an explanation on how widespread the problem was and what was happening.

The Chair responded that this was a reasonable request as we all needed to know what had happened with regard to the system failures.

#### **Missing Tree**

The Cabinet Member for Environment and Transport noted Councillor Mackey's comments concerning a missing tree and advised that this was not part of the Kier contract as an email was received from the complaints manager stating that this was within Community and Leisure Activities and Regeneration. He added that we were trying to ascertain the actual ownership from within the Directorate of the Council to determine what had gone on there.

#### **Thanks to Bethany Lee**

The Chair expressed thanks to Bethany Lee, PA to the Interim Finance Director and Section 151 Officer for ensuring that we got access to the Cabinet reports due to the technical difficulties we encountered with our IT system. He further expressed thanks to colleagues who ensured that we got through this meeting and transacted our business.

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The meeting ended at 1253 hours.



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CHAIRPERSON



# Birmingham City Council

## Report to Cabinet

23<sup>rd</sup> July 2024



<b>Title:</b>	<b>SECTION 151 OFFICER UPDATE ON THE FINANCIAL POSITION OF THE COUNCIL – JULY 2024 &amp; GENERAL FUND MEDIUM TERM FINANCIAL PLAN UPDATE</b>
<b>Lead Cabinet Portfolio:</b>	Councillor John Cotton, Leader of the Council Councillor Karen McCarthy, Cabinet Member for Finance
<b>Relevant Overview and Scrutiny Committee:</b>	Councillor Sir Albert Bore, Chair Corporate and Finance Overview & Scrutiny Committee
<b>Report Author:</b>	Peter Sebastian, Head of Financial Planning
<b>Authorised by:</b>	Fiona Greenway, Director of Finance & Section 151 Officer
<b>Is this a Key Decision?</b>	No
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes – 013004/2024
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	Yes
<b>Reason(s) why Late:</b>	To allow the Medium Term Financial Plan to reflect the latest financial position of the Council prior to the date of publication for Cabinet. This includes additional information within the risk section of this report, which

outlines the latest list of risks which could materially impact the Council's financial position.

**Is this decision eligible for 'call in?'** No

**If not eligible, please provide reason(s):** Not Applicable

**Wards:** All

**Does this report contain exempt or confidential information?** No

**Has this decision been included on the Notification of Intention to consider Matters in Private?** Not Applicable

**Reasons why not included on the Notification:** Not Applicable

## 1 Executive Summary

- 1.1 This report provides an update on the financial context for Birmingham City Council as of July 2024. This report will focus on:
- a) Context to the budget gap for the 2025/26 financial year, at the City Council's 5 March 2024 meeting;
  - b) An update to the Council's Medium Term Financial Plan (MTFP) for the four financial years 2025/26 to 2028/29 as at July 2024, including details of:
    - i. Updated forecasts for pressures;
    - ii. Updated forecasts for savings; and
    - iii. An initial forecast for 2026/27 and future financial years.
- 1.2 For the 2025/26 to 2028/29 MTFP period, Cabinet has been clear in its intention to endeavour to present a balanced budget for 2025/26 and 2026/27 to Cabinet and City Council for final approval in February / March 2025, as directed by Commissioners. This budget will be presented in draft to Cabinet in October 2024, to enable earlier scrutiny in advance of final approval. This report presents the forecast budget gap and provides an updated savings programme target for the Council's General Fund, which will need to be addressed in advance of the Cabinet meeting in October.
- 1.3 It is key that the Council adopts a set of Medium Term Financial Strategy (MTFS) principles to guide its move to becoming financially sustainable (paragraphs 4.16 – 4.19 set down a set of proposed principles to be followed)
- 1.4 As presented to City Council on 5 March 2024, the 2025/26 budget had a £143.7m budget gap prior to the application of identified savings. The Council's savings programme includes £76.3m of additional savings identified for 2025/26, comprising of a number of step-up savings with full-year effect in 2025/26 and new savings presented in the 2024/25 budget setting process. At this stage there remained an additional budget gap of £67.4m which is not covered by the current Exceptional Financial Support (EFS) 'minded to' letter from the previous Department for Levelling Up, Housing and Communities (DLUHC). This must be addressed through additional savings identified during the 2025/26 budget setting process. The Council must demonstrate a set of credible and deliverable proposals over the medium term.

1.5 Following the update to the MTFP, the latest financial position and key messages contained within this report are:

- a) As agreed in the 2024/25 budget setting report approved by City Council on 5 March 2024, the **budget gap, prior to application of savings**, for the 2025/26 financial year was estimated to be **£143.7m**.
- b) At this time, the Council had identified and approved **£76.3m of savings** for the 2025/26 financial year, as part of the 2024/25 budget setting exercise. This left a residual **budget gap and savings target of £67.4m** for 2025/26.
- c) To address this budget gap, additional work is underway to identify mitigating savings as part of the 2025/26 budget setting exercise. To date, additional provisional savings of between **£39.0m - £43.5m** have been identified to address the majority of this budget gap, made up of:
  - i. Additional **accelerated and 'stepped-up'** savings through a review of the already agreed 2024/25 and 2025/26 savings;
  - ii. **Savings ranges for the key savings themes**, through reviewing savings opportunities across Directorates.
- d) Following this work, the remaining shortfall against the 5 March 2024 budget gap was between **£23.9m - £28.4m**.
- e) However, as of **July 2024, additional pressures of £50.8m** have been notified (which results in a total forecast budget gap of £118.2m for the 2025/26 financial year; i.e. £67.4m forecast in March plus this additional £50.8m pressure, as shown in Tables 1 and 2), which will need to be **added to the Council's savings targets for the 2025/26 financial year**, driven by two factors:
  - i. **Expected additional expenditure of £46.7m across directorates** – the largest forecast increase comes from the Birmingham Children's Trust (BCT) which is forecasting an additional £34.7m of pressures to support more vulnerable children with increasingly complex needs; and
  - ii. **Additional forecast inflation of £4.1m** – this is driven by an increase in the expected pay settlement for 2025/26, offset by lower than expected forecasts for inflation across Adult Social Care and BCT contract inflation.

- f) This means that **significant work** is still required to identify **additional savings**. To date, a range of £39.0m - £43.5m has been identified, and **a further £74.7m - £79.2m must now be identified to close the budget gap in 2025/26.**

1.6 It should be noted that this report does not include updates on the following items:

- a) Ringfenced revenue funding in the Housing Revenue Account (HRA) or the Dedicated Schools Grant (DSG); it solely focuses on General Fund revenue budgets. The HRA Business Plan is expected to come to Cabinet in Autumn 2024 for review; the DSG budget position is covered as part of the usual cycle of quarterly reporting to Cabinet. The report does however highlight a risk in relation to the Schools' deficit position;
- b) An update on the forecast for the Council's Capital Programme. Further forecasts are to be brought to Cabinet as part of quarterly budget monitoring during this financial year. The report does highlight a number of significant risks in relation to a number of regeneration and development projects that may ultimately impact on the General Fund.
- c) An updated forecast on the level of the Council's reserves, as the 2023/24 outturn position is still being finalised. An updated reserves position will be brought to Cabinet as part of the 2023/24 outturn report in the Autumn.

1.7 In summary, the Council's financial position continues to be of significant concern to the Council's Corporate Leadership Team (CLT), Cabinet, and Commissioners. This increase to the savings target for the 2025/26 financial year only makes the challenge more difficult. An acceleration is required to the work to identify additional savings for the 2025/26 and 2026/27 financial years, in order to support the Council's return to financial stability. Additional EFS is currently not a feasible option to address this budget challenge, and the Council must now take every step required to live within its means.

## **2 Commissioner's Review**

- 2.1 Commissioners welcome this report as setting out a fair reflection of the current dire financial position. They fully endorse the principle set out in sections 4.18 and 10 in guiding transactions until the Council reaches financial stability. Compliance with these principles will require a fundamental shift of mindset which is not yet evident or even accepted in parts of the organisation. The financial position is a huge challenge that requires a whole council response.
- 2.2 The deteriorating financial position is a massive issue for the council that requires a response. The council must build on the principles in this report and adjust the current plan and approach. This needs to be completed by early August.
- 2.3 Commissioners note with concern the references to the overspends in both the CCTV control centre and the city centre public realm. Both of these highlight governance failure as well as financial control issues as the necessary authorities were not sought at the time expenditure was known making it impossible to effectively plan the use of constrained funds.
- 2.4 It also emphasises the need to deliver current savings programmes as delay just compounds the challenge facing the council.



### 3 Recommendations

Cabinet is recommended to:

- 3.1 Note the context to the General Fund forecast budget gap for 2025/26 (**Section 4, paragraphs 4.1 to 4.15 refer**);
- 3.2 Agree the Medium Term Financial Strategy Principles for the period 2025/26 to 2028/29 (**Section 4, paragraphs 4.16 to 4.19 refer**);
- 3.3 Note the General Fund forecast budget gap for 2025/26, 2026/27 and the two following financial years, including:
  - a) National and Local Context, and updated MTFP forecasts (**Section 5, paragraphs 5.1 to 5.11 refer**);
  - b) Directorate revenue budget pressures contributing to the increased budget gap (**Section 6, paragraphs 6.1 to 6.6 refer**);
  - c) Updated inflation forecasts and assumptions (**Section 7, paragraphs 7.1 to 7.8 refer**);
  - d) Updates to the resources available to the Council (**Section 9, paragraphs 9.1 to 9.2 refer**).
- 3.4 Note that, as a result of the revised budget gap, the amended General Fund savings target for the 2025/26 financial year will need to increase by £50.8m to a total of £194.5m. This savings target will need to be met by the Cabinet meeting in October to enable the Council to set a balanced General Fund budget for the 2025/26 and 2026/27 financial years (**Section 8, paragraphs 8.4 to 8.5 refer**);
- 3.5 Note the Capital Programme update (**Section 10, paragraphs 10.1 to 10.6 refer**);
- 3.6 Note the Risks to the Council achieving financial stability, and the importance of ensuring the Council's reserves and balances are at a level which provides some security and cover should these materialise (**Section 11, paragraphs 11.1 to 11.8 refer**);
- 3.7 Note the updated 2025/26 budget-setting timetable (**Section 13, paragraph 13.1 and Appendix 1 refers**).
- 3.8 Note that Corporate & Finance Overview and Scrutiny Committee will consider this report and the 2024/25 savings delivery position as at May 2024, at its meeting on 26 July 2024 and report back to Cabinet in due course (**Appendix 2 refers**).



## **4 Context to the General Fund Forecast Budget Gap for 2025/26**

### **Exceptional Financial Support for 2024/25**

- 4.1 On 5 February 2024 the Council received permission to increase the Council Tax level above the referendum limit to 9.99%. To support this, the Council reviewed its support arrangements to taxpayers to offset the potential impact of the increase.
- 4.2 On 27 February 2024, the Leader of the City Council received confirmation from Simon Hoare MP, Minister for Local Government, that the Department for Levelling Up, Housing and Communities (DLUHC) was minded to approve a capitalisation direction of a total not exceeding £1,225.1m for the financial years 2020/21 to 2024/25. This 'minded to' letter was to cover the Equal Pay accounting liability, the costs involved in the redundancy scheme, and support to deliver a balanced budget for the 2024/25 financial year.
- 4.3 Following receipt of this minded to letter, a supplementary report was presented to City Council on 5 March 2024 confirming the receipt of Exceptional Financial Support (EFS) from DLUHC. This EFS provides the ability to capitalise revenue expenditure and is unfunded, requiring capital receipts generated by asset disposals.
- 4.4 This EFS was clear that for the minded to capitalisation to be approved, the Council must "demonstrate that it continues to take all necessary steps towards improvement. The Secretary of State will require assurance from the Commissioners that you are making good progress against the Improvement and Recovery Plan, as per the Best Value Directions issued to your Council 5 October 2023."
- 4.5 Following confirmation of the EFS, this enabled the City Council to set a balanced budget and commence the journey to rebuild a credible and sustainable financial plan for the medium term.
- 4.6 It should be noted that without this EFS, the Council would not have been able to set a balanced budget for 2024/25. There would be a significant budget gap of £225.9m impacting the Council's revenue budget.

### **Section 25 Report of 5 March 2024 and Update of July 2024**

4.7 On 5 March 2024 the Section 151 Officer submitted her Section 25 Report of the Local Government Act 2003 to City Council as part of the budget setting for 2024/25. It is important to remind ourselves that the budget as presented was credible and deliverable, only on the basis that certain arrangements were put in place and regularly monitored throughout the 2024/25 financial year.

4.8 The following conditions must be met during the 2024/25 financial year:

- a) The Oracle ERP Programme is remediated at an accelerated rate, prioritising income management, such that the Council has a suitable and stable financial management system to support operational delivery;
- b) The Council resolves the issues in relation to potential Equal Pay liabilities, addressing the root cause of issues through the implementation of a new pay and grading structure, and agreeing a negotiated settlement for the potential liabilities arising;
- c) The Council's savings programme is delivered and supporting processes are developed that are sufficiently robust that they provide further assurance to the delivery of savings;
- d) Suitable transformation and delivery arrangements are put in place to support the changes required to achieve the significant savings programme;
- e) The leadership and culture challenges identified through formal reviews, such as the CfGS review, are addressed and remediated as part of the stabilisation plan;
- f) Financial Management provided by the Finance Directorate, and specifically those working alongside Service teams such as Finance Business Partners, support and challenge financial decision making effectively to protect the Council's Best Value;
- g) Commissioners are satisfied with the response to their intervention, including ensuring the Finance Commissioner is satisfied with the financial management arrangements delivered by all Officers and Members of the Council;
- h) There is a satisfactory conclusion to the request for Exceptional Financial Support, from the Department for Levelling Up, Housing and Communities, without which a balanced budget cannot be presented to Council; and

- i) Sufficient contingencies are provided for within the budget and ongoing financial management such that reserves are sufficient, adequate, and provide assurance that items which are not known, or could not feasibly be known, at this stage could be addressed in-year.

4.9 As of July 2024, the Section 151 Officer notes that:

- a) The conditions laid out in the Section 25 Report of 5 March 2024 must continue to hold true during the 2024/25 financial year in order to provide assurance to the Council's financial position and the Medium Term Financial Plan presented within this report;
- b) There is a real risk that specific requirements laid out within the Section 25 Report of 5 March 2024 are not being met, and as such the financial position of the Council may deteriorate outside of the realms of the current financial modelling of the Medium Term Financial Plan;
- c) That additional conditions have been identified during the first three months of the 2024/25 financial year which must now be added to the original conditions of the Section 25 Report, in order for the financial position to hold true.

4.10 The following additional conditions should now be considered alongside the Section 25 Report dated 5 March 2024:

- a) The Medium Term Financial Strategy Principles, laid out within Section 4 of this report, are met in full as part of the budget setting process for the 2025/26 financial year;
- b) The pressures identified within the Medium Term Financial Plan, presented within Sections 5 and 6 of this report, are complete, and without omission, with all known information up to the date of publication of this report. That is, any new pressures to be considered will be from conditions arising from July 2024 onwards and should be held within the risk section of this report (Section 11);
- c) That the risks considered within Section 11 of this report are monitored and mitigated where possible. Any risks that materialise into issues and pressures have been considered financially, and that there are suitable remediation plans to address these both operationally and financially.

4.11 The conditions of this Section 25 statement, and the new conditions outlined within this report, should be carefully considered by all Officers and Members. They

provide targets and guidance within which the Council should operate financially, and any breaches of these conditions will have serious impacts to the Council's ability to achieve financial stability and the risk of further consequences to service delivery.

### **Budget Setting for 2024/25 and Budget Gap for 2025/26**

- 4.12 The City Council approved its 2024/25 budget on 5 March 2024 as part of the annual budget setting cycle. The budget for 2024/25 was balanced and 2025/26 remained to be balanced on the assumption that:
- a) The Council's Exceptional Financial Support request of £1.255bn was applied to enable the City Council to set a balanced budget for 2024/25.
  - b) Included a 9.99% increase in Birmingham City Council's Council Tax element for 2024/25 and 2025/26.
  - c) £149.8m of savings were delivered in 2024/25 rising to £226.1m in 2025/26 with further savings to be identified to balance 2025/26.
  - d) Additional savings of £67.4m (based on forecasts at the time of this meeting) could be found to balance the 2025/26 General Fund budget.
- 4.13 As presented on 5 March 2024, the 2025/26 budget has a £143.7m budget gap prior to the application of identified savings. The Council's savings programme includes £76.3m of additional savings identified for 2025/26, comprising of a number of step up savings with full-year effect in 2025/26 and new savings presented in the 2024/25 budget setting process. There remains an additional budget gap of £67.4m which cannot be addressed through the use of EFS. This must be addressed through additional savings identified during the 2025/26 budget setting process.
- 4.14 As outlined within the June Section 151 Update to Cabinet on 25 June 2024, there have been a number of activities aimed at addressing this additional budget gap. This includes:
- a) Allocating the £143.6m savings target for the 2025/26 financial year across Directorates. A range of scenarios have been presented and reviewed as a Corporate Leadership Team, with agreement for Directorates to accelerate work in identifying savings within their teams;

- b) Identification of a series of cross-cutting savings ideas which touch a number of Directorates. Rather than having only savings themes or Directorate allocations, the 2025/26 budget setting process will have both. This work has been ongoing and the latest position on these cross-cutting themes will be presented to Commissioners in July 2024;
- c) Directorate challenge workshops have taken place with CLT Directors, Members, Commissioners, and Finance representation in order to challenge the progress made on savings to date; and
- d) The Section 151 Officer has also held mini-budget sessions with each of the CLT Directors to discuss saving proposals and service pressures.

4.15 As a result of this work, there remains a significant gap between the identified and developed savings for the 2025/26 financial year, and the remaining savings to be identified of £67.4m. This is prior to the Medium Term Financial Plan update, which updates the status of the savings target for the 2025/26 financial year. Accelerated work is required to address this gap.

### **Medium Term Financial Strategy Principles**

- 4.16 In order to set a Medium Term Financial Plan and provide a stable and sustainable financial footing for the Council, a series of Medium Term Financial Strategy Principles must be considered. These provide a framework within which the budget setting process for 2025/26 will be completed.
- 4.17 One of the three aims of the Council's Improvement and Recovery Plan (IRP) is to be a financially sustainable Council. That is, to address the exceptional financial challenges and risks facing the Council and achieve a stable and sustainable financial position and Medium Term Financial Plan.
- 4.18 As such, the principles proposed for the Medium Term Financial Plan covering the period 2025/26 to 2028/29 are:
- a) The Medium Term Financial Plan must balance for the first two years, being 2025/26 and 2026/27;
  - b) There must be a credible four year financial plan with financials that reflect the Council's financial situation over the medium term;

- c) Reliance on Exceptional Financial Support (EFS) from Ministry for Housing, Communities and Local Government (MHCLG, previously DLUHC) over the medium term is not a feasible option and may have consequences for Treasury forecasts in future years;
- d) There will be no reliance on reserves, except for the use of reserves earmarked for specific purposes;
- e) There will be no new prudential borrowing, until the Council's financial position has sufficiently improved;
- f) All areas of the Council will be included within the scope of efficiencies and savings. This includes, but is not limited to, considering all grants which should be utilised as efficiently and effectively as possible to deliver Council outcomes. The scale of savings across the Council is so significant that no one service can be preserved in totality;
- g) Council Tax and Business Rates should increase collection as far as reasonably possible, in order to inform decisions on Council Tax levels across the four year MTFP;
- h) Growth assumptions in relation to business rates will be at 0%, and only reflected when delivered. This includes the impact on the supply of housing;
- i) The revenue implications of Capital will be minimised, and all capital projects no matter how they are funded (including Enterprise Zone and Investment Zone) should be considered within the same financial context as the rest of the Council;
- j) Demand led pressures must be evidenced and documented prior to approval of funding. All funding will be held centrally, with evidence and approval required prior to release;
- k) There will be no assumption that Council funding will replace expiry of grants and that there must be a timely exit strategy for the ending of grants; and
- l) The Council is no longer in a position to be the lender of last resort nor underwrite nor guarantee.



4.19 These principles have been laid down to strengthen the Council's financial planning and governance arrangements. Due consideration in all financial decision making should be given to these principles.

## 5 General Fund Forecast Budget Gap for 2025/26 to 2028/29

### 5.1 The forecasts presented in this section:

- a) Updates the inflation assumptions for the new four year MTFP to reflect latest forecasts.
- b) Updates the income and expenditure assumptions over the new four year MTFP period (from 2025/26 to 2028/29) based on the most recent Bank of England and service forecasts.
- c) Provides an update on progress against the agreed savings programme within the 2024/25 budget report.
- d) Outlines the timetable and next steps required for the budget-setting process for the 2025/26 financial year, including budget consultation and engagement.

### Financial Position – National Context

### 5.2 In order to update financial forecasts, the national context should be considered. There are a significant range of challenges that this Council, and all public bodies, are currently facing.

- a) Service pressures – As with all Councils, Birmingham City Council is seeing increased demand for services, particularly among children, as well as continued strong demand for homelessness support.
- b) Inflation – The latest Bank of England forecasts in May 2024 show that inflation is slowly coming down. However, it is worth noting that prices are still increasing but the rate at which they are increasing is falling, from a high of 11.1% in October 2022 to a forecast of 2.4% for the 2025/26 financial year. Therefore, inflationary pressures remain for the Council. The Consumer Prices Index is projected to return to close to the government's 2% target for the quarter to June 2024, before increasing slightly in the quarters to September and December 2024. This increase is forecast to be driven by energy prices increasingly slightly over the remainder of the 2024 calendar year.
- c) Uncertain central government funding – The December 2023 Local Government Finance Settlement has provided clarity for the 2024/25 financial year only, with no information on the financial settlement for future years. Dependant on the timing of future spending reviews of the new government, the forecasts in this

report assumes central government grants remaining the same (in cash terms) as in 2024/25, for the entirety of the next four financial years. In addition, it is hard to predict what the new government's policy will be on Council Tax and Business Rates increases. Cabinet will be advised accordingly as soon as any announcements are made by the new government.

### **Financial Position – Local Context**

5.3 The Council's financial position remains extremely challenging. The Council is under statutory intervention, with Commissioners appointed by the Secretary of State for Levelling Up, Housing and Communities. The Council faces:

- a) Significant potential Equal Pay liabilities – in addition to these potential liabilities, the Council is also working to implement a new system of job evaluation to ensure that the Council's pay and grading structure accurately reflects the work that officers do and to mitigate against any future potential Equal Pay claims.
- b) Oracle issues – The issues with the original implementation of the Oracle system have been well-documented. Efforts are well underway to fix the system. Following the programme "Reset" in January 2024, the Oracle programme gained approval from Cabinet in May 2024 to proceed with the reimplementation of Oracle Fusion with a two stage Cabinet approval process to produce a working design while a delivery partner is secured to support the re-implementation and running of the service for three to five years. The programmes scope also includes the live running of the failed implementation mitigating risks and issues as they arise, the implementation of a standard income management system which is targeting deployment by March 2025. The Programme continues to build capability with key workstreams being established. The contract with Oracle Consulting to support the council in redesigning the system is now signed and mobilisation is underway and due to complete in August 2024 in conjunction with detailed planning. Updated Governance has now been agreed for the programme with the Oracle Members Oversight Board being reformed. With momentum building the programmes mobilising with Process Owners and the wider organisation. Assurance plans are being developed for approval. A budget of £25m is set aside for 2024/25, and then £20m annually from 2025/26.

- c) Savings programme – The Council approved a programme of savings on 5 March 2024 for 2024/25 and 2025/26. In addition, the Council has been working to balance the budgets for the 2025/26 and 2026/27 years by finding additional savings, in addition to those already approved. These savings targets will now need to be amended to mitigate the budget gap highlighted in this report.

## Updated Forecasts

- 5.4 The MTFP forecasts presented in this section are for the next four financial years. The intention is to enable a shift in focus to financial planning over a medium-term outlook. It is critical for the Council to demonstrate that it can set, and live within, proposed expenditure budgets over the next two years as a minimum, facilitated by the delivery of the Council's existing and additional savings programme.
- 5.5 Table 1 below shows the forecast General Fund Revenue budgets by Directorate. For the 2025/26 financial year, the table shows proposed inflationary increases, variations (i.e. changes to expenditure and income forecasts) and the currently agreed savings programme which lead to an estimated £118.2m budget gap, rising to £197.5m for the 2026/27 year.

**Table 1 – 2025/26 to 2028/29 Forecast General Fund Revenue Budgets**

Directorate	2024/25 Original Net Base Budget £'000	2024/25 Current Budget £'000	Inflation & Pay Award 2025/26 £'000	Variations +/- £'000	Savings 2025/26 £'000	2025/26 Net Base Budget £'000	2026/27 Net Base Budget £'000	2027/28 Net Base Budget £'000	2028/29 Net Base Budget £'000
Adult Social Care	475,754	475,754	22,696	19,160	(29,152)	488,458	529,748	573,265	617,613
Children and Families	384,618	384,618	15,340	28,829	(11,003)	417,784	451,531	485,601	521,016
City Housing	33,860	33,860	2,252	600	(3,300)	33,411	34,676	34,929	36,408
City Operations	209,614	209,794	6,933	5,198	(17,843)	204,082	214,813	225,820	233,537
COO, Finance, People Services, Legal & Governance	92,272	92,027	7,026	(8,944)	(5,899)	84,211	76,355	81,031	86,011
Place, Prosperity and Sustainability	17,967	17,967	1,362	5,759	(2,785)	22,303	23,975	25,436	27,092
Strategy, Equalities and Partnerships	8,034	8,099	398	570	(150)	8,918	9,170	9,445	8,725
<b>Total Directorate Net Expenditure</b>	<b>1,222,120</b>	<b>1,222,120</b>	<b>56,007</b>	<b>51,172</b>	<b>(70,132)</b>	<b>1,259,167</b>	<b>1,340,268</b>	<b>1,435,527</b>	<b>1,530,402</b>
Corporately Managed Budgets	(71,250)	(71,250)	1,476	(1,450)	(6,191)	(77,415)	(48,664)	(94,148)	(108,096)
<b>Total General Fund Budget</b>	<b>1,150,870</b>	<b>1,150,870</b>	<b>57,483</b>	<b>49,722</b>	<b>(76,323)</b>	<b>1,181,752</b>	<b>1,291,604</b>	<b>1,341,379</b>	<b>1,422,307</b>
Funding	(1,150,870)	(1,150,870)	0	87,273	0	(1,063,597)	(1,094,088)	(1,123,624)	(1,153,948)
<b>Net Budget</b>	<b>0</b>	<b>0</b>	<b>57,483</b>	<b>136,995</b>	<b>(76,323)</b>	<b>118,155</b>	<b>197,516</b>	<b>217,755</b>	<b>268,359</b>

- 5.6 These Directorate budget forecasts assume a 9.99% increase in Council Tax for the 2025/26 financial year, as was assumed in the budget forecasts approved by City Council on 5 March 2024. However, there are a range of scenarios being considered, as shown in Table 2 below.

5.7 Table 2 shows how the budget forecasts have been built up, showing the forecast budget changes, by type, cumulatively, compared to the budget for the current financial year:

**Table 2 – 2025/26 to 2028/29 Summary of Forecast Budget Pressures**

	2025/26 £'000	2026/27 £'000	2027/28 £'000	2028/29 £'000
<b>Net Base Budget 2024/25</b>	<b>1,150,870</b>	<b>1,150,870</b>	<b>1,150,870</b>	<b>1,150,870</b>
<b><u>Expenditure</u></b>				
Staffing	21,690	19,165	20,765	22,365
Demand-Led Pressures	44,966	108,694	105,044	136,582
Statutory Requirement	6,054	8,548	8,548	7,577
Corporately Managed Budgets	(5,754)	(4,352)	(11,793)	(24,483)
<b>Directorate Budget Pressures</b>	<b>66,956</b>	<b>132,055</b>	<b>122,564</b>	<b>142,041</b>
Pay Inflation	19,940	33,596	48,406	63,448
Contract Inflation	28,076	64,640	102,847	144,062
General Price Inflation	9,467	15,681	22,468	29,404
<b>Inflation</b>	<b>57,483</b>	<b>113,916</b>	<b>173,721</b>	<b>236,914</b>
2024/25 & 2025/26 Savings Programme	(76,323)	(74,597)	(71,607)	(71,607)
2025/26 & 2026/27 Savings Programme	-	-	-	-
<b>Savings</b>	<b>(76,323)</b>	<b>(74,597)</b>	<b>(71,607)</b>	<b>(71,607)</b>
<b><u>Income</u></b>				
Government Grants (Corporately Held)	4,440	(303)	(3,955)	(7,701)
Other Income	5,539	5,596	5,690	5,720
<b>Income Subtotal</b>	<b>9,979</b>	<b>5,293</b>	<b>1,735</b>	<b>(1,981)</b>
<b>Net Payment to/(from) Reserves</b>	<b>(27,213)</b>	<b>(35,933)</b>	<b>(35,904)</b>	<b>(33,930)</b>
<b>TOTAL NET EXPENDITURE</b>	<b>1,181,752</b>	<b>1,291,604</b>	<b>1,341,379</b>	<b>1,422,307</b>
<b>RESOURCES</b>				
Forecast Business Rates Income	(455,499)	(469,469)	(482,107)	(495,075)
Business Rates Deficit for the 2025/26 financial year	-	-	-	-
Forecast Council Tax Income	(533,266)	(548,215)	(563,584)	(579,382)
Council Tax Deficit for the 2025/26 financial year	-	-	-	-
Top Up Grant	(74,833)	(76,405)	(77,933)	(79,491)
<b>TOTAL RESOURCES</b>	<b>(1,063,597)</b>	<b>(1,094,088)</b>	<b>(1,123,624)</b>	<b>(1,153,948)</b>
<b>Budget Gap (9.99% Council Tax Increase in 2025/26)</b>	<b>118,155</b>	<b>197,516</b>	<b>217,755</b>	<b>268,359</b>
<b>Budget Gap (4.99% Council Tax Increase in 2025/26)</b>	<b>142,900</b>	<b>222,942</b>	<b>243,880</b>	<b>295,201</b>

5.8 The above table assumes a 1.99% increase in Council Tax from 2026/27 onwards. This assumption was made in March 2024 and reflected the uncertainty around the policies of a future government. This will be reviewed later in the year in light of the Local Government Finance Settlement / Spending Review. For context, each additional 1% increase in Council Tax is around £4.8m of income for the Council, based on existing taxbase assumptions.

- 5.9 At present, work remains to balance the 2025/26 and 2026/27 budget. The Council will need to continue to develop additional savings to balance the 2025/26 and 2026/27 budget.
- 5.10 Table 2 also illustrates the difference in impact between a 4.99% Council Tax increase and a 9.99% increase, whereby the former would bring in £24.8m less Council Tax income in 2025/26. Subsequent years assume annual increases of 4.99% only.
- 5.11 The key elements of these budget forecasts are explained in detail in Sections 6 to 9 below.

## 6 Directorate Revenue Budget Pressures

- 6.1 There are four main elements that make up the budget pressures increasing the budget gap for the 2025/26 financial year:

### Staffing

- 6.2 **The first element relates to staffing costs.** These forecasts include a £20m contingency budget, estimating the impact of introducing a new pay and grading structure from April 2025. This also includes £6.4m of costs that relate to Birmingham Children's Trust (BCT), which are retention payments and market supplements on the assumption these payments will cease in the new pay and grading structure.

### Demand-led Pressures

- 6.3 **The second element relates to a series of demand-led pressures across directorates.** These pressures are driven by additional expected activity and expenditure and are separate from the inflationary budget pressures (which impact existing activities) which are dealt with in Section 7. The significant demand led pressures are:

- a) Adult Social Care (£18.4m) – Adult social care supports around 13,000 citizens at any point in time, providing around 20,000 packages of care, and remains one of the Council's largest areas of net expenditure. Additional investment of £18.4m has been requested to cover anticipated additional costs and pressures.
- b) BCT (£28.4m) – The growth awarded to Birmingham Children's Trust for financial year 2024/25 reflected demand levels as of November 2023. The Trust has since requested account is taken of further pressures. The request by BCT is based on the difference between the November 2023 demand levels and forecast average demand levels between April 2025 and March 2026.

It is recognised nationally that pressures on children's social care are rising substantially, which are reflected in the Trust forecasts. Drivers include:

- i. Rising demand: increasing referrals, assessments, Children in Care. For BCT:

- Early Help: from no service in 2018 to 26,000 families receiving help
  - Assessments: forecast to rise by 9% from November 2023 to 2025/26.
  - Child protection plans: forecast to rise by 6% from November 2023 to 2025/26.
  - Children in need: forecast to rise by 2% from November 2023 to 2025/26.
  - Children in Care: forecast to rise by 7% from November 2023 to 2025/26.
- ii. Rising complexity of need driven in part by the pandemic and latent, unmet need. BCT are experiencing higher residential unit costs because of this rising complexity, particularly in respect of supported accommodation for young people. The cost of Secure Welfare provision has more than doubled in 12 months because of complexity and market failure issues.
- iii. Increasing numbers of Unaccompanied Asylum-Seeking children (UASC). For BCT the number of UASC continues to grow. The grant received does not cover costs and, as these young people become care leavers the grant reduces significantly while our responsibility endures. This has created unfunded pressure.
- iv. Rising costs of care – this is a widely reported national challenge. The impact of inspection and regulation, as well as market failures are driving up costs.
- v. Staffing pressures, including the challenges of recruitment and retention for some key roles, such as social workers and lawyers.
- c) Capitalisation Contingency (£5.0m) – As approved by Cabinet and City Council for the 2024/25 year, this budget is held as a contingency against the potential additional unforeseen borrowing costs as a result of the capitalisation direction requested by the Council, and the potential non-delivery of savings, by allowing the Council with some ability to smooth the impact of any delayed savings from the 2024/25 financial year. This contingency increases from £25m in 2024/25 to £30m in 2025/26 in recognition of the fact that the approved savings programme increases, so potential additional contingency may be required.

6.4 These pressures are offset in part by some forecast budget reductions, including:



- a) Oracle-related costs – A budget of £25m was set aside for 2024/25, and then £20m annually from 2025/26.
- b) Job Evaluation costs – There was a budget of £20m set aside over two years to cover the Pay Equity and Pay Compliance team that is leading the implementation of a new pay and grading structure for the council. This is profiled as £13.3m in 2024/25 and £6.7m in 2025/26; assuming that the new pay and grading structure is implemented in 2025/26.

### **Statutory Requirement**

- 6.5 These pressures relate to activities that the Council is required to carry out, to comply with statutory obligations and interventions, following the issuance of the Section 114 notices. These costs include a forecast of £1.4m increased audit costs as a result of the statutory recommendations, and the ensuing required work, that were issued to the Council by external auditors Grant Thornton on 29 September 2023; £0.4m in administrative support for commissioners; and £4.2m in City Operations for potential food waste collection operating costs, as a result of new DEFRA requirements.

### **Corporately Managed Budgets**

- 6.6 There is a forecast reduction in potential costs, compared to prior budget forecasts, mainly due to lower than expected Treasury borrowing costs.

## 7 Inflation

7.1 As part of the MTFP update, inflation assumptions are updated within the latest models. Inflation assumptions are calculated on an individual cost centre basis, depending on the type of budget. There are three broad categories of inflation:

- a) Pay Inflation – the estimated pay increase for council officers for the 2024/25 financial year;
- b) Contract Inflation – the specific assumptions made for particular types of purchase, including adults and children’s social care packages; and
- c) General Price Inflation – covering the purchase of general goods and services.

7.2 The budget pressures are calculated by updating budget forecasts for the 2025/26 and remaining financial years of the MTFP, compared to the forecasts for those years in last year’s budget.

### Pay Inflation

7.3 The pay assumptions for the 2025/26 to 2028/29 financial years are:

**Table 3 – General Fund Pay inflation assumptions**

	2025/26	2026/27	2027/28	2028/29
Pay award – in base budgets	3.0%	3.0%	3.0%	3.0%
<i>Assumptions used in the 2024/25 Budget Report</i>	2.0%	N/A	N/A	N/A

7.4 The base pay award of 3.0% in 2025/26 to 2028/29 is based on updated intelligence on the likely pay award for the 2025/26 financial year. These pay increases are assumed to be slightly above future forecast general inflation, see Table 5 below.

## Contract Inflation

- 7.5 These assumptions relate to a range of purchases where costs are not directly tied to general inflation but to particular contractual terms. This includes payments to third party providers to provide adults and children's social care services, for which the assumptions of future contract inflation are:

**Table 4 – General Fund Contract inflation assumptions**

	2025/26	2026/27	2027/28	2028/29
Adults Social Care packages – used in the Quarter 1 2024/25 MTFP update	4.4%	4.5%	4.4%	4.4%
<i>Assumptions used in the 2024/25 Budget Report</i>	5.6%	N/A	N/A	N/A

Children's Social Care third party payments – used in the Quarter 1 2024/25 MTFP update	4.4%	4.5%	4.4%	4.4%
<i>Assumptions used in the 2024/25 Budget Report</i>	5.6%	N/A	N/A	N/A

- 7.6 These forecasts are based on updated September 2024 CPI estimates and the estimate of the National Living Wage for next year (which will be paid to staff within the third party providers contracted to support the Council). These forecasts are the broad average across a range of spending categories.

## General Price Inflation

- 7.7 These assumptions relate to the purchase of general goods and services across Directorates. For this forecast, the latest forecasts from the Bank of England (as at May 2024) are being used:

**Table 5 – General Fund – General Price Inflation Assumptions**

	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>2028/29</b>
April-June	2.6%	1.9%	1.6%	N/A
July-September	2.5%	1.8%	N/A	N/A
October-December	2.3%	1.6%	N/A	N/A
January-March	2.1%	1.5%	N/A	N/A
<b>Average CPI inflation (based on Bank of England May 2024 forecasts)</b>	<b>2.4%</b>	<b>1.7%</b>	<b>1.6%</b>	<b>N/A</b>
<b>Assumptions used in the Quarter 1 2024/25 MTFP update</b>	<b>2.4%</b>	<b>2.0%</b>	<b>2.0%</b>	<b>2.0%</b>
<i>Assumptions used in the 2024/25 Budget Report</i>	2.0%	N/A	N/A	N/A

7.8 For the years where Bank of England forecasts are not available (2027/28 onwards) as at May 2024 or where average CPI is forecast below 2.0%, the budget forecasts assume 2.0% for general price inflation on the assumption that the Bank of England will adjust monetary policy accordingly to achieve the target rate of 2.0%.

## **8 Savings Programme**

- 8.1 The latest progress against activities to identify savings for the 2025/26 financial year was provided as part of the Section 151 Office Update to Cabinet in June 2024.
- 8.2 Activities completed during June 2024 have focussed on:
- a) Development of detail against savings themes. The 14 themes outlined within the June 2024 report are being explored by a nominated Senior Responsible Officer (SRO). These themes are being developed into individual savings opportunities, with a range of potential savings impact on a high-medium-low basis. These themes are then being refined alongside Directorates to ensure the values identified are deliverable locally. This is with the intention of developing a matrix structure to savings identification and delivery, with Directorates owning the deliverability of targets locally and being supported by SROs with technical expertise across the Council;
  - b) Savings theme workshops, facilitated by CLT, Finance, and Commissioners, have focussed on challenging the existing and proposed savings programme. This has included reviewing whether savings could be accelerated, stepped up in current or future years, and reviewing all ideas presented as part of previous savings exercises. Alongside this, a desktop based exercise to review budgets has been completed with Finance Business Partners challenging lines within the base budget for current and future years; and
  - c) The Section 151 Officer has also held mini-budget sessions with each of the CLT Directors to discuss saving proposals and service pressures.
- 8.3 As a result of this MTFP review there is an increase to the savings target for the 2025/26 financial year. This is an additional £50.8m which must be identified as part of the current budget setting exercise.
- 8.4 This increases the size of the savings programme for 2025/26 to £194.5m. This must be balanced as part of the reports presented to Cabinet in October 2024 to enable the setting of a balanced General Fund budget for the 2025/26 financial year.
- 8.5 Throughout July and August 2024, budget challenge sessions (Star Chambers) will be held by the Leader, Cabinet Member for Finance and Acting Chief Executive with each Director and relevant Cabinet Member to challenge and scrutinise the savings

and pressure proposals currently put forward. As part of these sessions, the aim will be to also draw out further savings proposals and to ensure that all areas of the Council have been considered for efficiencies.

## **9 Income and Resources**

- 9.1 This Section deals with the Council's sources of income: government grants, other income (from a range of sources, including fees and charges), Council Tax and Business Rates.
- 9.2 At present, the forecasts across all of these areas remains the same as the forecasts presented in the 2024/25 budget report to City Council on 5 March 2024. The reasons for that are:

### Council Tax and Business Rates

- a) The outturn position for the 2023/24 financial year is still being finalised and will be presented to Cabinet in the Autumn. This will be used as the basis to forecast future income.
- b) Council Tax and Business Rates income is held in the Collection Fund, a separate ringfenced account. It should be noted that Collection Fund forecasts impact the General Fund budgets in two ways:
  - i. Future estimated income – this is based on the government-set calculation for Council Tax (i.e. level of increase times the number of eligible homes (the Council taxbase)) and Business Rates (i.e. the rateable value of eligible businesses times the “non-domestic multiplier” (set by government and usually based on future inflation forecasts))
  - ii. Collection Fund surplus or deficit – for each financial year, the Council estimates Council Tax and Business Rates income and draws that amount from the Collection Fund into the General Fund. This is done in February, at budget-setting. At each budget-setting, the Council reviews whether previous budget forecasts were correct (i.e. did the Collection Fund receive more or less income than the Council forecast). If the Collection Fund received more income for a financial year than was budgeted for, there will be a surplus at the end of the year that will be charged to the General Fund (or a deficit if less income was received). The outturn for the 2023/24 financial year is currently being finalised; when known, it will either result in a surplus or a deficit that will be charged to the General Fund for the 2025/26 financial year for the next financial year.

### Government grants

- c) There are two main categories of grant: 1) Those used to fund wider Council services (e.g., Top Up Grant, Business-rates related Section 31 grants, New Homes Bonus); and 2) those ringfenced to fund specific services (e.g., the Social Care Grant, Public Health Grant). At present, these are forecasts to remain the same (in cash terms). That is because the terms of the next Local Government Finance Settlement have not yet been set out.

### Other income

- d) Within Table 2, the 'Other Income' line includes income from a range of sources including, fees and charges, sales and rents. At present, savings proposals (to generate more income) are being developed, for review in July and August. These will be factored into future budget forecasts for the Cabinet meeting in October.

### Top Up Grant

- e) Alongside Business Rates income, the Council will receive a Top Up Grant for the 2025/26 financial year. This is currently forecast to be £74.8m for the 2025/26 financial year. The reason that the Council receives this grant is that the expected level of Business Rates income (known as the Business Rates baseline) is lower than the expected level of income that the Government expects the Council to generate (known as the Baseline Funding level).



## 10 Capital Programme

10.1 City Council approved the Capital Strategy on 5 March 2024 which contained a four-year capital programme for the period 2024/25 to 2027/28 valued at £1.798 billion (£1.088 billion HRA and £0.710 billion general fund). The overall objective of this Capital Strategy is for capital investment to support the Council's Financial Recovery Plan by:

- a) Ensuring capital investment is prudent, sustainable, and affordable in the context of the Council's overall finances;
- b) Keeping borrowing and revenue costs of the capital programme to the absolute minimum, effectively for Statutory or Regulatory compliance or where it produces revenue savings to the Council;
- c) Integrating capital budget decisions into the Council's annual, medium- and long-term planning process, so that capital investment decisions are prioritised alongside plans for revenue income and expenditure;
- d) Ensuring stewardship of assets including the Council's land and buildings and generating cash receipts from the Council's asset thereby minimising impact on frontline service delivery; and

**Table 3 – 2024/25 to 2027/28 Summary of Prudential Borrowing**

<b>Prudential Borrowing</b>	<b>2024/25 £000's</b>	<b>2025/26 £000's</b>	<b>2026/27 £000's</b>	<b>2027/28 £000's</b>	<b>Total £000's</b>
Total Capital Projects Self Financed	18,642	6,704	21,602	0	<b>46,948</b>
Total Capital Projects requiring revenue resources	28,657	28,473	3,105	0	<b>60,235</b>
Total Prudential Borrowing - EZ	27,174	12,298	95,238	9,449	<b>144,159</b>
<b>Total Prudential Borrowing</b>	<b>74,473</b>	<b>47,475</b>	<b>119,945</b>	<b>9,449</b>	<b>251,342</b>
<b>Excluding Enterprise Zone</b>	<b>47,299</b>	<b>35,177</b>	<b>24,707</b>	<b>-</b>	<b>107,183</b>

10.2 Given the size of the capital programme and the value of prudential borrowing assumed within it, and the associated implications for the revenue budget, it is important that all programmes and activities be reviewed to consider affordability as well as alignment toward the Council's priorities. The following additional principles, which supplement the MTFS principles referred to in paragraph 4.18 of this report,

will need to be reflected when decisions are made about the allocation of resources towards capital investment:

- a) All projects will be cash limited at outturn prices and required to stay within their budgets. It must not be assumed that overspends or slipped will be funded and approved;
- b) Projects will need to identify appropriate contingencies, and this will be help corporately and only released following approval;
- c) There will be no new prudential borrowing, until the Council's financial position has sufficiently improved;
- d) The revenue implications of Capital will be minimised, and all capital projects no matter how they are funded (including Enterprise Zone and Investment Zone) should be considered within the same financial context as the rest of the Council;
- e) The Council is no longer in a position to be the lender of last resort nor underwrite nor guarantee.

10.3 Over the coming months, a detailed review will be undertaken of programmes and projects contained within the current capital programme including those for which previous approval may have been obtained but which have not yet commenced delivery. Even those programmes that have commenced delivery will be reviewed to consider rescoping of the project and whether resources could be better diverted to support the Council's financial recovery. A priority will be to focus on some of the more complex regeneration schemes.

10.4 At the same time, it is recognised that new opportunities or capital investments could be made that better support service delivery, generate savings and help restore the Council's finances. For this reason, the update of the capital programme will also contain opportunities to consider new capital bids that meet the above requirements.

10.5 The following high-level timetable is proposed to review the Council's capital programme:

**Table 4 – Timeline for Capital Programme review**

<b>Month</b>	<b>Activity</b>
July	Directorates review existing programmes and consider bids/options and submit prioritised capital proposals
August	Challenge between Director of Finance and Strategic Directors on capital programme submissions
September	CLT Discussion to consider programmes and bids and agree what proceeds to Capital Board / Capital Investment Board
October to December	Capital Board / Capital Investment Board consider programmes
February	Cabinet and City Council approval

10.6 Guidance will be issued shortly to Directorates to facilitate the above review process. The outcome of the exercise will inform future Cabinet and City Council decisions on the update of the Medium-Term Financial Plan and Capital Strategy 2025.

## **11 Oversight of Risks to the MTFS**

11.1 The Council is monitoring a range of risks that may materialise as issues and lead to future financial pressures. At the time of writing this report, these are as set out below (11.2 to 11.6):

### **11.2 Directorate Risks**

- a) Public Health Grant Exit Strategies – The Public Health Grant provides funding through contractual agreements and memoranda of understanding to deliver schemes that support the outcomes of Public Health. There is a risk that funding may decrease over time, and the Council must consider alternative funding arrangements or exit strategies for the work being delivered and supported by the grant. There is no certainty regarding the level of grant to be expected in future years and this may be less than inflation as has been the case in the past. The service also faces having to bear increased service delivery costs for those services provided by health partners and so a 5 year forward plan is being produced to provide greater clarity on how all of these factors will impact on the funding position of the Public Health budget. While the Council will seek to make the most efficient and effective use of the Public Health grant and continually review the application of grant monies, any use of the grant outside of the mandated services are subject to strict criteria including the need for an MOU which sets out how the monies will be applied and what outcomes are sought, with OHID (Office for Health Improvement and Disparities) having oversight and ability to challenge these if deemed inappropriate.
- b) Other Grant Exit Strategies – there may be other grants ending that will require an exit strategy. Work will continue to identify such grants so that the impact to the Council is established on the principle that there is no assumption of Council funding replacing such grants.
- c) Temporary Accommodation – within the City Housing Directorate, the major unknown is the demand for temporary accommodation, relative to the city's capacity and budgeted forecast. The base budget forecasts include details from the Temporary Accommodation strategy, as approved by Cabinet in the last financial year. The current view is that there are further pressures from Temporary Accommodation. This will be continually reviewed in advance of budget-setting for the 2025/26 financial year.

- d) Asylum Dispersal – On 9th May 2024 the Home Office shared the new 2024/25 Full Dispersal plans with the West Midlands Full Dispersal Regional Governance Group. The new regional plan will see an increase in the numbers of bed spaces procured in Birmingham during 2024/25. Birmingham's allocation is 3,400 bedspaces: an increase of 1,809 from the April 2024 baseline.

If the 2024/25 plan does lead to an increase in dispersed accommodation in the city, it follows that more asylum decisions will be made while asylum seekers are living in Birmingham i.e. greater flow into and out of the asylum system.

Positive decisions create:

- i. Housing pressures - increasing demand for Temporary Accommodation for families and for Exempt Supported Accommodation for singles, and
- ii. Demand for statutory and non-statutory support services such as health, education, English for Speakers of Other Languages (ESOL) provision.

Negative decisions create risks around growth in hidden populations, cash-in-hand economies, risks of modern slavery, rough sleeping, and growth in responsibility for No Recourse to Public Funds (primarily under Section 17 of the Children Act; secondarily to adults with care and support needs).

The Home Office has not released or shared details of grant funding for local authorities in relation to the delivery of the 2024/25 regional plan.

There could also be knock-on impacts of this dispersal plan; significantly to disrupt the housing market in Birmingham and decrease BCC's ability to deliver its own Homelessness prevention and reduction strategy; increasing competition; driving up prices; and reducing availability of options for discharging homelessness duties.

- e) Transition from Children's to Adults – The current transition for young people moving from Children's to Adults service is a challenging one. There can often be many changes associated with the support a young person receives when transitioning from social care at 18 or from educational services at 25. There can be delays in decision making and difficulties in timely planning for adulthood which can mean young people do not always get the right help at the right time.

There is, however, an ambitious transformation programme which brings together all services who are connected to children, young people and adult's journeys through social care, education and health systems. The project aims to begin with a focus on redesigning pathways for children, young people and their families who require social care, health and education and would eventually transition into adult social care to achieve the best outcomes and live their lives independently with choice.

This new integrated direction provides a more personalised approach to care, where children and young people are supported to develop independence over time, allowing them to lead a fully inclusive life. We also know that a more joined up system will reduce inefficiencies and develop cross-directorate savings.

- f) DSG Schools in Deficit – The Council is not permitted to use its own funds to lend money to schools, or it would be placing its own funds at risk if it were to do so, but there are an increasing number of schools that find themselves in a deficit position. Were any of these schools that are in deficit to decide to academise and leave the status of maintained school, then the Council could find itself in the position of having to bear the cost of such a deficit from its own reserves. As at 31 March 2024, there were 39 maintained schools in Birmingham in deficit with an aggregate deficit of £11.196m. A process to work with schools in deficit is being agreed between the School Improvement and Schools Finance teams and the Council plans to start working with deficit schools on the issue in the autumn term.
- g) Adult Social Care – at present, detailed demand forecasts carried out for the 2024/25 budget-setting process appear reasonable. This will be further reviewed once the first detailed budget monitoring round is completed for Quarter 1 of the 2024/25 financial year, to be taken to Cabinet in September.
- h) Children & Young People – in addition to the pressures flagged by the BCT, the service is carrying out a detailed review of future demand for home-to-school transport costs. These will be available for October Cabinet and will be informed by progress against 2024/25 budgets.
- i) City Operations – alongside the Highways Private Finance Initiative (PFI) pressure noted below, there are a range of potential risks. One area flagged for further review is income from the funeral service, as newer private sector

competitors may hit the Council's income. This is based on early stage estimates for the 2024/25 financial year and will be reviewed as part of regular budget monitoring reports to Cabinet.

- j) Place, Prosperity and Sustainability – the major uncertainty relates to the rental income that the Council is able to achieve across its commercial property portfolio. This is continually reviewed and future updates will be provided to Cabinet as part of quarterly budget monitoring.
- k) Oracle – there is a risk that the Oracle programme overruns or that the ongoing cost is higher than the current forecast of £20m per annum.

### **11.3 Approved Savings Programme for 2024/25**

- a) Non-delivery of the approved savings programme – this programme, approved by City Council on 5 March 2024, required delivery of £149.8m in 2024/25 with a further £76.3m in 2025/26. This programme is being rigorously monitored and reported to Cabinet on a monthly basis. At present, this budget has not assumed that any of these savings will be written off (as non-deliverable) and assumes that if savings cannot be delivered then compensating new savings will be found. As noted above, the Council holds a capitalisation contingency against non-delivery of savings which, for now, is assessed as sufficient.

As at the end of May, the projected shortfall in savings for which mitigations had not been identified amounted to £1.839m. However, a number of issues are emerging which require close attention and management as they may develop into further shortfalls, either on a short-term or permanent basis. These include the outcome of the Highways PFI (see below), revisions to the Early Intervention & Prevention Resident-facing Community Assets saving which are underway, and proposals to mitigate under-delivery of savings in the Children & Young People Transport Service which are under question. There are also savings whereby the anticipated reduction in headcount has not been achieved and further activity is required to address the gap, which may prove problematic. Further detail can be found in Appendix 2.

- b) Enablement – A review of the Enablement service is underway, which projects to deliver a potential saving of £1.755m in 2024/25, rising to £5.229m in 2025/26. This would involve savings from both Homecare Enablement and Specialist Enablement. Savings from a Phase 1 voluntary redundancy has

generated £0.814m of savings in 2024/25, rising to £1.442m in 2025/26. An options paper for Homecare Enablement has been completed and the implications of this are being worked through. For Specialist Enablement a specific review is still being undertaken to understand the provision currently provided by the in-house team and availability of this in the private sector, and this is anticipated to be concluded with options by the end of July 2024. The process will be complex and therefore there is potential for delays in the delivery of the 2024/25 saving, the wider budget setting process and the 2025/26 savings target.

- c) Libraries – A proposal for the potential transformation of NAIS and Community Library services is currently subject to consultation and the timeline for the review now means that there are no savings anticipated in the current year (£1.260m). Subject to progress and the outcome of the consultation and review, the saving anticipated in 2025/26 (£2.285m) may also be at risk and this may then need to be factored into the budget setting process for 2025/26, increasing the value of other savings required to be found.
- d) Highways PFI contract – as part of the savings programme, it was assumed that a £20m saving (of which £12m in 2024/25) could be made due to the PFI Contract ceasing as a result of Government's decision to not support the project moving forward. The Council has recently been successful in its Judicial Review of Government's decision to cease the PFI Project. Court has ruled that the decision was made unlawfully and has therefore been quashed. The decision will now need to be remade lawfully. The Council will now work with Government (DfT and HMT) on next steps and reaching a final, lawful decision. Should the PFI Project go forward, the £20m saving will not be delivered via the project, however if the PFI Project does not go forward then the saving will be deliverable but with delays. As a consequence of the immediate budget shortfall, the Council will need to draw upon a contingency budget in order to mitigate the budget impact of this item, leaving reduced scope to address further unforeseen issues that may arise. As the Council further develops the MTFP it may need to reconsider the use of and/or need to provide for further contingency and what this means for the budget gap and savings requirements.



- e) Cost of Transformation – it is likely that the cost of transforming the Council will be higher than the current monies set aside for the Improvement and Recovery Plan. Transforming the Council may also take longer than currently planned. It is imperative that detailed plans are put forward with forecast costs for the MTFP on likely costs of transformation to ensure the monies set aside are adequate.
- f) Interdependencies – Due to the scale of change across the Council, there is a risk that the interdependences between programmes may cause unintended consequences. The significance of the Oracle Programme, Council-wide Target Operating Model (TOM), Pay and Grading, and Consolidation Programmes mean that there is a volume of change which may lead to additional financial impacts caused by delays of impacts from any one of these schemes.

#### **11.4 Financial Planning Risks**

- a) Treasury Management – Treasury Management is significant to the Council's budget, the forecast for 2025/26 was £281m at March 2024. Although most of this cost is fixed based on historic debt levels and fixed interest rates, changes in the budget will arise due to new or replacement borrowings as well as debt repayments. There is an inherent risk to Treasury Management as future interest rates will determine the costs of such borrowing. Due to the issuance of the S114 the availability of borrowing to the Council has reduced and this has impacted on the rates the Council can obtain when borrowing. In addition, costs for new borrowing may increase following formal approval of the Council's capitalisation direction, where the Council may incur a one percentage premium for loans from the PWLB.
- b) Interest Rates – Since the setting of the budget on 5 March 2024 interest rates have not declined as much as expected. Inflation has proved 'stickier' than expected and growth in the UK and US economies has been more robust than anticipated by the financial markets, which has been reflected in higher interest rates forecasts. The Council is monitoring this and will factor in updated interest forecasts by Quarter 2. A one percentage point change in interest assumptions leads to an approximate £2.5m change in the annual budget (based on current forecast borrowing requirements).
- c) Borrowing – The Council only borrows for long term capital investment however it also does so in the short term for day to day cash and liquidity management.

The revised capital programme, as well as the timing and capital receipts and day to day cash outflows and inflows, will determine future treasury costs. The Treasury budget had assumed significant receipts from the sale of Perry Barr Residential Scheme (see below). The Treasury budget is likely to have a pressure as these receipts are likely to be lower (and / or delayed) than originally expected.

- d) Pensions – At present the MTFP model does not factor in any future revaluations in the pension scheme. The required contributions from the Council, to ensure the pension scheme is fully funded, could go up or down. The next revaluation is due in 2026/27.
- e) Inflation – The Council will continue to use the latest Bank of England forecasts to inform the inflation forecasts in the MTFP. These forecasts are subject to future change and budget forecasts will be regularly updated.
- f) Litigation Cases – The Council has a number of open litigation cases, in which there is potential for a financial impact on the Council should the Council lose these cases. They will be provided for in line with accounting standards, however there is a risk of further financial impact.
- g) As highlighted in paragraphs 5.8 to 5.9, there is a risk that the Council does not receive permission to increase Council Tax by 9.99% and can only increase by 4.99%. This would reduce Council income by £24.8m.
- h) Tax income – each year, as part of budget-setting, the Council needs to assess if there a surplus or a deficit on the Collection Fund (the ringfenced account into which the Council receives Council Tax and Business Rates income). If more income has been received than previously budgeted for, there is a surplus; less income received results in a deficit. Any surplus or deficit is charged to the Council's General Fund for the next financial year. For the 2025/26 year, the Council has engaged the support of LG Futures, a specialist consultancy, to carry out detailed forecasting. This forecast will be available for Cabinet in October 2024. There is an inherent risk that this forecast may have variations to the actual values achieved, however this is being mitigated with the support of LG Futures. To quantify this risk, a 1% reduction in Council tax collection rates will lead to a reduction in Council Tax income of £5-6m and a 1% reduction

in Business Rates collection rates will also lead to a reduction in Business Rates income of £5-6m.

- i) Future government funding – at present, these budget forecasts do not include any additional grant income from government. The Labour party manifesto included a commitment to ‘give councils multi-year funding settlements’. If implemented by the new Labour government, a multi-year settlement will give the Council greater certainty over the medium term budget forecasts. Until details are confirmed in the Local Government Finance Settlement in the Autumn, no changes to income forecasts have been made.
- j) Regeneration projects – there are large risks around the current regeneration projects that are inflight. There is the possibility that there will be unforeseen costs, both revenue and capital, for these regeneration projects. The delivery of these of projects will need to be closely monitored to ensure costs are controlled and any overspends, or unforeseen revenue implications are mitigated early.

#### **11.5 Exceptional Financial Support (EFS) risks**

- a) Funding Sufficiency – The main risk for the Council is that the EFS support agreed by central government will not be sufficient. The Council’s EFS request for £1.255bn covered the overall budget gap for 2024/25, potential cost of redundancies and potential Equal Pay liabilities. If any of these areas increase in value, this could mean that the existing EFS package is not sufficient.
- b) Additional EFS Funding – As the principles of this MTFP state, as outlined in Section 4, no further EFS will be requested. So any additional increases in costs will need to be found from additional savings.
- c) Timeline to Mitigate Equal Pay Issues – This places a premium on work to manage potential Equal Pay liabilities being carried out on time.

#### **11.6 Regeneration and Development Projects**

- a) Capital Projects – A number of current projects have highlighted issues with project management, appropriate use of funding streams and reserves and budget monitoring and reporting. There is a need for robust costings as well as ensuring adequate contingency is created with all of the risks below. The Council must ensure that remedial action is taken urgently to rescope the project as much as possible to mitigate any risks. The organisation needs to be clear

that projects must stay within their cash limits and contingency is only to be used as a last resort.

- b) CCTV Control Centre – The move of the CCTV Control Centre from Lancaster Circus is a recent example of challenges in funding streams and project management. This has cost much more than initially estimated at the decision point to relocate and has also overspent on the project budget, including the contingency amounts. The Section 151 Officer has commissioned a thorough root and branch internal audit review of the project governance and management to understand the reasons for this and produce lessons for future projects. Initial findings indicate a lack of an identified consistent Senior Responsible Officer (SRO) throughout the project and reporting of project variations and timely mitigation actions. This overspend will be a pressure on the Capital budget in 2024/25.
- c) City Centre Public Realm – Projects such as the City Centre Public Realm which have overspent need to identify appropriate funding streams and not rely on non council funding streams as a way to cover the overspend. Non council funding, especially if public sector, must be used in the most appropriate way as there is an opportunity cost in not using such funding strategically. It is essential that the Council learns lessons from such overspends to ensure they do not happen again. This particular project is also to be a financial pressure to the Council of around £0.5m. A lessons learned review of the City Centre Public Realm project and overspend is to be undertaken to understand the reasons for the overspend.
- d) Accountable Body Commitments – There are a number of major regeneration and development projects where the council is the accountable body. This imposes significant risk, including financial and operational, as overspends on such project fall on the Council. The Council needs to be clear of the risks it is taking on with such projects, even if they are expected to be externally funded. The Council and its partners must realise that the Council can no longer be seen as the lender or funder of last resort.
- e) Smithfield and Paradise – Smithfield and Paradise are two significant projects which, although part of the Enterprise Zone and involve external private sector partners, rely heavily on Council borrowing. Robust business cases and the impact on the Council's finances must be central to any future decisions on

these and appropriate budgetary impacts of such risks must be taken account for in the Council's budgets. This is likely to be in the form of additional budgetary pressure, on an already strained financial position, to provide contingency for risks.

- f) Perry Barr Residential Scheme – Initially to be used as the Athlete's village for the Commonwealth Games, this project was planned to be cost neutral to the Council. However, it is now becoming evident that the project is likely to be a significant financial cost to the Council as the sales proceeds initially anticipated are unlikely to be achieved in quantum and on time. This will result in an ongoing cost to the Council in the form of financing costs to repay the unrecovered amounts. This additional cost will be an additional pressure to the revenue budget as additional financing costs
- g) Tame Valley Viaduct – This is a significant capital project of approximately £90m. A governance review and health check of the project that sits within Highways and Infrastructure is to begin soon. The project is funded by the Council and the Department for Transport, however the risks of any overspends or slippage rest with the Council. Given there is still time before the project reaches completion there is an opportunity to understand and influence the risk to the Council. In particular the Council will be requesting:
  - i. A quantitative risk assessment of the project;
  - ii. An assessment of the adequacy of the budget / funding – i.e. will it be completed in budget; and
  - iii. An assessment of the contingency built into the budget and how does it link to the risk assessment.

It is possible that an appropriate contingency may need to be built into the budget and this will be included in our capital forecasts and will be an additional pressure to the Council's finances.

## **11.7 Rebuilding Reserves and Balances**

- 11.8 Given the scope and nature of the risks outlined in 11.1 to 11.6, the Council must ensure its reserves and balances are at a level which will provide some security and cover should these materialise. The Section 151 Officer will work with the

relevant Directors to review the likelihood of these risks materialising and the financial implications to give a sense of scale of the challenge.

## **12 Public Consultation and Engagement**

- 12.1 This report has been written in consultation of CLT members and has been discussed with EMT. The content of this report is also based on presentations to the Commissioner led Finance Sub-Board.
- 12.2 The Council is yet to determine how to engage with the public on the 2025/26 budget. Once determined, specific plans will be developed if appropriate.

## **13 Next Steps**

- 13.1 The updated status of the 2025/26 budget setting timetable can be found at Appendix 1 to this report.

### **Proposal and Reasons for Recommendations**

- 13.2 As outlined above, the MTFP update provides an updated status on the Council's financial position that should be noted by Cabinet. It is critical that action is taken on receipt of this report by Cabinet to ensure credible and deliverable proposals are available to be considered by Cabinet in October 2024 and City Council in February / March 2025.

### **Other Options Considered**

- 13.3 No other options are to be considered as part of this report.

## **14 Risk Management**

- 14.1 There remains significant uncertainty in respect of public spending levels and the level of funding for local government and therefore the assumptions outlined in this report will be subject to continual review over the coming months to ensure that the Council's short term and medium term financial stability can be protected and critical services delivered.
- 14.2 In addition, specific risks have been highlighted in Section 11 above. These will be continually reviewed, in detail, over the next few months.

## **15 Member Engagement**

### **Overview and Scrutiny**

- 15.1 Overview and Scrutiny are being engaged as part of the 2025/26 budget setting process, and as such this report will be considered in future meetings.

## **16 Impact and Implications**

### **Finance**

- 16.1 The detailed financial implications have been covered throughout the report.

### **Legal**

- 16.2 A local authority is required under the Local Government Finance Act 1992 to produce a balanced budget.

### **Equalities**

- 16.3 There are no specific equalities implications arising from this report. Any equalities implications will be identified as specific budgets are developed.

### **Procurement**

- 16.4 There are no procurement issues arising directly from the contents of this report. Any procurement implications will be identified as specific budgets are developed.

### **People Services**

- 16.5 There are no specific human resources implications arising from this report. Any Human resource implication will be identified as specific budgets are developed.

### **Climate Change, Nature and Net Zero**

- 16.6 There are no specific climate change, nature and net zero implications arising from this report. Any climate change, nature and net zero implications will be identified as specific budgets are developed.

### **Corporate Parenting**

- 16.7 There are no specific corporate parenting implications arising from this report. Any corporate parenting implications will be identified as specific budgets are developed.

## **17 Appendices**

- 17.1 Appendix 1 – Budget Timeline for 2025/26  
17.2 Appendix 2 – To follow



## 18 Background Papers

Title	Meeting Date
2024/25 Budget Setting for General Fund Revenue Account, 2024/25 to 2027/28 Capital Programme and 2024/25 Treasury Management Strategy and Policy	27 February 2024
Medium Term Financial Plan (MTFP) Refresh – update to Cabinet at Quarter 1 of the 2023/24 Financial Year	25 July 2023



## Appendix 1 – Budget Timeline for 2025/26

### Appendix 1 – Budget Timeline for 2025/26

ID	Status	Date	Milestone
1	Complete	Early-April 2024	2024/25 budgets loaded into Oracle, budget books issued to directorates.
2	Complete	April 2024	Indicative targets allocated - Directorates continue to review potential areas for savings and transformation, including Alternative Budget proposals and other councils' savings list.
3	Complete	April 2024	Update MTFP model to reflect a 4-year MTFP, update assumptions.
4	Complete	April 2024	Briefing to Leader as Finance Portfolio – weekly
5	Complete	April 2024	Update to Informal Cabinet
6	Ongoing	April 2024	Workshops are held on saving themes and areas for review
7	Complete	April 2024	Staff, Member and Trade Union suggestions process to be set up for savings ideas
8	Complete	April – May 2024	Fortnightly updates to CLT and EMT
9	Ongoing	May 2024	Deep dives of Directorates spend to identify initial areas of potential savings
10	Ongoing	May 2024	Further workshops are held on saving themes and areas for review
11	Complete	May 2024	Briefing to Leader as Finance Portfolio - weekly
12	Complete	May 2024	Update to Informal Cabinet
13	Complete	May 2024	Cabinet finance report outlining approach to MTFP and budget consultation
14	Ongoing	Late-May 2024	Review of staff suggestions and sharing with CLT
15	Ongoing	Late-May 2024	Deadline for submission for updated savings (2025/26 prior submissions), savings identified from the review of Alternative Budget proposals and other council's savings list.
16	Ongoing	June 2024	Further deep dive reviews are held with Directorates

## Appendix 1 – Budget Timeline for 2025/26

ID	Status	Date	Milestone
17	<b>Complete</b>	June 2024	Cabinet finance report update on progress made.
18	<b>Ongoing</b>	Late-June 2024	Saving themes workshops conclude – areas identified as possible savings to be worked up
19	<b>Ongoing</b>	Late-June 2024	Deadline for Directorates to put forward further savings proposals and pressures for 2025/26 onwards
20	<b>Ongoing</b>	June – July 2024	Review of existing Capital Programme - Review the existing capital programme from the current financial year to identify ongoing projects, commitments, and any carry-over funding requirements. Review existing capital programme to ensure projects are still aligned to Corporate priorities. Assess any emerging needs, priorities, or strategic initiatives that may require capital investment in the upcoming year.
21	<b>Ongoing</b>	June 2024	Issue Capital Budget Guidance and Communications - Issue guidance and instructions to departments and stakeholders regarding the capital budget process, including submission deadlines, evaluation criteria, and any policy considerations. Communicate the overarching financial constraints, strategic priorities, and expectations for the upcoming capital budget cycle.
22	<b>Ongoing</b>	June – August 2024	Big Birmingham Conversation
23		July 2024	Leader's Budget Assurance sessions are held, Leader will review proposed savings and challenge and scrutinise Directors and Cabinet Members to ensure proposed savings are deliverable.
24		July 2024 onwards	Corporate & Finance Overview & Scrutiny Committee to start scrutiny of 2025/26 Budget
25		July 2024	Savings from theme workshops are worked up and submitted
26		Mid-July 2024	Q1 2024/25 Budget Monitor – revised 2025/26+ budget gap based on latest position
27		July 2024	Cabinet finance report update on progress made, including latest value of savings identified, milestones reached, and latest timetable shared.

## Appendix 1 – Budget Timeline for 2025/26

ID	Status	Date	Milestone
28		Late-July 2024	Savings and pressures shared with CLT for review and challenge
29		Late-July 2024	Savings and pressures shared with EMT for review and challenge
30		July – August 2024	Submission of Capital pressures / Requirements - Directorates and FBP submit capital bids for new projects, enhancements, replacements, or expansions, adhering to the prescribed format and guidelines. Bids should include detailed project proposals, cost estimates, anticipated benefits, risks, and alignment with strategic objectives.
31		August 2024	Delivery Plans produced for submitted savings proposals
32		September 2024	Service review sessions with a cross-directorate challenge group to scrutinise Delivery Plans
33		September 2024	Cabinet finance report update on progress made, including latest value of savings identified, milestones reached, and latest timetable shared.
34		August – September 2024	Review and Evaluation of Capital Bids - Establish a review panel comprising finance experts, Directorate representatives, and other relevant stakeholders to evaluate capital bids. Assess the merits of each proposal based on criteria such as strategic alignment, financial sustainability, value for money, feasibility, and potential impact on service delivery. Conduct financial analysis, risk assessment, and sensitivity analysis for selected projects.
35		September 2024	Capital Bid Prioritisation and Allocation - Prioritise capital bids based on the outcomes of the evaluation process and the available budgetary resources. Allocate provisional funding to approved projects, taking into account the strategic importance, urgency, and capacity constraints.
36		Late-September 2024	Member challenge sessions held to scrutinise Delivery Plans
37		Late-September 2024	Final savings and pressures position, deadline to receive all known pressures and proposed savings with delivery plans

## Appendix 1 – Budget Timeline for 2025/26

ID	Status	Date	Milestone
38		Late-September 2024	Savings and pressures shared with CLT for final review, this includes saving delivery plans
39		Late-September 2024	Savings and pressures shared with EMT for final review, this includes saving delivery plans
40		Late-September 2024	Savings and pressures shared with Informal Cabinet for final review, this includes saving delivery plans
41		October 2024	Launch of the refreshed Corporate Plan
42		October 2024	Draft MTFP shared with CLT for comment
43		October 2024	Draft MTFP shared with EMT for comment
44		October 2024	Draft Capital Budget for Review - Present the proposed capital budget. Provide project summaries, financial projections, and risk assessments, to support budget deliberations. Address any queries, concerns, or requests for clarification from decision-makers.
45		Mid-October 2024	Cabinet finance report update on draft MTFP
46		Mid-October 2024	Q2 2024/25 Budget Monitor – revised 2025/26+ budget gap based on latest position
47		October-November 2024	Further review, challenge and refinement of saving proposals
48		Early-November 2024	Final review and update of inflation model using Bank of England Forecasts for November
49		Mid-November 2024	Draft MTFP shared with CLT for comment, changes since previous draft highlighted
50		Mid-November 2024	Draft MTFP shared with EMT for comment, changes since previous draft highlighted
51		November 2024	Cabinet finance report update on latest MTFP position, changes since previous draft highlighted

## Appendix 1 – Budget Timeline for 2025/26

ID	Status	Date	Milestone
52		Mid-December 2024	2025/26 Provisional Local Government Finance Settlement
53		December 2024	Cabinet finance report update on latest MTFP position, changes since previous draft highlighted
54		Early-January 2025	Council tax request sent to DLUHC
55		January 2025	Cabinet finance report update on impact of provisional Local Government Finance Settlement, and latest MTFP position
56		Mid-January 2025	2025/26 Final Local Government Finance Settlement
57		Mid-January 2025	O&S Budget Task & Finish Group
58		Mid-February 2025	Cabinet Member budget briefings
59		Mid-February 2025	Political Group budget briefings
60		Late-February 2025	Cabinet – Receives budget
61		Late-February/Early-March 2025	Full Council – Council tax setting





## Appendix 2

# Savings Delivery 2024/25 Progress Report

### Summary Position

Based on data as at 31<sup>st</sup> May 2024

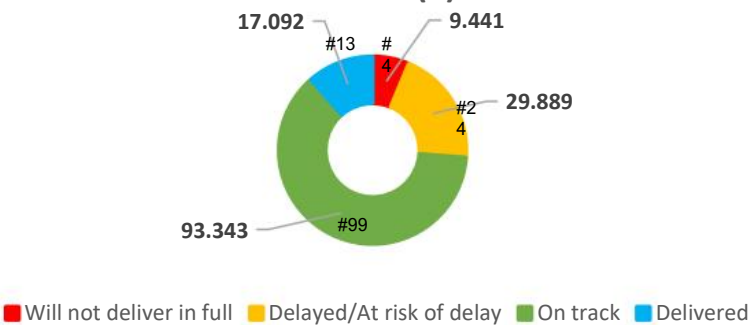


# Executive Summary

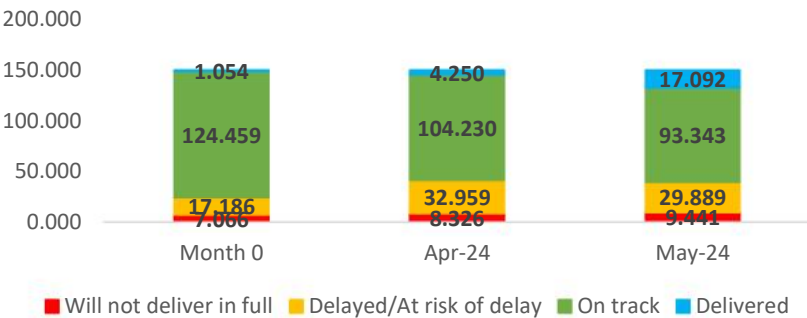
- This slide pack provides an update on the delivery of agreed savings based on data reported as at 31<sup>st</sup> May 2024.
- There are a total of 166 projects delivering £226m in savings over 2 years with 66% of value, £149m, scheduled to be delivered in financial year 2024/25.
- All 166 savings have been reported, reviewed and assured. RAG ratings are Red – will not deliver in full; Amber – delayed/at risk of delay; Green – on track; Blue – delivered.
- A total of 8 savings are now reporting Red implying some risk of non-delivery. 4 of these have a target in 2024/25 and the other 4 have a target in 2025/26 only.
- There is an increase in the number of projects reporting Red/Amber (from 35 to 37) since the previous month.
- Of the 2024/25 savings 11% has already delivered to date and 62% is reported as on track to deliver. This means 73% of the 2024/25 target has been delivered or is on track.
- The forecast for the year 1 savings target is £147.129m after mitigations against the target of £149.765m, leaving a potential gap of £1.839m that needs further work.
- The data pack provided alongside includes a list of all approved savings and a brief description of their current status and risk/RAG rating.

# Portfolio Status -Savings 2024/25 Summary – Month 2

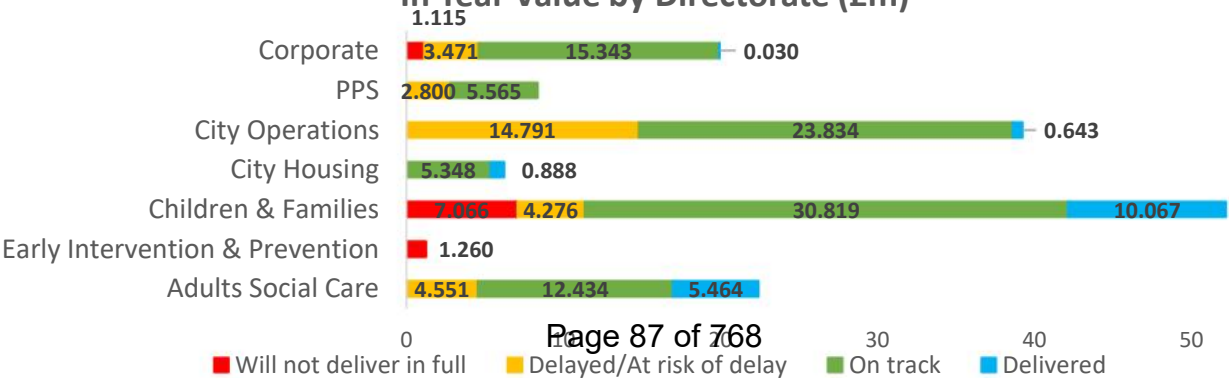
RAG by In Year Value 24/25 (£m) and Volume (#)



Monthly Progress of In Year (24/25) BCC Savings Target (£m)

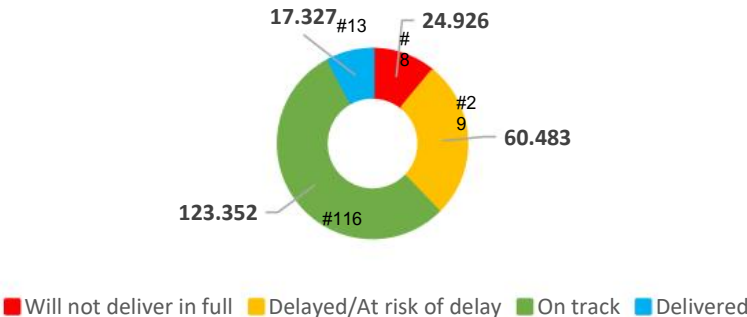


In Year Value by Directorate (£m)

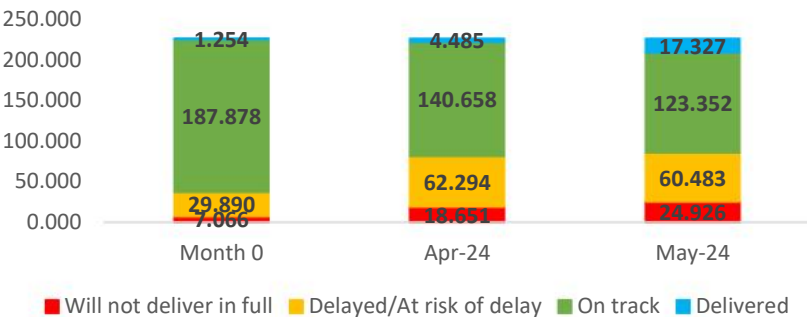


# Portfolio Status -Savings 2025/26 Summary – Month 2

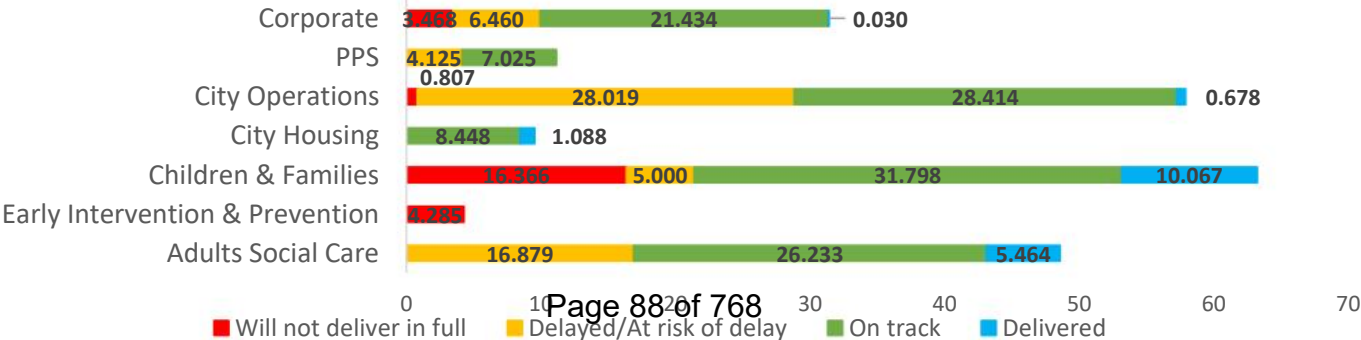
RAG by 2 year Value 25/26 (£m) and Volume (#)



Monthly Progress Against 25/26 Overall Directorate Savings Target (£m)



25/26 Value by Directorate (£m)



# Savings 2024/25 Summary Financial Position – Month 2

- The Council has a total savings target of £149.765m that needs to be delivered in 2024/25.
- Currently there are £7.5m worth of savings that will not deliver fully during 2024/25. This is an increase of £0.5m from last month and is due to the full £1m cross cutting procurement saving that is deemed no longer deliverable in 2024/25. To mitigate future budget risk against this, the target of £3m in 2025/26 has been built back into the budget gap and distributed across directorates to achieve in 2025/26.
- £5.642m of the above shortfall has been mitigated through additional savings from other approved projects, vacancy management or early delivery of savings from 2025/26, leaving £1.839m that is currently not mitigated.
- This amount will present a budget pressure across directorate and corporate budgets in 2024/25 if left unmitigated.
- In 2025/26 there is also a further £9.300m risk reported in Children & Families against saving #219 (Children's Services Efficiencies), while scope and funding of an Improvement Partner is being agreed, and £2.000m risk against saving #221 (EIP Placed Based Saving), while the strategy and timeline for delivery is being reviewed.
- **Slide 7 sets out the areas that have been flagged as not able to deliver the full target and comments on the status of mitigating actions.**



# Summary of Forecast Savings Delivery

Directorate	Total 2024/25 Target (£m)	Total 2024/25 Forecast (£m)	Variance This Month (£m)	Variance Last Month (£m)	Total 2025/26 Target (£m)	Total 2025/26 Forecast (£m)	Variance (£m)
Adults Social Care*	23.709	22.449	1.260	1.260	52.861	51.261	1.600
Children & Families	52.228	52.228	0.000	0.000	63.231	65.444	(2.213)
City Housing	6.236	6.236	0.000	0.000	9.536	9.536	0.000
City Operations	39.268	39.410	(0.142)	(0.142)	57.111	56.928	0.183
Corporate	18.959	18.441	0.518	0.329	26.992	26.891	0.518
Cross-cutting	1.000	0.000	1.000	0.500	5.207	5.207	0.000
PPS	8.365	8.365	0.000	0.000	11.150	11.150	0.000
<b>Subtotal</b>	<b>149.765</b>	<b>147.129</b>	<b>2.636</b>	<b>1.947</b>	<b>226.088</b>	<b>226.417</b>	<b>0.088</b>
One-off Mitigation			(0.797)	(0.671)			
<b>Total</b>	<b>149.765</b>	<b>147.129</b>	<b>1.839</b>	<b>1.276</b>	<b>226.088</b>	<b>226.417</b>	<b>0.088</b>

# Savings 2024/25 – Key forecast variances

Directorate/Service	Value of Target (£)	Value of Risk (£m)	Mitigated (£m)	Not Mitigated (£m)	RAG	Comments
Children & Families – CYPTS #150	7.066	3.966	(3.966)	0.000		Children & Young People's Travel Service - #150 (Review of non-statutory transport packages) will not deliver £3.966m 2024/25 but this is being mitigated by additional savings against #93/148/151/152 (all savings within the travel service) This is anticipated to be addressed through the proposed change control process. See also Emerging Issues slide.
EIP – Libraries #193	1.260	1.260	(0.520)	0.740		EIP Project #193 (Libraries) has a target of £1.260m in 2024/25 but is forecasting nil savings. This is due to additional consultation requirements and resulting delays in the implementation process. c.£520k mitigation through vacancy management and reducing running cost on buildings has been identified leaving a gap of £740k that currently has no mitigation plans in place and presents a corporate budget pressure in 2024/25.
Corporate – DTS #175	0.115	0.063	0.000	0.063		This is being reviewed and mitigation options are being explored.
Cross Cutting – Procurement #188	1.000	1.000	0.000	1.000		Corporate Procurement Project #188 - it will not be possible to deliver these cross savings during 2024/25 due to the complexity and timeframe needed to deliver contract savings and the target has been reallocated across directorate targets in 2025/26.
Corporate - Legal & Governance #144	0.892	0.588	0.000	0.588		Legal & Governance directorate is forecasting slippage of up to £588k principally against project #144 (restructure & redesign); mitigation plans are being developed to avoid a budget pressure in 2024/25. Aside from assessing the deliverability of the saving as originally proposed, the department also plans to undertake a more detailed review of the employee costs budgets to ensure that they are aligned to the new proposed structure.
City Operations - Various	3.025	0.214	(0.356)	(0.142)		There are a number of small positive and negative variances across 10 City Operations projects. The net impact is an estimated additional saving of £142k in 2024/25. This is anticipated to be addressed through the proposed change control process.
Corporate – DCS #103	1.490	0.390	(0.800)	(0.410)		Council Management/Digital & Customer Services are bringing forward £800k savings from the Business Support redesign project (#105) to mitigate slippage of £390k on Voice Automation (#103); this potentially delivers net additional savings of £410k in 2024/25.
	<b>14.848</b>	<b>7.481</b>	<b>(5.642)</b>	<b>1.839</b>	Page 91 of 768	

# Emerging issues for June reporting

- Highways PFI saving #18 – Judicial Review ruling in favour of the Council means a decision is now awaited from Government on future PFI arrangements. The timeframe for a decision is still to confirmed, but the saving is now at risk (£12m in 2024/25 rising to £20m in 2025/26). Plans for a corporate approach to cover the potential shortfall are to be developed.
- EIP Place Based saving #221 – it has been flagged that this is no longer deliverable in its current form. The Corporate Landlord team are to review and identify what is achievable for 2025/26.
- Children & Young People Travel Service – there are concerns about slippage in delivery of saving #151 (Passenger assistance service redesign) which was anticipated to mitigate the shortfall on saving #150 (Review of non-statutory transport packages). Close monitoring of the delivery and all associated mitigations will be undertaken.





# Background Papers

- The following document contains information upon which Appendix 2 has been based:
  - Savings Delivery 2024/25 Progress Report – Summary & Data Pack





# Birmingham City Council

## Report to Cabinet

23 July 2024 012969/2024



<b>Title:</b>	<b>STREET SCENE TRANSFORMATION PROGRAMME – FLEET PROCUREMENT</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Majid Mahmood, Cabinet Member for Transport and Environment
<b>Relevant Overview and Scrutiny Committee:</b>	Councillor Lee Marsham, Chair of Sustainability and Transport
<b>Report Author:</b>	Andy Vaughan, Interim Director, Street Scene andy.vaughan@birmingham.gov.uk Rob Edmondson, Assistant Director, Waste robert.edmondson@birmingham.gov.uk
<b>Authorised by:</b>	Craig Cooper, Strategic Director, City Operations
<b>Is this a Key Decision?</b>	Yes
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes
<b>Reason(s) why not included on the Forward Plan:</b>	
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for ‘call in?’</b>	Yes
<b>If not eligible, please provide reason(s):</b>	
<b>Wards:</b>	All
<b>Does this report contain exempt or confidential information?</b>	No

## **1 EXECUTIVE SUMMARY**

- 1.1 This report seeks approval to procure a replacement fleet of vehicles for waste collection service.
- 1.2 From April 2025 the service will begin its transition to fortnightly collection of residual waste on a phased basis, alongside the introduction of weekly food waste. Work with technical advisors has determined the number of vehicles required is 172. The Council is retaining 52 existing vehicles as per table 1. It is proposed to purchase 120 vehicles.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendations which are a necessary, urgent, and vital component of the transformation plan to ensure that the Council is fully compliant with the requirements of the Environmental Act 2021, significantly increases service reliability, recycling rates, and residents' satisfaction with this important universal service. This significant and long-awaited investment in new vehicles that meet the needs of the Council will help improve productivity to industry standards and are necessary to deliver the agreed service savings. The service will need to ensure that they have effective programme management in place and tightly manage, monitor and mitigate delivery risks to ensure delivery within the agreed timescales and report regularly through the agreed governance routes on progress. It is understood that there is a need for a stepped change in the provision of this important services for residents, the overall transformation plan will need to be appropriately resourced, risks identified and mitigated, and closely managed. It is also vital that there is regular engagement and communication with residents on any changes planned.

## **3 RECOMMENDATIONS**

### **That Cabinet:**

- 3.1 Approves the Full Business Case in Appendix B and associated procurement strategy in Appendix A to purchase 120 Refuse Collection and Recycling Vehicles at a total Capital cost of £26.786m.
- 3.2 Delegates authority to the Strategic Director, City Operations, in consultation with the Cabinet Member for Transport and Environment and Interim Director of Finance (Section 151 Officer), the Interim City Solicitor and Monitoring Officer and Interim Director of Commercial and Procurement to approve the award of contracts following the procurement exercise.

- 3.3 Notes that the annual approach to fleet replacement will be considered as part of the 2025/6 budget process.
- 3.4 Approves the reallocation of £2.607m within the existing 2024/5 Capital programme from the £9.350m allocated to waste management depots to be used for the purchase of vehicles.

## 4 KEY INFORMATION

- 4.1 The Council currently utilises 241 collection vehicles to deliver residual waste collection services on a weekly basis and recycling services on the current fortnightly frequency. The round structure for collections was initially established around 10 years ago and the city has changed significantly over this period.
- 4.2 The current configuration of the fleet is 185 owned vehicles, supported by 56 short-term hire vehicles. The following tables provide this breakdown.

Vehicle Type	Owned Vehicles	Age 0-6 Yrs Retain	Age 6.5-8 Yrs Approaching Replacement	Age 8.5 Yrs + Beyond Expected Life	Age Range Beyond Life Vehicles	Hired Vehicles	Hired Vehicles 6.5 yrs+	Total Fleet
18t Openback RCV	0					1		1
18t Split Lift RCV	4			4	8.5-10	2	1	6
18t Trade Lift RCV	3	3				2		5
18t Twin Pack RCV	4	3		1	8.5	1		5
26t Openback RCV	2	2				2	2	4
26t Split Lift RCV	96	17		79	8.5-11	22	11	118
26t Trade Lift RCV	23	7		16	10.5	3	2	26
26t Twin Pack RCV	50	20		30	8.5-16.5	13	6	63
7.5t Tailift	1			1	16	1		2
PD Box	2			2	19 - 19.5	0		2
Skip Vehicle	0					4		4
32t FEL	0					2	2	2
32t Hooklift	0					3		3
<b>TOTALS</b>	<b>185</b>	<b>52</b>	<b>0</b>	<b>133</b>	<b>8.5-19.5</b>	<b>56</b>	<b>24</b>	<b>241</b>

- 4.3 The current operational fleet contributes significantly towards the service delivery inconsistencies and poor reported performance presently being experienced.
- 4.4 The average age of the current fleet is in excess of 8.5 years old, which is associated with unreliability and is an inhibitor to increasing utilisation and productivity, associated with the introduction of new services.
- 4.5 The fleet replacement programme will replace both the need to hire vehicles as well as the oldest and most unreliable council-owned collection vehicles (as illustrated in the above table). This will be achieved through the procurement and commissioning of 120 new waste collection vehicles.

- 4.6 Detailed modelling has been undertaken with specialist technical advisors to determine the total revised fleet size, considering industry-expected productivity levels, based on a 7.18-hour working day. This model takes account of the distances travelled to and from depot locations and disposal points. This analysis determines the number of required collection rounds which, in turn, determines the number of vehicles required. This ensures that all rounds are designed with realistic productivity levels which are achieved by broadly comparable authorities.
- 4.7 Consideration has also been given to the size and configuration of different aspects of the fleet to ensure that challenges such as parked cars, difficult access and other factors endured in and around collection locations are addressed within this procurement. This level of diligence has been applied to the required fleet and results in a total requirement of 172 vehicles based on the new frequencies and routes. This compares to the 241 vehicles (including spares) currently deployed to deliver the service. This reduction is as a direct result of introducing fortnightly residual collections, increased productivity, and a more reliable fleet. The table below details the configuration, specification, and numbers of units required to deliver the service based on the 7.18-hour working shift, average number of properties serviced on a daily basis delivered by comparable authorities and mileage covered are used to establish the fleet numbers.
- 4.8 The typical lead time to commission, build and supply a refuse collection or recycling vehicle can be up to 12 months. Following our market engagement and the feedback received, the indicative timeframes will see this fleet being made available during Q4 2024/5 and Q1 2025/6. It should also be noted that vehicles are only paid for once commissioned and operational.
- 4.9 The 2024/5 Budget included several proposals that are dependent upon the procurement activity referenced in this report, including the move to fortnightly residual waste collection saving (ref 29) of £4.500m which will be achieved through introducing alternate weekly residual waste collections as from April 2025 and savings from the redesign of recycling collection rounds, which are modelled to reduce by 30 and 9 round respectively. The financial savings will be realised through a combination of labour, fleet and associated operating expenditure.
- 4.10 The modelling undertaken in conjunction with our appointed technical advisors has determined the number of vehicles required to deliver this service based on this reduced frequency. The productivity levels used are based on outputs achieved in other core cities such as Bristol and reflect those realised in urbanised areas such as the London Borough of Ealing. The new waste collection fleet is required to ensure these production levels are achieved allowing the budgeted saving of £4.500m (saving ref 29) to be delivered in 2025/26.

- 4.11 The table below details the mix of vehicles required to deliver refuse collection, dry mixed recycling and commercial operations as determined in the revised operating model.

Vehicle Type	Frontline Requirement (New Service Following Transformation )	Operational Spares	Total Number of Vehicles required	Existing Vehicles to be Retained	Proposed Vehicle for Replacement
18t Openback RCV	0	0	<b>0</b>		0
18t Split Lift RCV	10	2	<b>12</b>		12
18t Trade Lift RCV	4	1	<b>5</b>	3	2
18t Twin Pack RCV	7	1	<b>8</b>	3	5
26t Openback RCV	3	1	<b>4</b>	2	2
26t Split Lift RCV	47	8	<b>55</b>	17	38
26t Trade Lift RCV	21	3	<b>24</b>	7	17
26t Twin Pack RCV	42	7	<b>49</b>	20	29
7.5t Tailift	2	0	<b>2</b>		2
PD Box	2	0	<b>2</b>		2
Skip Vehicle	4	1	<b>5</b>		5
32t FEL	2	0	<b>2</b>		2
32t Hooklift	3	1	<b>4</b>		4
<b>TOTALS</b>	<b>147</b>	<b>25</b>	<b>172</b>	<b>52</b>	<b>120</b>

- 4.12 It should be noted that the present capital provision only finances the fleet replacement of waste collection vehicles. An annualised fleet replacement programme is in development. A fleet strategy for the entirety of Street Scene's fleet will be brought forward for consideration as part of the 2025/6 budget process.
- 4.13 The Council also needs to develop a normalised approach to fleet replacement and avoid the scenario whereby large numbers of the Council's fleet become outdated and unreliable all at the same time. This evolving long term fleet strategy will consider operating a fleet with an average age of 4.5 years.

- 4.14 This wider fleet strategy will be used to inform budgeting assumptions in the medium term.
- 4.15 The expected delivery timeframe is aligned with the roll out programme for the moving to fortnightly residual collections and weekly food waste collections, commencing in April 2025. Officers have determined the phased implementation programme, which runs from April 2025 to December 2025.
- 4.16 In preparing this report, Officers have undertaken a market engagement exercise with major vehicle manufacturers, seeking industry opinion on a number of factors, including vehicles availability and delivery, indicative cost estimates of individual units by type and supply chain pressures. This analysis has informed the specification that the Council will use for this procurement exercise. This market engagement has informed cost expectations.
- 4.17 Based on this market intelligence, the specification will include for the purchase of vehicles using the Council's capital resources and existing budget allocation and the utilisation of the in-house fleet maintenance facility.
- 4.18 Consideration will be given to the warranties provided by suppliers and the length of these warranties will form part of the procurement evaluation criteria. Routine maintenance costs are not covered by warranties and will continue, however, warranties provide assurance against major component failure and associated costs. The in-house vehicle maintenance capability will continue, however, it is likely that maintenance costs will reduce and become more predictable as a result of this newer and more reliable fleet.
- 4.19 This market engagement exercise has also helped to inform the specification, including likely fuel types. It is proposed that the vehicles being procured are Euro6 combustion engine vehicles, with the capability to utilise HVO (hydro-treated vegetable oil).

All vehicles have 3 constituent parts which are paired in order that a complete refuse collection and recycling vehicle is established. The 3 main parts are:

- Chassis
- Compaction body
- Bin lift

The detailed functional specification is based on operational requirements. Therefore, this procurement process will determine the most economically advantageous to enable service delivery. Commercial vehicles and associated plant are procured on functionality and value as set out in the procurement strategy (Appendix A).

- 4.20 As part of the market engagement, vehicle maintenance options were also explored. The specification will assume the continuation of the in-house fleet maintenance facility for the maintenance of Council vehicles.



- 4.21 As the Council commissions this new fleet, it will work with specialist contractors to decommission the aged vehicles. Disposals will be undertaken in accordance with financial regulations and could potentially generate a one-off income of around £0.260m.

## 5 Environment Act

5.1 The Environment Act 2021 places new obligations on the City Council and the approval of this report will take a significant step towards ensuring compliance with the Act, specifically:

- Collection of core material streams (paper and card; plastic (excluding plastic film); glass; metal; food; and garden waste from all household by 31 March 2026.
- Collection of plastic film by 31 March 2027.
- Collection of food waste from all households by 31 March 2026.
- Halve the waste per person that is sent to residual treatment by 2042.

The City Council's Waste Strategy 2017-2040 includes the following targets:

- Recycle 70% of household and municipal waste by 2040.
- Reduce the amount of waste generated per person by 10% (compared to 2014/15 baseline of 345kg per person) by 2025.
  - Eliminate waste to landfill by 2040

5.2 Birmingham's current kerbside recycling performance is 22%.

## **6 Options considered and Recommended Proposal**

6.1 Options are detailed in Appendix A.

## **7 Consultation**

### **7.1 External**

7.1.1 Informal consultation has taken place with suppliers in the market through a market engagement questionnaire and owners of the procurement framework agreements that are proposed.

### **7.2 Internal**

7.2.1 Internal consultees include:

- Corporate Leadership Team (25 June 2024) – Supportive of the proposal and that it is addressing some long-standing service improvement requirements.
- Cabinet Member for Transport and Environment Councillor Majid Mahmood – supportive of the proposal and is sponsoring the wider Transformation of Street Scene, of which this proposal forms a part.
- Cabinet Member for Transformation Councillor Rob Pocock – Supportive of the proposal
- Strategic Director, City Operations – Supportive and officer-sponsor for the Street Scene Transformation Programme
- Director of Finance and Section 151 Officer - Supportive
- Finance Business Partner, City Operations – Co-authored and approved financial implications
- Legal Services - Approved
- HR Business Partner, Street Scene - Approved
- Head of Category – Place, Commercial and Procurement – Contributed towards comments
- Assistant Director, Route to Zero Carbon – Input into report's carbon implications

## **8 Compliance Issues:**

- 8.1 The procurement of the Council's fleet to realise alternate weekly collections and the introduction of weekly food waste is an integral part of delivering the Council's approved budget savings for 2025/6, included in the Medium-Term Financial Plan.
- 8.2 The aim of the Fleet Replacement Strategy is to ensure a fully compliant fleet that meets all statutory obligations, is fit for purpose and cost effective. This strategy will address the aging fleet which is no longer cost effective or compliant and impacts on service delivery.

## **9 RISK MANAGEMENT**

- 9.1 There is an inherent timing risk associated with the approval of this report and the assumed savings in the Medium-Term Financial Plan. Delays in approval or in the procurement process have the potential to affect delivery timescales. The mitigation includes timely decision making, early market engagement and the economies of scale applicable to Birmingham.
- 9.2 The Waste Transformation Programme has a detailed Risk Register considering all of the major factors which may impact delivery of the project.
- 9.3 The main risks resulting from the non-replacement of the fleet are as follows:
- non-delivery of the 2024/5 and 2025/6 budget savings
  - Continued service failure as a result of vehicle downtime and unreliability.
  - increases in maintenance and repair costs to an unmanageable level
  - continuation of reliance on expensive hire vehicles due to supporting an unreliable fleet.
  - delayed implementation of planned service changes as part of the waste transformation programme.
  - reputational damage associated with service failures
  - delivery within timeframe (phased approach) and budget
- 9.4 Without this procurement activity, there is a risk of failure to achieve the savings as included in the 2025/6 Medium Term Financial Plan
- 9.5 The prices used in the financial calculations are based on soft market engagement and experiences from other Councils procuring similar numbers of vehicles over the previous 18 months. The financial calculation assumes no contingency. If costs exceed capital budget allocation and cannot be contained, a further report and approval by Cabinet will be required.

## **10 CONSULTATION**

- 10.1 Informal consultation has taken place with the supply market in helping to inform the financial analysis and routes to market, included in this report. This informal engagement also alerted the market to the timeframes associated with commissioning vehicles, and the size, scale and mix of assets required.

## **11 MEMBER ENGAGEMENT**

- 11.1 Informal briefings have taken place with Cabinet members in preparing this report.

## **12 IMPACT AND IMPLICATIONS**

### **12.1 Finance Implications**

- 12.1.1 The report seeks approval to spend capital resources up to £26.786m, to purchase 120 new waste collection vehicles. This is based on Capital funded through Prudential borrowing as per the existing Capital programme. Subsequent to acquisition, an assessment of funding/re-financing will be undertaken to determine the best VFM funding option.
- 12.1.2 The acquisition of 120 waste vehicles is estimated to cost £26.786m based on list price cost following soft market engagement by external consultants. No contingency has been included and we note the risk of price volatility. If costs exceed capital budget allocation and cannot be contained, a further report and approval by Cabinet will be required.
- 12.1.3 There is £24.179m capital funding included in the agreed Street Scene capital programme within City Operations and £2.607m will be reallocated from the waste management depots budget, which is no longer required for the original purpose due to the scheme being completed under budget. Some budget reprofiling will be required as set out in Table 1.

**TABLE 1**

<b>CAPITAL GENERAL FUND - Street Scene Waste Management</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>TOTAL</b>
	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
<b><u>Cost estimate</u></b>					
Fleet replacement - Waste collection vehicles - list price	18,750	8,036	-	-	<b>26,786</b>
<b>Total</b>	<b>18,750</b>	<b>8,036</b>	<b>-</b>	<b>-</b>	<b>26,786</b>
Waste Management Vehicles	5,000	19,000	179	-	<b>24,179</b>
Waste Management Depots	2,607	0	0	0	<b>2,607</b>
Capital budget re-profile	11,143	(10,964)	(179)		<b>0</b>
<b>Capital budget</b>	<b>18,750</b>	<b>8,036</b>	<b>0</b>	<b>0</b>	<b>26,786</b>

- 12.1.4 Revenue implications have been set out in Table 2 below. Revenue operating costs and prudential borrowing costs are contained within existing budget allocations. Receipts through the decommissioning of the old vehicles will be pursued with potential estimates in the region of £0.260m. This has been estimated at £2,000 per vehicle, net of any costs associated with decommissioning. This has not been captured in Table 2 due to uncertainty of timing and approach to decommissioning.

**TABLE 2**

<b>REVENUE GENERAL FUND - Street Scene Waste Management</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28 +</b>
	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
<b><u>Cost estimate</u></b>				
Waste collection vehicles operating expenditure (eg fuel, maintenance)	650	1,624	2,165	2,165
Waste collection vehicles - Prudential borrowing	-	3,347	4,781	4,781
<b>Total</b>	<b>650</b>	<b>4,971</b>	<b>6,946</b>	<b>6,946</b>
<b><u>Budget</u></b>				
Existing Waste Fleet Budgets	650	1,624	2,165	2,165
Existing Corporate Borrowing Budgets		3,347	4,781	4,781
<b>Total</b>	<b>650</b>	<b>4,971</b>	<b>6,946</b>	<b>6,946</b>

## 12.2 Legal Implications

- 12.2.1 The Council has a duty to act as both a Waste Collections Authority and a Waste disposal Authority under the Environmental Protection Act 1990.
- 12.2.2 Under S.111 of the Local Government Act 1972, the Council is entitled to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- 12.2.3 The Council has best value duty under the Local Government Act 1999 to improve the efficiency, economy and effectiveness of the service it delivers.
- 12.2.4 This report also supports the Council in complying with its duties with the Environment Act 2021.

### **12.3 Equalities**

- 12.3.1 The detailed implementation planning will reflect the city's diversity, both in the types of properties and neighbourhoods and ensuring that when these changes are communicated, they are communicated in a way that everyone can understand and participate.

### **12.4 Procurement Implications**

- 12.4.1 The procurement strategy is detailed in Appendix A and will be conducted in accordance with the Public Contract Regulations 2015 and the Council's Constitution (Part D Procurement and Contract Governance Rules).
- 12.4.2 The procurements will comply with the Council's Social Value and Living Wage policies.

### **12.5 People Services**

- 12.5.1 There are no specific HR implications of this proposal but there are change management implications that are implicit within the wider transformation programme. The changes to the waste collection round structures, linked to the introduction of alternate weekly collections and food waste will result in changes to working practices and increases in operational productivity.

### **12.6 Route to Net Zero Implications**

- 12.6.1 This report contributes towards the City Council's net zero objectives.
- 12.6.2 Once implemented, there will be an increase in recycling and investment in a modern and efficient vehicle fleet, both of which will have a positive impact on carbon emissions.
- 12.6.3 Wherever practical, HVO will be utilised as an alternative to conventional diesel, delivering up to an 80% reduction in greenhouse gas emissions.

### **12.7 Corporate Parenting**

- 12.7.1 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.



## **13 APPENDICES**

- 13.1 A – Procurement Strategy – Waste Services Fleet Replacement
- 13.2 B – Business Case – Fleet
- 13.3 C – Environment and Sustainability Assessment
- 13.4 D – Equality Impact Assessment

## **14 BACKGROUND PAPERS**

- 14.1 Environment Act (2021)
- 14.2 Medium Term Financial Plan
- 14.3 Street Scene Transformation Programme

**Item XXa Appendix A – Procurement Strategy – Waste Services Fleet Replacement**

1. The primary purpose of the fleet procurement process is to establish a replacement fleet which is in line with the available budget. Market engagement has determined that for the size of this fleet Euro 6 combustion engine vehicles capable of operating on low emission HVO are the most economically advantageous vehicles to procure at this moment. Alternatives are available but are typically 100% more expensive than a conventional vehicle, still evolving and require charging infrastructure which can cost as much as 20% of the capital value of the fleet.

**2. Options Appraisal:**

Option 1: Leasing:

The cost of leasing for HGV refuse collection vehicles is significantly higher than the cost of purchase with payback of the purchase price occurring within four years of a minimum seven-year life. As the difference between purchase price and lease costs are so material finance have only examined the leasing option at a high level which is reflected by the findings of the detailed analysis in the 2017 Cabinet Report which initiated this fleet procurement. Please find table of Relative costs of Purchase, Leasing and Hiring under section C1 of Appendix B FBC Fleet. This is not the recommended option.

Option 2. Purchase:

Recommended proposal: to approve recommendations contained in the Cabinet Report to use existing external frameworks to carry out a competitive procurement process.

3. The contract will be tendered following a Further Competition using an external framework in compliance with the Regulation 33 of the Public Contract Regulations 2015 on the basis that there is abundant supply in the market, the specification can be defined, and the prices controlled. Please see below summary table of framework options, the ESPO framework has been selected as the most suitable framework for this procurement.
4. The benefits of a Further Competition using an external framework allows the Council to procure goods and services from a list of pre-approved suppliers, with agreed terms and conditions and legal protections, simplify and streamline the procurement process to maximise the opportunity for tender returns, assessing the capability and capacity of providers to deliver the contracts awarded under the Framework thereby reducing costs and risks and running a competition using an established framework to provide the Council the best price for the quality of goods and services

5. Market engagement has been undertaken to further develop the product specification, delivery expectations, understand the market's capacity and encourage competition (value for money). This prior engagement has helped to prepare the market in advance of the tender exercise and communicate the Council's product and delivery expectations in advance of issuing the Further Competition Invitation to Tender (FCITT).

## 6. Scope and Specification

### 6.1. Tender Structure (Including Evaluation and Selection Criteria)

- 6.1.1. Tenderers will be required to bid for separate lots of vehicle types with the opportunity to bid for multiple lots and link volume discounts.

6.1.2. The lots will be broken down as follows.

- Lot 1: Refuse Collection Vehicles – 7.5 to 32 tonne.
  - Push Plate/Rotary compaction vehicle fitted with automatic split lift.
  - Push Plate/Rotary compaction vehicle fitted with bar lift.
- Lot 2: Recycling Collection Vehicles – 7.5 to 26 tonnes
  - 50/50 Split Compaction push plate fitted with automatic split lift.
  - 70/30 Split Compaction push plate fitted with automatic split lift.

6.1.3. All vehicles to be supplied with:

- Full end to end telematics linked to Canbus and all auxiliary equipment.
- Full access to data feed from telematics and linked equipment
- 360-degree live feed camera system
- Supplied in colour of choice with a full cab and body vinyl wrap.

6.1.4. Price options will include:

- Electric Bin Lifts
- Electric Push Plate Solution
- Electric Rotary compaction solution
- Electric Hydraulic Pumps

Vehicles will be priced and supplied as complete units.

## 7. Evaluation and Selection Criteria

- 7.1. This procurement will be a single stage Invitation to Tender (ITT).
- 7.2. Tenders will be evaluated using the quality / social value / price in accordance with a pre-determined evaluation model. The quality element will account for 40%, social value 10% and price 50%. This quality / social value / price balance has been established having due regard to the corporate document 'Evaluating Tenders' which considers the complexity of the services to be provided and the degree of detail contained within the contract specification.
- 7.3. Full award criteria including evaluation sub criteria, social value theme criteria and price criteria will be agreed by the Fleet Transformation workstream, prior to call for competition being published.
- 7.4. The quality / social value / price balances will be measured against the categories of vehicles being procured.
- 7.5. The evaluation of tenders will be assessed as detailed below:

Criteria	% Weighting
<b>Price</b>	<b>50%</b>
<b>Quality*;</b>	<b>40%</b>
Compliance with mandatory requirements	pass/fail
Delivery	TBC
Warranty	TBC
Training	TBC
<b>Social Value</b>	<b>10%</b>
Social Value Qualitative	7%
Social Value Quantitative	3%
<b>Total:</b>	<b>100%</b>

\*Quality will include a focus on vehicle warranty with an expectation of 3 years to score the minimum requirement and maximum score being determined by 5 years or above.

7.6. The scoring system to be applied to the assessment of the Tenderer's Proposals will be as follows:

<b>SCORE</b>	<b>DEFINITION</b>	<b>ASSESSMENT</b>
<b>5</b>	An excellent response submitted in terms of detail and relevance which clearly fully meets the requirements with no negative implications. Demonstrates excellent understanding and evidence in their ability / proposed methodology to deliver a solution.	<b>Excellent</b>
<b>4</b>	A good response submitted in terms of detail and relevance that meets the requirements without significant negative inconsistencies. The Tenderer demonstrates an understanding of the requirement and evidence of their ability / proposed methodology to deliver a solution. The requirements would be met to a good standard without intervention or significant ongoing issues.	<b>Good</b>
<b>3</b>	A satisfactory response submitted in terms of the level of detail, accuracy, relevance, and evidence in their ability / proposed methodology to deliver a solution. Aspects of the response may be good but there are some omissions of important factors or negative indications that reduce the extent to which the requirements will be met.	<b>Satisfactory</b>
<b>2</b>	Satisfies the requirement but there are clearly minor reservations of the response provided, either in understanding the requirement, and / or details around proposed methodology, and / or limited evidence to support the response. There would be concerns that requirements would require intervention or ongoing issues.	<b>Minor Reservations</b>
<b>1</b>	Limited response provided, or a response that is inadequate, inaccurate and / or only partially addresses the question. Serious reservations regarding the response provided, either in understanding and / or details around proposed methodology, and / or little / no evidence to support the response.	<b>Serious reservations</b>
<b>0</b>	Does not meet the requirement. Does not comply and / or insufficient information provided to demonstrate that either in understanding and / or details around proposed methodology, with little / no evidence to support the response. Alternatively, no response to the question or a response that is significantly irrelevant or inaccurate.	<b>Unacceptable</b>

7.7. **Quality assessment** will account for 40% of the tender evaluation. After rejecting bids that do not meet the pass/fail criteria, the remaining questions will be scored. The average score for the section is calculated and quality weightings will be applied to this average score which gives the Weighted Quality Score. Tenderers must reach the quality threshold of 60% on the Weighted Quality Score to pass the quality assessment and move forward to the price assessment.

7.8. **Price assessment** accounts for 50% of the tender evaluation. After rejecting bids which in the opinion of the Council are unrealistically high or low (in terms of Price), the lowest price will be given 100%. Other tender prices will then be expressed as a proportion of the lowest price this gives the price score (detailed breakdown of price criteria will be agreed by the Fleet Transformation workstream, prior to call for competition being published). The % weighting for Price is then applied to each price score to give the Weighted Price Score. If a tenderer includes an early payment discount, this will be factored into the price evaluation.

## 7.9. Overall Evaluation

The evaluation process will result in comparative quality, social value and price scores for each tenderers' bids within each Lot. The maximum quality score will be awarded to the bid that demonstrates the highest quality. The maximum social value score will be awarded to the bid that demonstrates the highest social value. The lowest price will be given the maximum score. Other tenderers will be scored in proportion to the maximum scores in order to ensure value for money and the contract will be awarded to the first ranked tenderer on the basis of the highest overall scoring bid.

This will be subject to budget availability.

## 8. Evaluation Team

The evaluation of tenders will be undertaken by officers from City Operations directorate, specialist technical advisors and supported by Commercial and Procurement.

### Indicative Implementation Plan

Cabinet Approval	23 July 2024
ITT Issued	01 August 2024
ITT Return	02 September 2024
Evaluation Period	September 2024
DPR Approval (Award)	November 2024
Contract Award	November 2024
Contract Start	December 2024

## 9. Contract Management

The contract will be managed operationally by Head of Fleet Management, with support as required from, Commercial and Procurement and the Finance Manager, Street Scene.

## 10. Performance Management

The collation of information to assist in monitoring the Key Performance Indicators (KPI) will be agreed between both parties prior to the contract start based on the specified requirements.

Framework Provider	Name	Lot & Description	Associated Suppliers
Crown Commercial Services (CCS)	Purchase of Standard and Specialist Vehicles: RM6244	Lot 6: Refuse Collection and other Waste Management Vehicles.	Lot 6: 1. Dennis Eagle Limited 2. Farid Hillend Engineering Limited 3. Faun Zoeller (UK) Limited 4. John G. Russell (Transport) Limited 5. MIS Conversions Ltd 6. NTM-GB Limited 7. Volvo Group UK Ltd 8. Whale Tankers Limited 9. Wilker U.K. Limited
ESPO	Specialist Vehicles 215_20	Various lots including refuse and street cleansing vehicles.	All 39 suppliers (not split into lots):  Aebi Schmidt Allan Fuller Angloco Bucher Municipal Bunce C P Davidson & Sons Ltd Courtside DAF Trucks Dennis Eagle Ltd Econ Engineering Ltd Emergency One Euro Commercials EVM Direct Farid Faun Geesink

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			<p>GM Coachwork</p> <p>GM Sweepers</p> <p>Gowrings Mobility</p> <p>Hako Machines Ltd</p> <p>HIAB</p> <p>James A Cuthbertson</p> <p>Karcher</p> <p>Macpac</p> <p>MAN Truck and Bus</p> <p>NTM-GB</p> <p>Renault Trucks UK</p> <p>Romaquip Ltd</p> <p>Rosenbauer UK Ltd</p> <p>Scania</p> <p>Scarab Sweepers Limited</p> <p>Sherwood Truck and Van</p> <p>Stanford</p> <p>Stock Sweepers</p> <p>Switch Mobility</p> <p>Terberg Matec UK Limited</p> <p>Torton Bodies</p> <p>Venari Group</p> <p>Whale Tankers</p>
YPO	Purchase, Lease and Hire of Specialist Vehicles (1170)	Various Lots that cover vehicles from 3.5 tonne and over in weight.	<p>All 65 suppliers (not split into lots):</p> <p>Aebi Schmidt</p>



			Allan Fuller Angloco Bucher Municipal BYD C P Davidson Car Hire (Days of Swansea) Castlereigh Motors Cooper Group Courtside Conversions Dawson Group Environmental Dennis Eagle Econ Engineering Electra Emergency One Endurance Vehicle Solutions EVM Direct Farid Hillend Faun Zoller Ford Garwood Europe Geesink Norba GM Coachwork Go Plant Gowrings Mobility Hako Isuzu James A Cuthbertson John G Russel Karcher Leeds Commercial Limesquare Vehicle Rental London Hire Lynton Trailers Macpac Refuse Bodies McCreath Taylor Minibus Operations Mistral Bus and Coach Multevo Neat Vehicle NI Trucks
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012969/2024 Appendix A (Procurement Strategy – Waste Services Fleet Replacement)

			NTM-GB Optare Pelican Plaxton RD Mechanical Riverside Romaquip Rosenbouer Scarab SFS Stanford Coachworks Stocks Rental Stocks Sweepers Torton Bodies Trash UK Treka Bus Trest Venari VFS Victory WH Bence Whale Woodall Nicholson
The Procurement Partnership Ltd (TPPL)	HGV and Specialist Vehicles (NEP0224)	1.1.1 Lot 1: OEM Chassis 12.5t – 44t (19 Suppliers) 1.1.2 Lot 2: Vehicle Conversions up to 44t (26 Suppliers) 1.1.3	<b>Lot 1: 19 Suppliers:</b> Motus Group Dennis Eagle Renault Trucks Thompson Commercials Guest Motors Northside Truck & Van MAN Truck and Bus Rygor Commercials DAF Trucks Euro commercials (South Wales) Isuzu Truck eStar Truck and Van Scania Great Britain

			<p>MC Group  Bell Truck &amp; Van  North East Truck and Van  Ciceley Commercials  Volvo North &amp; Scotland  Electra Commercial Vehicles</p> <p><b>Lot 2 (26 Suppliers):</b></p> <p>FAUN Zoeller  Vic Young  Dennis Eagle  Bevan Group  Mackworth Vehicle Conversion  C P Davidson  Stocks Sweepers  Whale Tankers  Macpac refuse bodies  Farid Hillend  Hiab Limited  Aebi Schmidt  Terberg Matec  Rexmar Engineering  James A. Cuthbertson  Bucher Municipal  Econ Engineering  Bunce (Ashbury)  Torton Bodies  Allan Fuller  Refuse Vehicle Solutions  Romaquip  Garwood Europe  NTM-GB  Shawtrack Services  Electra Commercial Vehicles</p>
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## FULL BUSINESS CASE - FLEET

### A. GENERAL INFORMATION

#### A1. General

<b>Project Title</b> (as per Voyager)	Fleet	<b>Portfolio /Committee</b>	Environment
<b>Directorate</b>	City Operations	<b>Project Code</b> (as per Voyager)	012969/2024
<b>Approved by Project Sponsor</b>	Robert Edmondson	<b>Approved by Finance Business Partner</b>	Carl Tomlinson

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

#### A3. Project Description

This business case provides details for the proposed procurement of replacement refuse collection and recycling collection vehicles which have exceeded their operational and economic life.

The Council currently operates 241 vehicles to provide the waste and recycling collection services to nearly 470,000 properties throughout the city.

The operational fleet is made up of 185 owned vehicles and 56 hired vehicles. The following tables provide this breakdown.

Vehicle Type	Owned Vehicles	Age 0-6 Yrs Retain	Age 6.5-8 Yrs Approaching Replacement	Age 8.5 Yrs + Beyond Expected Life	Age Range Beyond Life Vehicles	Hired Vehicles	Hired Vehicles 6.5 yrs+	Total Fleet
18t Openback RCV	0					1		1
18t Split Lift RCV	4			4	8.5-10	2	1	6
18t Trade Lift RCV	3	3				2		5
18t Twin Pack RCV	4	3		1	8.5	1		5
26t Openback RCV	2	2				2	2	4
26t Split Lift RCV	96	17		79	8.5-11	22	11	118
26t Trade Lift RCV	23	7		16	10.5	3	2	26
26t Twin Pack RCV	50	20		30	8.5-16.5	13	6	63
7.5t Tailift	1			1	16	1		2
PD Box	2			2	19 - 19.5	0		2
Skip Vehicle	0					4		4
32t FEL	0					2	2	2
32t Hooklift	0					3		3
<b>TOTALS</b>	<b>185</b>	<b>52</b>	<b>0</b>	<b>133</b>	<b>8.5-19.5</b>	<b>56</b>	<b>24</b>	<b>241</b>

As vehicles age, they become increasingly more expensive to maintain and are inherently unreliable. The accepted industry standard for operating a waste collection vehicle is for a period of seven-years. Analysis of maintenance costs for a vehicle which has operated for seven years shows that it cost double that of maintaining a new vehicle. This then increases on a compound basis by 10% per year from thereon. The average age of Birmingham's council-owned collection fleet is 8.5 years. The average age of the 120 vehicles to be replaced is 9.94 years.

## APPENDIX

The age of this current fleet is having an impact on both the cost of operating and reliability. The reliability is directly impacting service quality and consistency.

The waste transformation programme will only be delivered successfully if the fleet is reliable and fit for purpose. This first phase of the transformation programme will deliver the redesign recycling collection rounds saving of £850,000 in 2024/25 (FYE £1.7m 2025/26) (saving ref 240), the strategic fleet review saving of £520,000 in 2024/25 (saving ref 239) and is associated with operational efficiencies achieved through a full reschedule of routes and rounds. This review has determined the number of vehicles and the configuration allowing the financial savings to be realised. To put this into context, the service will operate with 49 recycling rounds rather than the 58 currently deployed today.

The second major phase of waste transformation is the move away from weekly residual waste collections to a fortnightly frequency. The modelling undertaken in conjunction with our appointed technical advisors has determined the number of vehicles required to deliver this service based on this reduced frequency. The productivity levels used are based on outputs achieved in other core cities such as Bristol and reflect those realised in urbanised areas such as the London Borough of Ealing. The new waste collection fleet is required to ensure these production levels are achieved allowing the budgeted saving of £4.500m (saving ref 29) to be delivered in 2025/26. The overall number of rounds will be reduced by 30.

These planned changes to waste and recycling service have been used to determine the fleet size and configuration:

Vehicle Type	Frontline Requirement (New Service Following Transformation )	Operational Spares	Total Number of Vehicles required	Existing Vehicles to be Retained	Proposed Vehicle for Replacement
18t Openback RCV	0	0	0		0
18t Split Lift RCV	10	2	12		12
18t Trade Lift RCV	4	1	5	3	2
18t Twin Pack RCV	7	1	8	3	5
26t Openback RCV	3	1	4	2	2
26t Split Lift RCV	47	8	55	17	38
26t Trade Lift RCV	21	3	24	7	17
26t Twin Pack RCV	42	7	49	20	29
7.5t Tailift	2	0	2		2
PD Box	2	0	2		2
Skip Vehicle	4	1	5		5
32t FEL	2	0	2		2
32t Hooklift	3	1	4		4
<b>TOTALS</b>	<b>147</b>	<b>25</b>	<b>172</b>	<b>52</b>	<b>120</b>

It is intended to replace the oldest and most unreliable council owned vehicles and reduce the reliance on hired vehicles by purchasing 120 new waste collection vehicles.

The new fleet will include the installation of full end to end telematics and 360-degree CCTV allowing real time management of the operations.

All vehicles will be compliant with the Clean Air Zone and avoid the need to continue to operate polluting vehicles and incur unnecessary clean air charges.

#### **A4. Scope**

It should be noted that the present capital provision only finances the fleet replacement of waste collection vehicles. An annualised fleet replacement programme is in development and will be considered as part of the 2025/6 budget setting process, which will cover all fleet requirements across Street Scene including street cleansing and grounds maintenance equipment.

A workstream within the Street Scene transformation activity is the development of a normalised approach to fleet replacement and avoid the scenario whereby large numbers of the Council's fleet become outdated and unreliable all at the same time. The evolving long term fleet strategy will consider operating a fleet of an average age of 4.5 years with managed profile spend on an ongoing basis. This will be considered as part of the 2025/6 future budget planning. This is the approach adopted by all of the major operators across the environmental services sector.

#### **A5. Scope exclusions**

Vehicles elsewhere in Street Scene and throughout the Council are excluded. This business case is solely associated with the refuse collection fleet.

Food waste collection vehicles are excluded from this business case.

### **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

The Council's Improvement and Recovery Plan incorporates the Street Scene Transformation Programme, aimed at both improving service delivery across Street Scene services and delivering the financial savings included in the Medium-Term Financial Plan.

The Street Scene Transformation Programme consists of five themes, namely.

- Waste Management
- Fleet Management
- Street Management
- Parks and Open Space
- Managing Well

This Business Case focuses on the waste management and fleet management workstreams of this wider improvement programme.

As part of this broader transformation programme, the replacement of a proportion of the waste collection fleet aims to achieve the following objectives:

- Enhance operational efficiency and reliability.  
The delivery of waste transformation is reliant on having access to reliable and efficient vehicles. All the planning and benchmarking activity in determining the number of vehicles is benchmarked against similar operations and known productivity levels. The new fleet and associated technology fitted to the fleet will allow for all services to be routinely delivered on the scheduled day and reduced missed bin collections.
- Reduce maintenance and repair costs.  
The new fleet will be supplied with a 3-year manufactures warranty covering all major components against premature failure. This will allow for budgeting predictable maintenance expenditure to undertake servicing, MOT and safety inspections, but gives assurance that major repairs are covered by the manufacturer. This covers the vehicle chassis, compaction body, and bin lifts.
- Reduce reliance on hire vehicles.  
The current waste operations are heavily reliant on short term hire vehicles. The fleet identified to be retained and the 120 to be procured will reduce the need to hire vehicles.
- Ensure compliance with CAZ.  
The proposed fleet which is to be procured and the ones retained will all be compliant to operate within the CAZ. This avoids the £100,000 currently budgeted to cover the annual operating cost of non-compliant fleet.
- Facilitate Real Time Data  
The new fleet will include the installation of full end to end telematics and 360-degree CCTV to facilitate supervision and safe operating practices. Direct communications between the vehicle and customer service centre will inform around bins not being presented for collection or other factors such as contamination which result in a bin not being emptied. This real time data enhances the information which is available to be discussed with the resident and is also supported by photographic evidence.

## B2. Project Deliverables

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

To undertake a procurement exercise to purchase 120 new waste and recycling vehicles, configured and specified in accordance with the service planning and modelling undertaken alongside our technical advisors.

Vehicle Type	Proposed Replacement
18t Openback RCV	0
18t Split Lift RCV	12
18t Trade Lift RCV	2
18t Twin Pack RCV	5
26t Openback RCV	2
26t Split Lift RCV	38

26t Trade Lift RCV	17
26t Twin Pack RCV	29
7.5t Tailift	2
PD Box	2
Skip Vehicle	5
32t FEL	2
32t Hooklift	4
<b>TOTALS</b>	<b>120</b>

### B3. Project Benefits

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

Measure	Impact
List at least one measure associated with <b>each</b> of the objectives and outcomes in B1 above	What the estimated impact of the project will be on the measure identified – please quantify where practicable (eg for economic and transportation benefits)
<u>Enhance operational efficiency and reliability</u> - Reduction in the number of council's frontline refuse collection and recycling rounds which frees resources to support the new food collections.	<p>The 120 new vehicles provide improved reliability which supports the redesign of the service delivery with a reduction in the number of revised recycling rounds (each round is the route for one vehicle and crew on one day) to reduce the number of rounds required.</p> <p>The 120 new vehicles will be more fuel efficient and the routes more efficient allowing a reduction in mileage to deliver the service by 10%, which will deliver both financial and carbon emission savings.</p>
<u>Reduce reliance on hire vehicles</u> - Reduction in the number of council's frontline operational fleet in the delivery of refuse collection and recycling.	The enhanced reliability of the 120 new vehicles allows the revised recycling rounds to reduce.
<u>Reduce maintenance and repair costs</u> - Excluding down time for maintenance achieve 95% operational availability	Reduction in maintenance spend, avoid the need to hire vehicles
<u>Ensure compliance with CAZ</u> – Lower charges for non-compliance.	Reduction of £100,000 in CAZ charges.
<u>Facilitate Real Time Data</u> - telematics and 360-degree CCTV to facilitate supervision and safe operating practices. Enhanced	<p>Improvement in Health and Safety of operating the Vehicles.</p> <p>Reduce number of missed bins.</p>



customer experience, reliable and predictable services			
For major projects and programs over £20m: A detailed Benefits Register is attached at G5 below.			
<b>B4. Benefits Realisation Plan</b>			
Set out here how you will ensure the planned benefits will be delivered			
The Waste Transformation Plan maps out dependencies between the various workstreams to ensure the realisation of savings and transformation of the service. These include: £4.5m 2025/26 saving (saving 29) for the move to alternate week collection of residual waste and the full year effect of the revised recycling service delivering £1.7m annualised. Recycling changes will commence in Autumn 2024 followed by a phased move to fortnightly residual waste collection from April 2025.			
<b>B5. Stakeholders</b>			
<b>C. ECONOMIC CASE AND OPTIONS APPRAISAL</b>			
This sets out the options that have been considered to determine the best value for money in achieving the Council's priorities			
<b>C1. Summary of options reviewed at Outline Business Case</b>			
(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.			
Option 1: Do Nothing: without this and associated procurements the Council would be unable to deliver the waste transformation programme and associated savings. It would also see the annual increase of vehicle maintenance costs, additional hire vehicles and continued unreliable services which would result in additional budgetary pressures. This is not the recommended option.			
Option 2: Leasing			
The cost of leasing or hire for HGV refuse collection vehicles is significantly higher than the cost of purchase. Hire costs exceed the purchase price within four years. The minimum life of a vehicle is seven years. As the difference between purchase price and lease costs are so material we have only examined the leasing option at a high level which is supported by the findings of the detailed analysis in the 2017 Cabinet Report which initiated this fleet procurement.			
<b>Relative costs of Purchase, Leasing and Hire</b>			
<b>HGV Refuse Collection Vehicles (26 tonne)</b>	<b>Purchase</b>	<b>Lease (Finance Lease)</b>	<b>Hire (Operating Lease)</b>
Cost of Single Compartment Refuse Collection Vehicles	BCC Purchase Price in 2020 £155,161	Average Lease Cost in 2023/24 of single compartment 26 Tonne vehicles £49,106/year	Not recommended as the difference between BCC and third party maintenance costs

## APPENDIX

		Total cost over seven year life is £343,000	will not be material to the gap between the purchase price and lease cost over seven years
BCC Experience of Dual Compartment Refuse Collection Vehicles	Price in 2020 £195,009	Annual Lease Cost in 2023/24 of dual compartment vehicles £54,600/year (£1,050/week)  Total cost over seven year life is £382,000.	Not recommended as the difference between BCC and third party maintenance costs will not be material to the gap between the purchase price and lease cost over seven years.
2017 Cabinet Report for Refuse Collection Vehicles	Recommended purchase and allocated budget	Not recommended for Refuse Collection Vehicles	Not recommended for Refuse Collection Vehicles

Option 3. Purchase. Recommended proposal. Subsequent to acquisition, an assessment of funding/refinancing will be undertaken to determine the best VFM funding option.

The primary purpose of the fleet procurement process is to establish a replacement fleet which is in line with the available budget. Market engagement has determined that for the size of this fleet Euro 6 combustion engine vehicles capable of operating on low emission HVO are the most economically advantageous vehicles to procure at this moment. Alternatives are available but are typically 100% more expensive than a conventional vehicle, still evolving and require charging infrastructure which can cost as much as 20% of the capital value of the fleet.

### C2. Evaluation of key risks and issues

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

The main risks resulting from the non-replacement of the fleet to consider as follows:

- Failure to deliver budgeted savings.
- Service failure because of vehicle downtime.
- Increase in maintenance and repair costs.
- Continuation of high hire costs because of supporting an unreliable fleet.
- Delayed implementation of planned service changes as part of the waste services waste transformation programme because of fleet unreliability
- Reputational damage associated with service failures.

Without these procurement activities, there is a high risk of failure to achieve the savings as included in the 2025/6 Medium Term Financial Plan

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Although we have undertaken extensive market engagement to establish the suitability of the budget it should be noted that the pricing of vehicles is still volatile. Recent challenges in obtaining parts for the manufacturing process, inflationary pressures have impacted price stability. No contingency has been included and we note the risk of price volatility. If costs exceed capital budget allocation and cannot be contained, a further report and approval by Cabinet will be required.

### C3. Other impacts of the preferred option

Describe other significant impacts, both positive and negative

## 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

N/A – Delivered internally

### 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).

See the covering report and Appendix A for details of the procurement process.

### D3. Staffing and TUPE implications:

N/A

## E. FINANCIAL CASE

This sets out the cost and affordability of the project

### E1. Financial implications and funding

	Financial Year 2024/25	Financial Year 2025/26	Financial Year 2026/27	Later Years	Totals
	£m	£m	£m	£m	£m
<b>Capital Expenditure:</b>					
Capital costs already incurred	0	0	0	0	0
Waste Management Fleet - 120 New Vehicles:					
List Price	18.750	8.036			26.786

APPENDIX

<b>Total capital expenditure</b>	<b>18.750</b>	<b>8.036</b>	<b>0.000</b>	<b>0.000</b>	<b>26.786</b>
<b>Capital funding:</b>					
Budgeted Corporate Resources					
Prudential Borrowing as per Financial Plan	5.000	19.000	0.179		<b>24.179</b>
Reprofiling of Budgeted Corporate Resources Prudential Borrowing	11.143	(10,964)	(0.179)		<b>0.000</b>
Realignment of Depots budget that is contained in the Financial Plan	2.607				<b>2.607</b>
<b>Total capital funding</b>	<b>18.750</b>	<b>8.036</b>	<b>0.000</b>	<b>0.000</b>	<b>26.786</b>
Should fund all the costs					
<b>Revenue Consequences</b>	<b>Financial Year 2024/25</b>	<b>Financial Year 2025/26</b>	<b>Financial Year 2026/27</b>	<b>Full year / ongoing</b>	
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m p.a.</b>	
Development costs (revenue)					
Operating period expenditure:					
Fuel Costs	0.167	0.417	0.556	0.556	
Maintenance costs	0.483	1.207	1.609	1.609	
Prudential Borrowing (7 year asset) incl contingency		3.347	4.781	4.781	
Income					
Savings					
<b>Total rev. consequences</b>	<b>0.650</b>	<b>4.971</b>	<b>6.946</b>	<b>6.946</b>	
<b>Revenue Funding:</b>					
Existing Corporate Borrowing Budgets		3.347	4.781	4.781	
Current budgetary provision - Service	0.650	1.624	2.165	2.165	
<b>Total revenue funding</b>	<b>0.650</b>	<b>4.971</b>	<b>6.946</b>	<b>6.946</b>	

<b>E2. Evaluation and comment on financial implications:</b>
<ul style="list-style-type: none"> <li>The capital allocation forms part of the approved Street Scene capital Programme 2024/5+</li> <li>The phasing of the proposed spend is different to the phasing of the budget</li> <li>Asset life of seven years</li> <li>Expected income through sale of decommissioned assets. This is estimated at £2,000 per vehicle.</li> </ul>
<b>E3. Approach to optimism bias and provision of contingency</b>
No contingency included.
<b>E4. Taxation</b>
Describe any tax implications and how they will be managed, including VAT

<b>F. PROJECT MANAGEMENT CASE</b>	
This considers how project delivery plans are robust and realistic	
<b>F1. Key Project Milestones</b>	<b>Planned Delivery Dates</b>
The summary Project Plan and milestones is attached at G1 below	
Included in procurement strategy	
Delivery of Recycling Vehicles	December 2024 through to May 2025
<b>F2. Evaluation and achievability of timetable</b>	
Describe how the project can be delivered given the organisational skills and capacity available	
Proactive market engagement indicates that this timetable is deliverable.	
Assistant Director for Waste and a transitional management team (all with significant experience in fleet commissioning, deployment and service delivery) are in place to deliver this programme.	
<b>F3. Dependencies on other projects or activities</b>	
The proposed fleet replacement coupled with the proposed changes to service result in an overall reduction in the waste collection fleet of 69 vehicles (241 to 172) and will be delivered through a combination of efficiency gains, change in collection frequency for residual waste, and improved reliability of new vehicles reducing the number of 'spare' vehicles required within the fleet to supplement the frontline vehicles.	
<b>F4. Officer support</b>	
<b>Project Manager:</b> Robert Edmondson	
<b>Project Accountant:</b> Carl Tomlinson	
<b>Project Sponsor:</b> Craig Cooper	
<b>F5. Project Management</b>	

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

This will be managed as part of Street Scene transformation.

One of the workstreams within this area of transformation is Fleet Management, which is where this project will be governed. The stakeholders within this group are Rob Edmondson (Chair), Fazal Khan (Finance), Michelle Climer (Waste Disposal), Nick Massey (Project Development Manager), Chris Smiles (Head Of Service), Jennifer Langan (Programme Manager), Angela Nixon (Project Support Officer) and Kathryn Charlton (Communications Manager).

**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

Included in procurement strategy

**G2. RISKS AND ISSUES REGISTER**

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

Risk or issue	Like- lihood	Sever- -ity	Mitigation
1. Demand for waste vehicles increases and all bids received are above list price.	Medium	High	Combining all vehicle purchases into one tender to benefit from economies of scale. Options will be considered to manage budget allocation.
2. Delivery of vehicles happens later than planned	Low	High	Late delivery of vehicles would lead to a delay in delivering MTFP savings, to avoid the likelihood early engagement with suppliers has started.
3.			
4.			
5.			
6.			



**G3. SUPPORTING FINANCIAL DETAILS**

Analysis supporting the financial implications in section D1 above (if appropriate)

G4. STAKEHOLDER ANALYSIS		
Stakeholder	Importance and influence	how stakeholder relationships will be managed
Cabinet members	High / High	Standard council consultation and engagement processes
Commissioners	High / High	Standard council consultation and engagement processes
Corporate Leadership Team	High / High	Standard council consultation and engagement processes

**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
List at least one measure associated with <b>each</b> of the outcomes in B1 above			What the estimated impact of the project will be on the measure identified
<b>(a) Monetised benefits:</b>	£		
<u>Enhance operational efficiency and reliability</u> – to realise the savings assumed within the MTFP for introducing fortnightly residual waste collection.	£4.5m	Oct 2025	Implementation from April to September 2025 for 2025/26 savings targets.
<u>Strategic Fleet Review</u> - Reduction in the number of council's frontline operational fleet in the delivery of refuse collection and recycling.	£0.52m	April 2025	The revised recycling rounds and move to alternate weekly residual waste collections will reduce the number of rounds.
<u>Ensure compliance with CAZ</u> – Lower charges for non-compliance.	£0.1m	Oct 2025	Lower charges for CAZ non-compliance.
<b>(b) Other quantified benefits:</b>			
<u>Enhance operational efficiency and reliability</u> - Reduction in the mileage of the Council's frontline refuse collection and recycling rounds.	10% Reduction	April 2025	Reduction in mileage to deliver the service by 10%, which will deliver both financial and carbon emission savings.
<u>Enhance operational efficiency and reliability</u> - Reduction in the number of council's frontline refuse collection and recycling rounds which frees resources to support the new food collections.	Support the removal of 39 Daily rounds	Oct 2025	The 120 new vehicles provide improved reliability which supports the redesign of the service delivery with a reduction in the number of revised recycling rounds (each round is the route for one vehicle and crew on one day) to reduce the number of rounds required.
<u>Facilitate Real Time Data</u> - Enhanced customer experience, reliable and predictable services	50 missed bins per 100,000 collections	Oct 2025	
<u>Reduce maintenance and repair costs</u> - Excluding down time for maintenance achieve 95% operational availability	95% Vehicle Availability	April 2025	Reliable service, fewer missed collections and lower hire costs.

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<b>(c) Non-quantified benefits:</b>			
<u>Facilitate Real Time Data</u> - telematics and 360-degree CCTV to facilitate supervision and safe operating practices.	N/A		Improvement in Health and Safety of operating the Vehicles.

<b>Other Attachments</b> provide as appropriate	
• N/A	
•	
•	
•	

**012969/2024 Item XXa - Appendix C****Environment and Sustainability Assessment**

<b>Project Title:</b> <b>Street Scene Transformation – Procurement</b>				
<b>Department:</b> City Operations	<b>Team:</b> Street Scene			<b>Person Responsible for assessment:</b> Andy Vaughan
<b>Date of assessment:</b> 15 <sup>th</sup> May 2025		<b>Is it a new or existing proposal?:</b> New		
<b>Brief description of the proposal:</b> Introduce additional recycling collection system and a replacement waste collection fleet.				
<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	X			
Energy use and CO <sub>2</sub> emissions	X			
Impact on local green and open spaces and biodiversity			X	
Use of sustainable products and equipment	X			
Minimising waste	X			
Council plan priority: a city that takes a leading role in tackling climate change	X			
Overall conclusion on the environmental and sustainability impacts of the proposal	The decision will have a positive impact on the Council's CO2 emissions through the increase in recycling performance, increased efficiency of a new fleet and reduced number of collection rounds that is inherent within this proposal.			

# EQUALITY IMPACT ASSESSMENT

Street Screen Transformation Programme (Fleet  
Replacement)

Reference: EIA000465

Date: 04/07/2024

Submitted by: Angela Nixon

**EIA Form – About your EIA**

Reference number	EIA000465
Date Submitted	04/07/2024
Subject of the EIA	Street Screen Transformation Programme (Fleet Replacement)
Brief description of the policy, service or function covered by the EIA	A Cabinet report which seeks approval to procure a replacement fleet of vehicles for waste collection service.
Equality Assessment is in support of...	["Amended service"]
How frequently will you review impact and mitigation measures identified in this EIA?	Not required
Due date of the first review	2024-07-04

**Directorate, Division & Service Area**

Which directorate(s) are responsible for this EIA?	["City Operations"]
Division	Street Scene
Service area	Street Scene Transformation Programme Team
Budget Saving	Yes

**Officers**

What is the responsible officer's name?	Click or tap here to enter text.
What is the responsible officer's email address?	angela.nixon@birmingham.gov.uk
What is the accountable officer's name?	Andy Vaughan
What is the accountable officer's email address?	andy.vaughan@birmingham.gov.uk

**Data Sources**

Data sources	["Relevant reports/strategies", "Relevant research"]
Data source details	Detailed modelling undertaken by external consultants. Business cases prepared as part of the budget setting process.

**Protected Characteristics****Protected Characteristic – Age**

Does this proposal impact people due to their age as per the Equality Act 2010?	Yes
---	-----

What age groups are impacted by your proposal?	["60-69 years", "70-79 years", "80-89 years", "90 years or over"]
Please describe any potential impact to the age characteristic	Older citizens are more likely to have mobility issues.
How could you mitigate against any negative impact to the age characteristic?	Use of Assisted Collection Service
Please describe how this proposal does not impact people due to their age	

#### Protected Characteristic – Disability

Does this proposal impact those people with a disability as per the Equality Act 2010?	Yes
Please describe any potential impact to the disability characteristic	People with mobility issues may be affected
How could you mitigate against any negative impact to the disability characteristic?	Use of assisted collection service
Please describe how this proposal does not impact people due to their disability	

#### Protected Characteristic – Sex

Does this proposal impact citizens based on their sex as per the Equality Act 2010?	No
What sexes will be impacted by this proposal?	
Please describe any potential impact to the sex characteristic	
How could you mitigate against any negative impact to the sex characteristic?	
Please describe how this proposal does not impact people due to their sex	Proposed changes to the waste collection fleet are unlikely to impact people due to their sex.

#### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to	No
---	----



undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	
Please describe any potential impact to the gender reassignment characteristic	
How could you mitigate against any negative impact to the gender reassignment characteristic?	
Please describe how this proposal does not impact people due to gender reassignment	Changes to the waste collection fleet have no impact on people of any gender.

#### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?	No
What legal marital or registered civil partnership status will be impacted by this proposal?	
Please describe any potential impact to the marriage and civil partnership characteristic	
How could you mitigate against any negative impact to the marriage and civil partnership characteristic?	
Please describe how this proposal does not impact people who are married or in a civil partnership	Marital status has no impact on ability to use the waste collection service

#### Protected Characteristic - Pregnancy and Maternity

Does this proposal impact people covered by the Equality Act 2010 under the protected characteristic of pregnancy and maternity?	Yes
Please describe any potential impact to the pregnancy and maternity characteristic	People affected by pregnancy and mobility may have mobility issues.

How could you mitigate against any negative impact to the pregnancy and maternity characteristic?	Use of assisted collection service
Please describe how this proposal does not impact people who are covered by the pregnancy and maternity characteristic	

#### Protected Characteristic - Ethnicity and Race

Does this proposal impact people due to their race as per the Equality Act 2010?	Yes
What ethnic groups would be impacted by this proposal?	["People for whom English is not their first language"]
Please describe any potential impact to the ethnicity and race characteristic	People for whom English is not their first language may have difficulty understanding changes to the waste collection service.
How could you mitigate against any negative impact to the ethnicity and race characteristic?	As part of the detailed comms plan, literature will be provided in a number of different languages and a number of different forms.
Please describe how this proposal does not impact people due to their race	

#### Protected Characteristic - Religion or Beliefs

Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	No
What religions could be impacted by this proposal?	
Please describe any potential impact to the religion or beliefs characteristic	
How could you mitigate against any negative impact to the religion or beliefs characteristic?	
Please describe how this proposal does not impact people due to their religion or beliefs	Changes to the waste collection service will not impact people due to their religion or beliefs.

#### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	No
What sexual orientations may be impacted by this proposal?	
Please describe any potential impact to the sexual orientation characteristic	
How could you mitigate against any negative impact to the sexual orientation characteristic?	
Please describe how this proposal does not impact people due to their sexual orientation	Changes to the waste collection service will not impact people due to their sexual orientation.

### Monitoring

How will you ensure any adverse impact and mitigation measures are monitored?	The access to the assisted collection service forms part of the approach to performance monitoring across Street Scene.
Please enter the email address for the officer responsible for monitoring impact and mitigation	nick.massey@birmingham.gov.uk



# Birmingham City Council

## Report to Cabinet

23 July 2024 012969/2024



<b>Title:</b>	<b>WASTE COLLECTION SERVICE IT SOFTWARE - PROCUREMENT</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Majid Mahmood, Cabinet Member for Transport and Environment
<b>Relevant Overview and Scrutiny Committee:</b>	Councillor Lee Marsham, Chair of Sustainability and Transport
<b>Report Author:</b>	Andy Vaughan, Interim Director, Street Scene andy.vaughan@birmingham.gov.uk Rob Edmondson, Assistant Director, Waste robert.edmondson@birmingham.gov.uk
<b>Authorised by:</b>	Craig Cooper, Strategic Director, City Operations
<b>Is this a Key Decision?</b>	Yes
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes
<b>Reason(s) why not included on the Forward Plan:</b>	
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for 'call in'?</b>	Yes
<b>If not eligible, please provide reason(s):</b>	
<b>Wards:</b>	All
<b>Does this report contain exempt or confidential information?</b>	No

## **1 EXECUTIVE SUMMARY**

- 1.1 This report seeks approval to procure a replacement and upgraded mobile IT system for waste collection, to aid route planning, communication between operational staff and back-office operations and to improve the quality of service.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendations. It is essential that once this system is installed the workforce are trained and supported to use it on an everyday basis. Many authorities have implemented such systems and when used properly it delivers a much more consistent and effective service. However, those that fail after implementation often do not invest in updating training especially for new starters and also do not deal well with non-use of the data. It would be useful for scrutiny to review the position 12 months after implementation.

## **3 RECOMMENDATIONS**

### **That Cabinet:**

- 3.1 Approves the Full Business Case in Appendix B and associated procurement strategy in Appendix A to purchase an updated IT system for use in refuse collection and disposal at a total cost of £0.310m including contingency.
- 3.2 Delegates authority to the Strategic Director, City Operations, in consultation with the Cabinet Member for Transport and Environment and Interim Director of Finance (Section 151 Officer), the Interim City Solicitor and Monitoring Officer and Interim Director of Commercial and Procurement to approve the award of contracts following the procurement exercises.
- 3.3 Approves the reallocation of £0.310m within the existing 2024/5 Capital programme from the £9.350m allocated to waste management depots to purchase a replacement IT system.
- 3.4 Notes that the funding gap of £0.082m for IT licences as per the business case in Appendix B is to be financed from full year impact of redesign recycling waste collection rounds (ref 240) in 2025/6.

## **4 KEY INFORMATION**

4.1 The City Council's Improvement and Recovery Plan includes the Street Scene Transformation programme and is a central part of the Council's wider improvement journey.

4.2 The Street Scene Transformation Programme consists of five themes, namely:

- Waste Management
- Fleet Management
- Street Management
- Parks and Open Space
- Managing Well

**4.3** This report focused on the replacement software, which is integral to the wider transformation of both waste collection and fleet management. The introduction of this system will allow for the waste collection service to be managed more efficiently, including: detailed and up-to-date round schedules, programmed for drivers to follow the most efficient route; the bi-directional flow of information for matters such as reporting missed bins, either by the driver, or by citizens; recording assisted collections; and allowing managers to deploy resources on a real-time basis.

**4.4** This system is integral to the wider realisation of savings assumed within the waste transformation programme.

## **5 Waste Collection Software Replacement System**

- 5.1 The current waste collection and disposal software expires in April 2025.
- 5.2 Replacing the current unsupported platform with a modern cloud-based replacement system is an essential tool to delivering day-to-day services and realising the vision of modern, efficient customer-centric waste collection services.
- 5.3 The new system will allow for the optimisation of routes and rounds and the flexibility to operate efficient services as the city continues to evolve and grow. The absence of this type of data is inhibiting improvement in the current service provision.
- 5.4 The system facilitates real-time communication between the operating centre and individual rounds/crews and allows for service challenges such as missed collections and additional service requests to be deployed directly to a tablet device installed in the vehicle.
- 5.5 In addition to the in-cab device, new vehicles will be procured with 360-degree CCTV cameras and telematics installed, this allows for data integration with back-office systems. Officers from Digital Technology Services will lead on system architecture and integration and take a collaborative approach to deployment given the interdependencies.
- 5.6 The implementation of the new system will be complemented by a training programme for waste collection staff to ensure confidence and consistency in the effective use of this technology to realise the intended benefits. The costs of this initial training are to be met as part of the £0.310m one-off setup costs. The ongoing training demands will be part of day-to-day management responsibilities. It is imperative that all employees use the system once implemented and any non-compliance will be subject to appropriate disciplinary action.
- 5.7 It is proposed to undertake a full procurement exercise and regardless of the supplier that is ultimately selected, there will be associated set-up costs.



Based on market intelligence, it is estimated that capital spend of £0.310m is required for this one-off implementation.

- 5.8 There is a further annual licensing and maintenance revenue cost, which is estimated to be £0.250m per annum.
- 5.9 The recommendation is for the contract to be up to four years in duration.
- 5.10 This project will be led by Digital and Technology Services supported by Street Scene colleagues and governed in accordance with best practice project management principles.
- 5.11 The evaluation criteria for awarding contracts is detailed in the procurement strategy and comprises 10% Social value, 60% Technical value (together making up 70% Quality) and the remaining criteria is 30% Price, along with sub weightings.

## **6 Options and Recommended Proposal**

- 6.1 Option 1: Do Nothing: without the additional identified procurements, the Council will be unable to deliver the waste transformation programme, the introduction of food recycling collection and compliance with The Environment Act. This is not the recommended option.
- 6.2 Option 2: Recommended proposal: to approve recommendations contained in this report.

## **7 Consultation**

### **7.1 External**

7.1.1 Informal consultation has taken place with suppliers in the market through a market engagement questionnaire and owners of the procurement framework agreements that are proposed.

### **7.2 Internal**

7.2.1 Internal consultees include:

- Corporate Leadership Team (25 June 2024) – Supportive of the proposal and that it is addressing some long-standing service improvement requirements.
- Cabinet Member for Transport and Environment Councillor Majid Mahmood – supportive of the proposal and is sponsoring the wider Transformation of Street Scene, of which this proposal forms a part.
- Cabinet Member for Transformation Councillor Rob Pocock – Supportive of the proposal
- Strategic Director, City Operations – Supportive and officer-sponsor for the Street Scene Transformation Programme
- Director of Finance and Section 151 Officer - Supportive
- Finance Business Partner, City Operations – Co-authored and approved financial implications
- Legal Services - Approved
- Head of Function, Products, Digital & Customer Services - Supportive
- HR Business Partner, Street Scene - Approved
- Head of Category – Place, Commercial and Procurement – Contributed towards comments
- Assistant Director, Route to Zero Carbon – Input into report's carbon implications

## **8 Compliance Issues:**

8.1 The procurement of the Council's Waste Collection Software is an integral part of delivering the Council's approved budget savings for 2025/6, included in the Medium-Term Financial Plan.

## **9 RISK MANAGEMENT**

- 9.1 There is an inherent timing risk associated with the approval of this report and the assumed savings in the Medium-Term Financial Plan. Delays in approval or in the procurement process have the potential to affect delivery timescales. The mitigation includes timely decision making, early market engagement and the economies of scale applicable to Birmingham.
- 9.2 The Waste Transformation Programme has a detailed Risk Register considering all of the major factors which may impact delivery of the project.
- 9.3 Without this procurement activity, there is a risk of failure to achieve the savings as included in the 2025/6 Medium Term Financial Plan

## **10 CONSULTATION**

- 10.1 Informal consultation has taken place with the supply market in helping to inform the financial analysis and routes to market, included in this report. This informal engagement also alerted the market to the required timeframes.

## **11 MEMBER ENGAGEMENT**

- 11.1 Informal briefings have taken place with cabinet members.

## 12 IMPACT AND IMPLICATIONS

### 12.1 Financial Implications

12.1.1 This report seeks approval to spend capital resources up to £0.310m on implementing waste collection software. Funding is proposed to come from repurposing existing capital funding within the Waste Management Depot budget which is no longer required due to the scheme being completed under budget. Details in Table 1.

**TABLE 1**

CAPITAL GENERAL FUND - Street Scene Waste Management	2024/25	2025/26	2026/27	TOTAL
	£000's	£000's	£000's	£000's
<b><u>Cost estimate</u></b>				
Waste collection software replacement	310			310
<b>Total</b>	<b>310</b>	-	-	<b>310</b>

<b><u>Capital budget approved at MTFP</u></b>				
Re-purposed budget from waste management depots	310			310
<b>Total</b>	<b>310</b>	-	-	<b>310</b>

12.1.2 There is an ongoing revenue licensing and maintenance cost of £0.250m per annum. The current budget allocation held by Digital Technology Services is £0.168m. There is a revenue budget gap of £0.082m, which will be funded through full year impact of the redesign recycling waste collection rounds (saving ref 240) from 2025/6.

**TABLE 2**

<b>REVENUE GENERAL FUND -</b>				
<b>Street Scene Waste Management</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28 +</b>
	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
<b><u>Cost estimate</u></b>				
Waste collection IT software - licences	168	250	250	250
Waste collection IT software - PB costs		73	73	73
<b>Total</b>	<b>168</b>	<b>323</b>	<b>323</b>	<b>323</b>
<b><u>Budget</u></b>				
Existing Corporate Borrowing Budgets	0	73	73	73
Existing DTS Budgets	168	168	168	168
Reprofile Savings (Ref 240)		82	82	82
<b>Total</b>	<b>168</b>	<b>323</b>	<b>323</b>	<b>323</b>

## 12.2 Legal Implications

- 12.2.1 The Council has a duty to act as both a Waste Collections Authority and a Waste disposal Authority under the Environmental Protection Act 1990.
- 12.2.2 Under S.111 of the Local Government Act 1972, the Council is entitled to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- 12.2.3 The Council has best value duty under the Local Government Act 1999 to improve the efficiency, economy and effectiveness of the service it delivers.
- 12.2.4 This report also supports the Council in complying with its duties with the Environment Act 2021.

## 12.3 Equalities

- 12.3.1 The detailed implementation planning will reflect the city's diversity, both in the types of properties and neighbourhoods and ensuring that when these changes are communicated, they are communicated in a way that everyone can understand and participate.

## **12.4 Procurement Implications**

12.4.1 The procurement activities will be conducted in accordance with the Public Contract Regulations 2015 and the Council's Constitution (Part D Procurement and Contract Governance Rules).

12.4.2 The procurements will comply with the Council's Social Value and Living Wage policies.

## **12.5 People Services**

12.5.1 There are no specific HR implications of this proposal but there are change management implications that are implicit within the wider transformation programme. The changes to the waste collection round structures, linked to the introduction of alternate weekly collections and food waste will result in changes to working practices and increases in operational productivity.

## **12.6 Route to Net Zero implications**

12.6.1 This report, considered alongside other reports on Cabinet's Agenda, contributes towards the City Council's net zero objectives.

12.6.2 Once implemented, there will be a significant increase in recycling and investment in a modern and efficient vehicle fleet, both of which will have a positive impact on carbon emissions.

## **12.7 Corporate Parenting**

12.7.1 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

## **13 APPENDICES**

13.1 A – Procurement Strategy – IT System

13.2 B – Business Case – IT System

13.3 C – Environment and Sustainability Assessment

13.4 D – Equality Impact Assessment

## **14 BACKGROUND PAPERS**

14.1 Environment Act (2021)

14.2 Medium Term Financial Plan

Street Scene Transformation Programme

## **1 Introduction**

- 1.1 The Contract will be tendered following a Further Competition procurement process using an external compliant framework agreement that allows the Council to simplify and streamline the procurement process. This will maximise the opportunity for tender returns as well as assessing the capability and capacity of the successful Supplier to deliver the contract to be awarded under the Framework Agreement thereby reducing costs and risks.

## **2 Scope**

- 2.1 Across the refuse collection fleet, each vehicle will be supplied with a repurposed onboard tablet that provides routes for collections for any particular day. This will enable data to be inputted to allow effective route mapping and for any exceptions in real time during the route. The Cloud Solution will allow effective intelligence, enabling real time and post event analysis and quality assurance.
- 2.2 Working in partnership between Digital Technological Services and City Operations, a comprehensive high level user specification has been developed that incorporates 155 different user requirements across the following themes:
- General
  - System Admin
  - System Access
  - Citizen Interaction
  - Trade Waste
  - Clinical Waste
  - Route Planning
  - Resource Management
  - Drivers
  - Technical Assistants
  - Tablets
  - Telematics

012969-2024 Item XXb - Appendix C (Procurement Strategy – Waste Collection and Disposal Software)

- Interfaces with call centre CRM, 306-degree cameras, vehicle telematics including Canbus
- Reporting
- Health & Safety
- Non-Functional availability
- Non-functional compliance
- Non-functional deployment
- Non-functional go-live

**3 Tender Structure (Including Evaluation and Selection Criteria) (example below)**

**3.1 Evaluation and Selection Criteria**

- 3.1.1 The quality / price balances below were established having due regard for the corporate document 'Evaluating Tenders' which considers the complexity of the services to be provided.

**3.2 The evaluation of tenders will be assessed as detailed below:**

- 3.2.1 This procurement will be a single stage Invitation to Tender (ITT).
- 3.2.2 Tenders will be evaluated using the quality / price in accordance with a pre-determined evaluation model. The quality element comprises 10% Social value, 60% Technical value (together making up 70% Quality) and the remaining 30% Price. This quality / price balance has been established having due regard to the corporate document 'Evaluating Tenders' which considers the complexity of the services to be provided and the degree of detail contained within the contract specification.
- 3.2.3 Full award criteria including evaluation sub criteria and sub-weightings will be agreed by the officers from City Operations Directorate with guidance from procurement in DTS prior to call for competition being published.



### **3.3 Overall Evaluation**

3.3.1 The evaluation process will result in comparative quality and price score for each tenderer's response to the Invitation to Tender. The maximum quality score will be awarded to the bid that demonstrates the highest quality. The lowest price will be given the maximum score. Other tenderers will be scored in proportion to the maximum scores in order to ensure value for money and the contract will be awarded to the first ranked tenderer on the basis of the highest combined overall Quality/price score.

3.3.2 This will be subject to budget availability.

### **3.4 Evaluation Team**

3.4.1 The evaluation of tenders will be undertaken by officers from City Operations directorate, supported by procurement in DTS.

### **3.5 Indicative Implementation Plan**

- Cabinet Approval 23<sup>rd</sup> July 2024
- ITT Issued 01 August 2024
- ITT Return 02 September 2024
- Evaluation Period September 2024
- DPR Approval (Award) November 2024
- Contract Award December 2024
- Contract Start End December 2024
- Go Live February 2025

## **4 Contract Management**

4.1 The contract will be managed operationally by Digital Technology Services, in conjunction with Street Scene.

## **5 Performance Management**

5.1. The collation of information to assist in monitoring the Key Performance Indicators (KPI) will be agreed between both parties prior to the contract start based on the specified requirements.

## **6 Finance**

- 6.1 The finance for this procurement is £0.310m capital, for setup costs, covering one-off costs such as installation, training and interfaces.
- 6.2 The cost of licences for this cloud-based system is estimated to be £0.250m. The current budget allocation held by Digital Technology Services is £0.168m. Revenue budget growth of £0.082m to cover the full licencing costs has been included in the recommendations of the report.

## FULL BUSINESS CASE - WASTE COLLECTION AND DISPOSAL SOFTWARE

### A. GENERAL INFORMATION

#### A1. General

<b>Project Title</b> <i>(as per Voyager)</i>	Waste Collection and Disposal Software	<b>Portfolio /Committee</b>	Environment
<b>Directorate</b>	City Operations / DTS	<b>Project Code</b> <i>(as per Voyager)</i>	012969/2024
<b>Approved by Project Sponsor</b>	Robert Edmondson / James Gregory	<b>Approved by Finance Business Partner</b>	Carl Tomlinson Ravinder Dhaliwal

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

#### A3. Project Description

To procure and implement new waste collection and disposal software, to cover the end of life and end of contract of the current system. This system has been jointly designed by Street Scene and DTS who are a co-sponsor of this project. DTS colleagues have provided the resources and led on the following areas of completion with sign off from the key stakeholders:

- Discovery
- User specification design
- Procurement

DTS colleagues will continue to lead on the implementation elements using the same collaboration principles on this project identified in the scope through to competition.

#### A4. Scope

- Discovery - completed
- User specification design - completed
- Procurement – mid August 2024
- Infrastructure – mid September 2024
- Testing – mid October 2024
- Communication and training – November 2024
- Go-Live – April 2025

#### A5. Scope exclusions

N/A

**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*

Currently, each refuse collection vehicle is fitted with an onboard tablet which holds route planning information. However, this does not have the appropriate communication capability and has limited functionality.

Across both existing fleet and the new fleet of waste collection vehicles, it is intended to ensure that a tablet is provided in each vehicle but with enhanced functionality and operability. This will allow for real-time communication between operating centre, residents, call centre. It will also enable data to be inputted around any exceptions in real time during the route, thus allowing for the improved performance around missed bins and increased productivity of operational teams through the enhanced use of technology.

It is intended to procure a cloud-based system from one of the specialist software houses operating in the waste sector.

To enable this data collection, we plan to have a software system in place that collects a number of datasets but also converts this data into effective intelligence, enabling real time and post event analysis and quality assurance.

The current Waste Collection and Disposal Solution is at the end of life and end of contract.

**B2. Project Deliverables**

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

- Discovery - completed
- User specification design - completed
- Procurement – mid August 2024
- Infrastructure – mid September 2024
- Testing – mid October 2024
- Communication and training – November 2024
- Go-Live – April 2025

**B3. Project Benefits**

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

Measure	Impact
Improved data collection	Redirection of resources to demand in real time
Improved telematics	Help with immediate resource allocation and H&S
Integration of other digital systems	All data together e.g. performance, CCTV, telematics improving performance
Improved operational efficiency	Utilisation of real-time data to deploy resources

Improved service levels to residents	Enhanced performance, particularly around missed bins and real-time resource deployment
--------------------------------------	---

*For major projects and programmes over £20m:*

#### **B4. Benefits Realisation Plan**

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

The planned benefits will be monitored and reviewed through the Waste Transformation Programme.

#### **B5. Stakeholders**

- Waste Collection crews
- Waste Collection Managers
- Citizens
- Elected members

### **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 options available have been considered and can be assessed below

- Option 1 - Do nothing – The current system is out of contract and is an old unsupported platform. If we did nothing the risk to delivering waste services become significant as the whole service delivery model is based upon a software routing and data collection system.
- Option 2 – We undertake a full tendering process which is the proposed option

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

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

The key delivery risks will be incorporated into contract documentation.

#### **C3. Other impacts of the preferred option**

*Describe other significant impacts, both positive and negative*

- The council finds a supplier that provide the best value for money
- The enhancements to our digital systems could help increase productivity and service
- We have an opportunity to cleanse the data sets and create a more robust business intelligence view of performance.

**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*

**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).*

See the covering report and appendix for details of the procurement process.

**D3. Staffing and TUPE implications:**

There are staffing issues associated with the wider Transformation programme but not specifically for this proposal.

Effective workforce consultation, engagement and training will be part of the detailed implementation plan.

**E. FINANCIAL CASE***This sets out the cost and affordability of the project***E1. Financial implications and funding**

<b>Capital Expenditure:</b>	<b>Financial Year 2024/25 £m</b>	<b>Financial Year 2025/26 £m</b>	<b>Financial Year 2026/27 £m</b>	<b>Later Years £m</b>	<b>Totals £m</b>
Waste Collection Software Replacement System	0.310				0.310
<b>Total capital expenditure</b>	<b>0.310</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.310</b>
<b>Capital funding:</b>					
Waste Management Depots – reallocate to this scheme	0.310				0.310
<b>Total capital funding</b> <i>Should fund all the costs</i>	<b>0.310</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.310</b>
<b>Revenue Consequences</b>	<b>Financial Year 2024/25 £m</b>	<b>Financial Year 2025/26 £m</b>	<b>Financial Year 2026/27 £m</b>	<b>Full year / ongoing £m p.a.</b>	
Licences	0.168	0.250	0.250	0.250	
Prudential Borrowing		0.073	0.073	0.073	
<b>Total rev. consequences</b>	<b>0.168</b>	<b>0.323</b>	<b>0.323</b>	<b>0.323</b>	
<b>Revenue Funding:</b>					
Current Budgetary Provision within DTS	0.168	0.168	0.168	0.168	
Reprofile of recycling saving (ref 240)		0.082	0.082	0.082	
Corporate Prudential Borrowing 5-year life		0.073	0.073	0.073	
<b>Total revenue funding</b>	<b>0.168</b>	<b>0.323</b>	<b>0.323</b>	<b>0.323</b>	<b>1.219</b>

Soft market testing was undertaken which provided indicative costing with waste solution providers.

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

- The capital allocation forms part of the approved Street Scene capital Programme 2024/5+
- The Waste Management Depots allocation is a repurposing of funding originally approved to be utilised on redevelopment of a number of depots and provisions of a Material Recycling facility.

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

The capital and revenue requests include 20% contingency.

### E4. Taxation

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

## 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*

Included in Procurement strategy

### Planned Delivery Dates

**Completed**

PPAR & Cabinet brief tabled at July 2024 cabinet

**July 2024**

Requirements document

**Completed**

The BA and the Procurement team have met and assign weightings and sub-weightings to the requirements

**Completed**

Procurement Team distributed ITT pack and weightings for the project team to review

**Completed**

Agreed framework for going out to the market

**Completed**

EOI exercise undertaken to identifying potential suppliers

**Completed**

Framework out to market

**August 2024**

Scoring & evaluation, moderation and clarification period

**September 2024**

Strategic Delegated Award Report

**October 2024**

Successful bidder confirmed

**End October 2024**

S151 re-approval

**End October 2024**

Tabled at cabinet

**November 2024**

Award contract

**December 2024**

Mobilisation

**January-March 2025**

Implementation

**April 2025**

### F2. Evaluation and achievability of timetable

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

### F3. Dependencies on other projects or activities

### F4. Officer support

**Project Manager:** Robert Edmondson

**Project Accountant:** Carl Tomlinson

**Project Sponsor:** Craig Cooper



**F5. Project Management**

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

This will be managed as part of Street Scene transformation.

One of the workstreams within this area of transformation is Waste Services, which is where this project will be governed. The stakeholders within this group are Rob Edmondson (Chair), Fazal Khan (Finance), Michelle Climer (Waste Disposal), Nick Massey (Project Development Manager), Chris Smiles (Head Of Service), Jennifer Langan (Programme Manager), Angela Nixon (Project Support Officer) and Kathryn Charlton (Communications Manager).

**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*

A detailed implementation plan will be agreed with the chosen supplier and align with other procurement activities related to the Waste Transformation Programme.

**G2. RISKS AND ISSUES REGISTER**

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

Risk or issue	Like- lihood	Sever- ity	Mitigation
1.			
2.			
3.			
4.			
5.			
6.			

**G3. SUPPORTING FINANCIAL DETAILS**

*Analysis supporting the financial implications in section D1 above (if appropriate)*

**G4. STAKEHOLDER ANALYSIS**

Stakeholder	Importance and influence	how stakeholder relationships will be managed
Cabinet members	High / High	Standard council consultation and engagement processes
Commissioners	High / High	Standard council consultation and engagement processes
Corporate Leadership Team	High / High	Standard council consultation and engagement processes

**G5. BENEFITS REGISTER**

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

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

**Other Attachments**

*provide as appropriate*

• Technical Feasibility Assessments	
• External Funding and Partnership agreement implications	
• Specific Funding (Grant) outline	

**012969/2024 Item XXb Appendix C**  
**Environment and Sustainability Assessment**

<b>Project Title:</b> Street Scene Transformation – Procurement				
<b>Department:</b> City Operations	<b>Team:</b> Street Scene			<b>Person Responsible for assessment:</b> Andy Vaughan
<b>Date of assessment:</b> 15 <sup>th</sup> May 2025		<b>Is it a new or existing proposal?:</b> New		
<b>Brief description of the proposal:</b> Introduce additional recycling collection system and a replacement waste collection fleet.				
<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	X			
Energy use and CO <sub>2</sub> emissions	X			
Impact on local green and open spaces and biodiversity			X	
Use of sustainable products and equipment	X			
Minimising waste	X			
Council plan priority: a city that takes a leading role in tackling climate change	X			
Overall conclusion on the environmental and sustainability impacts of the proposal	The decision will have a positive impact on the Council's CO2 emissions through the increase in recycling performance, increased efficiency of a new fleet and reduced number of collection rounds that is inherent within this proposal.			

# EQUALITY IMPACT ASSESSMENT

Street Screen Transformation Programme (IT Systems)

Reference: EIA000466

Date: 04/07/2024

Submitted by: Angela Nixon

### EIA Form – About your EIA

Reference number	EIA000466
Date Submitted	04/07/2024
Subject of the EIA	Street Scene Transformation Programme (IT Systems)
Brief description of the policy, service or function covered by the EIA	A Cabinet report which seeks approval to procure replacement software for the waste collection service.
Equality Assessment is in support of...	["Amended service"]
How frequently will you review impact and mitigation measures identified in this EIA?	Not required
Due date of the first review	2024-07-04

### Directorate, Division & Service Area

Which directorate(s) are responsible for this EIA?	["City Operations"]
Division	Street Scene
Service area	Street Scene Transformation Programme Team
Budget Saving	Yes

### Officers

What is the responsible officer's name?	Click or tap here to enter text.
What is the responsible officer's email address?	angela.nixon@birmingham.gov.uk
What is the accountable officer's name?	Andy Vaughan
What is the accountable officer's email address?	andy.vaughan@birmingham.gov.uk

### Data Sources

Data sources	["Relevant reports/strategies", "Relevant research"]
Data source details	Detailed modelling undertaken by external consultants. Business cases prepared as part of the budget setting process.

### Protected Characteristics

#### Protected Characteristic – Age

Does this proposal impact people due to their age as per the Equality Act 2010?	Yes
---	-----

What age groups are impacted by your proposal?	["60-69 years", "70-79 years", "80-89 years", "90 years or over"]
Please describe any potential impact to the age characteristic	Older citizens are more likely to have mobility issues.
How could you mitigate against any negative impact to the age characteristic?	Use of Assisted Collection Service
Please describe how this proposal does not impact people due to their age	

#### Protected Characteristic – Disability

Does this proposal impact those people with a disability as per the Equality Act 2010?	Yes
Please describe any potential impact to the disability characteristic	People with mobility issues may be affected
How could you mitigate against any negative impact to the disability characteristic?	Use of assisted collection service
Please describe how this proposal does not impact people due to their disability	

#### Protected Characteristic – Sex

Does this proposal impact citizens based on their sex as per the Equality Act 2010?	No
What sexes will be impacted by this proposal?	
Please describe any potential impact to the sex characteristic	
How could you mitigate against any negative impact to the sex characteristic?	
Please describe how this proposal does not impact people due to their sex	Proposed changes to the waste collection software are unlikely to impact people due to their sex.

#### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to	No
---	----

undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	
Please describe any potential impact to the gender reassignment characteristic	
How could you mitigate against any negative impact to the gender reassignment characteristic?	
Please describe how this proposal does not impact people due to gender reassignment	Changes to the waste collection software have no impact on people of any gender.

#### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?	No
What legal marital or registered civil partnership status will be impacted by this proposal?	
Please describe any potential impact to the marriage and civil partnership characteristic	
How could you mitigate against any negative impact to the marriage and civil partnership characteristic?	
Please describe how this proposal does not impact people who are married or in a civil partnership	Marital status has no impact on ability to use the waste collection service

#### Protected Characteristic - Pregnancy and Maternity

Does this proposal impact people covered by the Equality Act 2010 under the protected characteristic of pregnancy and maternity?	Yes
Please describe any potential impact to the pregnancy and maternity characteristic	People affected by pregnancy and mobility may have mobility issues.



How could you mitigate against any negative impact to the pregnancy and maternity characteristic?	Use of Assisted Collection Service
Please describe how this proposal does not impact people who are covered by the pregnancy and maternity characteristic	

#### Protected Characteristic - Ethnicity and Race

Does this proposal impact people due to their race as per the Equality Act 2010?	Yes
What ethnic groups would be impacted by this proposal?	["People for whom English is not their first language"]
Please describe any potential impact to the ethnicity and race characteristic	People for whom English is not their first language may have difficulty understanding changes to the waste collection service.
How could you mitigate against any negative impact to the ethnicity and race characteristic?	As part of the detailed comms plan, literature will be provided in a number of different languages and a number of different forms.
Please describe how this proposal does not impact people due to their race	

#### Protected Characteristic - Religion or Beliefs

Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	No
What religions could be impacted by this proposal?	
Please describe any potential impact to the religion or beliefs characteristic	
How could you mitigate against any negative impact to the religion or beliefs characteristic?	
Please describe how this proposal does not impact people due to their religion or beliefs	Changes to the waste collection service will not impact people due to their religion or beliefs.

#### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	No
What sexual orientations may be impacted by this proposal?	
Please describe any potential impact to the sexual orientation characteristic	
How could you mitigate against any negative impact to the sexual orientation characteristic?	
Please describe how this proposal does not impact people due to their sexual orientation	Changes to the waste collection service will not impact people due to their sexual orientation.

### Monitoring

How will you ensure any adverse impact and mitigation measures are monitored?	The access to the assisted collection service forms part of the approach to performance monitoring across Street Scene.
Please enter the email address for the officer responsible for monitoring impact and mitigation	nick.massey@birmingham.gov.uk

# Birmingham City Council

## Report to Cabinet

23 July 2024 012969/2024



<b>Title:</b>	<b>PROCUREMENT OF FOOD WASTE VEHICLES AND CONTAINERS</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Majid Mahmood, Cabinet Member for Transport and Environment
<b>Relevant Overview and Scrutiny Committee:</b>	Councillor Lee Marsham, Chair of Sustainability and Transport
<b>Report Author:</b>	Andy Vaughan, Interim Director, Street Scene andy.vaughan@birmingham.gov.uk Rob Edmondson, Assistant Director, Waste robert.edmondson@birmingham.gov.uk
<b>Authorised by:</b>	Craig Cooper, Strategic Director, City Operations
<b>Is this a Key Decision?</b>	Yes
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes
<b>Reason(s) why not included on the Forward Plan:</b>	
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for 'call in'?</b>	Yes
<b>If not eligible, please provide reason(s):</b>	
<b>Wards:</b>	All
<b>Does this report contain exempt or confidential information?</b>	No

## **1 EXECUTIVE SUMMARY**

The Environment Act 2021 sets out a requirement for waste collection authorities to introduce weekly food waste collections to all households by the end of March 2026. The introduction of this service is supported by a DEFRA capital grant of £6.825m.

This report seeks approval to procure 38 specialist food waste collection vehicles, food waste containers and caddies and communal food waste bins for flats, to deliver the food waste collection service.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendations which are a necessary and vital component of the transformation plan to ensure that the Council is fully compliant with the requirement of the Environmental Act 2021, to introduce a weekly food waste collection service to all households by the end of March 2026.
- 2.2 The introduction of a weekly food waste collection service will help residents to recycle more and contribute to reducing the volume and costs of disposal of residual waste and to drive up the recycling rate so that it is comparable with other core cities.
- 2.3 The service will need to ensure that they tightly manage, monitor and mitigate delivery risks to ensure delivery within the agreed timescales and report regularly on progress. The introduction of a food waste service will be a step change in service provision for residents and as has been noted in the report there will need to be effective and consistent engagement with residents to ensure that the implementation is successful, recycling rates significantly increase, and associated savings achieved.

### **3 RECOMMENDATIONS**

That Cabinet:

- 3.1 Approves the Full Business Case in Appendix C and associated procurement strategy in Appendices A and B to purchase food waste collection vehicles, food waste containers and caddies and communal food waste bins for flats to facilitate the implementation of weekly food waste collections at a total Capital cost of £6.825m as funded through DEFRA grant.
- 3.2 Delegates authority to the Strategic Director, City Operations, in consultation with the Cabinet Member for Transport and Environment and Interim Director of Finance (Section 151 Officer), the Interim City Solicitor and Monitoring Officer and Interim Director of Commercial and Procurement to approve the award of contracts following the procurement exercises.
- 3.3 Notes revenue costs of £5.595m on a full year effect basis from 2026/7 (£4.196m for 2025/6) for weekly food waste collections as set out in the business case in Appendix C. The Council is awaiting confirmation of the value of the DEFRA grant to finance transitional and ongoing revenue requirements.

### **4 KEY INFORMATION**

- 4.1 The Council has received a £6.825m capital grant from Government to support the introduction of weekly food waste collections by end of March 2026 through the purchase of vehicles and containers.
- 4.2 The Council is awaiting confirmation from DEFRA of revenue funding to support the food waste operation in 2025/6 for transitional funding, and for ongoing revenue funding in 2026/7.
- 4.3 The introduction of the weekly food waste service will be undertaken on a phased implementation and will be done in conjunction with the move from weekly residual waste collections to fortnightly frequency.
- 4.4 Given the significance of this change, an extensive media and communications campaign is planned for later in 2024/5 to engage and inform residents of this positive change. Further engagement will take place with community groups, ward member forums, and religious institutions.

## 5 Requirements – Weekly Food Waste Collections

- 5.1 The introduction of weekly food waste collections is integral to the realisation of the assumed financial savings included in the 2024/5 financial year and MTFP.
- 5.2 The Council intends to utilise the DEFRA capital grant to purchase 340,000 7L internal food caddies and 340,000 23L external food caddies.
- 5.3 The Council has received DEFRA capital grant funding to purchase wheeled bins for the collection of food waste from multiple occupancy properties.
- 5.4 The DEFRA capital grant funding for this purpose is £3.245m.
- 5.5 The Council also needs to purchase 38 food waste collection vehicles to arrive before April 2025 to facilitate the roll out of this new service.
- 5.6 The DEFRA capital grant funding for containerisation is £3.580m from the total grant of £6.825m.
- 5.7 The procurement timetable for purchasing food waste collection bins and vehicles is set out below:

	Vehicles	Food Waste Collection Bins
Cabinet Approval	23 July 2024	23 July 2024
ITT Issued	29 July 2024	23 August 2024
ITT Return	30 August 2024	September 2024
Evaluation Period	September 2024	October
DPR Approval (Award)	November 2024	November
Contract Award	November 2024	November 2024
Contract Start	December 2024	December 2024

- 5.8 The implementation of weekly food waste collections, alongside a switch to fortnightly residual waste collection will be phased throughout 2025/6.
- 5.9 It should also be noted that most Local Authorities are undertaking a similar exercise over a similar period and therefore the supply chain pressures are likely.
- 5.10 It is intended to commence the implementation of the new food waste service on a phased basis as from April 2025 and for the roll out to be undertaken over the course of the financial year 2025/6. The precise implementation modelling is currently underway and supports delivery of the £4.5M fortnightly residual

waste collection saving for 2025/6 (saving ref 29) that is included in the Medium-Term Financial Plan.

- 5.11 The evaluation criteria for awarding contracts for food waste containers and caddies is detailed in the procurement strategy (Appendix A) and comprises 10% quality, 20% social value and 70% deliverability and price.
- 5.12 The evaluation criteria for awarding contracts for food waste vehicles is detailed in the procurement strategy (Appendix B) and comprises 40% quality, 10% social value and 50% price, along with sub weightings.

## **6 Environment Act**

- 6.1 The Environment Act 2021 places new obligations on the City Council and the approval of this report will take a significant step towards ensuring compliance with the Act, specifically:
- Collection of core material streams (paper and card; plastic (excluding plastic film); glass; metal; food; and garden waste from all household by 31 March 2026.
  - Collection of plastic film by 31 March 2027.
  - Collection of food waste from all households by 31 March 2026.
  - Halve the waste per person that is sent to residual treatment by 2042.
- 6.2 The City Council's Waste Strategy 2017-2040 includes the following targets:
- Recycle 70% of household and municipal waste by 2040.
  - Reduce the amount of waste generated per person by 10% (compared to 2014/15 baseline of 345kg per person) by 2025.
  - Eliminate waste to landfill by 2040
- 6.3 Birmingham's current kerbside recycling performance is 22%
- 6.4 In addition to the implementation of weekly food waste collections, Officers will also develop proposals for a pilot in a small area of the city to increase recycling of paper and card. Approvals will be sought for the pilot at the appropriate juncture. The pilot is likely to include encouraging residents to replace their current insert for paper and card with a wheeled bin and allowing residents to opt for an additional recycling bin. The pilot will include exploring mechanisms to encourage new housing developments to utilise wheeled bins rather than inserts for paper and card recycling.

## **7 Options considered and Recommended Proposal**

7.1 Options are detailed in Appendices A and B.

## **8 Consultation**

### **8.1 External**

8.1.1 Informal consultation has taken place with suppliers in the market through a market engagement questionnaire and owners of the procurement framework agreements that are proposed.

8.1.2 Informal consultation has also taken place with DEFRA.

### **8.2 Internal**

8.2.1 Internal consultees include:

- Corporate Leadership Team – Supportive of the proposal and that it is addressing some long-standing service improvement requirements.
- Cabinet Member for Transport and Environment Councillor Majid Mahmood – supportive of the proposal and is sponsoring the wider Transformation of Street Scene, of which this proposal forms a part.
- Cabinet Member for Transformation Councillor Rob Pocock – Supportive of the proposal
- Strategic Director, City Operations – Supportive and officer-sponsor for the Street Scene Transformation Programme
- Director of Finance and Section 151 Officer - Supportive
- Finance Business Partner, City Operations – Co-authored and approved financial implications
- Legal Services - Approved
- HR Business Partner, Street Scene - Approved
- Head of Category – Place, Commercial and Procurement – Contributed towards comments
- Assistant Director, Route to Zero Carbon – Input into report's carbon implications



## **9 Compliance Issues:**

- 9.1 The procurement of the Council's fleet to realise alternate weekly collections and the introduction of weekly food waste is an integral part of delivering the Council's approved budget savings for 2025/6, included in the Medium-Term Financial Plan.
- 9.2 The aim of the Fleet Replacement Strategy is to ensure a fully compliant fleet that meets all statutory obligations, is fit for purpose and cost effective. This strategy will address the aging fleet which is no longer cost effective or compliant and impacts on service delivery.

## **10 RISK MANAGEMENT**

- 10.1 There is an inherent timing risk associated with the approval of this report and the assumed savings in the Medium-Term Financial Plan. Delays in approval or in the procurement process have the potential to affect delivery timescales. The mitigation includes timely decision making, early market engagement and the economies of scale applicable to Birmingham.
- 10.2 The Waste Transformation Programme has a detailed Risk Register considering all of the major factors which may impact delivery of the project.
- 10.3 Without these procurement activities, there is a risk that the roll out of food waste collections would be delayed. This is a requirement set out in the Environment Act (2021).
- 10.4 Without this procurement activity, there is a risk of failure to achieve the savings as included in the 2025/6 Medium Term Financial Plan
- 10.5 The prices used in the financial calculations are based on soft market engagement and experiences from other Councils procuring similar numbers of vehicles over the previous 18 months. The financial calculation assumes a contingency of 7%. If costs exceed capital budget allocation and cannot be contained, a further report and approval by Cabinet will be required.
- 10.6 There is a risk associated around the confirmation of DEFRA revenue funding. Clarity is required on the level of DEFRA revenue grants by the time the Council awards contracts, which is assumed to be November 2024.

## **11 CONSULTATION**

Informal consultation has taken place with the supply market in helping to inform the financial analysis and routes to market, included in this report. This informal engagement also alerted the market to the timeframes associated with commissioning vehicles, and the size, scale and mix of assets required.

## **12 MEMBER ENGAGEMENT**

12.1 Informal briefings have taken place with Cabinet members in preparing this report.

## **13 IMPACT AND IMPLICATIONS**

### ***13.1 Financial Implications***

13.1.1 There is a statutory requirement for the waste collection service to introduce weekly food collection. The Department for Environment, Food and Rural Affairs (DEFRA) allocated capital grant funding of £6.825m to the council to support the introduction of weekly food waste collection.

13.1.2 The report seeks approval to spend capital resources of up to £6.825m to purchase 38 vehicles, 340,000 caddies (kitchen and kerbside) and 30,000 wheeled bins to introduce the weekly food collection service.

13.1.3 These proposals are fully funded within the DEFRA grant allocation. Vehicle price volatility is expected due to many authorities launching the same service in a similar timeframe. If costs rise above the Defra allocation and cannot be contained, then a further report to Cabinet will be provided to review options.

13.1.4 Capital implications have been set out in Table 1.

**TABLE 1**

<b>CAPITAL GENERAL FUND - Street Scene Waste Management</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28</b>	<b>TOTAL</b>
	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
<b><u>Cost estimate</u></b>					
Food waste collection vehicles - list price	1,083	2,527	-	-	<b>3,610</b>
Food waste collection vehicles - contingency (7%)	75	175	-	-	<b>250</b>
Food waste collection - Caddies and bins incl delivery and comms	890	2,076	-	-	<b>2,965</b>
<b>Total</b>	<b>2,047</b>	<b>4,778</b>	<b>-</b>	<b>-</b>	<b>6,825</b>
DefRA Grant - weekly food waste collection	6,825	-	-	-	<b>6,825</b>
Capital budget re-profile	(4,778)	4,778			<b>0</b>
<b>Capital budget approved at MTFP</b>	<b>2,047</b>	<b>4,778</b>	<b>0</b>	<b>0</b>	<b>6,825</b>

13.1.5 Delivery of a weekly food waste collection service has an annual operational revenue cost, of £5.595m (£4.196m in 2025/6 due to the phased introduction) as per Table 2 below. Transitional revenue resource funding is anticipated to be provided by Government from 2024/5 as well as ongoing funding from 1 April 2026. Further clarification is awaited from DEFRA on these additional funding allocations. Full costs of delivering the food waste collection service have been included in the MTFP refresh pending clarity and confirmation of the revenue grant position.

**TABLE 2**

<b>REVENUE GENERAL FUND - Street Scene Waste Management</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	<b>2027/28 +</b>
	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
<b><u>Cost estimate</u></b>				
Food waste collection service - people, vehicles other operating costs.	-	5,110	6,813	6,813
Food waste - Disposal (11,000 tonnes diverted from residual waste to food waste)	-	(914)	(1,218)	(1,218)
<b>Total Revenue Costs</b>	<b>-</b>	<b>4,196</b>	<b>5,595</b>	<b>5,595</b>

### **13.2 Legal Implications**

- 13.2.1 The Council has a duty to act as both a Waste Collections Authority and a Waste disposal Authority under the Environmental Protection Act 1990.
- 13.2.2 Under S.111 of the Local Government Act 1972, the Council is entitled to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- 13.2.3 The Council has best value duty under the Local Government Act 1999 to improve the efficiency, economy and effectiveness of the service it delivers.
- 13.2.4 This report also supports the Council in complying with its duties with the Environment Act 2021.

### **13.3 Equalities**

- 13.3.1 The detailed implementation planning will reflect the city's diversity, both in the types of properties and neighbourhoods and ensuring that when these changes are communicated, they are communicated in a way that everyone can understand and participate.

### **13.4 Procurement Implications**

- 13.4.1 The procurement strategy is detailed in Appendices A and B and will be conducted in accordance with the Public Contract Regulations 2015 and the Council's Constitution (Part D Procurement and Contract Governance Rules).
- 13.4.2 The procurements will comply with the Council's Social Value and Living Wage policies.

### **13.5 People Services**

- 13.5.1 There are no specific HR implications of this proposal but there are change management implications that are implicit within the wider transformation programme. The changes to the waste collection round structures, linked to the introduction of alternate weekly collections and food waste will result in changes to working practices and increases in operational productivity.

### **13.6 Route to Net Zero implications**

- 13.6.1 This report contributes towards the City Council's net zero objectives.
- 13.6.2 Once implemented, there will be a significant increase in recycling and investment in a modern and efficient vehicle fleet, both of which will have a positive impact on carbon emissions.

### **13.7 Corporate Parenting**

- 13.7.1 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

## **14 APPENDICES**

A – Procurement Strategy – Food Waste Containers and Caddies

B – Procurement Strategy – Food Waste Vehicles

C – Business Case – Food Waste

D – Environment and Sustainability Assessment

E – Equality Impact Assessment

## **15 BACKGROUND PAPERS**

Environment Act (2021)

Medium Term Financial Plan

Street Scene Transformation Programme

## 012969/2024 Appendix A - Procurement Strategy – Food Waste Containers and Caddies

### 1. Route to Market

Option 1: Do Nothing: without the additional identified procurement the Council would be unable to deliver the waste transformation programme, the introduction of food recycling collection and compliance with The Environment Act. This is not the recommended option.

Option 2: To undertake an open procurement process – This approach was discounted on the basis that using a collaborative framework agreement demonstrates better value for money and facilitates a more expedient process.

**This is the recommended option:** The contract will be tendered following a Further Competition using an external framework in compliance with the Regulation 33 of the Public Contract Regulations 2015 on the basis that there is abundant supply in the market, the specification can be defined, and the prices controlled.

The procurement of bins and caddies will be via an approved framework, using further competition to maximise commercial advantage.

N.B. Market engagement is being undertaken with providers under the framework to refine the product specification, delivery programme and pricing model as appropriate. This prior engagement will help to prepare the suppliers in advance of the tender exercise and help ensure maximum competition.

### 2. Scope and Specification

Supply 340,000 7L internal food caddies and 340,000 23L external food caddies (pictured).



### 3. Tender Structure (Including Evaluation and Selection Criteria)

#### 1. Evaluation and Selection Criteria

The quality / social value / price balances below were established having due regard for the corporate document 'Evaluating Tenders' which considers the complexity of the services to be provided.

The evaluation of tenders will be assessed as detailed below:

This procurement will be a single stage Invitation to Tender (ITT).

Tenders will be evaluated using the quality / social value / price in accordance with a pre-determined evaluation model. The quality element will account for 10%, social value, 20% deliverability and price 70%.

Full award criteria including evaluation sub criteria will be agreed by the Waste Transformation workstream, prior to call for competition being published.

## Overall Evaluation

The evaluation process will result in comparative quality, social value and price scores for each tenderer. The maximum quality score will be awarded to the bid that demonstrates the highest quality. The maximum social value score will be awarded to the bid that demonstrates the highest social value. The lowest price will be given the maximum price score. Other tenderers will be scored in proportion to the maximum scores to ensure value for money and the proposed contract will be awarded to the first ranked tenderer.

### 3.2 Evaluation Team

The evaluation of tenders will be undertaken by officers from City Operations directorate, supported by the Commercial and Procurement.

### 3.3 Indicative Implementation Plan

Cabinet Approval	23 <sup>rd</sup> July 2024
ITT Issued	30 <sup>th</sup> August 2024
ITT Return	30 <sup>th</sup> September 2024
Evaluation Period	October 2024
DPR Approval (Award)	November 2024
Contract Award	December 2024
Contract Start	January 2025

## 4. Contract Management

The contract will be managed operationally by the Head of Waste Operations, with support as required from Commercial and Procurement and the Finance Manager, Street Scene.

## 5. Performance Management

The collation of information to assist in monitoring the Key Performance Indicators (KPI) will be determined and bound into the contract based on the specified



requirements. KPI's will include provision of product supply against a pre-determined roll out programme.

## 6. Risk Management

The following risk have been identified and included in the Risk Register for the Waste Transformation Programme.

- Lack of product availability and failure to receive units in a timely manner as required by the 'rollout' programme. This is being mitigated by engaging with the market in advance of a procurement exercise being undertaken and by adopting a phased approach.
- Failure to identify suitable storage sites for bins and caddies during roll-out. To mitigate this risk officers from City Operations are working with Birmingham Property Service to identify suitable locations. In addition, to the tender will include pricing options for supply only and supply and direct deliver direct to end users.
- Lack of ongoing Internal project support throughout the procurement process. Nominated officers have been identified from within the City Operations.
- Without these procurement activities, there is a risk that the roll out of food waste collections would be delayed and become non-compliant with the Environment Act.
- Without these procurement activities, there is a risk of failure to achieve the savings as included in the 2025/6 Medium Term Financial Plan

## 012969-2024 Appendix B – Procurement Strategy – Food Waste Services Fleet Procurement

1. The primary purpose of the food waste fleet procurement process is to adhere to the Environment Act 2021 which sets out a requirement for waste collection authorities to introduce weekly food waste collections to all households by the end of March 2026. The introduction of this service is supported by a DEFRA capital grant of £6.825m.

### 2. Options Appraisal:

#### Option 1: Leasing:

The cost of leasing for food collection vehicles is significantly higher than the cost of purchase with payback of the purchase price occurring within four years of a minimum seven-year life. As the difference between purchase price and lease costs are so material finance have only examined the leasing option at a high level which is supported by the findings of the detailed analysis in the 2017 Cabinet Report. Please find table of Relative costs of Purchase, Leasing and Hiring under section C1 of Appendix B FBC Fleet. This is not the recommended option.

#### Option 2. Purchase:

Recommended proposal: to approve recommendations contained in the Cabinet Report to use existing external frameworks to carry out a competitive procurement process.

3. The contract will be tendered following a Further Competition using an external framework in compliance with the Regulation 33 of the Public Contract Regulations 2015 on the basis that there is abundant supply in the market, the specification can be defined, and the prices controlled. Please see below summary table of framework options, the ESPO framework has been selected as the most suitable framework for this procurement.
4. The benefits of a Further Competition using an external framework allows the Council to procure goods and services from a list of pre-approved suppliers, with agreed terms and conditions and legal protections, simplify and streamline the procurement process to maximise the opportunity for tender returns, assessing the capability and capacity of providers to deliver the contracts awarded under the Framework thereby reducing costs and risks and running a competition using an established framework to provide the Council the best price for the quality of goods and services
5. Market engagement has been undertaken to further develop the product specification, delivery expectations, understand the market's capacity and encourage competition (value for money). This prior engagement has helped to

prepare the market in advance of the tender exercise and communicate the Council's product and delivery expectations in advance of issuing the Further Competition Invitation to Tender (FCITT).

## **6. Scope and Specification**

### **6.1. Tender Structure (Including Evaluation and Selection Criteria)**

#### **6.1.1. Tenderers will be required to bid for:**

Food Waste Vehicles – 7.5 to 12 tonnes

- Fully sealed semi compaction with manual bar lift
- Lot 4 Specialist Vehicles 7.5 – 32 tonnes
- Box Vehicle with tail lift for Bulky & WEEE collections.
- Container Delivery vehicle fitted with tail lift and crane.
- Hook Lift RoRo
- Front End Loader (FEL)

Vehicles will be priced and supplied as complete units.

## **7. Evaluation and Selection Criteria**

### **7.1. This procurement will be a single stage Invitation to Tender (ITT).**

### **7.2. Tenders will be evaluated using the quality / social value / price in accordance with a pre-determined evaluation model. The quality element will account for 40%, social value 10% and price 50%. This quality / social value / price balance has been established having due regard to the corporate document 'Evaluating Tenders' which considers the complexity of the services to be provided and the degree of detail contained within the contract specification.**

### **7.3. Full award criteria including evaluation sub criteria, social value theme criteria and price criteria will be agreed by the Fleet Transformation workstream, prior to call for competition being published.**

### **7.4. The quality / social value / price balances will be measured against the categories of vehicles being procured.**

7.5. The evaluation of tenders will be assessed as detailed below:

Criteria	% Weighting
<b>Price</b>	<b>50%</b>
<b>Quality*;</b>	<b>40%</b>
Compliance with mandatory requirements	pass/fail
Delivery	TBC
Warranty	TBC
Training	TBC
<b>Social Value</b>	<b>10%</b>
Social Value Qualitative	7%
Social Value Quantitative	3%
<b>Total:</b>	<b>100%</b>

\*Quality will include a focus on vehicle warranty with an expectation of 3 years to score the minimum requirement and maximum score being determined by 5 years or above.

7.6. The scoring system to be applied to the assessment of the Tenderer's Proposals will be as follows:

<b>SCORE</b>	<b>DEFINITION</b>	<b>ASSESSMENT</b>
<b>5</b>	An excellent response submitted in terms of detail and relevance which clearly fully meets the requirements with no negative implications. Demonstrates excellent understanding and evidence in their ability / proposed methodology to deliver a solution.	<b>Excellent</b>
<b>4</b>	A good response submitted in terms of detail and relevance that meets the requirements without significant negative inconsistencies. The Tenderer demonstrates an understanding of the requirement and evidence of their ability / proposed methodology to deliver a solution. The requirements would be met to a good standard without intervention or significant ongoing issues.	<b>Good</b>
<b>3</b>	A satisfactory response submitted in terms of the level of detail, accuracy, relevance, and evidence in their ability / proposed methodology to deliver a solution. Aspects of the response may be good but there are some omissions of important factors or negative indications that reduce the extent to which the requirements will be met.	<b>Satisfactory</b>
<b>2</b>	Satisfies the requirement but there are clearly minor reservations of the response provided, either in understanding the requirement, and / or details around proposed methodology, and / or limited evidence to support the response. There would be concerns that requirements would require intervention or ongoing issues.	<b>Minor Reservations</b>
<b>1</b>	Limited response provided, or a response that is inadequate, inaccurate and / or only partially addresses the question. Serious reservations regarding the response provided, either in understanding and / or details around proposed methodology, and / or little / no evidence to support the response.	<b>Serious reservations</b>
<b>0</b>	Does not meet the requirement. Does not comply and / or insufficient information provided to demonstrate that either in understanding and / or details around proposed methodology, with little / no evidence to support the response. Alternatively, no response to the question or a response that is significantly irrelevant or inaccurate.	<b>Unacceptable</b>

7.7. **Quality assessment** will account for 40% of the tender evaluation. After rejecting bids that do not meet the pass/fail criteria, the remaining questions will be scored. The average score for the section is calculated and quality weightings will be applied to this average score which gives the Weighted Quality Score. Tenderers must reach the quality threshold of 60% on the Weighted Quality Score to pass the quality assessment and move forward to the price assessment.

7.8. **Price assessment** accounts for 50% of the tender evaluation. After rejecting bids which in the opinion of the Council are unrealistically high or low (in terms of Price), the lowest price will be given 100%. Other tender prices will then be expressed as a proportion of the lowest price this gives the price score (detailed breakdown of price criteria will be agreed by the Fleet Transformation workstream, prior to call for competition being published). The % weighting for Price is then applied to each price score to give the Weighted Price Score. If a tenderer includes an early payment discount, this will be factored into the price evaluation.

## 7.9. **Overall Evaluation**

The evaluation process will result in comparative quality, social value and price scores for each tenderers' bids within each Lot. The maximum quality score will be awarded to the bid that demonstrates the highest quality. The maximum social value score will be awarded to the bid that demonstrates the highest social value. The lowest price will be given the maximum score. Other tenderers will be scored in proportion to the maximum scores in order to ensure value for money and the contract will be awarded to the first ranked tenderer on the basis of the highest overall scoring bid.

This will be subject to budget availability.

## 8. **Evaluation Team**

The evaluation of tenders will be undertaken by officers from City Operations directorate, specialist technical advisors and supported by Commercial and Procurement.

### Indicative Implementation Plan

Cabinet Approval	23 July 2024
ITT Issued	01 August 2024
ITT Return	02 September 2024
Evaluation Period	September 2024
DPR Approval (Award)	November 2024
Contract Award	November 2024
Contract Start	December 2024

## 9. **Contract Management**

The contract will be managed operationally by Head of Fleet Management, with support as required from, Commercial and Procurement and the Finance Manager, Street Scene.

10. **Performance Management**

The collation of information to assist in monitoring the Key Performance Indicators (KPI) will be agreed between both parties prior to the contract start based on the specified requirements.

Framework Provider	Name	Lot & Description	Associated Suppliers
Crown Commercial Services (CCS)	Purchase of Standard and Specialist Vehicles: RM6244	Lot 6: Refuse Collection and other Waste Management Vehicles.	Lot 6: 1. Dennis Eagle Limited 2. Farid Hillend Engineering Limited 3. Faun Zoeller (UK) Limited 4. John G. Russell (Transport) Limited 5. MIS Conversions Ltd 6. NTM-GB Limited 7. Volvo Group UK Ltd 8. Whale Tankers Limited 9. Wilker U.K. Limited
ESPO	Specialist Vehicles 215_20	Various lots including refuse and street cleansing vehicles.	All 39 suppliers (not split into lots): Aebi Schmidt Allan Fuller Angloco Bucher Municipal Bunce C P Davidson & Sons Ltd Courtside DAF Trucks Dennis Eagle Ltd Econ Engineering Ltd Emergency One Euro Commercials EVM Direct Farid Faun Geesink GM Coachwork GM Sweepers Gowrings Mobility Hako Machines Ltd HIAB James A Cuthbertson



Framework Provider	Name	Lot & Description	Associated Suppliers
			Karcher Macpac MAN Truck and Bus NTM-GB Renault Trucks UK Romaquip Ltd Rosenbauer UK Ltd Scania Scarab Sweepers Limited Sherwood Truck and Van Stanford Stock Sweepers Switch Mobility Terberg Matec UK Limited Torton Bodies Venari Group Whale Tankers
YPO	Purchase, Lease and Hire of Specialist Vehicles (1170)	Various Lots that cover vehicles from 3.5 tonne and over in weight.	All 65 suppliers (not split into lots):  Aebi Schmidt Allan Fuller Angloco Bucher Municipal BYD C P Davidson Car Hire (Days of Swansea) Castlereigh Motors Cooper Group Courtside Conversions Dawson Group Environmental Dennis Eagle Econ Engineering Electra Emergency One Endurance Vehicle Solutions EVM Direct Farid Hillend

Framework Provider	Name	Lot & Description	Associated Suppliers
			Faun Zoller Ford Garwood Europe Geesink Norba GM Coachwork Go Plant Gowrings Mobility Hako Isuzu James A Cuthbertson John G Russel Karcher Leeds Commercial Limesquare Vehicle Rental London Hire Lynton Trailers Macpac Refuse Bodies McCreath Taylor Minibus Operations Mistral Bus and Coach Multevo Neat Vehicle NI Trucks NTM-GB Optare Pelican Plaxton RD Mechanical Riverside Romaquip Rosenbouer Scarab SFS Stanford Coachworks Stocks Rental Stocks Sweepers Torton Bodies Trash UK Treka Bus

Framework Provider	Name	Lot & Description	Associated Suppliers
			Trest Venari VFS Victory WH Bence Whale Woodall Nicholson
The Procurement Partnership Ltd (TPPL)	HGV and Specialist Vehicles (NEP0224)	1. Lot 1: OEM Chassis 12.5t – 44t (19 Suppliers)	<b>Lot 1: 19 Suppliers:</b>  Motus Group Dennis Eagle Renault Trucks Thompson Commercials Guest Motors Northside Truck & Van MAN Truck and Bus Rygor Commercials DAF Trucks Euro commercials (South Wales) Isuzu Truck eStar Truck and Van Scania Great Britain MC Group Bell Truck & Van North East Truck and Van Ciceley Commercials Volvo North & Scotland Electra Commercial Vehicles  <b>Lot 2 (26 Suppliers):</b>  FAUN Zoeller Vic Young Dennis Eagle Bevan Group Mackworth Vehicle Conversion
		2. Lot 2: Vehicle Conversions up to 44t (26 Suppliers)	
		3.	

Framework Provider	Name	Lot & Description	Associated Suppliers
			C P Davidson Stocks Sweepers Whale Tankers Macpac refuse bodies Farid Hillend Hiab Limited Aebi Schmidt Terberg Matec Rexmar Engineering James A. Cuthbertson Bucher Municipal Econ Engineering Bunce (Ashbury) Torton Bodies Allan Fuller Refuse Vehicle Solutions Romaquip Garwood Europe NTM-GB Shawtrack Services Electra Commercial Vehicles

## FULL BUSINESS CASE – FOOD WASTE

### A. GENERAL INFORMATION

#### A1. General

<b>Project Title</b> <i>(as per Voyager)</i>	Food Waste	<b>Portfolio /Committee</b>	Environment
<b>Directorate</b>	City Operations	<b>Project Code</b> <i>(as per Voyager)</i>	012969/2024
<b>Approved by Project Sponsor</b>	Robert Edmondson	<b>Approved by Finance Business Partner</b>	Carl Tomlinson

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

#### A3. Project Description

- The Environment Act 2021 sets out a requirement for waste collection authorities to introduce weekly food waste collections to all households by 21<sup>st</sup> March 2026. The introduction of this service is supported by a DEFRA capital grant of £6.825m. The fund is allocated on a basis of £2.72m for Kitchen and Kerbside Caddies, £0.526m for communal bins and £3.58m for collection vehicles.
- Our technical advisors have indicated that the cost of the 7 litre and 23 litre caddies are £5 for the 2 units which leaves around £2 per property to provide communication literature and information on how the service will operate. This supplies to 340,000 kerbside properties.
- The funding for communal bins to service the flats across the city will procure 30,000 180 litre bins. Based on the 90,000 multiple occupancy properties this provides more than sufficient capacity on the basis of 1 bin to 3 properties.
- Food waste will be collected with specialist food waste collection vehicles. These will be a mix of 7.5 tonne and 12 tonne vehicles, but are purpose built for collecting food waste. They are sealed to ensure that waste is contained and that no leaking occurs during the collection activity.
- Working with our technical advisors we have designed a service delivery plan which requires 38 vehicles. From engagement with the market the cost per unit is around £0.095m, therefore the grant funding is sufficient to procure the 38 vehicles.
- The procurement of these vehicles will be coordinated as part of the waste fleet procurement activity to encourage volume discounting.
- It should also be noted that most Local Authorities are undertaking a similar exercise over a similar period and therefore prices are volatile, and the supply chain pressures are significant. Early engagement with the market has positioned the council as a front runner in establishing its procurement activity with the intent of trying to mitigate this challenge. The phased implementation of this service alongside the introduction of alternate week residual waste collection does mean that the delivery of vehicles and caddies required can be managed with the suppliers.
- Although we have consulted with our technical advisors and the market regarding the cost of vehicles and containers, there remains uncertainty. As a result, a 7% contingency has been added to the cost of vehicles, equating to a total contingency sum of £0.250m, all funded within the grant allocation.

- It is intended to commence the implementation of the new food waste service on a phased basis as from April 2025 and for the roll out to be undertaken over the course of the financial year 2025/6. The precise implementation modelling is currently underway.

#### A4. Scope

Procurement of 340,000 7 litre internal food caddies and 340,000 23 litre external food caddies.  
Procurement of 30,000 180 litre wheeled bins  
Procurement of 38 waste collection vehicles.

#### A5. Scope exclusions

### 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*

- Fulfil the council's obligations to provide residents with a weekly food waste collection as set out in the Environment Act 2021.
- Contribute towards the delivery of £4.5m (saving ref 29) associated with the introduction of fortnightly residual waste collections.

#### B2. Project Deliverables

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

The procurement timetable for purchasing food waste collection bins and vehicles is set out below:

	Vehicles	Food Waste Collection Bins
Cabinet Approval	23 July 2024	23 July 2024
ITT Issued	29 July 2024	29 July 2024
ITT Return	30 August 2024	30 August 2024
Evaluation Period	September 2024	September 2024
DPR Approval (Award)	November 2024	November 2024
Contract Award	November 2024	November 2024
Contract Start	December 2024	December 2024

The phased roll out of weekly food waste collections as from April 2025, with a completion date no later than 31<sup>st</sup> March 2026

#### B3. Project Benefits

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

Measure	Impact
List at least one measure associated with <b>each</b> of the objectives and outcomes in B1 above	What the estimated impact of the project will be on the measure identified – please quantify where practicable (eg for economic and transportation benefits)

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Food waste collection roll out is complete by 31 <sup>st</sup> March 2026 in accordance with the Environment Act	The council is fulfilling its legal obligation
Implement weekly food waste alongside the move to alternate weekly collections of residual waste.	Assist in the delivery of the budgeted £4.5m saving in 2025/26 (saving ref 29)
Food waste is processed through Anaerobic Digestion produce bio gas, rather than incineration as residual waste.	Improved outcomes associated with the waste hierarchy resulting in the export of bio gas to the grid.
<p><i>For major projects and programmes over £20m:</i></p> <p>A detailed Benefits Register is attached at G5 below.</p>	

### **B4. Benefits Realisation Plan**

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

The food waste collection is part of the phased implementation of the redesigned waste collection service which is taking place as from April 2025. The precise planning and phasing has been modelled by Officers, supported by external technical consultants. It is one of several changes associated with the waste transformation programme which delivers significant financial improvement and service quality for our residents.

A detailed communications plan will form part of detailed implementation arrangements. This will be segmented to recognise the different implications in diverse neighborhoods. Engagement will be multi-channel and work alongside community groups and stakeholders.

### **B5. Stakeholders**

## **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 options available have been considered and can be assessed below

- Option 1 - Do nothing – This would mean the council would fall short of its obligations under the Environment Act.
- Option 2 – Implement food waste collection outside of a wider transformation programme. Whilst this would be more straightforward to deliver, it would result in a different cost profile and a reduced level of recycling performance.
- Option 3 – This proposed approach sees the introduction of weekly food waste collections alongside wider changes to the waste collection service to maximise the benefit to citizens, operational and financial benefits.

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

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

- DEFRA capital grant may not be sufficient to purchase all required vehicles should contingency be higher than 7%.
- DEFRA offers no support or insufficient support for the revenue costs of food waste collection implementation. DEFRA has indicated that revenue support will be made available for the introduction of food waste collection. However, it is still unclear when this

funding will become applicable and if it is sufficient to cover the cost base in Birmingham. This could potentially be an issue particularly around labour costs.

- Long term ongoing revenue pressure from the roll out of food waste collection

### **C3. Other impacts of the preferred option**

*Describe other significant impacts, both positive and negative*

## **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*

### **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).*

Food caddies will be procured in accordance with the procurement strategy set out in the Cabinet Report.

See the covering report and Appendix B for details of the procurement process.

### **D3. Staffing and TUPE implications:**

There are staffing issues associated with the wider Transformation programme but not specifically for this proposal as part of overall redesign.

Effective workforce consultation and engagement will be part of the detailed implementation plan.



**E. FINANCIAL CASE***This sets out the cost and affordability of the project***E1. Financial implications and funding**

<b>Capital Expenditure:</b>	<b>Financial Year 2024/25</b>	<b>Financial Year 2025/26</b>	<b>Financial Year 2026/27</b>	<b>Later Years</b>	<b>Totals</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Capital Costs to complete project:					
Collection vehicles – list price	1.083	2.527			<b>3.610</b>
Collection vehicles – contingency 7%	0.075	0.175			<b>0.250</b>
Caddies – purchase (340,000 @£5)	0.510	1.190			<b>1.700</b>
Caddies - Delivery, handling and comms	0.204	0.476			<b>0.680</b>
Communal wheeled bins (30,000 @£19.50)	0.176	0.410			<b>0.585</b>
<b>Total capital expenditure</b>	<b>2.047</b>	<b>4.778</b>	<b>0.000</b>	<b>0.000</b>	<b>6.825</b>
<b>Capital funding:</b>					
Capital Costs Funded by:					
<i>Defra Capital Grant</i>					
<i>Collection vehicles</i>	3.580				3.580
<i>Kitchen caddies</i>	0.956				0.956
<i>Kerbside caddies</i>	1.763				1.763

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<i>Communal wheeled bins</i>	0.526				0.526
<i>Defra capital Grant reprofiling</i>	(4.778)	4.778			0.000
<b>Total capital funding</b>	<b>2.047</b>	<b>4.778</b>	<b>0.000</b>	<b>0.000</b>	<b>6.825</b>
<i>Should fund all the costs</i>					
<b>Revenue Consequences</b>	<b>Financial Year 2024/25</b>	<b>Financial Year 2025/26</b>	<b>Financial Year 2026/27</b>	<b>Full year / ongoing</b>	
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m p.a.</b>	
People (36 crews x 3 FTE plus 20% cover and associated costs)		4.556	6.074	6.074	
Vehicles (38 vehicles, fuel, repairs, maintenance, tyres, tax, insurance, depreciation)		0.446	0.595	0.595	
Disposal (11,000 tonnes diverted from residual waste to food waste)		(0.914)	(1.218)	(1.218)	
Other Operating Costs		0.108	0.144	0.144	
<b>Total rev. consequences</b>	<b>0</b>	<b>4.196</b>	<b>5.595</b>	<b>5.595</b>	<b>0</b>
<b>Revenue Funding:</b>					

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MTFP budget growth request pending clarity from DEFRA on transitional and ongoing revenue funding.	0	4.196	5.595	5.595	
<b>Total revenue funding</b>	<b>0</b>	<b>4.196</b>	<b>5.595</b>	<b>5.595</b>	<b>0</b>

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

- The capital allocation forms part of the approved Street Scene capital Programme 2024/5+
- Defra capital funding has been received and is specific for this purpose. It must be spent in accordance with grant conditions.
- There is a risk around Defra funding not being sufficient for the purchase of all bins/caddies and vehicles required for the roll out. 7% contingency on vehicles has been included.
- Transitional revenue resource funding is anticipated to be provided by Government from 2024/25 as well as ongoing funding from 1 April 2026 – further clarification is awaited from DEFRA on these additional funding allocations and will be considered as part of City Operations 2025/6 budget planning.

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

Contingency of £0.250m based on 7% of vehicles and included in DEFRA grant.

We have written confirmation from DEFRA that resource transitional funding will be provided from the 2024/5 financial year. This money will be provided to waste collection authorities that either need to implement a weekly food waste collection service partially or fully. Ongoing resource/revenue costs will be provided from 1 April 2026 and will be provided to all waste collection authorities, including those that have already fully implemented a food waste collection service.

Transitional funding from DEFRA is anticipated from 1 April 2025, details of which are awaited.

### E4. Taxation

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

## 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*

Included in Procurement schedule and Project Deliverables part B2

### Planned Delivery Dates


<b>F2. Evaluation and achievability of timetable</b>	
<i>Describe how the project can be delivered given the organisational skills and capacity available</i>	
<b>F3. Dependencies on other projects or activities</b>	
<b>F4. Officer support</b>	
<b>Project Manager:</b> Robert Edmondson	
<b>Project Accountant:</b> Carl Tomlinson	
<b>Project Sponsor:</b> Craig Cooper	
<b>F5. Project Management</b>	
<i>Describe how the project will be managed, including the responsible Project Board and who its members are</i>	
<p>This will be managed as part of Street Scene transformation.</p> <p>One of the workstreams within this area of transformation is Waste Services, which is where this project will be governed. The stakeholders within this group are Rob Edmondson (Chair), Fazal Khan (Finance), Michelle Climer (Waste Disposal), Nick Massey (Project Development Manager), Chris Smiles (Head Of Service), Jennifer Langan (Programme Manager), Angela Nixon (Project Support Officer) and Kathryn Charlton (Communications Manager).</p>	

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

Included in Procurement Strategy

**G2. RISKS AND ISSUES REGISTER**

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

Risk or issue	Like- lihood	Sever- ity	mitigation
1. High demand for food caddies/bins and food waste collection vehicles could drive prices up and the Defra funding could be insufficient to cover the purchase of all capital items as planned.	High	Moderate	The economies of scale that Birmingham enjoys, alongside early market engagement will mitigate this risk.
2. Insufficient support from DEFRA to cover implementation and ongoing food waste collection revenue costs	Medium	High	The full revenue costs required for the implementation of food waste collection and ongoing yearly costs are covered in this report. The Council awaits DEFRA's letter of confirmation of funding. This is required before November 2024 and the award of contracts.
3.			
4.			
5.			
6.			

**G3. SUPPORTING FINANCIAL DETAILS***Analysis supporting the financial implications in section D1 above (if appropriate)*

G4. STAKEHOLDER ANALYSIS		
Stakeholder	Importance and influence	how stakeholder relationships will be managed
Cabinet members	High / High	Standard council consultation and engagement processes
Commissioners	High / High	Standard council consultation and engagement processes
Corporate Leadership Team	High / High	Standard council consultation and engagement processes



**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*

• Technical Feasibility Assessments	
•	
• External Funding and Partnership agreement implications	
• Specific Funding (Grant) outline	

**012969/2024 Item XXc Appendix D****Environment and Sustainability Assessment**

<b>Project Title:</b> <b>Street Scene Transformation – Procurement</b>				
<b>Department:</b> City Operations	<b>Team:</b> Street Scene			<b>Person Responsible for assessment:</b> Andy Vaughan
<b>Date of assessment:</b> 15 <sup>th</sup> May 2025		<b>Is it a new or existing proposal?:</b> New		
<b>Brief description of the proposal:</b> Introduce additional recycling collection system and a replacement waste collection fleet.				
<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	X			
Energy use and CO <sub>2</sub> emissions	X			
Impact on local green and open spaces and biodiversity			X	
Use of sustainable products and equipment	X			
Minimising waste	X			
Council plan priority: a city that takes a leading role in tackling climate change	X			
Overall conclusion on the environmental and sustainability impacts of the proposal	The decision will have a positive impact on the Council's CO2 emissions through the increase in recycling performance, increased efficiency of a new fleet and reduced number of collection rounds that is inherent within this proposal.			

# EQUALITY IMPACT ASSESSMENT

Street Screen Transformation Programme (Food Waste)

Reference: EIA000467

Date: 04/07/2024

Submitted by: Angela Nixon



### EIA Form – About your EIA

Reference number	EIA000467
Date Submitted	04/07/2024
Subject of the EIA	Street Screen Transformation Programme (Food Waste)
Brief description of the policy, service or function covered by the EIA	A Cabinet report which seeks approval to procure vehicles and containers to introduce a food waste collection service.
Equality Assessment is in support of...	["Amended service"]
How frequently will you review impact and mitigation measures identified in this EIA?	Not required
Due date of the first review	2024-07-04

### Directorate, Division & Service Area

Which directorate(s) are responsible for this EIA?	["City Operations"]
Division	Street Scene
Service area	Street Scene Transformation Programme Team
Budget Saving	Yes

### Officers

What is the responsible officer's name?	Click or tap here to enter text.
What is the responsible officer's email address?	angela.nixon@birmingham.gov.uk
What is the accountable officer's name?	Andy Vaughan
What is the accountable officer's email address?	andy.vaughan@birmingham.gov.uk

### Data Sources

Data sources	["Relevant reports/strategies", "Relevant research"]
Data source details	Detailed modelling undertaken by external consultants. Business cases prepared as part of the budget setting process.

### Protected Characteristics

#### Protected Characteristic – Age

Does this proposal impact people due to their age as per the Equality Act 2010?	Yes
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What age groups are impacted by your proposal?	["60-69 years", "70-79 years", "80-89 years", "90 years or over"]
Please describe any potential impact to the age characteristic	Older citizens are more likely to have mobility issues.
How could you mitigate against any negative impact to the age characteristic?	Use of Assisted Collection Service
Please describe how this proposal does not impact people due to their age	

#### Protected Characteristic – Disability

Does this proposal impact those people with a disability as per the Equality Act 2010?	Yes
Please describe any potential impact to the disability characteristic	People with mobility issues may be affected
How could you mitigate against any negative impact to the disability characteristic?	Use of assisted collection service
Please describe how this proposal does not impact people due to their disability	

#### Protected Characteristic – Sex

Does this proposal impact citizens based on their sex as per the Equality Act 2010?	No
What sexes will be impacted by this proposal?	
Please describe any potential impact to the sex characteristic	
How could you mitigate against any negative impact to the sex characteristic?	
Please describe how this proposal does not impact people due to their sex	The proposed changes to waste collection are unlikely to impact people due to their sex.

#### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to	No
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undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	
Please describe any potential impact to the gender reassignment characteristic	
How could you mitigate against any negative impact to the gender reassignment characteristic?	
Please describe how this proposal does not impact people due to gender reassignment	Changes to the waste collection service do not have different impacts according to gender reassignment.

#### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?	No
What legal marital or registered civil partnership status will be impacted by this proposal?	
Please describe any potential impact to the marriage and civil partnership characteristic	
How could you mitigate against any negative impact to the marriage and civil partnership characteristic?	
Please describe how this proposal does not impact people who are married or in a civil partnership	Marital status has no impact on ability to use the waste collection service

#### Protected Characteristic - Pregnancy and Maternity

Does this proposal impact people covered by the Equality Act 2010 under the protected characteristic of pregnancy and maternity?	Yes
Please describe any potential impact to the pregnancy and maternity characteristic	People affected by pregnancy and mobility may have mobility issues.



How could you mitigate against any negative impact to the pregnancy and maternity characteristic?	Use of assisted collection service
Please describe how this proposal does not impact people who are covered by the pregnancy and maternity characteristic	

### Protected Characteristic - Ethnicity and Race

Does this proposal impact people due to their race as per the Equality Act 2010?	Yes
What ethnic groups would be impacted by this proposal?	["People for whom English is not their first language"]
Please describe any potential impact to the ethnicity and race characteristic	People for whom English is not their first language may have difficulty understanding changes to the waste collection service.
How could you mitigate against any negative impact to the ethnicity and race characteristic?	As part of the detailed comms plan, literature will be provided in a number of different languages and a number of different forms.
Please describe how this proposal does not impact people due to their race	

### Protected Characteristic - Religion or Beliefs

Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	No
What religions could be impacted by this proposal?	
Please describe any potential impact to the religion or beliefs characteristic	
How could you mitigate against any negative impact to the religion or beliefs characteristic?	
Please describe how this proposal does not impact people due to their religion or beliefs	Changes to the waste collection service will not impact people due to their religion or beliefs.

### Protected Characteristic - Sexual Orientation



Does this proposal impact people's sexual orientation as per the Equality Act 2010?	No
What sexual orientations may be impacted by this proposal?	
Please describe any potential impact to the sexual orientation characteristic	
How could you mitigate against any negative impact to the sexual orientation characteristic?	
Please describe how this proposal does not impact people due to their sexual orientation	Changes to the waste collection service will not impact people due to their sexual orientation.

### Monitoring

How will you ensure any adverse impact and mitigation measures are monitored?	The access to the assisted collection service forms part of the approach to performance monitoring across Street Scene.
Please enter the email address for the officer responsible for monitoring impact and mitigation	nick.massey@birmingham.gov.uk





# Birmingham City Council

## Report to Cabinet

23 July 2024



<b>Title:</b>	<b>INTRODUCTION OF PEAK PRICING FOR BIRMINGHAM WILDLIFE AND CONSERVATION CENTRE</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Majid Mahmood, Cabinet Member for Transport and Environment
<b>Relevant Overview and Scrutiny Committee:</b>	Councillor Shabrana Hussain, Chair Homes Overview and Scrutiny Committee
<b>Report Author:</b>	Andy Vaughan, Interim Director, Street Scene andy.vaughan@birmingham.gov.uk
<b>Authorised by:</b>	Craig Cooper, Strategic Director, City Operations
<b>Is this a Key Decision?</b>	Yes
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes, ref 013109/2024
<b>Reason(s) why not included on the Forward Plan:</b>	
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for 'call in?'</b>	Yes
<b>If not eligible, please provide reason(s):</b>	
<b>Wards:</b>	All
<b>Does this report contain exempt or confidential information?</b>	No

## **1 EXECUTIVE SUMMARY**

- 1.1 The Council's Improvement and Recovery Plan incorporates the Street Scene Transformation Programme, aimed at both improving service delivery across Street Scene services and delivering the financial savings included in the Medium-Term Financial Plan.
- 1.2 This report seeks to enhance the commercial viability and financial sustainability of the Birmingham Wildlife and Conservation Park (BWCP). As part of the Council's broader financial strategy, opportunities are being taken to maximise and accelerate income earning opportunities.
- 1.3 This report seeks approval to introduce peak time pricing at BWCP. Peak time would apply to weekends, bank holidays and school holidays.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendation and the commitment to review, evaluate and report on the impact of the introduction of peak pricing after six months. Commissioners will also require an appraisal to be undertaken alongside the evaluation, informed by the Council's IRP principles, the outcome of the pricing change, up to date market analysis and BWCP's costs, income, risks and potential liabilities to be completed setting out the options available to the Council to reduce costs, increase income and/or eliminate the financial risk of BWCP to the Council.

## **3 RECOMMENDATIONS**

### **That Cabinet:**

- 3.1 Approves the principle of differentiated pricing to reflect demand at different times of the week and year.
- 3.2 Approves the introduction of Peak Time Pricing from 1<sup>st</sup> August 2024, which includes a different price at weekends, bank holidays and school holidays as set out in Appendix 1.

## 4 KEY INFORMATION

### Context

- 4.1 Birmingham Wildlife and Conservation Park, formerly known as Birmingham Nature Centre, has a long history dating back to its establishment in 1964. It is owned and operated by Birmingham City Council. A number of initiatives over the years have seen it transform from a petting zoo to a modern conservation centre. Its mission is to conserve wildlife, particularly endangered species, while educating about the importance of biodiversity and environmental stewardship. The park aims to inspire visitors to engage in conservation efforts and appreciate the natural world.
- 4.2 BWCP spans several acres and features a diverse range of exhibits showcasing animals from various habitats around the world. Key attractions include:
- 4.2.1 Species Exhibits: The park houses a variety of species, including red pandas, lemurs, meerkats, reptiles, and birds.
  - 4.2.2 Interactive Zones: Areas where visitors can engage with animals under supervision, enhancing the educational experience.
  - 4.2.3 Botanical Gardens: The park features beautifully landscaped gardens that highlight native plant species and provide a tranquil environment.
  - 4.2.4 Play Areas: Designated spaces for children to play, making the park family friendly.
- 4.3 BWCP is actively involved in conservation programmes aimed at protecting endangered species and their habitats. Key initiatives include:
- 4.3.1 Breeding Programmes: The park participates in breeding programmes for endangered species helping to increase population numbers and genetic diversity.
  - 4.3.2 Habitat Preservation: Efforts to create and maintain naturalistic habitats within the park to ensure the well-being of the resident species.
  - 4.3.3 Partnerships: Collaborations with international conservation organisations to support global wildlife conservation projects.
- 4.4 The latest zoo licence inspection report states that BWCP meets the necessary standards across various aspects of animal welfare, environmental suitability, and public safety. It praises the small and dedicated team that has achieved such standards, but it highlights the fact that it has historically operated at a loss, and it is subsidised by Birmingham City Council.
- 4.5 BWCP is committed to continuous improvement and has several plans to enhance its role in conservation, education, sustainability initiatives and community engagements. However, BWCP recognises the Council's wider financial context and aims to explore options that will help the Park diversify its

revenue streams and funding as well as building financial stability from ticket pricing.

- 4.6 BWCP ticket prices are relatively low in comparison to other similar local attractions. A price benchmarking table can be found in Appendix 1.
- 4.7 The proposed BWCP pricing strategy aims to balance affordability with financial sustainability. This means that visitors have a choice as to when they visit and if they choose to visit at Peak Times the cost will be greater.
- 4.8 This new pricing strategy will be monitored as part of the Council's performance monitoring arrangements to ensure that the desired outcome is achieved. A specific performance report has been created for this purpose. Furthermore, the impact will be formally evaluated 6 months following introduction.

### **Proposal and Reasons for Recommendations**

- 4.9 Introduce Peak / Off-Peak pricing (recommended)
  - 4.9.1 Introduce Peak Time Pricing from 1st August 2024. Peak Time Pricing will be applicable at Weekends, Bank Holidays and School Holidays. Proposed prices for each ticket category are presented in Appendix 1.
  - 4.9.2 80% of BWCP's income is generated during bank holidays, weekends and school holidays which make up 50% of trading days.
  - 4.9.3 The aim of this proposal is to enhance BWCP's financial position.

### **Other Options Considered**

- 4.10 Retain Current Pricing Structure
  - 4.10.1 The BWCP ticket prices were approved by cabinet in February 2024 as part of the Council's annual fees and charges setting process. The current static pricing model does not reflect the varying demand throughout the year and doesn't maximise income earning opportunities.

## **5 RISK MANAGEMENT**

- 5.1 There is an inherent timing risk associated with the approval of this report. Delays in approval have the potential to limit the amount of additional income that is expected to be generated during peak trading periods. The mitigation

includes timely decision making and early engagement with the Digital and Technology Team that enable price changes to be actioned on BRUM.

## **6 CONSULTATION**

6.1 No formal external consultation has been undertaken.

## **7 MEMBER ENGAGEMENT**

### **Overview and Scrutiny**

7.1 This report has been shared with Councillor Shabrana Hussain.

### **Other**

7.2 This proposal and report have already been shared and are supported by the Cabinet Member for Transport and Environment, Councillor Majid Mahmood.

## **8 IMPACT AND IMPLICATIONS**

### **8.1 Finance**

8.1.1 This report seeks approval to increase Birmingham Wildlife and Conservation Park (BWCP) prices for Peak Time only. Existing charges will remain for non-peak periods. The current pricing model does not reflect the varying demand throughout the year and limits BWCP's ability to maximise revenue.

8.1.2 A demand led pricing strategy is widely used in various industries including leisure attractions. By increasing prices during high-demand periods and offering promotions during low-demand periods, BWCP aims to achieve revenue optimisation.

8.1.3 This proposal is estimated to generate an additional surplus of £0.077m in 2024/25 as introduced part way through the year. This would have equated to £0.118m if applicable to the full year as per table below. Ongoing impact will be factored into delivery plans as part of development of budget saving proposals. Calculations are based on 2023/24 volumes and make a prudent assumption for a 5% volume reduction following the price increase.

	23/24 Peak time volume	24/25 Cabinet approved prices	24/25 Expected Peak Time Revenue	Proposed Peak Time Pricing	Volumes Peak Time following estimated 5% volume loss	Forecasted Peak Time Revenue	Additional income during Peak Time
<b>Adult</b>	47,113	£8.40	395,751.07	£10.00	44,758	447,575.61	51,824.54
<b>Children (3-15 years)</b>	26,561	£4.20	111,554.48	£6.00	25,233	151,395.37	39,840.89
<b>Family Day Ticket – 1 Adult &amp; 3 Children</b>	3,666	£19.80	72,583.22	£24.00	3,483	83,580.67	10,997.46
<b>Family Day Ticket – 2 Adults &amp; 3 Children</b>	293	£27.50	8,046.35	£33.00	278	9,172.84	1,126.49
<b>Concessions ( adult)</b>	11,692	£6.40	74,829.21	£8.00	11,107	88,859.69	14,030.48
<b>Total</b>	<b>89,324</b>		<b>662,764.33</b>		<b>84,858.08</b>	<b>780,584.19</b>	<b>117,819.85</b>

2024/25 additional income (65% peak time remaining)

**76,582.91**

8.1.4 Delivery of additional revenue will be monitored monthly and a full evaluation of the proposal will take place 6 month after price change. A new volume report has been designed to facilitate monitoring and production management information. Raw volume data including visitors by ticket type and day of the week for 2023/24 can be found in the Background Papers.

8.1.5 Proposed charges are set out in Appendix 1. Peak time charge increases range between 19% and 43%, with monetary impact between £1.60 and £5.50. Price increase remain competitive in comparison to similar local attractions as per benchmarking table in Appendix 1.

## 8.2 Legal

None

## 8.3 Equalities

8.3.1 This proposal applies equally to all prospective visitors. It does not negatively impact on any group with protected characteristics.

8.3.2 Season ticket prices remain unchanged providing an alternative for value for money visits throughout the year for all visitors.

## **8.4 Procurement**

8.4.1 There are no procurement implications from the recommendations in this report.

## **8.5 People Services**

None

## **8.6 Climate Change, Nature and Net Zero**

8.6.1 This is a fees and charges report and it falls under the Projects that will not need to undertake the Environmental and Sustainability Assessment.

## **8.7 Corporate Parenting**

8.7.1 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

## **8.8 Other**

None

# **9 APPENDICES**

9.1 Appendix 1 – Pricing and Benchmarking

# **10 BACKGROUND PAPERS**

Detailed visitor data and pricing analysis





## Appendix 1 – Pricing and Benchmarking

Proposed new peak prices to take effect from 1<sup>st</sup> August 2024

	Current prices	Peak prices	Increase in £	% increase
<b>Adult</b>	£8.40	£10.00	£1.60	19%
<b>Children (3-15 yrs)</b>	£4.20	£6.00	£1.80	43%
<b>Family Day Ticket – 1 Adult &amp; 3 Children</b>	£19.80	£24.00	£4.20	21%
<b>Family Day Ticket – 2 Adults &amp; 3 Children</b>	£27.50	£33.00	£5.50	20%
<b>Concessions ( adult)</b>	£6.40	£8.00	£1.60	25%
<b>Family Season Ticket Adult + 3 children</b>	£70.40	£70.40	£0.00	0%
<b>Family Season Ticket 2 Adult + 3 children</b>	£99.00	£99.00	£0.00	0%
<b>Concessionary Season Ticket (Senior Citizen)</b>	£60.50	£60.50	£0.00	0%
<b>Family Season Ticket incl Car Parking (2 adults plus maximum number of 3 children)</b>	£145.20	£145.20	£0.00	0%
<b>Family Season Ticket incl Car Parking (1 adult plus maximum number of 3 children)</b>	£102.30	£102.30	£0.00	0%
<b>Concessionary Season Ticket incl. Car Parking (Senior Citizen)</b>	£89.10	£89.10	£0.00	0%

Current prices remain as off-peak charges

### Current price benchmarking

	Dudly Zoo		Wild Zoological Park	Twycross Zoo	Reaseheath Mini Zoo	BWCP
	Non-Peak	Peak				
<b>Adult</b>	£20.00	£20.90	£18.00	£24.25	£7.50	£8.40
<b>Children</b>	£14.50	£15.40	£14.00	£17.95	£6.50	£4.20
<b>Family Ticket – 1 Adult &amp; 2 Children (3 children in the case of BWCP)</b>	£43.85	£46.35			£19.00	£19.80
<b>Family Ticket – 2 Adults &amp; 1 Child</b>	£48.85	£51.35				
<b>Family Ticket – 2 Adults &amp; 2 Children</b>	£61.80	£65.00	£58.00		£27.00	
<b>Family Ticket – 2 Adults &amp; 3 Children</b>	£75.00	£78.85	£70.00			£27.50
<b>Concessions ( adult)</b>	£18.10	£19.00	£16.00			£6.40
<b>0 – 2 years</b>	FREE	FREE	FREE	FREE	FREE	FREE
<b>Annual Pass Adult</b>			£60.00	£80.00		
<b>Annual Pass Child</b>			£50.00	£60.00		
<b>Annual Pass Concession</b>			£55.00	£70.00		
<b>Annual Pass Adult + 3 children</b>			£210.00			£70.40
<b>Annual Pass 2 Adult + 3 children</b>			£270.00			£99.00



# Birmingham City Council

## Report to Cabinet

23<sup>rd</sup> July 2024



<b>Title:</b>	<b>PROCUREMENT OF THE BIRMINGHAM COMMUNITY LOAN EQUIPMENT SERVICE (BCELS)</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Rob Pocock, Cabinet Member for Transformation, Governance and HR
<b>Relevant Overview and Scrutiny Committee:</b>	Councillor Fred Grindrod- Health and Adult Social Care
<b>Report Author:</b>	Michael Walsh – Head of Service ASC – Commissioning Telephone - 07730281349 Email <a href="mailto:michael.walsh@birmingham.gov.uk">michael.walsh@birmingham.gov.uk</a>
<b>Authorised by:</b>	Louise Collett, Acting Strategic Director of Adult Social Care
<b>Is this a Key Decision?</b>	Yes
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes – FP Reference Number – 013023/2024
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for ‘call in?’</b>	Yes

**If not eligible, please provide reason(s):** Not Applicable

**Wards:** All Wards

**Does this report contain exempt or confidential information?** No

**Has this decision been included on the Notification of Intention to consider Matters in Private?** No

**Reasons why not included on the Notification:** Not Applicable

## **1 EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to enable the procurement of a Birmingham Community Equipment Loan Service (BCELS) provider. The service provider will be commissioned to provide a fully managed service for community loan equipment and will commence on 1<sup>st</sup> April 2025.
- 1.2 BCELS is an all-age service that provides community loan equipment to citizens in a place they call home following a clinical assessment to meet their short and/or long-term care needs. It is a statutory service for both social care and health. The service is critical as it supports citizens to live independently at home, enables prompt and safe discharge from hospital and can prevent the need for further support from social care and health.
- 1.3 BCELS is funded from the Better Care Fund with Health contributing 70% of the total contract value and BCC 30%. The proposal is to undertake an open procurement under which BCC will award a new contract to a competitively procured Service Provider for a duration of 5 years with an option to extend up to a further 5 years. The contract will be managed through the BCF Programme Board.
- 1.4 BCELS is primarily a loan service. This model is considered the most advantageous use of public funding as it maximises the recycling and re-use of equipment purchased through the contract.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendations.

## **3 RECOMMENDATIONS**

Cabinet is recommended to:

- 3.1 Approve both the Commissioning Strategy (Appendix 9.1) and the Procurement Strategy (Appendix 9.2).
- 3.2 Delegate authority to the Acting and/or the Strategic Director of Adult Social Care in consultation with the Interim Director of Commercial and Procurement (or their delegate), - Interim Director of Finance and Section 151 Officer (or their delegate), and the Interim City Solicitor and Monitoring Officer (or their delegate) to award the contract following completion of the procurement process. The estimated total value of the ten-year contract, based on an annual uplift of 3.0% and including 2% for growth year on year is £95M excluding VAT.
- 3.3 Delegate authority to the Acting and/or the Strategic Director of Adult Social Care in consultation with the Interim Director of Commercial and Procurement Assistant (or their delegate), and the Interim Director of Finance and Section 151 Officer (or their delegate), and the Interim City Solicitor and Monitoring Officer (or their delegate) to extend the initial five year contract for a period of a further five years subject to the required performance measures being achieved and appropriate funding/budget being available. A review at Year 3

of the contract will be undertaken to inform this decision as a contract extension review will be undertaken in Year 5.

- 3.4 Delegate authority to the Acting and/or the Strategic Director of Adult Social Care in consultation with the Interim Director of Commercial and Procurement Assistant (or their delegate), - Interim Director of Finance and Section 151 Officer (or their delegate), and the Interim City Solicitor and Monitoring Officer (or their delegate) to approve the contract enhancements as identified in section 4.10 up to the value of £67M – excluding VAT and inflationary uplifts.
- 3.5 Authorises the Interim City Solicitor and Monitoring Officer (or their delegate) to execute and complete all necessary legal documents to give effect to the above recommendations.

## **4 KEY INFORMATION**

### **Context**

- 4.1 This is a procurement report to gain approval to commission a fully managed community loan equipment service to commence on the 1st April 2025 to meet both social care and health statutory obligations. The type of equipment provided can range from simple mobility aids, such as crutches and walking frames, to more complex and expensive items such as profiling beds and hoists. Items are provided free of charge, on loan or single issue, to people of all ages who meet the agreed criteria. This service is an all-age service and is provided following a clinical assessment.
- 4.2 The key outcomes for the service are to:
- Reduce unnecessary admissions to residential/nursing social care and hospital,
  - Prevent delayed discharge from hospital, and
  - Assist with everyday tasks, enabling people to live independently at home.

- 4.3 The service is currently delivered via a commissioned provider. Approximately 41,000 orders are completed in any one year.

### **Proposal and Reasons for Recommendations**

- 4.4 Key elements of the proposal are:
- Service specification is for an equipment loan delivery model. Equipment is – primarily - loaned to citizens and then collected, recycled and re-used at the end of the loan period.
  - A credit model will be used for recycled equipment. The provider will charge for activities undertaken (delivery, collection, cleaning, storage etc.).
  - Contract duration of 5 years with an option to extend up to a further 5 years.
  - Provision for the introduction of service enhancements during the contract period.
  - Annual value of the contract is £7.2M (at 2023/2024 prices excluding VAT, inflationary and growth uplift)

- Use of the open procurement route
  - Tenders will be evaluated on quality (60%), price (30%) and social value (10%) (See Appendix 9.2)
- 4.5 A loan-based delivery model is the national standard for community equipment services and has the benefit of contributing to BCC's sustainability outcomes: ensuring that all appropriate equipment is recycled and re-used promptly after each use; thereby reducing the need for costly new equipment and minimising manufacturing and transportation impacts.
- 4.6 To ensure value for money within the loan service a credit model is specified. This means that when equipment is collected to be used again, BCC – as the service commissioner – receives a credit for the value of the item. This is significantly more cost-effective than purchasing new equipment for every order. The specification enables the provider to charge activity fees for the processes involved in running the equipment service. We are focused on maximising efficiency and value through the delivery of the contract. The service specification includes enhanced targets to increase the collection and recycling rate of equipment in order to reduce overall expenditure.
- 4.7 The rationale for the proposed contract duration of 5 years with an option to extend up to a further 5 years is that the market for community equipment is relatively small with 4 well-established national providers. It will be difficult for new providers to enter this market and there are limited benefits to be gained from more frequent procurement cycles. Similarly, the provision of equipment is standard across both social care and health and whilst there may be innovations in IT systems to support ordering, delivery and collection of equipment, the potential to innovate in this market is limited and therefore unlikely to change across the lifetime of this contract.
- 4.8 The above factors have been recognised by other Health and Social Care systems across the region who have secured longer contracts for their Community Loan Equipment service. Warwickshire County Council have recently awarded a contract on a 5 + 5-year basis and Nottingham City and Nottinghamshire are currently operating a contract of this duration, with the option to extend for further 10 years if the service is still fit for purpose and commissioners approve. Herefordshire are also considering moving to a 5 + 5-year contract from 1 April 2025.
- 4.9 During the compilation of the commissioning strategy for this new service, potential additional enhancements were identified. The inclusion of these enhancements within this report is not a firm intention or a commitment to include them as part of the service. However, it would enable NHS and Social Care Commissioners to introduce one or more of these elements during the life of the contract, if all the necessary reviews and approvals are in place.
- 4.10 The associated, combined financial value of the identified enhancements are estimated to be up to £67M. If the enhancement is not identified at this stage, then no consideration can be made via this service to vary the proposed contract once it is in place. This could result in missed opportunities for efficiency and improvement.

Potential service enhancements	Funding source	Estimated annual value £	Estimated duration in years	Estimated total value excluding VAT or inflationary uplift £
Dynamic Pressure Mattresses (DPM)	BSOL ICB in contract with BCHC	1,500,000	8	12,000,000
Solihull Community Equipment Loan Scheme	Solihull MBC & BSOL ICB	3,800,000	5	19,000,000
Digital Technology Enabled Care (TEC)	BCC	4,000,000	9	36,000,000
<b>TOTAL</b>				<b>67,000,000</b>

- 4.11 BCELS is a critical service within the health and social care system. Although this proposal is not part of the Council's Improvement and Recovery Plan, additional pressure and cost would be incurred in the absence of an effective community equipment service. Value for money will be achieved through both the financial model of the procurement process and by rigorous contract management and ongoing improvement activity led by a dedicated contract management/clinical lead team.
- 4.12 BCELS further supports the strategic outcomes of the Council and ICB in respect of providing a service that enables some of the most vulnerable citizens in Birmingham to remain living at home with dignity, independence, and control.

### Other Options Considered

- 4.13 The following procurement options have been considered:
- Option 1 - Do nothing. This has been discounted as there is a statutory requirement to provide community equipment and the current, contracted delivery arrangement is due to expire on 31 March 2025.
  - Option 2 - Tender as a framework agreement primarily for Birmingham but available for use by other public sector bodies. There is no benefit or economies of scale that would be realised from this option and there would be additional resource requirements in managing the framework. This option was discounted.
  - Option 3 - Use an existing framework agreement. There are no existing framework agreements available that meet the requirements for this service. This option was discounted.
  - Option 4 – In-house service. There is no resource or equipment infrastructure within BCC or BSOL ICB to enable BCELS to be mobilised by the 1<sup>st</sup> April 2025. This option was discounted.
  - Option 5 – Issue an Invitation to Tender through the open procurement route. This is consistent with the national buyer market (source



Tussell.com) and offers the greatest assurance in respect of value for money and quality. The invitation To Tender will include the scope for potential contract modifications.

- 4.14 Option 5 was identified as the option that would best meet the intended outcomes for the service. Appendix 9.2 provides further details on the procurement strategy including the method of assessment.

## **5 RISK MANAGEMENT**

- 5.1 This service as noted above fulfils both Social Care and Health statutory obligations to provide equipment to citizens following a clinical assessment of their needs, to ensure that they have the right support at home and can remain as independent as practically possible to meet both their care and health needs.
- 5.2 The major risk if this service is not in place would be that as a Health and Social Care system, we would not be meeting our statutory obligations. This would also create additional pressures and could result in delayed hospital discharges, and this could potentially increase admissions into residential/nursing care.
- 5.3 A risk register has been compiled with a number of risks identified with corresponding actions and mitigations to reduce these risks that focus on the commissioning/procurement process. Operational risks will be identified once the new provider is in place and these risks will be monitored as part of the contractual management of the service on a regular basis. Appendix 9.5 includes the risk register.

## **6 CONSULTATION**

- 6.1 A number of consultation activities have taken place as detailed below.
- a questionnaire for all our 2500 Equipment Prescribers was developed and uploaded to Birmingham Be Heard. A link to the survey was then circulated by email to all Equipment Prescribers who are registered to use the service, with a request to complete the survey. The responses received were included in the Commissioning Strategy as provided in Appendix 9.1 of this report.
  - a survey was completed with 300 citizens in January 2024 with questions covering experiences of all aspects of the service, from delivery to recycling and overall satisfaction.
  - The BCELS working group includes colleagues from BCC commissioning, contract management, finance and procurement with other discussions taking place with both Legal and IT and within BSOL ICB Commissioners, Finance, Contract Management, IT and Equalities leads.
  - On the 21st of February 2024, BCC and BSOL ICB colleagues held a market readiness event for providers to inform them of our commissioning intentions and to provide high level vision for the new service.
  - Presentations have also taken place with BCC Commissioning Management Team, ASC Management Team, Better Care Fund and

Cabinet Member Briefing for the new service and the Commissioning Strategy has been discussed at all these meetings.

- Discussions have taken place with colleagues in both Children and Families and the Children's Trust with regard to this new service and information was requested to support the Commissioning Strategy.

## **7 MEMBER ENGAGEMENT**

### **Ward Councillor(s)**

- 7.1 This service is provided city wide and therefore does not require specific Ward Member engagement.

### **Overview and Scrutiny**

- 7.2 Councillor Fred Grindrod, Health and Adult Social Care Overview and Scrutiny Committee, has been consulted in relation to the proposals via email on 2<sup>nd</sup> July 2024, for which no feedback has been received at the time of submitting this report.

### **Other**

- 7.3 There are no additional committees where this report needs to be presented.

## **8 IMPACT AND IMPLICATIONS**

### **Finance**

- 8.1 BCC acts as the lead commissioner for the current contract and this arrangement has been in place since 2018 and is proposed to continue for the new contract. This arrangement encourages a collaborative working relationship across both Health and Social Care, bringing benefits for both parties and for our citizens.
- 8.2 The service is funded by the Better Care Fund (BCF) via a Section 75 pooled funding arrangement. NHS and BCC contributions are shown in the table below.

<b>Organisation</b>	<b>Contribution as % of BCELS budget</b>	<b>Estimated Contribution in £ towards BCELS contract</b>
NHS Birmingham and Solihull ICB	70%	£5.04m
Birmingham City Council (Adult Social Care and Children and Families Directorates)	30%	£2.16m This funding is made up of a contribution of £900K from the general fund and designated funds such as Schools and Discharge. Noting funding is an estimated split

		based on historical percentages.
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All contract management and financial expenditure are discussed at the BCF Programme Board and Executive on a regular basis as well as ASC Management Team and NHS Birmingham and Solihull ICB reporting requirements.

- 8.3 The estimated annual contract value for this service excluding VAT is approximately **£7.2M** (based on 2023/2024 prices) in year one of the contract and will include an annual capped inflationary uplift of 3% or CPI, whichever is lower as the years progress and a 2% growth increase year on year. The estimated total value of the ten-year contract, based on an annual uplift of 3.0% and including a year-on-year growth of 2% is **£95M** excluding VAT. This service is demand-led based on assessed clinical need. The positive emphasis on “Home First” hospital discharge in recent years has increased demand on this service.

### Legal

- 8.4 The Care Act 2014 sets out local authorities' duties in relation to assessing people's needs and their eligibility for publicly funded care and support. Section 2 of the Care Act 2014, places a general duty on local authorities to provide, arrange or otherwise identify services, facilities, or resources to help prevent, delay or reduce the needs of adults for care and support. The provision of a community equipment loan service forms part of this duty, as having the correct equipment to assist with daily life supports people to live independently in their homes for longer. Section 8 of the Care Act 2014 details how a local authority should respond to an identified need and contains an illustrative list of what may be provided to an adult in need. The list includes providing care and support at home which the Birmingham Community Equipment Loan Service helps to fulfil.
- 8.5 The formal approval processes for this service is with the Better Care Fund as it is a pooled budget. Contract management is undertaken through the BCF Programme Board and then the BCF Executive approve overall spend.
- 8.6 A draft Data Processing Agreement has been created in discussion with Legal and a subsequent Data Processing Impact Assessment will be undertaken once the new Provider is known following contract award.

### Equalities

- 8.7 An Equalities Impact Assessment has been undertaken and is provided in detail as Appendix 9.3.

### Procurement

- 8.8 A procurement strategy has been developed as part of this report and is available for review as appendix 9.2. Procurement involvement with this programme has been constant and forms part of the regular Programme Team meetings.

### People Services

- 8.9 There are no BCC staffing implications involved in the procurement of this service.

### **Climate Change, Nature and Net Zero**

- 8.10 An Environmental and Sustainability report has been approved by the Route to Zero Carbon team and is provided in detail at Appendix 9.4.

### **Corporate Parenting**

- 8.11 There are no known impacts on looked after children by this service. There is the potential through the social value employment action plan to obtain paid work. This programme has been successful in the current contract with a number of citizens finding full time employment that were part of the PURE programme.

## **9 APPENDICES**

- 9.1 Commissioning Strategy
- 9.2 Procurement Strategy
- 9.3 Equality Impact Assessment
- 9.4 Environmental and Sustainability report
- 9.5 Risk Register – Commissioning and Procurement Risks

## **10 BACKGROUND PAPERS**

- 10.1 There are no background papers.



# **Birmingham Community Equipment Loan Service**

## **Joint Commissioning Strategy**

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## 1. Introduction

This commissioning strategy sets out Birmingham's plans to jointly commission a Birmingham Community Equipment Loan Service (BCELS) to meet the health and wellbeing needs of all citizens.

This service will be commissioned via the Better Care Fund through a Section 75 pooled budget arrangement between Birmingham City Council (BCC) and NHS Birmingham and Solihull Integrated Care Board (BSOL ICB).

This service provides equipment to

- reduce unnecessary admissions to residential/nursing social care and hospital,
- prevent delayed discharge from hospital, and
- assist with everyday tasks, enabling people to live independently at home.

This type of equipment can range from simple mobility aids, such as crutches and walking frames, to more complex and expensive items such as profile beds and hoists. Items are provided free of charge, on loan or single issue, to people of all ages who meet the agreed criteria.

BCC has a statutory duty to ensure the provision of equipment. Under Section 2 of the Care Act 2014, local authorities have a duty to ensure the provision or arrangement of services, facilities or resources to help prevent, delay or reduce the development of needs for care and support. The provision of equipment services forms part of this duty, as having the correct equipment to assist with daily life supports people to live independently in their homes for longer.

Integrated care systems (ICSs) are partnerships that bring together NHS organisations, local authorities and others to take collective responsibility for planning services, improving health and reducing inequalities across geographical areas.

ICSs have existed in one form or another since 2016, but for most of this time have operated as informal partnerships using soft power and influence to achieve their objectives. Following the passage of the [2022 Health and Care Act](#), ICSs were formalised as legal entities with statutory powers and responsibilities. Statutory ICSs comprise two key components:

- **Integrated Care Boards (ICBs):** a statutory NHS organisation which is responsible for developing a plan for meeting the health needs of the population, managing the NHS budget and arranging for the provision of health services in a geographical area.

The Act substantially changes how the NHS in England is organised. Clinical commissioning groups, which have been the primary budget holders for NHS services since 2013, have been abolished. Since ICSs were put on a statutory

footing on the 1 of July 2022, ICBs now perform this role in their place as outlined above.

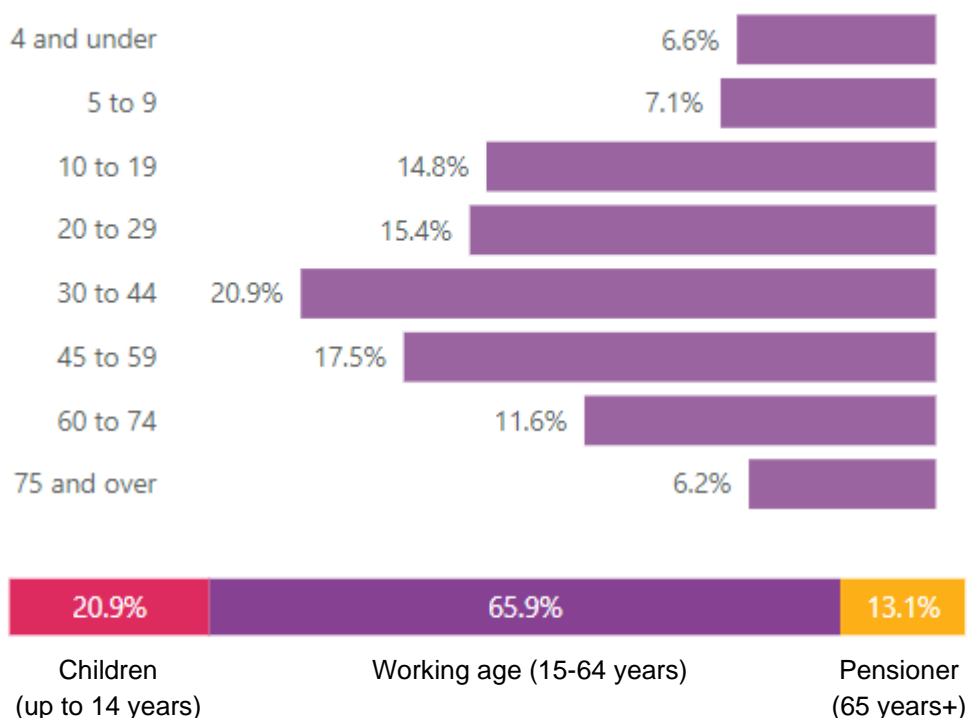
- **Integrated Care Partnerships (ICPs):** statutory committees that bring together a broad set of system partners (including local government, the [voluntary, community and social enterprise sector \(VCSE\)](#), NHS organisations and others) to develop a health and care strategy for the area.

Working through their ICB and ICP, ICSs have [four key aims](#):

- improving outcomes in population health and health care
- tackling inequalities in outcomes, experience and access
- enhancing productivity and value for money
- helping the NHS to support broader social and economic development.

The challenges facing Birmingham to improve health and care outcomes have never been greater. Birmingham is home to 147,000 people over the age of 65 (13.1% of total population). This is predicted to increase to 203,000 people by 2035 – an increase of 38%, a similar increase is expected around our younger citizen population.

Birmingham is one of the first ‘super-diverse’ cities, whereby citizens from ethnic minority groups make up more than 50% of the total population. This further exacerbates the challenges in Birmingham, to understand and appropriate care for the entire population.





## *Birmingham City Observatory, Census 2021*

In line with the rest of the country, the resources available to support citizens has been significantly reduced, strengthening the imperative to maximise the use of these resources well across health and social care.

Citizens' expectations from public sector services are increasing, there is a drive to improve standards and it is increasingly recognised that people want support to enable them to exercise independence, choice and control, rather than rely on statutory services. The best way to meet these challenges is to work together to jointly design, plan and commission services.

Below are some key headline stats for Birmingham.



Diagram 3: Key Stats taken from BCC Annual Public Health Report 2023 and BCC's latest Market Statement 2023

To ensure citizens receive the support they need, this service must be outcomes focused, have a clear understanding of the needs of citizens and incorporate effective performance management. This will ensure that the service aligns to our shared vision for health and social care in Birmingham:

- promoting independence for people to be able to live in their own homes for as long as possible.
- preventing, delaying and reducing dependency on health and social care services
- supporting carers.

Our key outcomes for this service are that:

1. Citizens remain independent in their homes as appropriate enabled by the right equipment for their needs.
2. Citizens are discharged from hospital/hospice and go home promptly with the appropriate equipment they need to support them.
3. Citizens have choice and control over equipment delivery.

#### 4. Citizens receive a high-quality service.

This strategy details how we intend to commission a service that meets the above outcomes and sets out:

- Current commissioning arrangements for the Birmingham Community Equipment Loan Service.
- The legislative and policy context (both national and local) for the commissioning of a new community equipment loan service in Birmingham.
- An appraisal of the different commissioning options for the new service.
- What citizens and Equipment Prescribers would like to see in a new community equipment loan service.
- Our commissioning drivers for the new community equipment loan service.
- The commissioning intentions that we hope to achieve for citizens, and how we will make sure that these are being met.
- Details of the procurement process.

This strategy documents how BCC and BSOL ICB are working together to integrate our commissioning drivers and intentions to ensure a coherent health and social care pathway for the provision of equipment for our citizens.

## 2. Understanding the current service

This commissioning strategy has been informed by a review of the existing contract arrangements and activity baselines.

### Current service delivery model

The current provider of this service is Medequip.

This service is based at one central warehouse in the Nechells area of Birmingham. In addition, there are around 130 peripheral stores throughout Birmingham that supply smaller items of standard stock. Please see Appendix D for a list of all stores.

Citizens cannot directly access the service or order equipment for themselves; a referral from an Equipment Prescriber is required. However, citizens are able to self-purchase items from the retail service that is provided alongside the loan service although most will go to the high street to self-purchase as these items are cheaper.

The service can issue equipment to citizens:

- Who are residents of Birmingham.
- Who are registered with a Birmingham GP who is a member of NHS Birmingham and Solihull Integrated Care Board.
- Where exceptional authorisation has been given by commissioners, for example, in emergency cases, where people are subject to court orders, deprivation of liberty etc.

### Equipment Prescribers

There are approximately 2,500 Equipment Prescribers actively using the service to order items online on behalf of citizens, following a clinical assessment of the person and their needs. Equipment Prescribers are from both Health and Social Care services and are made up of colleagues from occupational therapists, physiotherapists and district nurses.

These Equipment Prescribers generate around 41,000 equipment orders per year into the service.

### Types of equipment

The range of community equipment available can be divided into two types:

- **Standard items:** these items form the standard community equipment catalogue and are available for loan or issue through the service after a clinical assessment by an Equipment Prescriber. Once equipment is no

longer needed it is collected by the service, and if suitable for re-use is cleaned, checked and re-issued into the community.

These items have a fixed price in the catalogue and can be routinely ordered by Equipment Prescribers. The equipment catalogue is managed by a Clinical team with input from Equipment Prescriber advisory groups.

Examples of such items include bath lifts, bed rails, hoists, hospital beds.

- **Specials:** pieces of equipment that are of sufficient high cost or specialist nature that they do not form part of the standard catalogue and cannot be routinely ordered by Equipment Prescribers.

These items do not have a fixed price, and Equipment Prescribers must collect quotations from several suppliers and get sign-off before ordering items on a spot-purchase basis. If at all possible, specials are re-used rather than ordering new items, due to their high cost.

Once the equipment is returned it is collected by the service, and if suitable for re-use is cleaned, checked and put into the specials stock which is managed separately from the standard catalogue stock by a Clinical team with responsibility for specials.

Examples of such items include chairs and other adapted equipment to meet the person's needs.

Please see Appendix A – Process map for standard equipment, and Appendix B – Process map for specials.

## Exclusions

Some smaller, low-cost items are not available through the community equipment loan service. These items include shoehorns and long handled sponges and are readily available on the high street.

Wheelchair and Telecare services are not currently included in the community equipment loan service and are instead provided under separate contracts.

Medical equipment, with the exception of nebulisers and suction machines, are not included in this service.

Provision into care homes, other than for items as agreed in the 'Birmingham Guidance for Provision of Community Equipment in Care Homes with and without Nursing'.

## Funding

The Birmingham Community Equipment Loan Service is funded through the Better Care Fund S75 pooled budget arrangement. In 2023/24 the budget was split as below:

Organisation	Contribution as % of budget
NHS Birmingham and Solihull ICB	70%
Birmingham City Council BCC	30%

## Considerations of this Procurement

### Contract Duration

The proposal is to offer a contract that is a **five plus five years** or 10 years in total contract. This will dependent upon the performance of the provider in meeting contractual targets during years 1-5 and the availability of funding.

This proposed contract length will provide stability for this statutory service and continue to support the mutually advantageous collaboration between the Council and BSOL ICB, relating to use of resources and funding of this service to ensure the focus is on providing a good service for our citizens.

Setting out the potential to modify the contract in the ITT provides future commissioning opportunities which allows for a longer contract as the requirement to tender for additional services is not necessary. The market is small with 4 national providers and may reduce further.

The provision of equipment is standard across both health and social care and whilst there maybe innovations on IT systems to support ordering, delivery and collection a profile bed, remains to be a profile bed, the same for a hoist and commode and the potential to innovate this equipment is limited.

There are a number of surrounding health and social care systems acknowledging the above considerations and have secured this type of longer contract for this very reason. This approach prevents the need to undertake costly frequent procurement cycles and enables the service to focus on ensuring the citizen is receiving the best equipment loan service that can be offered to them.

### Contract Value

The contract value will be approximately **£7.2m** excluding VAT per annum and will include an inflationary uplift and growth year on year that will be finalised as part of the financial model development during the invitation to tender process with the BCELS programme team and reviewed and approved by all key stakeholder meetings.

The following are additional areas for potential service enhancements during the lifetime of this service to further improve the citizen experience and ensure a coherent and consistent service exists across the BSOL ICS.

- Dynamic Pressure Mattresses (DPM) – Integrating DPM into the BCELS service would allow for a more comprehensive service for citizens and ensure that both the profile bed and mattress are delivered at the same time.
- Solihull integration – The potential for BCELS to include the Solihull Loan equipment service would enable a coherent and consistent service.
- Digital Technology Enabled Care (TEC) – Opportunities where TEC can be integrated into the service, improving the care provided to citizens.
- Sensory and visual aids/equipment – agreed to remove following further discussions as this provision does not naturally fit into a loan equipment service as equipment is usually low cost and not loaned.

It is not currently possible to forecast when or whether the above developments will be brought into the contract as there are multiple dependencies and considerations. Equally any service modification is not a formal commitment or notice to spend. In identifying these types of service, it provides the opportunity to integrate into BCELS, if appropriate and fully agreed by all key stakeholders.

### **Service Improvement**

As well as considering the scope for developing the current service through the inclusion of additional equipment types, it is also important to consider opportunities for continuous improvements in efficiency and effectiveness of the service; building on the improvements that have already been made.

Potential areas for service improvement are highlighted below; based on feedback from equipment prescribers and citizens. This is not intended to be exhaustive – prospective providers may identify other areas where improvement could be made:

- Delivery/Collections - better communication and offer of both delivery and collection times via text or chat facilities to inform the citizen or their family on when the equipment will be collected/delivered.
- Innovation – the provider to ensure that they are aware and discussing with Commissioners and the Contract Manager any new and emerging equipment that could improve outcomes for citizens.
- Management of special equipment – to ensure better use if made of this equipment and we are recycling as much as is possible.

- Flexibility of the IT system – to provide a smooth service to our equipment prescribers and ensure all the information available can be provided in an easily accessible manner.
- Bank Holiday deliveries and collections – to ensure the service operates in line with both health and social care services.

### **Options Appraisal**

- Option 1 - Do nothing. This has been discounted as the Birmingham Community Equipment Loan Service contributes to the Council's and Health's statutory responsibilities.
- Option 2 - Tender as a framework agreement primarily for Birmingham but available for use by other public sector bodies. There is no benefit or economies of scale that would be realised from this option and there would be additional resource requirements in managing the framework. This option was discounted.
- Option 3 - Use an existing framework agreement. There are no existing framework agreements available that meet the requirements of the Council or Health. This option was discounted.
- Option 4 – In house service. There is no resource or equipment infrastructure within social care or health to be able to mobilise this service by the 1<sup>st</sup> April 2025. Therefore, this option was discounted.
- Option 5 - Tender for a service with Birmingham & Solihull Integrated Care Board (BSOL ICB and Birmingham City Council under a shared contract. This is consistent with the national buyer market (source Tussell.com).

Option 5 is the recommended option as this would give the Council and ICB the most flexibility in specifying the service requirements and financial model.

### 3. Legislative and policy context

Key to the development of a new community equipment loan service is an understanding of both the current national legislative and policy context, as well as an understanding of local approaches to the commissioning of health and social care services.

#### National legislative context

##### Care Act 2014

The Care Act 2014, which came into effect on 1 April 2015, was a significant reform to the way that health and care services are understood and delivered in the UK, as well as setting out new duties for public bodies and local authorities. The Act creates a single, consistent route to assessing eligibility for public care and support for all adults and carers and is clear about the processes that local authorities must follow when assessing this eligibility.

There are several key principles which form the foundation of the Act and influence the way in which local authorities must now plan, design and deliver services.

##### Eligible needs

Under the Act, local authorities have a duty to carry out needs assessments for adults who may have care and support needs to determine if they have an eligible need. This assessment must be carried out with involvement from the adult (and any suitable representatives), and must include consideration of their needs, how these needs impact on their wellbeing and the outcomes that they wish to achieve. As part of this process, the local authority must also consider what other things besides formal services could help an individual achieve their desired outcomes, and whether there are any preventative services that could help them to stay well for longer.

##### Personalisation

The Care Act 2014 emphasises the need to 'personalise' care and support processes, giving people greater control and influence over the services that they receive. The Act aims to do this in two ways.

- Firstly, local authorities have a legal duty to produce a care and support plan for every individual who has an eligible need for services, developed in agreement with that individual and taking into account the outcomes that they wish to achieve.
- Secondly, people have a legal entitlement to a personal budget as part of their care and support plan, whereby they can ask for a direct payment to allow them to directly arrange the care and support services that they need.

As long as the money is used to meet the needs identified in their care and



support plan, the individual has control over where and how the money is spent.

## Prevention

Under the Care Act 2014, local authorities have a duty to ensure the provision or arrangement of services, facilities or resources to help prevent, delay or reduce the development of needs for care and support. In so doing, local authorities must consider what services are already available in their area, identify people (including carers) who have care and support needs that are not already being met, and think about how they can help these people to access the services that they need.

## Wellbeing

There is a general duty on local authorities to promote an individual's 'wellbeing'. This means that they should always have a person's wellbeing in mind, especially when making decisions or planning services.

The 9 principles of 'Wellbeing' are outlined below:



## Children Act 1989

The Children Act 1989 sets out the obligations of local authorities with regards to children in need, including children with disabilities. Every local authority has a duty to safeguard and to promote the welfare of children in their area who are in need, by providing a range of services to meet those needs.

## **Children and Families Act 2014**

The Children and Families Act 2014 seeks to improve services for vulnerable children and support all children and young people to succeed, no matter what their background. Under the Act, local authorities have a duty to identify all the children and young people with a disability in their area, and promote integration between educational and training, health, and social care provision.

Local authorities must also ensure that they pay attention to the views and feelings of children and their parents and enable them to participate as fully as possible in any decisions made about the support that they receive.

## **Equality Act 2010**

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

Additional Equality Act provisions came into force in April 2011:

- Positive action - recruitment and promotion
- Public Sector Equality Duty (see section below)

## **Public Sector Equality Duty**

The Public Sector Equality Duty is an addition to the Equality Act 2010 that 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.

More specifically, local authorities and NHS bodies must have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not have it.
- Foster good relations between people who share a protected characteristic and those who do not share it.

BCC and BSOL ICB have ensured that they will commission the new community equipment loan service in line with the Public Sector Equality Duty by carrying out an Equality Analysis on the new service specification and commissioning process.

## **Public Services (Social Value) Act 2012**

The Public Services (Social Value) Act 2012 places a duty on Local Authorities at the pre-procurement phase of procuring services to consider how what is being procured

might improve the economic, social and environmental wellbeing of an area and how the authority might secure that improvement in the procurement process itself. There is also a requirement that authorities consider whether to consult on these matters. In essence it is about factoring in 'social value'.

The importance of social value has been emphasised further since the development of new measures in 2020/21. The developments build on the existing Public Services (Social Value) Act 2012 to ensure all major procurements have a clear social value, as opposed to social value being a consideration.

### **Local policy context**

#### **Birmingham City Council Corporate Plan 2022 – 2026**

The community loan equipment service's commitment to improving services for citizens contributes to BCC's mission.

- Support: BCC aims to support, enable and encourage citizens to fulfil their potential through breaking down barriers and tackling inequalities.
- Serve: BCC is committed to providing best-in-class public services, striving for continuous improvement and innovative practices.
- Level Up: BCC is striving to improve the city's sustainable economic growth, supporting citizens to live healthier and happier lives.

The community equipment loan service also adheres to BCC's strategic priorities and outcomes:

- A Bold, Healthy Birmingham: focussed on improving outcomes for adults with disabilities and older people.

#### **Birmingham City Council Adult Social Care Vision and Strategy revised 2024**

The goals that Birmingham Council is seeking to achieve for adults and older people are that they should be resilient, living independently whenever possible and exercising choice and control so that they can live good quality lives and enjoy good health and wellbeing.

This vision is underpinned by the following principles:

- People require access to high quality information, advice and guidance.
- People require and respond better to personalised support.
- People need to be able to access a wide range of community assets which are local, flexible and responsive.
- People need to be able to access prevention and early intervention services quickly and at any time in their lives.
- People's needs are often complex and require support and interventions from a range of organisations. Therefore, services need to be integrated and built on partnership working utilising multi-disciplinary teams and

where feasible single points of access. While recognising that for some people there is a need to protect them, it is essential that we ensure we “make safeguarding personal”.

- All services should be co-produced with users and carers as they are directly impacted by services and have first-hand experience of what works well and what doesn't.
- People should expect to be treated equally and fairly and services should not discriminate on any grounds against citizens.
- Services should seek to improve social justice by tackling the reasons for discrimination and creating opportunities for all citizens.

Underpinning the above is the need to ensure our employees are equipped with the right skills and knowledge to provide high quality care and support. It is important that our workforce should feel empowered to deliver high-quality care, and to develop in their roles and progress in their careers, if that is right for them.

### **Learning Disabilities and Autism Framework for Transformational Change 2023 – 2033**

The Learning Disabilities and Autism Framework for Transformational Change is shaped around listening, hearing and learning from the voices of those with lived experience, national policy and guidance, learning from data and working collaboratively with all stakeholders to build an inclusive programme. The fundamental purpose and priority for the framework is to ensure every individual with a learning disability and/or autistic people receive the support they require to enable them to live healthy and fulfilling lives.

Human rights are at the centre of the entire transformation plan for learning disabilities and autism and underpin the Rights Based Outcomes. These are:

- **A right to a healthy and happy life** – ensuring that people with learning disabilities and/or autistic people enjoy a high-quality standard of living.
- **Choice and control** – all citizens receiving care should have a strong voice in care planning, individual care and treatment and in service development.
- **Heard and valued** – a person-centred approach ensuring that citizens should be listened to, and their lived experiences are valued.
- **Connected and involved** – supporting integration into the community to improve quality of life.
- **Work and purpose** – ensuring people with learning disabilities and/or autistic people are working in the right job with appropriate support, fair wages and equitable terms and conditions as other employees.
- **Equity and social justice** – ensuring citizens are treated with respect, dignity and are protected from neglect, exploitation and abuse.

### **Birmingham's SEND Strategy (Special Education Needs and/or Disability) 2023 to 2028**

BCC's SEND Strategy (2023 to 2028) commits to working with all children, young people and young adults with SEND to support them to live healthy, happy and independent lives. The strategy outlines the support provided by the council throughout citizen's lives, from early years, school, higher education and finding employment.

## **Birmingham Business Charter for Social Responsibility**

The Birmingham Business Charter for Social Responsibility is a set of principles for organisations that aims to help the local economy in Birmingham by supporting the local supply chain, creating jobs and making sure that workers are paid a fair wage. BCC has committed to adhere to these principles and encourages contracted suppliers, the wider business community, other public sector bodies and third sector organisations to sign up to the Charter also.

The principles of the Charter include:

- Local employment
- Buy local
- Partners in communities
- Good employer
- Green and sustainable
- Ethical procurement

Future commissioning and contracting decisions made by BCC will take account of the principles of the Charter and it forms part of BCC contracts. All the principles and policies of the Charter will be mandatory for organisations with individual contracts or grants over £200,000 per annum and for those that have aggregate annual contracts or grants above £500,000.

## **Creating a Bolder, Healthier City 2022 to 2030**

Creating a Bolder, Healthier City contains five core themes alongside three life course themes. It is underpinned by the priority of Closing the Gap, which includes reducing health inequalities that have been highlighted and exacerbated by the Covid-19 pandemic.



## **Birmingham Better Care Fund Plan 2024-5**

Each year a local plan is developed to recognise and support the integration of health and social care. This includes the delivery of the Staying Independent at Home agenda and ensuring that citizens are accessing support at the right time in the right place.

## **Living Wage Policy**

Birmingham City Council has implemented the Living Wage, as part of the Business Charter for Social Responsibility, for Council employees and the promotion of this amongst Birmingham businesses.

The Living Wage Policy ensures that people working on behalf of the Council are paid the same minimum rate as if they worked directly for the Council. We also believe that since our procurement policies mean that more of them will be Birmingham residents, putting more money into those people's pockets will help local shops and businesses, creating a virtuous spiral that can treble its value to the local economy.

## **Everyone's Battle, Everyone's Business**

Birmingham's bold strategy on tackling inequalities both across the city and within the Council was approved by Cabinet on the 6 September 2022. The Equality Action Plan for 2022/23 brings together a range of actions focused on protected characteristics.

## **Birmingham Clean Air Zone (CAZ)**

There is a Clean Air Zone within Birmingham that would impact on service delivery within certain areas of the city, this will need to be considered more fully by the Providers.

## **NHS Birmingham and Solihull Integrated Care Board Mission**

NHS Birmingham and Solihull Integrated Care Board supports 1.36 million people living in Birmingham and Solihull. Our vision is for Birmingham and Solihull to be the healthiest place to live and work, driving equity in life chances and health outcomes for everyone.

The priorities are to:

- Reduce inequalities - improving quality of care by tackling differences in experiences and outcomes for patients.
- Integration - work together to join up services and help them work better together.
- Protect people from harm – prepare for emergencies and work together on approaches to infection control, immunisation and screening.
- Be there for people throughout their life, from birth to end of life care.

- Build, develop and retain a great, inclusive workforce.
- Contribute to the wider factors of health - such as employment, education and environmental sustainability and recognise our role in growing the local economy.



## 4. The current market

There is a small but experienced market of community equipment service providers, with four main providers holding the majority of contracts across the UK.

### **Market Readiness event**

On 21<sup>st</sup> February 2024, BCC and BSol ICB held a market readiness event for providers to inform them of our commissioning intentions and to provide high level vision for the new Birmingham Community Equipment Loan Service. This event included opportunities for providers to ask some initial questions about the vision for the new service and how the procurement process would proceed, with commissioners giving public answers.

After the market shaping event, a 'Frequently Asked Questions' document was produced and circulated to all attendees, along with a copy of presentation discussed during the event.

A copy of the Frequently Asked Questions document is included as Appendix C of this strategy.



## 5. What have Citizens and Equipment Prescribers told us?

In line with the principles of co-production, we have developed this commissioning strategy with input from a variety of stakeholder groups, including our equipment prescribers and citizens.

### What Equipment Prescribers have told us?

An online questionnaire was developed and uploaded to Birmingham Be Heard, which is Birmingham City Council's consultation database.

A link to the survey was then circulated by email to all 2,500 Equipment Prescribers who are registered to use the service.

Key findings:

- 115 Equipment Prescribers completed a questionnaire giving their views on what a great community equipment service would look like.
- The majority of the respondents use the service at least one week, order primarily for adults, and opt for the 7-day delivery service. Only 12% of respondents use the service less than once a month, thus we are confident that respondents are familiar with the service.
- Overall Equipment Prescribers are pleased with the service, however there is always room for improvement as identified below.
  - **Delivery: 44%** use the 7-day delivery service. Over 70% of respondent agree that offering more specific time slots would improve the service.
  - **Maintenance and Repairs: 86% rated the service either good or satisfactory**, whilst 14% felt this area 'requires improvement'. Many respondents felt that recycled equipment was not like new i.e. there were blemishes on the equipment (although cleaned) and the repairs were slow at times.
  - **Collections: 74% rated the service either good or satisfactory**, 25% felt this area 'requires improvement'. There was a lack of empathy for citizen's circumstances and delays in the collection of equipment.
  - **BCELS Clinical Support Team: 96% rated the service either good or satisfactory**, whilst less than 4% felt this area 'requires improvement'. To improve further, better communication with equipment prescribers was recommended.
  - **Medequip: 84% rated the service either good or satisfactory**, whilst 16% felt this area 'requires improvement' and this focused on customer service.

- **Complaints:** 79% of respondents have not used the complaints process. Some respondents felt that the complaints process was unclear.

## What Citizens have told us?

A survey was completed with 300 citizens in January 2024 with questions covering experiences of all aspects of the service, from delivery to recycling and overall satisfaction.

### Key findings

- **72%** rated the service as excellent for pre-delivery arrangements. Although improvements are required to offer more choice and flexibility over delivery times.
- **Collections** – 30% rated service excellent, 20% very good, 40% no response as not always applicable. Areas identified for improvement: faster collections (esp. for recently deceased), more choice with dates, flexibility with times.
- **Quality of equipment** – 80% rated excellent. Improvement suggestions: offer new equipment unfortunately as a loan service this is not feasible.
- **Overall satisfaction** – 92% rated excellent for engagement with provider and recommending service to others.

Views were collected on key aspects of a community equipment service and what makes a 'good community equipment service':

- **Delivery of equipment:** a speedy and reliable service; time slots; good communication at all stages of the process; staff attitude and behaviour; correct equipment received in good condition.
- **Fitting and installation:** qualified staff with good attitude and behaviour; a good quality fitting; a quick and reliable service; clear communication and information provided to people using the service.
- **Collections:** Respondents gave their suggestions for how people could be encouraged to return equipment when it was no longer needed. Suggestions included: collecting equipment from homes; collecting equipment more quickly; making it easier to contact the service; and specific innovations such as deposits and labels on equipment.
- **Customer service:** staff having key attitudes, skills and behaviours; easy to contact; clear processes; issues resolved quickly; no automated telephone systems.

Findings from the Equipment Prescriber and citizen surveys were used to develop the requirements for the new Birmingham Community Equipment Loan Service, and the aims and objectives.

## 5. Commissioning drivers

The previous sections of this strategy have set out a number of different influences and drivers for the commissioning of a new community equipment loan service for Birmingham, including a review of the current legislative and policy context, feedback from citizens and prescribers, and activity data from the current service.

With this in mind, BCC and BSol ICB have identified the following key drivers for this commissioning strategy.

### Choice and control

Alongside the increased personalisation of care and support services, we want to enable people in Birmingham to have real choice and control over the types of services that they receive and how they are designed.

There is limited scope for personal choice within the community equipment loan service for equipment. Equipment is procured via a competitive review of the market based on clinical need and on how easy the equipment is to recycle. Historical information and current operational data clearly identify service trends, and this is used to plan future services.

Citizens acknowledge this but want control over how and when the equipment is delivered, maintained and collected for recycling from them.

### Promoting independence

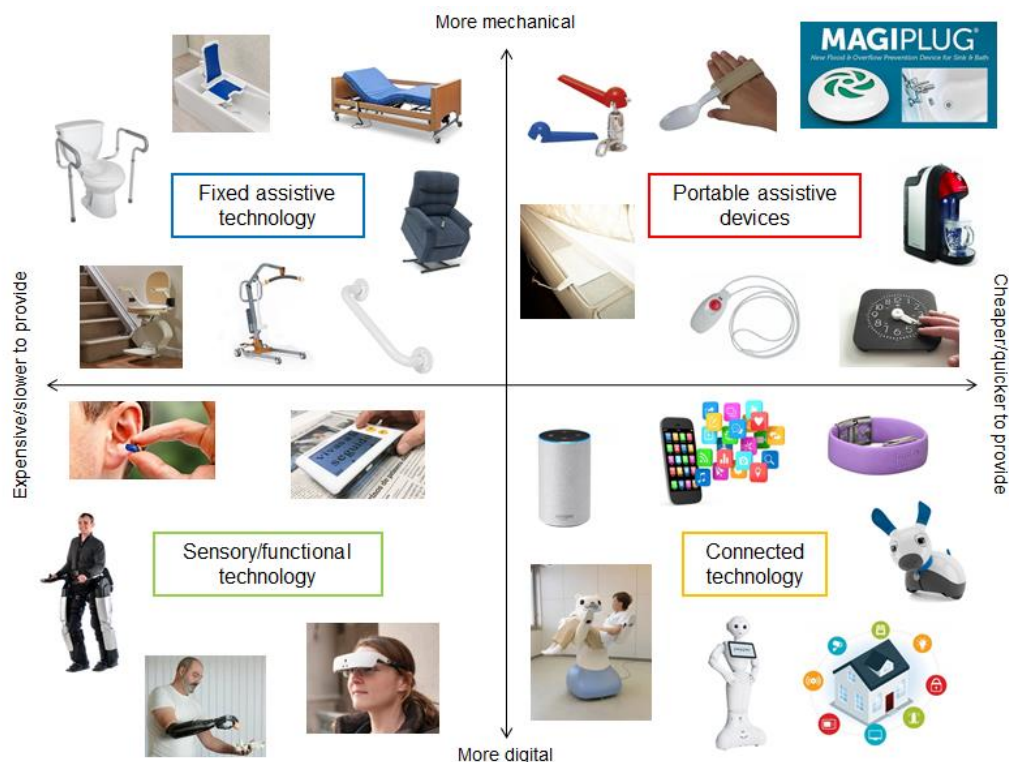
A central goal that we are seeking to achieve for adults and older people in Birmingham is that they are able to live as independently as possible for as long as possible. The community equipment loan service should play a key role in achieving this goal by providing the right equipment at the right time to meet people's needs, delaying and reducing admission to formal health and care settings.

### New and emerging equipment and technologies

The current vision for TEC in Birmingham, as outlined in the Adult Social Care Equipment and Technology Strategy (Assistive Technology) 2019 – 2024

The vision for the transformed Technology Enabled Care Service is to:

- **Reduce isolation.** Technology can play a part in reducing loneliness, connecting citizens to their social networks and to opportunities in their communities.
- **Enhance independence and dignity** by enabling citizens to exercise greater control over their daily lives and be less dependent upon other people.
- **Support unpaid carers** by providing reassurance, easy means of communication, and reducing demands on their capacity.



Currently, health and social care services in Birmingham do not make best use of digital technology or technology enabled care, with services focusing on the provision of fixed assistive technology and portable assistive devices through community equipment services rather than exploring the full range of new sensory, functional and connected digital technologies.

We know that citizens are already using new technologies such as apps, wearables and artificial intelligence-enabled devices to help them in their everyday lives - and as citizens begin to expect more from health and care services, we can reasonably assume that they will expect to see TEC as part of the services that they receive.

The development of new robotic carers and prosthetics has the potential to change the face of health and social care in Birmingham, moving far beyond traditional understandings of what it means to provide care and equipment to people in their homes. This may have cost implications for the service as new technologies could potentially be far more expensive than the traditional community equipment items that we currently provide, with increased maintenance and support requirements.

With this in mind, the new community equipment loan service must be ready to make use of new technologies, with room built in for innovation and horizon scanning.

## **Use of resources**

The financial pressures and challenges facing health and social care services have never been greater than they currently are in Birmingham. BCC and BSol ICB will have to make difficult decisions as demand for health and care services increases and the amount of money available to provide services decreases.

## 6. Commissioning intentions

With all the previous sections in mind, the outcomes that BCC and BSol ICB want to achieve for citizens in Birmingham using the community equipment loan service are:

- Citizens remain independent in their homes as appropriate enabled by the right equipment for their needs.
- Citizens are discharged from hospital/hospice and go home promptly with the appropriate equipment they need to support them.
- Citizens have choice and control over equipment delivery.
- Citizens receive a high-quality service.

### Aims and Objectives

The aim is to provide a service that enables people to live as independently as possible, in their chosen home, and enables health and social care services to function effectively and without delay, preventing people from developing more complex needs, and protecting them and their carers from harm or injury.

In order to do this the service will measure performance as follows;

- a) Provide a quality service with high levels of Equipment Prescriber and citizen satisfaction comments;
- b) Deliver equipment, providing a choice of times that are appropriate to the citizen and Equipment Prescriber and within the agreed prescribing timeframes;
- c) Ensure that suitable equipment, including both standard and special items, are delivered on time, fully maintained and meeting relevant legal requirements;
- d) Provide a cost-effective service that achieves good value for money on equipment purchases through buying power and optimises re-use of equipment, collection and recycling;
- e) Communicate effectively with Equipment Prescribers, taking on board their views and providing information and training regarding new equipment and procedures on a regular basis.
- f) Offer a range of equipment that is effective and keeps up to date with developing technology;
- g) Maintain an exemplary safety record, with health and safety policies in place and

implemented; and ensure any breaches are reported to Commissioners, the Medicines and Healthcare Products Regulatory Agency (MHRA) and manufacturers as soon as possible.

- h) Provide good quality intelligence on the demand for and usage of equipment and share good practice on the use of equipment to support citizens at home.
- i) Be registered with CECOPS (Community Equipment Code of Practice Scheme) and work towards accreditation with CECOPS within a year of the start of the Contract.
- j) Support a pilot for the introduction of personal health budgets and direct payments to purchase equipment.

Performance monitoring information will be submitted on monthly basis, and this will include a range of qualitative and quantitative evidence, along with regular contract compliance review meetings. There are measures within the contract to address any potential performance and contractual issues.

### **BCELS Clinical Support Team**

There are particular challenges associated with supplying a community equipment loan service for people with varying levels of complexity and intensity of care needs, in a social care and health context such as Birmingham.

Therefore, we have embedded a team of Occupational Therapy clinicians along with Clinical Leads to support the service who;

- advise Equipment Prescribers on the purchase of appropriate Specials, ensuring quality and value for money;
- provide guidance to Equipment Prescribers on complex cases;
- maximise opportunities for the recycling and re-use of equipment, where appropriate;
- work with Equipment Prescribers to reduce prescribing errors and associated costs;
- continue to build expertise and ensure good clinical practice and
- who work closely with the provider to ensure an effective and efficient service can be delivered to our citizens.

We will continue to liaise with all our key teams and multi-disciplinary teams (MDTs) across nursing, enablement services, and social care, to help achieve the above objectives and drive efficiencies.

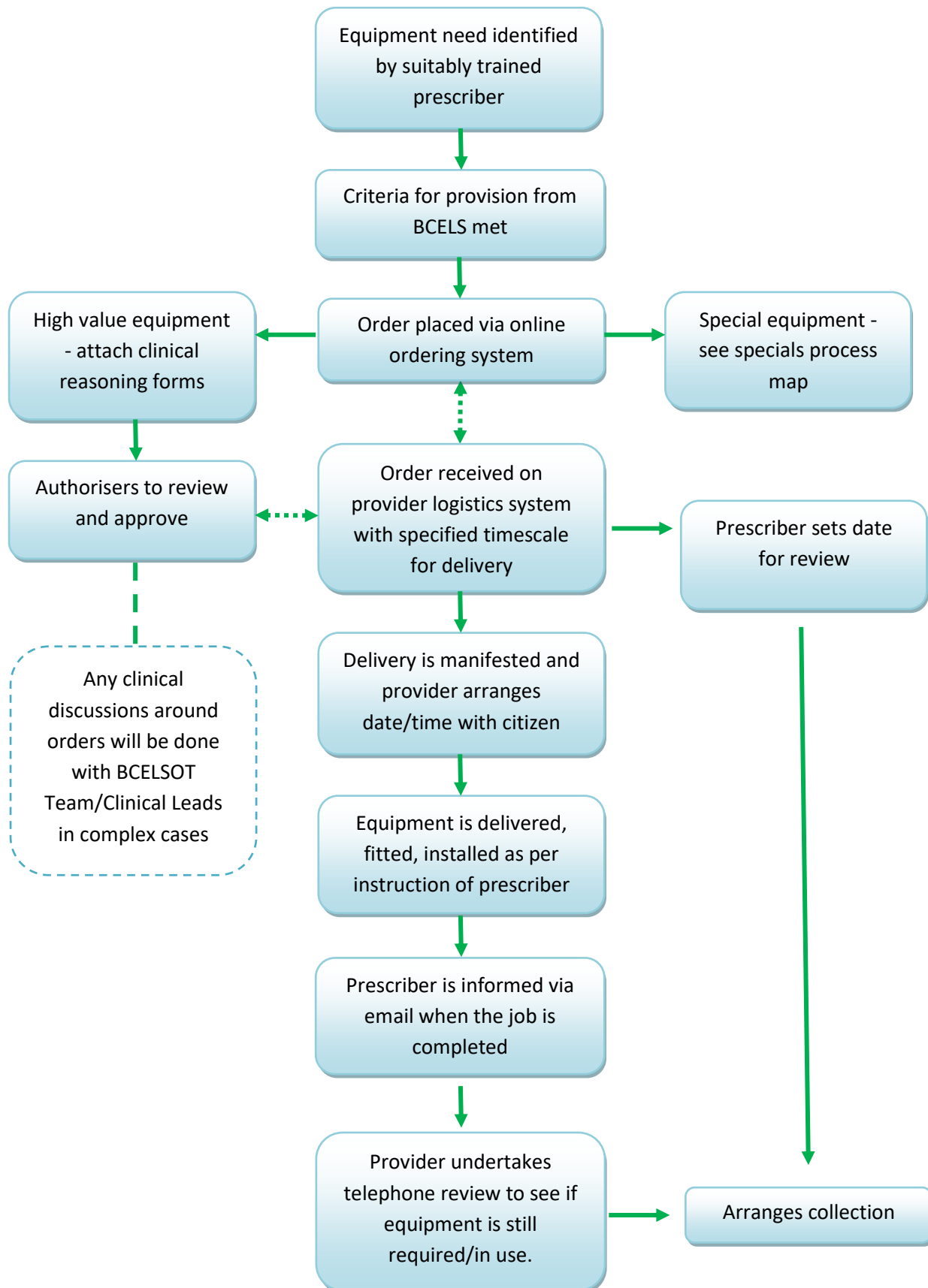
## **7. Procurement process**

The new contract will commence on 1 April 2025, for an initial five (5) year period with the option to extend for a further five (5) years based on performance.

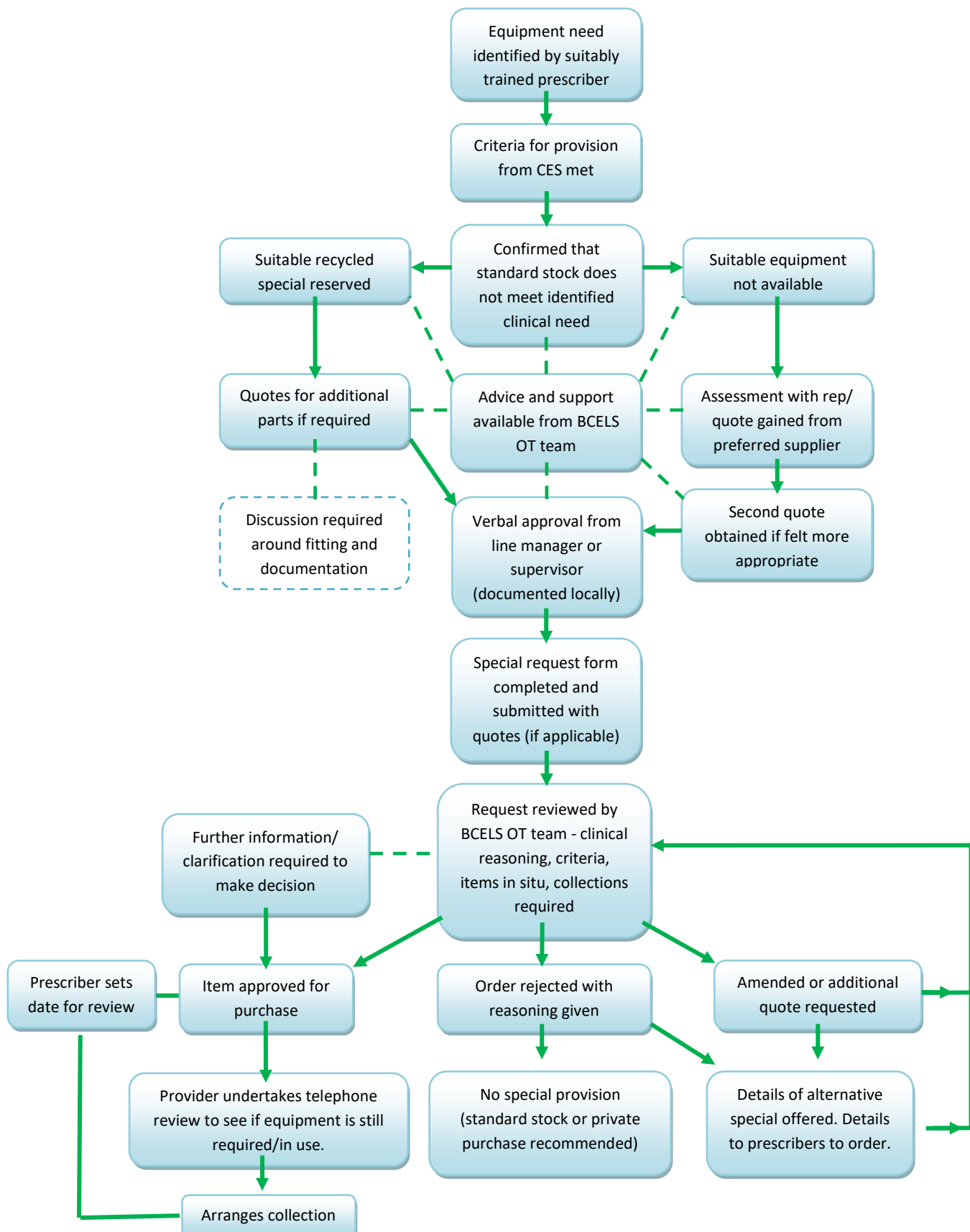
Please see Appendix E – Procurement timeline.



## Appendix A – Current process map for standard equipment



## Appendix B – Current process map for specials



## Process notes for specials

The equipment required is identified by an Equipment Prescriber who is suitably trained.

The criteria for this equipment is met and it is an item which should be supplied by the BCELS.

The Equipment Prescriber establishes that it would not be possible to meet the citizen's need using a standard stock item and checks the catalogue to see if a suitable recycled special is available. If they require assistance with this, or to understand any amendments that can be made to recycled specials, they can contact the BCELS OT team or product rep who will be able to advise.

If a suitable item is available in stores, this item should be reserved. If any additional parts are needed the Equipment Prescriber must get a quote for this. The BCELS OT team will be able to provide help and advice on repairs and parts which may be needed. Discussion is required around who should fit these parts.

If a suitable item is not available, the Equipment Prescriber must get an assessment (if required) and a quote. The quote should be from the BCELS approved supplier list. This ensures value for money and allows for improved recycling and adapting of returns. If the Equipment Prescriber does not feel that this item is suitable then they may get a second quote and include this in their order, explaining why the first item is unsuitable.

Once the item is reserved/ quote is obtained, the Equipment Prescriber must gain approval from their manager to place the order. They will need to provide the name of this person and the date it was approved but any other documentation of this approval should be recorded locally.

The special order request form should be completed and submitted via TCES. This, alongside the client's loan record and the quote, will be reviewed by the BCELS OT team. If any further information is required to make a decision regarding provision, the Equipment Prescriber will be contacted directly.

If the clinical reasoning and quote are appropriate, the criteria for provision is met, and there are no suitable alternatives in stores, the order will be approved for purchase. If the item has been reserved and needs no additions, it will be approved for delivery.

If there are alternative items which would be suitable, which the Equipment Prescriber may not have been aware of or have recently been returned, the BCELS OT team will contact the Equipment Prescriber to discuss. If this item is suitable the original order would be refused and an order for the recycled item must be placed. For ease, it will not be necessary for the Equipment Prescriber to fill in the special order form with the same level of detail, but only to refer to the earlier submission and conversation with the BCELS OT team. The item does not need to be re-approved by the Equipment Prescriber's manager unless there is a significant difference in cost and/ or function. If it transpires that a standard stock item would actually

meet the need, the special order will be refused and the Equipment Prescriber should place a new order for the standard stock item.

If the quote is too expensive, or the item is over specified/ not the agreed colour etc., the order will be refused and the Equipment Prescriber will be asked to resubmit with the correct quote.

If the client does not meet the criteria for provision of the item, the order will be refused and private purchase recommended.

## Appendix C - Birmingham Community Equipment Loan Service (BCELS) - Market Readiness Event - 21/02/2024

### Question and Answers

1. Can you share the quality, price and social value split for the Invitation to Tender (ITT) for the new contract?

The BCELS Programme Team are in discussion about the % split for evaluating the tenders for the new service. This is partly due to a possible reduction that the Council may approve around social value, due to the current financial constraints but we are awaiting confirmation of this change.

2. How will the Section 114 financial pressure affect the quality, price and social value split?

Quality is a key element of this service and the split on each of the categories will be included within the forth coming Cabinet report for their approval in July 2024. Once approved we will share the % split for each category in the Invitation to Tender documents as they are shared with the market.

3. Will you be using the National Themes, Outcomes and Measures (TOMs) Framework?

The Council does use the National TOMS for Social Value and are aware not all are appropriate; this will be factored into the ITT.

4. Is the credit model staying the same?

A credit model will be required in the Financial Model Template (FMT) that forms part of the ITT.

5. Will there be separate sessions with potential service providers?

Yes, if requested. However, these sessions will focus on the information provided at the market readiness event and enabling providers to share any information around innovations that are new and emerging with the service that they were reluctant to share during the open conversation in the meeting.

6. Will the 'developments' be within the first 5 years of the contract?

It is not currently possible to forecast when or whether the developments will be brought into the contract as there are multiple dependencies and considerations.

## Appendix D – Periphery Stores List

Sub Dwelling	Building Name/Number	Street
	Little Bromwich Centre	Hob Moor Road
Intermediate Care	Riverside Lodge	Hob Moor Road
Provide Office	Sparkbrook Health Centre	Grantham Road
	Percy Road Health Centre	Percy Road
Spark hill Primary Care Centre	856	Stratford Road
Edgbaston (Wand/Highgate)	The Wand Medical Centre	15 Frank Street
	Balsall Heath Centre	Edward Road
MSK Physiotherapy	Balsall Heath Health Centre, 43	Edward Road
District Nurse Office, First Floor,	Greenridge Surgery	671 Yardley Wood Road
District Nurses	Greenridge Health Centre	671 Yardley Wood Road
Adult & Specialist Rehabilitation Division Moor Green	Moseley Hall Hospital	Alcester Road, Moseley
Assessment Treatment Service	Moseley Hall Hospital	Alcester Road
CENTRAL EICT	BCHC Central EICT Moseley Hall Hospital	Alcester Road
Clinical Skills Room/Training Room (105)	Moseley Hall Hospital	Alcester Road South
Juniper Centre	Moseley Hall Hospital	Alcester Road
OT Department Wards 5,6,8	Moseley Hall Hospital	Alcester Road
OT Dept incl Physio + W3	Moseley Hall Hospital	Alcester Road
Ward 3 MHH	Central & West Therapy Hub	Alcester Road

<b>Sub Dwelling</b>	<b>Building Name/Number</b>	<b>Street</b>
Ward 9, Moseley Hall Hospital	Ward 9, Moseley Hall Hospital	Alcester Road
	Yardley Wood H.C	Highfield Road
Billesley	401	Highfield Road
	Poplar Road Health Centre	58-64 Poplar Rd
1st Floor District Nurses	All Saints Medical Centre	Vicarage Road
All Saints Medical Centre	2A	Vicarage Road
MSK Physiotherapy	Attwood Health Centre	30 Bath Row
	Barberry Centre	Vincent Drive
Oleaster Building	6	Mindelsohn Crescent
Physio Department	Birmingham Women's Hospital	Mindelsohn Crescent
East Block Loading Bay	Hospital Drive	Metchley Drive
Heritage Building	Queen Elizabeth Hospital	Mindelsohn Way
Heritage building East Block Old QE, Lower West 2	Queen Elizabeth Hospital	Mindelsohn Way
Therapy	Queen Elizabeth Hospital	Mindelsohn Way
Therapy Services	QEHB	Mindlesohn Way
BCC Crossroads	75	Harborne Road
Intermediate Care	Norman Power	Skipton Road
NORMAN POWER CENTRE	Night Service Stores	Ladywood
WEST EICT	BCHC WEST EICT Norman Power Centre	14 Skipton Road
OT therapy room	Kenrick Centre Enhanced Assessment Bed	Mill Farm Road
South EICT (Room FD.28.01)	BCHC SOUTH EICT THE KENRICK CENTRE	Mill Farm Road
Lordswood	Lordswood Medical Practice	54 Lordswood Road

<b>Sub Dwelling</b>	<b>Building Name/Number</b>	<b>Street</b>
	Ashcroft Unit	Lodge Road
MSK Physiotherapy	SUMMERFIELD PRIMARY CARE CENTRE	Summerfield Primary Care Centre
	Lansdowne Health Centre	Lansdowne Street
D48 Ward, Sheldon Block	City Hospital Sheldon Block	Dudley Road
OT Department	City Hospital	Dudley Road
Heathfield	Heathfield Family Centre	131-133 Heathfield Road
DISTRICT NURSES, ROOM 34, 2nd FLOOR	FINCH RD PRIMARY CARE CENTRE	2 Finch Road
Physio	St Stephens Centre	171 Nineveh Road
Respiratory Service	St Stephens Respiratory Service	171 Nineveh Road
Spring Hill	St Stephens Centre	171 Nineveh Rd
Hawthorns	Soho Rd Primary Care Centre, Store Room (Basement)	247-251 Soho Road
MSK Physiotherapy	Soho Road Health Centre	Soho Road
North EICT	BCHC NORTH EICT Perry Tree Centre	Dovedale Road, Perry Common,
OT Team	Perry Trees Centre	Dovedale Road
Dove Primary Care Centre	60	Dovedale Road
The Dove Primary Care Centre	60	Dovedale Road
Brookvale	Stockland Green Primary Care Centre	192 Reservoir Road
MSK Physiotherapy	Stockland Green Health Centre	Reservoir Road
Yenton Wood	Stockland Green Primary Care Centre	192 Reservoir Road
Physiotherapy Department	Northcroft Hospital, 190	Reservoir Road



Sub Dwelling	Building Name/Number	Street
BCC	67	Sutton New Road
OT Team	Birmingham Hospice Erdington	Grange Road
SUITE 1D2	PARK BUSINESS CENTRE	Wood Land
Partners in Health	17	Willard Road
	NHS Building	Waterloo Road
Swan DN Team	Harvey road	Harvey Road
	20 ANNE MARIE HOWES	Platt Brook Way
BEDDED NURSES	20 ANNE MARIE HOWES	Platt Brook Way
BEDDED THERAPY	20 ANNE MARIE HOWES	Platt Brook Way
DAY REHAB	20 ANNE MARIE HOWES	Platt Brook Way
EAST EICT	BCHC EAST EICT ANN MARIE HOWES CENTRE	20 Platt Brook Way
	Adult and Communities District Nursing, Hall Green IMT 7, 977-979 Stratford Road, B28 8BG	Stratford Road
	Hall Green Health Centre	Stratford Road
District Nurses Office	Millennium Medical Centre	Weoley Castle Road
Weoley Castle (Millennium)	Millennium Medical Centre	121 Weoley Castle Road
	West Midlands Rehab Centre	Oak Tree Lane
Physiotherapy	91 West Midlands Rehabilitation Centre	Oak Tree Land
	Springfield's Centre	Raddlebarn Road
	Selly Oak Health Centre	15 Katie Road
OT Team	Birmingham Hospice Selly Park	176 Raddlebarn Road
	Charlotte Road Health Centre	45 charlotte road

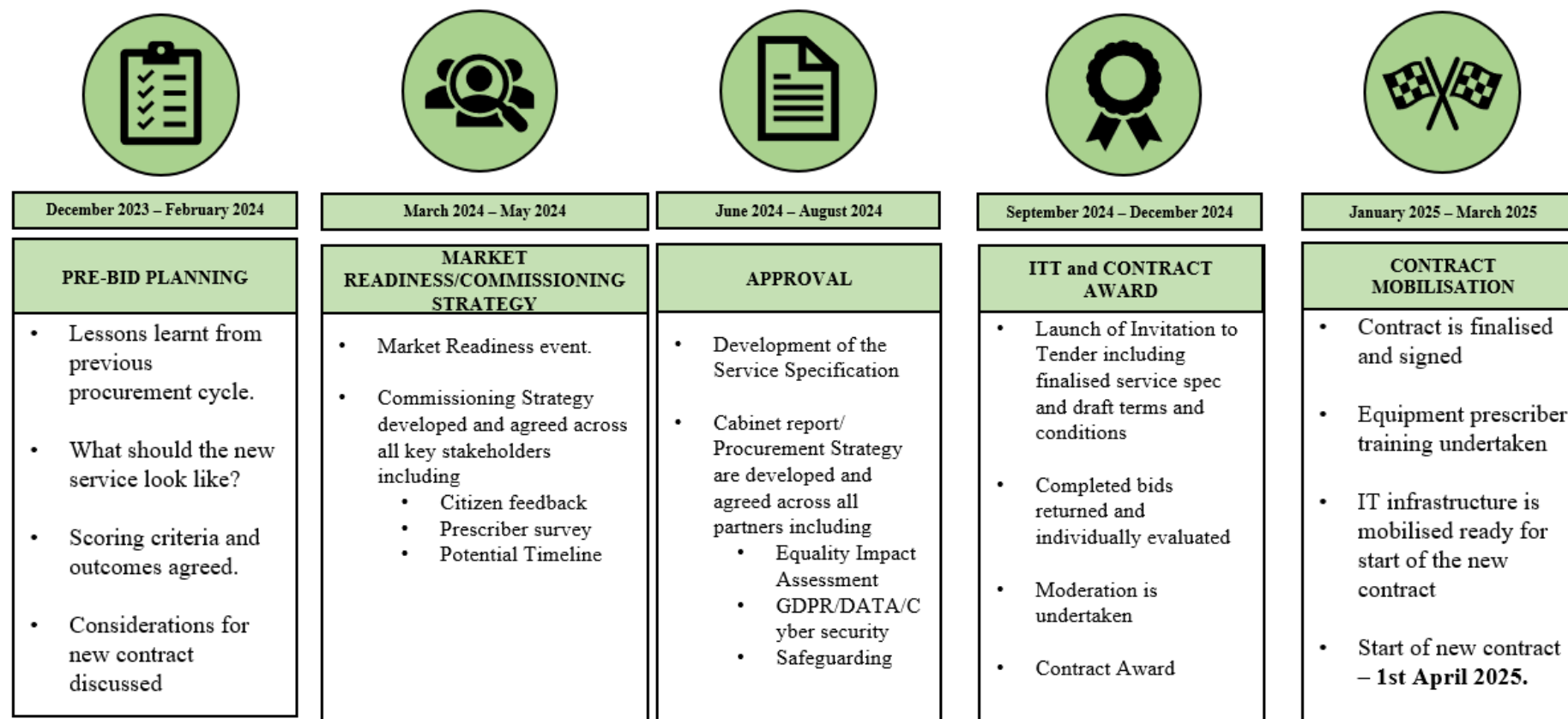
Sub Dwelling	Building Name/Number	Street
BCC	Lifford House	Fordhouse Lane
G06	KN IMT Broadmeadow Health Centre	Keynell Covert Surgery
Kings Heath	Broadmeadow Health Centre	Keynell Covert Surgery
MSK Physiotherapy	Broadmeadow Health Centre	Keynell Covert Surgery
Stirchley	Broadmeadow Health Centre	Keynell Covert Surgery
Therapy Services	Royal Orthopaedic Hospital	Bristol South Road
WEST HEATH SURGERY	194-196	West Heath Road
	Quinton Lane Care Centre	27 Quinton Lane
	Quinton Lane Health Centre	Quinton Lane
District Nurses	27 Quinton Lane Care Centre	Quinton Lane
	Woodgate Valley Health Centre	Steven Avenue
District Nurse Storeroom	Woodgate Valley Health Centre	61 Steven Avenue
Wesley castle District Nurses	Woodgate Valley Health Centre	61 Steven Avenue
Blakesley DN Team	Richmond Primary Care Centre	Richmond road
	Richmond Primary Care Centre	229 Bordesley Green East
DN Team Richmond Primary Care Centre	299	Bordesley Green East
MSK Physiotherapy	Richmond Primary Care Centre	229 Bordesley Green East
Meadway DN Team + East Unplanned Team	Church Lane Health Centre	Church Lane
Langley	Castle Vale PCC, Tangmere	Tangmere Drive

Sub Dwelling	Building Name/Number	Street
	drive	
MSK Physiotherapy	70 TANGMERE DRIVE	Castle Vale Health Centre
Bucklands DN Team	Hodge hill Primary Care centre	Hodge Hill Primary Care centre
East Therapy Hub/Falls Prevention, Store Room, ground floor.	Hodge Hill Primary Care Centre	Hodge Hill
	Northfield DN Team Ward 10 West Heath Hospital	Rednal Road
Complex Care	Block G West Heath Hospital	Rednal Road
CRIS Team	West Heath Hospital	Rednal Road
Hawkesley	Block G West Heath Hospital	Rednal Road
OT PHYSIOTHERAPY MAIN BLOCK	WEST HEATH HOSPITAL	Rednal Road
South Therapy Hub	West Heath Hospital, Rednal Road Birmingham B38 8HR	Rednal Road
West Heath DN Block G	West Heath Hospital	Rednal Road
Physiotherapy & Occupational Therapy Dept	Birmingham Childrens Hospital Parsons House	Steelhouse Lane
Perry view	Tower Hill Partnership	435 Walsall Road Perry Barr
Tower Hill	Tower Hill Medical Centre	25 Tower Hill
MSK Physiotherapy	WARREN FARM	Warren Farm Road
	Kingsnorth House	Blenheim Way
	Kingsnorth House...	Blenheim Way
1ST FLOOR LARGE OFFICE	KINGSNORTH HOUSE	Blenheim Way
Circle Birmingham Hospital	Circle Birmingham Hospital, 25 Pebble Mill Road, Edgbaston, B5 7TR	Pebble Mill Road

Sub Dwelling	Building Name/Number	Street
Room 34, Second Floor	Finch Primary Care Centre	2 Fentham Road
Aston Health Centre	Trinity DN Team	175 Trinity Road
Archer Ward-IMC - Therapy Team	Rowley Regis Hospital	Moor Lane
	BCC Lancaster Circus	1 Lancaster Circus
BCC	10	Woodcock Street
c/o NHS Property Services Fort Dunlop	BCHC Stroke Team Receipt and Distribution Centre	Devon Street
Matrix point	b1-3	Mainstream way
Gee Business Centre- Therapy HUB	Gee House-First Floor Tech Building	Holborn Hill
A&E Emergency Department	Sandwell General Hospital	Lyndon
Basement- Goods delivery entrance	Sandwell General Hospital	Hallam Street
OT Team	Sandwell Hospital	Lyndon
Sandwell Hospital	Sandwell Hospital	Lyndon
	Sutton Cottage	Birmingham Road
MSK Physiotherapy	Sutton Cottage	Birmingham Road
Bracebridge	James Preston Health Centre, 61 Holland Road, Sutton Coldfield	61 Holland Road
Longmoor	Boldmere clinic, 194 Boldmere road, B73 5UE	Boldmere Road
MSK Physiotherapy	Ley Hill Surgery Ley Hill Surgery	Lichfield Road
	St Giles Hospice	Lindridge Road
	CU27 - Good Hope Hospital	Rectory Road
REACT	Good Hope Hospital	Rectory Road
Therapy Services	Good Hope Hospital	Rectory Road

Sub Dwelling	Building Name/Number	Street
MSK	WALMLEY HEALTH CENTRE	8A Walmley Road
MSK Physiotherapy	Walmley Health Centre	Walmley Road
District Nursing	Washwood Heath Health and Wellbeing Centre	Clodeshall Road
MSK Physiotherapy	WASHWOOD HEATH HEALTH AND WELLBEING CENTRE	Clodeshall Road
Church Lane (Omnia)	Omnia Practice	73 Yardley Green Road
Hillbrook (Sparkhill)	Omnia Practice	73 Yardley Green Road
Room 82	IMT Store - Omnia Practice	73 Yardley Green Road
Small Heath	Omnia Practice	73 Yardley Green Road
Yardley Green	Yardley Green Medical Centre	73 Yardley Green Road
	Heartlands Hospital	Bordesley Green East
	Severe & Brittle Asthma Unit, Heartlands Hospital	Bordesley Green East
Community Unit 29	Heartlands Hospital	Bordesley Green East
Medical Day Hospital	Heartlands Hospital	Bordesley Green East
Physio Department	Heartlands Hospital	Bordesley Green East
Respiratory CNS Office, Ward 24	Heartlands Hospital	Bordesley Green East
OT Team	Solihull Hospital	Lode Land
Clinical skill building	Skyline Court	Centrum One Hundred
Birmingham Store Room	St Giles Hospice	Fisherwick Road, Whittington

## Appendix E – Procurement timeline



## APPENDIX 9.2

**PROCUREMENT STRATEGY (P0940) FOR**  
**THE PROVISION OF A BIRMINGHAM**  
**COMMUNITY LOAN EQUIPMENT SERVICE**

## **1 Background**

- 1.1 The requirements and outcomes are set out in the accompanying Cabinet Report 'Birmingham Community Equipment Loan Service (BCELS) – Commissioning and Procurement Strategy' 23 July 2024.
- 1.2 The following services could be included in the contract however more work is required before the Invitation to Tender (ITT) is scheduled for issue. Under Regulation 72 (1) (a) of the Public Contract Regulations (PCR) 2015 a contract can be modified where, irrespective of value, it has been clearly provided for in the initial ITT. This provision will be stated in the ITT together with the potential value as set out in the Cabinet Report. This does not commit the Council or BSOL ICB to any expenditure. Where there may be TUPE implications; these would follow the appropriate organisational governance before any transfer.
1. Dynamic Pressure Mattresses (DPM); add this requirement to the contract estimated value £12M.
  2. Solihull integration; extend BCELS to Solihull to provide a consistent service across Birmingham and Solihull. This is currently delivered in house by Solihull Metropolitan Borough Council; estimated value £19M.
  3. Birmingham Digital Technology Enabled Care; add this requirement to the contract estimated value £36M.

The inclusion of the potential to add these services to the contract will provide commissioners the option to modify the contract should this be the most appropriate method for service delivery. The scope and nature of these possible modifications, including value, will need to be stated at the advertisement stage and cannot be exceeded. The total value is **£67M**.

## **2 Service Requirements**

- 2.1 There are approximately 2,500 Equipment Prescribers actively using the service to order items online on behalf of citizens, on the basis of their clinical assessment of the person and their needs. Equipment Prescribers span both Health and Social Care services and are made up of colleagues from occupational therapists, physiotherapists and district nurses.
- 2.2 These Equipment Prescriber's generate around 41,000 equipment orders per year into the service.

2.3 The range of community equipment available can be divided into two types:

- **Standard Items:** these items form the standard community equipment catalogue and are available for loan or issue through the service after a clinical assessment by an Equipment Prescriber.

These items have a fixed price in the catalogue and can be routinely ordered by Equipment Prescribers. The equipment catalogue is managed by a Clinical team with input from Equipment Prescriber advisory groups.

Examples of such items include, bath lifts, bed rails, hoists, hospital beds.

- **Special Items:** pieces of equipment that are of sufficient high cost or specialist nature that they do not form part of the standard catalogue and cannot be routinely ordered by Equipment Prescribers.

These items do not have a fixed price, and Equipment Prescribers must collect quotations from several suppliers and get sign-off before ordering items on a spot-purchase basis.

Examples of such items include, chairs and other adapted equipment to meet the person's needs.

2.4 Collections: Equipment that is no longer needed it is collected by the service, and if suitable for re-use is cleaned, checked and re-issued.

2.5 Exclusions: The following equipment is not included in the service:

- Some smaller, low-cost items are not available through the community equipment loan service. These items include shoehorns and long handled sponges and are readily available on the high street.
- Wheelchair and Telecare services are not currently included in the community equipment loan service and are instead provided under separate contracts.
- Medical equipment, with the exception of nebulisers and suction machines, are not included in this service.
- Equipment for care homes, other than for items as agreed in the 'Birmingham Guidance for Provision of Community Equipment in Care Homes with and without Nursing'.

2.6 Service Logistics: The service requires an end-to-end product ordering and delivery service to citizens with various levels of support needs. The service must be responsive and requests need to be auditable where needed. An IT system is required to receive and process orders with monitoring capability. In addition to this and the operational resource inputs the service logistics require stores, transport, installation, collection and recycling requirements.

2.7 Personal data will be collected and held within associated systems which must be appropriately managed and sufficiently robust.

2.8 Safeguarding requirements must also be incorporated into the service provision.

### 3. **Strategic Procurement Approach**



The following options were considered:

- Option 1 - Do nothing. This has been discounted as the Birmingham Community Equipment Loan Service contributes to the Council's and Health's statutory responsibilities.
- Option 2 - Tender as a framework agreement primarily for Birmingham but available for use by other public sector bodies. There is no benefit or economies of scale that would be realised from this option and there would be additional resource requirements in managing the framework. This option was discounted.
- Option 3 - Use an existing framework agreement. There are no existing framework agreements available that meet the requirements of the Council or Health. This option was discounted.
- Option 4 - In-house service. There is no resource or equipment infrastructure within BCC or BSOL ICB to enable BCELS to be mobilised by the 1st April 2025. This option was discounted.
- Option 5 - Tender for a service with Birmingham & Solihull Integrated Care Board (BSol ICB), and Birmingham City Council under a shared contract. This is consistent with the national buyer market (source Tusnell.com). The Invitation To Tender will include the scope for potential modifications.

Option 5 is the recommended option as this would give the Council and BSol ICB the most flexibility in specifying the service requirements and financial model.

### 3.1 Sourcing Strategy

The contract for Birmingham Community Loan Equipment will be awarded to one supplier on the basis that a single supplier is the most effective due to the service logistics set out at 2.6 and the data and safeguarding management set out at 2.7 and 2.8 respectively.

The suppliers in the market have the capacity to deliver and there are no advantages to an alternative sourcing method.

### 3.2 Duration

3.2.1 The new contract will commence on 1 April 2025 for an initial period of five (5) years with an option to extend for a further five (5) years subject to satisfactory performance and funding availability with a proposed review in Year 3 and as well as a contract extension review in Year 5.

3.2.2 The contract length will provide stability for this statutory service and the mutually advantageous collaboration between the Council and BSol ICB, relating to use of resources and funding, within an efficient and effective commissioning model.

3.2.3 The provision of the type of equipment loaned by this service is unlikely to change. Innovations will be made in the processes and systems which can be done within the management of the contract.

3.2.4 Setting out the potential to modify the contract in the ITT allows for future commissioning opportunities within the service and market precluding the need to reprocure to incorporate these services. Additionally, the contract duration allows for the pre-procurement activities to take place and potential to provide assurance on quality and cost.

3.2.5 The market is small with 4 national providers and this may reduce further. The potential up to 10-year contract duration will allow the Council to take advantage of current market conditions.

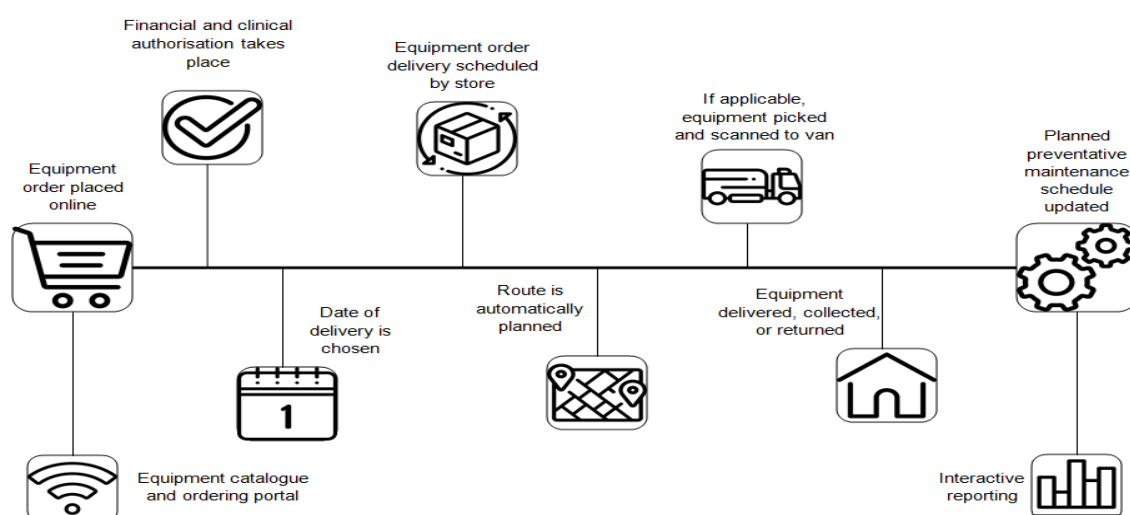
### 3.3 Procurement Route and Advertising

The opportunity will be via the Open procedure route and advertised on Find a Tender Service and Contracts Finder.

### 3.4 Scope and Specification

The aim is to provide a Birmingham Community Equipment Loan Service (BCELS) that enables citizens to live as independently as possible, in their chosen home, and enables Health and Social Care Services to function effectively and without delay, preventing citizens from developing more complex needs and protecting them and their carers from harm or injury.

The following depicts an overview of the key elements of a community equipment service:



### 3.5 Market Analysis

There is a small specialist market with three large well-established providers with a market share each of between 20-40% of the market over the last 10yrs (source Tussell.com). These providers are diversifying into other health and social care services such as wheelchairs, assistive technology, technology enabled care, occupational therapy services and retail equipment services.

The fourth provider is smaller and was awarded a large framework agreement in March 2023 for 5 years.

#### *Other requirements*

There is a separate market for Technology Enabled Care services which has been developing for approximately 5 years. The 3 market leaders for BCEs have diversified into this market and are ranked 3-5 of the five top ranked suppliers (source Tussell.com).

### 3.6 Tender Structure (including Evaluation and Selection Criteria)

The quality / price balances below were established having due regard for the corporate document 'Evaluating Tenders' which considers the complexity of the services to be provided and the required outcomes.

The evaluation of tenders will be assessed as detailed below:

The assessment will be divided into the following stages:

Stage 1 – Selection Stage

Stage 2 – Invitation to Tender

#### **Selection Stage 1**

Criteria	Evaluation
<b>STAGE ONE - Selection Stage</b>	
Company Information	Pass / Fail
Financial Information (including Insurance)	Pass / Fail
Health and Safety	Pass / Fail
Compliance with Equalities	Pass / Fail
Quality Management	Pass / Fail
Grounds for Mandatory Exclusion	Pass / Fail
Grounds for Discretionary Exclusion	Pass / Fail
Modern Slavery Act 2015	Pass / Fail
Technical and Professional Ability	Pass / Fail
Third Party Data Protection Requirements	Pass / Fail
Cyber Security Requirements	Pass / Fail
Safeguarding Requirements	Pass / Fail
Information Technology (IT) Requirements	Pass / Fail
Declaration	Pass / Fail

Tenderers will be required to pass Stage 1 in order to progress to Stage 2.

## **Stage 2 - Invitation to Tender Stage**

### **Evaluation and Selection Criteria**

Tenders will be evaluated using the quality / social value / price in accordance with a pre-determined evaluation model.

This quality/social value/price balance has been established having due regard to the corporate document 'Evaluating Tenders' which considers the complexity of the services to be provided and the degree of detail contained within the contract specification.

The Quality Assessment will be in two parts. Part 1 will be a comprehensive scored evaluation of the Information and Technology (IT) Provision. Part 2 will be an evaluation of the overall Quality Assessment.

Tenders will be evaluated against the specification in accordance with the pre-determined evaluation model described below:

### **Part 1 - Quality Assessment of the IT Provision and Safeguarding Policies**

An assessment of the IT System Provision and Safeguarding Policies based on the service requirements and the tenderer's ability to meet those requirements. A set score will be allocated and a threshold score will be applied. Bids that achieve the threshold score or above will proceed to the next stage of the Quality Assessment; Part 2. The score of the IT Provision will be incorporated within the three criteria (apportionment to be determined) in the Quality Assessment Part 2.

Provision will be made for a demonstration of the IT System at the Council's request and for improvements in the Safeguarding Policies if required.

### **Part 2 - Quality (60% Weighting)**

<b>Criteria</b>	<b>Overall Weighting</b>	<b>Sub-Weighting</b>
Service Delivery and Capacity	100%	45%
Quality and Performance Outcomes		35%
Contract Mobilisation		20%

Tenderers who score less than 60% of the quality threshold i.e. a score of 60 out of a maximum quality score of 100 (60 marks out of 100) will not proceed to the next stage of the evaluation.

### **Social Value (10% Weighting)**

All Social Value questions will assess the following criteria:

	Sub-Weighting	Sub-Criteria	Theme Sub-Weighting
Qualitative	70%	Local Employment	40%
		Partners in Communities	30%
		Green and Sustainable	30%
			TOTAL 100%
Quantitative	30%	BBC4SR Action plan	Total of Action Plan Value (£) score
			TOTAL 100%
Overall Social Value	10%		

### **Price (30% Weighting)**

Tenderers will be expected to submit a price on the basis of service delivery.

The tenderer with the lowest acceptable price is given the maximum possible weighted price score. The other tenderers' weighted price scores will be calculated on pro rata basis.

### **Overall Evaluation**

The evaluation process will result in comparative quality, social value and price scores for each tenderer. The maximum quality score will be awarded to the bid that demonstrates the highest quality. The maximum social value score will be awarded to the bid that demonstrates the highest social value. The lowest price will be given the maximum score. Other tenderers will be scored in proportion to the maximum scores in order to ensure value for money and the proposed framework agreement will be awarded to the first ranked tenderer.

### Evaluation Team

The evaluation will be undertaken by officers from the Council and the relevant BSOL ICB partners and facilitated by Corporate Procurement Services.

### Indicative Implementation Plan

The indicative implementation plan is as follows:

<b>Activity</b>	<b>Anticipated Dates</b>
Cabinet Approval (Strategy)	23 July 2024
ITT Issued	August 2024
ITT Return	September 2024
Evaluation Period	October 2024
Award Report	November 2024

Mandatory Standstill Period	December 2024
Contract Award	December 2024
Mobilisation	January – March 2025
Contract Starts	<b>1<sup>st</sup> April 2025</b>

1. Service Delivery Management

2. Contract Management

The contract will be managed by a designated BCC Adult Social Care & Health Commissioning Manager using the Council's Contract Management process and toolkit. Key performance indicators will be used to regularly monitor and manage quality.

3. Performance Measurement

Performance measures will cover:

- Provide a quality service with high levels of Equipment Prescriber and Citizen satisfaction comments.
- Deliver equipment, providing a choice of times that are appropriate to the citizen and Equipment Prescriber and within the agreed prescribing timeframes.
- Ensure that suitable equipment, including both standard and special items, are delivered on time, fully maintained and meeting relevant legal requirements.
- Provide a cost-effective service that achieves good value for money on standard and special equipment purchases through buying power and optimizes re-use of equipment, collection and recycling.
- Offer a range of equipment that is effective and keeps up to date with developing technology.
- Maintain an exemplary safety record, with health and safety policies in place and implemented; and ensure any breaches are reported to Commissioners, the Medicines, and Healthcare Products Regulatory Agency (MHRA) and manufacturers as soon as possible.
- Provide good quality intelligence on the demand for and usage of equipment and share good practice on the use of equipment to support citizens at home.
- Be registered with CECOPS (Community Equipment Code of Practice Scheme) and work towards accreditation with CECOPS within a year of the start of the Contract.
- Support a pilot for the introduction of personal health budgets and direct payments to purchase equipment.

Performance monitoring information will be submitted on monthly basis, and this will include a range of qualitative and quantitative evidence, along with regular contract compliance review meetings. There are measures within the contract to address any potential performance and contractual issues.

4. Risk Management

- 4.1 The Procurement Strategy has been developed through a robust project management programme that includes the management and identification of risks that are tracked as part of the project delivery.
- 4.2 The inclusion of the potential modifications has considered whether this is appropriate for the Community Equipment Loans market which it is.
- 4.3 The Council's Risk Management Methodology has been followed. The risk register for the service has been jointly produced and owned by the Adult Social Care Directorate and Corporate Procurement Services with arrangements being put in place to ensure operational risks are appropriately mitigated.

## **5 Compliance Issues:**

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

Compliance with the BBC4SR is a mandatory requirement that will form part of the conditions of these contracts. Tenderers will be required to submit an action plan with their tender that will be evaluated in accordance with the tender structure set out and the action plan of the successful tenderers will be implemented and monitored during the contract period.

These priority areas are supported by the overarching commitment to reduce health inequalities (a duty of the Local Council under the Health and Social Care Act 2012).

## **6. Legal Implications**

- 6.1 The procurement will be via the Public Contract Regulations 2015 and provision has been made for potential contract modifications.
- 6.2 The Council's and BSol ICB's requirements to meet their respective General Data Protection Regulations (GDPR) obligations will be agreed with the relevant officers and included in the Invitation to Tender.
- 6.3 The Data Sharing Agreement will be agreed with Health and Legal Services and included in the contract terms and conditions.
- 6.4 The Council's and Health's requirements to meet their respective Safeguarding obligations will be agreed with the relevant officers and included in the Invitation To Tender.
- 6.5 For further legal implications refer to the cabinet report.

## **7**     Financial Implications

- 7.1     The estimated value of the BCELS contract is currently £7.2M (at 2023/2024 prices) per annum excluding VAT and will include an inflationary and growth uplift that will be finalised as part of the financial model development as part of the invitation to tender process.
- 7.2     The total contract value for a five (5) year duration with the option to extend up to a further five (5) years is **£95M**, which includes the provision of an annual inflationary uplift of 3% or CPI whichever is lower and growth of 2% during this time period and excludes VAT.
- 7.3     The estimated value of the possible modifications is estimated at **£67M**.
- 7.4     For further financial implications refer to the cabinet report.

## **8**     Procurement Implications

- 8.1     The 10% Social Value weighting rationale is to allow for a higher weighing on Quality (60%) in order to maximise the quality which has a number of components including Safeguarding and an IT ordering and management system as well as deliveries to citizen's homes. This also allows for 30% on Price to obtain value for money.
- 8.2     The Council's Social Value policy has provision for less than 20% social value and 10% is the national standard. We do not consider this weighting will adversely impact the Social Value offered/achieved.
- 8.3     The remaining procurement implications are set out within this report.

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

None.

## **10**    Appendices to this report

Appendix A (embedded) Social Value Rationale



## APPENDIX A – SOCIAL VALUE

Social Value Rationale	
<p>Market dynamics from a Social Value perspective:</p> <ul style="list-style-type: none"> <li>The market for this type of service is comprised of a small number of large national organisations who are mature in capability and capacity for social value and Local Authority procurements.</li> <li>The market has demonstrated it can deliver tangible social value outcomes.</li> </ul>	
Total Social Value Weighting: 10%	Qualitative / Quantitative split: 70% / 30%
<p>Weightings Background:</p> <p>The 10% Social Value weighting rationale is to allow for a sufficient Quality and Price weightings in order to maximise the quality of a multi-faceted service to vulnerable citizens and value for money. The Council's Social Value Policy has provision for less than 20% social value; 10% is the national standard. We do not consider this weighting will adversely impact the Social Value offered/achieved.</p> <p>The Qualitative / Quantitative split is based on the targeted Social Value measures and the potential proxy values which will encourage commitments. Qualitative submission will explain how the measures will be achieved and so a higher weighting has been allocated to this section.</p>	
<p>Theme Selection and Weighting:</p> <p><u>Priority Theme One:</u> Local Employment (sub-weighting 40%) – These organisations have large and diverse workforces and provide economic opportunities to local people and people with disabilities. This could be substantial for the 5yr plus 5yr contract duration.</p> <p><u>Priority Theme Two:</u> Partners In Communities (sub-weighting 30%)</p> <p><u>Priority Theme Three:</u> Green and Sustainable (sub-weighting 30%)</p> <p>The weightings are based on the benefit of the measures within the Priority Themes.</p> <p>The measures used are based on the national Social Value TOMs (Themes, Outcomes, Measures) and modified to be more beneficial to Birmingham and eliminate the potential for bidders to artificially inflate the value of the action plan.</p>	



# EQUALITY IMPACT ASSESSMENT

Birmingham Community Equipment Loan Service  
(BCELS)

Reference: EIA000397

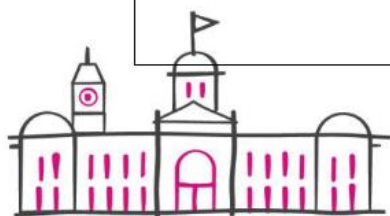
Date: 18/03/2024

Submitted by: Kamran.A.Mahmood@birmingham.gov.uk



## EIA Form – About your EIA

Reference number	EIA000397
Date Submitted	18/03/2024
Subject of the EIA	Birmingham Community Equipment Loan Service (BCELS)
Brief description of the policy, service or function covered by the EIA	<p>The BCELS service has ran since 2010, last went through a review and procurment in 2019. The service contract is coming to a natural end (March 2025), therefore a new procurment is required. The re-procurement provides an opportunity to review the current service spec and make alternation to improve the provision to BSOL patients and Birmingham citizens, and enhance the service. Any areas that will change will not fundementmental change the service at a citizen level. The reprocurement team are working towards -</p> <ul style="list-style-type: none"> <li>- including the provision of dyaminic pressure mattress.</li> <li>- to include CHC as part of the main service - (move from SLA to inclusion criteria) - partnership working with Soilhull to create a boundary arrangement (locality )</li> </ul> <p>There is a procurement working group with members from BSOL and BCC, this will include a review of service from local professionals and citizens. It is envisaged that the procurment will be completed and new service by April 1st 2025. The current BCELS contract was awarded to Medequip LTD in 2020 on a 3 + 2 year basis. The BCELS is funded through a pooled budget arrangement under a Section 75 (National Health Service Act 2006) agreement and managed via the Better Care Fund -BCC are the lead commissioner. The current contract for the service is due to end on 31st March 2025. A re-commissioned BCELS will be responsible for the procurement, delivery, installation, maintenance, collection, cleaning/decontamination and recycling of equipment which is provided on loan, or for single issue, to citizens based upon their assessed needs. The main beneficiaries of the BCELS will be children and adults who have health and/or social care needs and who have been assessed by clinical staff as requiring equipment on a short term or long term basis to enable them to live as independently as possible in their chosen home; prevent avoidable admissions to hospital; and facilitate discharge from hospital. The Service will also support carers to provide ongoing care in the home environment. Provision of equipment is an essential component of the health and social care system and the BCELS is central to meeting the changing equipment needs of citizens and carers. The BCELS will be available to citizens:</p> <ul style="list-style-type: none"> <li>• Who are residents of Birmingham;</li> <li>• Who are registered with a Birmingham GP who is a member of Birmingham and Solihull Clinical ICB</li> </ul>



	(BSol ICB); • Where exceptional authorisation has been given by Commissioners, for example, in emergency cases where people are subject to Court Orders, Deprivation of Liberty etc. The BCELS will not include equipment where the needs are met by other services provided by the Council or the NHS, for example: wheelchairs; telecare equipment; and medical equipment with the exception of nebulisers and suction machines. In addition, the loan service will not issue certain small, low value aids, as identified in consultation with clinical staff that citizens might reasonably be expected to purchase themselves and that are readily available from retail outlets. However, it is anticipated that the BCELS will offer a retail service that citizens self-purchasing these aids may wish to use and it is expected that assistance would be provided with this where required.
Equality Assessment is in support of...	["Amended function", "Amended service", "Amended/refreshed strategy "]
How frequently will you review impact and mitigation measures identified in this EIA?	Quarterly
Due date of the first review	2025-10-01

#### Directorate, Division & Service Area

Which directorate(s) are responsible for this EIA?	["Adults Social Care"]
Division	Commissioning
Service area	Birmingham Community Equipment Loan Service
Budget Saving	No

#### Officers

What is the responsible officer's email address?	Kamran.A.Mahmood@birmingham.gov.uk
What is the accountable officer's email address?	louise.collett@birmingham.gov.uk

#### Data Sources

Data sources	["Relevant reports/strategies", "Surveys"]
Data source details	N/A

#### Protected Characteristics

Protected Characteristic – Age





Does this proposal impact people due to their age as per the Equality Act 2010?	No
What age groups are impacted by your proposal?	
Please describe the impact to the age characteristic	
How will you mitigate against any negative impact to the age characteristic?	

#### Protected Characteristic – Disability

Does this proposal impact those people with a disability as per the Equality Act 2010?	No
Please describe the impact to the disability characteristic	
How will you mitigate against any negative impact to the disability characteristic?	

#### Protected Characteristic – Sex

Does this proposal impact citizens based on their sex as per the Equality Act 2010?	No
What sexes will be impacted by this proposal?	
Please describe the impact to the sex characteristic	
How will you mitigate against any negative impact to the sex characteristic?	

#### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	No
Please describe the impact to the gender reassignment characteristic	
How will you mitigate against any negative impact to the gender reassignment characteristic?	



### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?	No
What legal marital or registered civil partnership status will be impacted by this proposal?	
Please describe the impact to the marriage and civil partnership characteristic	
How will you mitigate against any negative impact to the marriage and civil partnership characteristic?	

### Protected Characteristic - Pregnancy and Maternity

Does this proposal impact people covered by the Equality Act 2010 under the protected characteristic of pregnancy and maternity?	No
Please describe the impact to the pregnancy and maternity characteristic	
How will you mitigate against any negative impact to the pregnancy and maternity characteristic?	

### Protected Characteristic - Ethnicity and Race

Does this proposal impact people due to their race as per the Equality Act 2010?	No
What ethnic groups would be impacted by this proposal?	
Please describe the impact to the ethnicity and race characteristic	
How will you mitigate against any negative impact to the ethnicity and race characteristic?	



### Protected Characteristic - Religion or Beliefs

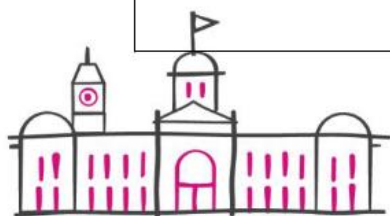
Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	No
What religions could be impacted by this proposal?	
Please describe the impact to the religion or beliefs characteristic	
How will you mitigate against any negative impact to the religion or beliefs characteristic?	

### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	No
What sexual orientations may be impacted by this proposal?	
Please describe the impact to the sexual orientation characteristic	
How will you mitigate against any negative impact to the sexual orientation characteristic?	

### Monitoring

How will you ensure any adverse impact and mitigation measures are monitored?	<p>Audits are used by the provider for all aspects of delivering the contract i.e. standard and quality of equipment, staff training, warehouse safety and fleet management, FSN (Field safety notices) and MHRA alerts.</p> <p>The process for incident reporting and recording includes monthly reporting into contract management for complaints and incidents. Process for escalation for urgent/priority situations. To date from previous audits and incidents revealed no change from a commissioning point of view.</p> <p>The provider has ensured full safeguarding training and compliance is in place and enhanced DBS for staff to ensure vulnerable children and adults patients are protected.</p>
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Please enter the email  
address for the officer  
responsible for monitoring  
impact and mitigation

Kamran.A.Mahmood@birmingham.gov.uk





## Environment and Sustainability Assessment

<b>Project Title:</b>	Re procurement of Birmingham Community Equipment Loans Service (BCELS)			
<b>Department:</b>	<b>Team:</b> Strategy & Intelligence Commissioning	<b>Person Responsible for assessment:</b> Kamran Mahmood		
<b>Date of assessment:</b> 15.4.24		<b>Is it a new or existing proposal?</b> Re procurement of an existing service		
<p><b>Brief description of the proposal:</b> This commissioning strategy sets out Birmingham's plans to jointly commission a Birmingham Community Equipment Loan Service (BCELS) to meet the health and wellbeing needs of all citizens. This service will be commissioned via a Section 75 pooled budget arrangement between Birmingham City Council (BCC) and NHS Birmingham and Solihull Integrated Care Board (BSol ICB).</p> <p>This service provides Community equipment to reduce unnecessary admissions to hospital, prevent delayed discharge from hospital, and assist with everyday tasks, enabling people to live independently at home.</p>				
<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		(x)		<p>The service provision impacts on natural resources in the following ways:</p> <ol style="list-style-type: none"> <li>1. Use of resources to manufacture the equipment that is loaned via the service, and emissions associated with manufacture and transportation to service provider storage facility.</li> <li>2. Delivery of equipment to and collection from citizen's homes has an impact on air quality as a result of vehicle emissions.</li> <li>3. Equipment that is collected for re-use must be thoroughly cleaned and decontaminated before being loaned to another citizen.</li> <li>4. Equipment that cannot be recycled impacts on landfill.</li> </ol>

				<p>The current provider is accredited for Environmental Management System (e.g. ISO14001)</p> <p><b>Air:</b> Equipment provision is vital to support Birmingham citizens recover from illnesses and to remain independent in their own homes. The service is reliant on delivery vehicles to deliver equipment across the city. Current provider has a fleet of 22 vans in daily operation.</p> <p><b>Mitigation:</b> The provider changed fleet to Euro 6.3 in 2021 and has x2 electric vehicles to further improve Co2 emissions. All vehicles are CAZ compliant. Commissioners will be mandating an annual target for reduction in Co2 as part of KPI &amp; social value plans.</p> <p><b>Water:</b> As an equipment loan service, a strong emphasis is placed on the collection and recycling of equipment for both cost efficiency and environmental benefits. Consequently, the use of water is imperative to the cleaning and decontamination processes.</p> <p><b>Mitigation:</b> Commissioners have mandated the provider takes all necessary steps to keep water usage as low as possible.</p> <p><b>Soil:</b> The current service aims to meet a target of disposing of no more than 10% of waste to be sent to landfill.</p> <p><b>Mitigation:</b> This is achieved by a strong emphasis on recycling most of the equipment that is collected. For equipment that cannot be recycled the provider has to follow strict industry processes to ensure all metals, card, wood, plastics are separated and sent to the appropriate recycling facility as part of their waste management plan.</p>
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Energy use and CO <sub>2</sub> emissions		(x)		<p>Energy use and CO<sub>2</sub> emissions as a result of transportation of equipment; decontamination and cleaning of equipment; workforce travelling to work at depot. The provider will require accreditation for Environmental Management System (e.g. ISO14001). Offset the GHG emissions created to become carbon neutral.</p> <p>Optimise logistics and routes. This can be achieved by choosing the most fuel-efficient routes and using technology to track vehicles and optimise delivery schedules.</p> <p>Set up a scheme where employees can purchase electric vehicles, bicycles (e-bikes) and scooters through a salary sacrifice scheme.</p> <p>Current provider has installed charging points on-site to encourage staff to switch to electric vehicles.</p> <p>Reduce electricity &amp; gas usage and incorporate use of renewable energy sources e.g. solar panels, LED lighting strips.</p>
Quality of environment			n/a	The equipment depot (warehouse) is leased by the provider as part of an existing building so there will be no need to excavate or erect any new buildings.
Impact on local green and open spaces and biodiversity			n/a	The equipment depot (warehouse) is leased by the provider as part of an existing building so there will be no need to excavate or erect any new buildings.
Use of sustainable products and equipment	(x)			<p>The spec is based on reuse of equipment and seeks to minimise and reduce the carbon footprint of service delivery.</p> <p>Ensure equipment can be re-used and/or recycled wherever possible.</p>
Minimising waste	(x)			The proposed method of delivery is intended to minimise waste by focusing on increasing collection rates through the repurchase exercise.

Council plan priority: a city that takes a leading role in tackling climate change	(x)			The BCELS and contracted provider will, as part of mobilisation, have in place an environmental & social value action plan with dedicated KPI's to reduce carbon emissions.
Overall conclusion on the environmental and sustainability impacts of the proposal	BCELS is fundamental for both BCC & BSOL ICB to meet their statutory obligations to Birmingham citizens. The negative impacts mentioned in this report along with the plans to mitigate the impact on the environment demonstrate the service is proactive in taking ownership & leadership to manage resource, reduce emissions and work towards tackling climate change.			

Risk No:		Risk Title: Birmingham Community Equipment Loans Service (BCELS)						
Risk Description: Re procurement of Community Equipment Service								
Risk Owner: Kamran Mahmood			Risk Lead: Michael Walsh			Risk Type / Category: Legislative / Regulatory		
Inherent / Gross Risk			Residual / Current Risk			Target Risk		
Likelihood	Impact	Prioritisation	Likelihood	Impact	Prioritisation	Likelihood	Impact	Prioritisation
Low	Low	Tolerable	Low	Low	Tolerable	Low	Low	Tolerable
Current Controls Mitigating Inherent Risk:					Sources of Assurance on Effectiveness of Identified Controls:			
No.	Actions to Reduce Risk to Target		Owner	Target Date	Progress			RAG
1	Insufficient Funding and Statutory Obligations not met		Kamran Mahmood	n/a	Full options appraisal completed and approval to recommission service granted via Better Care Fund Board and in partnership with Health. Statutory service mandated under Health & Social Care Act 2012, Care Act 2014, Children and Families' Act 2014, SEND and Disability Code pf Practice, DfE, 2015			Green
2	Inefficient Service Delivery Model		Kamran Mahmood	n/a	Full options appraisal completed, and outcome is to retain current delivery model and go out to provider market. This model has proven most efficient and negates the need for BCC to create a new service in absence of infrastructure, logistics, equipment purchasing, vehicle fleet and staffing.			Green
3	Data Breaches		Kamran Mahmood	1.4.25	Provider sector has recently been targeted with some loss of data. Commissioners are proactive in mitigating risk by working with ICB to incorporate the NHS Local Assurance Framework with system penetration testing as fundamental to service specification/delivery. On going discussion with IG leads for both BCC & ICB in progress.			Amber
4	Inappropriate Contract length		Kamran Mahmood	On going	The proposed contract will be for 5 years, with the option to extend for further periods up to 60 months. Commissioners are seeking a longer-term contract to allow for: 1) Med-long term mutually beneficial joint commissioning with Health. 2) Retention of an effective delivery model which is well benchmarked on value for money. 3) Continuation of the recycling credit model			Amber

				<p>4) Reduced reprocurement and programme board costs; note only 4 providers with new entrant likelihood very low. Only 2 are capable of delivering this contract.</p> <p>5) Provision built in for future developments, e.g. dynamic pressure mattresses.</p> <p>6) a relationship to be built with the Provider over the medium term to deliver ever more efficient services and to allow for innovation and continuous service development. A clinical team provides expertise and operates as “gatekeeper” to ensure strong, robust contract management – over the lifetime of the current contract this has demonstrated excellent efficiencies, ensuring the best possible value for money is achieved across all activities.</p>	
5	Contract not mobilised in time.	Kamran Mahmood	1.4.25	The timeline is achievable if all key milestones set out in the procurement strategy are met. The evaluation elements will be planned to reduce any slippage. In the event of a change of provider the biggest challenge to the procurement is a tight mobilisation period (Jan-March 2025). Commissioners have worked closely with the current provider to develop a detailed decommissioning strategy to support smooth transition with minimal impact on citizens. Approval could be obtained to extend the contract if necessary.	Amber
Updated By: Kamran Mahmood		Date: 18.6.24			



# Birmingham City Council

## Report Cabinet

23<sup>rd</sup> July 2024



<b>Title:</b>	<b>ADULT DRUG AND ALCOHOL SERVICE PROCUREMENT</b>
<b>Lead Cabinet Portfolio:</b>	Cllr Nicky Brennan, Cabinet Member for Social Justice, Community Safety and Equalities
<b>Relevant Overview and Scrutiny Committee:</b>	Health and Social Care
<b>Report Author:</b>	Lynda Bradford, Interim Service Lead – Addictions Team, Strategy Equality and Partnerships Email <a href="mailto:Lynda.Bradford@birmingham.gov.uk">Lynda.Bradford@birmingham.gov.uk</a> Karl Beese, Commissioning Manager, Adults Public Health Services Email: <a href="mailto:Karl.Beese@birmingham.gov.uk">Karl.Beese@birmingham.gov.uk</a>
<b>Authorised by:</b>	Dr Justin Varney, Director of Public Health Strategy Equality and Partnerships
<b>Is this a Key Decision?</b>	Yes
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes - F/P Ref. No. 013070/2024
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for 'call in?'</b>	Yes
<b>Wards:</b>	All

**Does this report contain exempt or confidential information?** No

**Has this decision been included on the Notification of Intention to consider Matters in Private?** No

**Reasons why not included on the Notification:** Not Applicable

## **1 EXECUTIVE SUMMARY**

- 1.1 This report seeks approval from Cabinet to extend the current Change, Grow, Live (CGL) contract by six months from 1st April 2025 to 30th September 2025 to allow adequate time to review the implications of the potential end to the additional Supplementary Substance Misuse Treatment and Recovery (SSMTR) on future commissioning intentions and gather sufficient evidence to support the Provider Selection Regime (PSR) decision making process for Adult Drug and Alcohol Treatment and Recovery Contracting going forward.
- 1.2 The value of the extension is £7,795,572.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendations.

## **3 RECOMMENDATIONS**

- 3.1 That Cabinet:
  - 3.1.1 Approves the extension to the Adult Substance Misuse contract with Change, Grow, Live for Adult Substance Misuse Treatment and Recovery Service for an additional 6 months (1<sup>st</sup> April 2025 to 30<sup>th</sup> September 2025).
  - 3.1.2 Delegates the approval of the Procurement Strategy and Contract Award for the future service provision for Adult Substance Misuse Treatment and Recovery Service post 30th September 2025 to the Director of Public Health in consultation with the Cabinet Member for Health and Social Care.
  - 3.1.3 Authorises the City Solicitor (or their delegate) to conclude and enter into all legal documents to give effect to the above.

## **4 KEY INFORMATION**

### **Context**

- 4.1 The responsibility for commissioning Substance Misuse Services transferred to the Local Authority on the 1<sup>st</sup> of April 2013. Local authorities are required to commission specialist Substance Misuse Services for Children and Young People and for Adults. These services are funded through Ring Fenced Public Health Grant (RFPHG).
- 4.2 The responsibility for commissioning Substance Misuse Services transferred to the Local Authority on the 1st of April 2013. Local authorities are required to commission specialist Substance Misuse Services for Children and Young People and for Adults. These services are funded through the Ring Fenced Public Health Grant (RFPHG). See **Appendix 1** for more details about Substance Misuse Services, current contract arrangements, and Health and Social Care Act 2012 (HSC) responsibilities.

- 4.3 Specialist Substance Misuse Services are funded through the Public Health Ring-Fenced Grant and not funded through the General Fund of the local authority. The commissioning of substance misuse services are a recommended public health service. Local authority spend on specialist substance misuse services is reported through the national annual return and service outcomes are monitored through the National Drug Treatment Monitoring Service (NDTMS). Spend and outcomes for the services are benchmarked using these national returns .
- 4.4 Adult Specialist Drug and Alcohol Services provide specialist structured treatment and support to adults with addiction and harmful use of drugs and alcohol. Addiction to drugs and/or alcohol has personal, family and societal impacts, it was estimated to cost the public sector in 2016/17 over £10bn a year and every pound spend on treatment and prevention saved the public purse at least £2.50. In Birmingham, the close working between our commissioned providers, children's centre's, adult and children's social care has demonstrated that these specialist services are essential to supporting individuals to break cycles of addiction, improve their empowerment and self-management and this in turn reduces the demand on other Council services.
- 4.5 Currently the adult substance misuse treatment service is delivered by Change, Grow, Live (CGL) under a contract which commenced on 1st March 2015 and expires on the 31st of March 2025. CGL provide Drug and Alcohol Treatment and Recovery support to people across five locality hubs in Birmingham and subcontract to other providers for recovery services.
- 4.6 Full details of CGL's Financial and Performance are detailed within **Appendix 6** of this report. In summary, from a financial perspective Birmingham has the 6<sup>th</sup> lowest spend on Adults Substance Misuse Services of the 8 core cities. CGL's performance in terms of unmet need, numbers in treatment and successful completions of treatment are very good given the spend per head of population and this has been recognised by the Office for Health Improvement & Disparities (OHID).
- 4.7 In order to support National policy ambitions, in addition to the ring-fenced Public Health Grant, Birmingham is in receipt of a Supplemental Substance Misuse Treatment and Recovery (SSMTR) Grant from OHID. The purpose of the grant is to facilitate improvements in the quality and capacity (as detailed in From Harm to Hope) of drug and alcohol treatment, and allocations run from 2022/23 to 2024/25. To date, SSMTR funding to Birmingham amounts to £3,018,940 in 2022/23, £4,946,496 in 2023/24 and £9,547,838 in 2024/25. In 2024/25 the allocation from SSMTR to CGL is £6,404,759. At this juncture OHID have not advised on the continuation of the SSMTR Grant post 31st March 2025. A significant proportion of this grant has been allocated to CGL to increase numbers of adults in treatment in Birmingham, supplementing the core BCC Adult Drug and Alcohol contract arrangements. The additional grant funding scales up provision and tests innovations to increase the uptake of treatment by an increasingly aging and complex opiate using population. The scaling up of the

grant demonstrates that the baseline contract was not meeting all of the need in the community.

- 4.8 There is significant national scrutiny of Birmingham's delivery of SSMTR linked to the National Drugs Strategy 'From Harm to Hope.' Breach of Conditions and Recovery of the SSMTR Grant are detailed within an MOU between OHID and BCC. This includes the withdrawal of funding if the recipient (BCC): makes reductions to the core RFPHG funded service; diminishes delivery of the core contract for other reasons; or fails to deliver the project in line with the proposal outlined within the SSMTR Delivery Plan.
- 4.9 Not delivering on the SSMTR Delivery Plan has financial and reputational risk. It also places at clinical risk individuals whose treatment has been benefited by the additional investment.
- 4.10 The extension of the Change, Grow, Live (CGL) contract supports the councils Improvement and Recovery plan, and Corporate plan, by providing Adult Drug and Alcohol Service stability whilst the procurement process is progressed to completion. This will play a critical role in helping some of the most vulnerable people in Birmingham and will have a positive impact on citizens, on families, on communities and Birmingham City Council Services. Of significance is the Service's impact on reducing the demand for specialist children and adult social care services, which aids council's budget challenge and financial recovery plan.

### **Proposal and Reasons for Recommendations**

- 4.11 The proposal is to seek approval from Cabinet to extend the current Change, Grow, Live (CGL) contract by six months. The additional time will be used to gather sufficient data/evidence to make an informed decision about which Provider Selection Regime (PSR) approach to take to procure new Adult Drug and Alcohol Treatment and Recovery Services.
- 4.12 Birmingham City Council are required to use the Provider Selection Regime (PSR) introduced on 1st January 2024 for the procurement of public health services. The PSR statutory guidance was published on the 1st January 2024. This legal framework requires that Birmingham City Council to provide robust evidence to support our assessment of the correct route within PSR to take and demonstrate quality and innovation, value including social value, improving access, reducing health inequalities, and facilitating choice, integration, collaboration, and service sustainability.
- 4.13 CGL has been in receipt of additional supplementary Section 31 grants including the Supplementary Substance Misuse Treatment and Recovery (SSMTR) to scale up and innovate services. Evidence of the impact of this additional funding is key to establishing the service model. Thus, the evidence required to determine the correct PSR route as well as achieve quality and innovation, value including social value, improving access, reducing health inequalities, and facilitating choice, integration, collaboration, and service sustainability.

- 4.14 A Procurement Challenge meeting was held between, Public Health, ACS Commissioning Team, Procurement Team and Legal on the 30th of April 2024 to consider the Adult Substance Misuse Service Procurement. At that meeting no decision could be made about which procurement process could be used to move forward.
- 4.15 It was agreed that an assessment of the impact of three years of SSMTR grant allocations needs to be completed in consultation with stakeholders to inform a contract service specification for Adult Treatment and Recovery. To carry out this work it is necessary to request approval for an extension on current contract arrangements with CGL by 6 months until the 30th of September 2025. **Appendix 2** sets out the procurement options considered.

#### **Other Options Considered**

- 4.16 The option to do nothing was considered and details of why this was discounted can be seen in **Appendix 2**.

### **5 RISK MANAGEMENT**

- 5.1 PSR requires that Birmingham City Council provide robust evidence to support our assessment of the correct route within PSR to take and demonstrate quality and innovation, value including social value, improving access, reducing health inequalities, and facilitating choice, integration, collaboration, and service sustainability. Failure to do so would risk legal challenge, financial and clinical risk. This risk is being managed through the involvement of Procurement and Legal colleagues in challenge sessions and throughout the development of the procurement strategy.
- 5.2 To minimise the procurement risk of possible challenge from the market a Voluntary Ante Ex-Transparency Notice (VEAT) would be issued to the market to inform them of the decision and proposed timeline for the future commissioning/procurement.

### **6 CONSULTATION**

#### **6.1. Consultation and Engagement**

There is no legal requirement to consult on the issue of the extension to the contract. Citizens are actively engaged in the review and development of the service model and assessing quality.

- 6.2 The proposals contribute to strategic priorities and outcomes in the BCC Corporate Plan 2022 to 2026:
- A Prosperous Birmingham: The Drug and Alcohol Individual Placement Support (IPS) Programme delivered by CGL provides targeted help to people receiving substance support and who want to gain employment.

- An Inclusive Birmingham: Some people experience multiple and complex needs, with drug and/or alcohol addiction co-occurring with a range of health inequalities such as mental ill health, homelessness and rough sleeping and contact with the criminal justice system. Young people receive targeted help as early as possible to support them with issues associated with their own substance misuse or substance misuse of those that they live with. The service helps to empower young people and teaches them coping strategies to keep themselves safe and reduce risky behaviours.
- A Safe Birmingham: Both services contribute to multi-agency safeguarding partnerships and have a clear focus upon preventing and tackling homelessness.
- A Healthy Birmingham: Both services contribute towards tackling health inequalities and supporting mental health, the substance misuse workforce in Birmingham are able to address the trauma and mental health problems which can underpin a lot of drug addiction.

## **7 MEMBER ENGAGEMENT**

### **Overview and Scrutiny**

This paper has been shared with Cllr Grindrod. He has provided no additional comments on this paper. HASC has received a presentation by the provider, and this was received positively. HASC has requested a paper to HASC after this decision is made.

### **Other**

7.1 Not Applicable

## **8 IMPACT AND IMPLICATIONS**

### **Finance**

- 8.1.1 The cost of the 6 month proposed extension to the Adult Substance Misuse Contract will be funded through the ring-fenced Public Health Grant that is received by the Council. There is no additional funding required from the Council to support the extensions of the contracts.
- 8.1.2 The cost of the extension period of 6 months for the Adults Substance Misuse contract provided by Change, Grow, Live (CGL), is £7,795,572. This value is for delivery of the core contract funded by the Public Health ring-fenced Grant and does not include the additional OHID SSMTR Grant funding of £6.4 million allocated to CGL for 2024/25.
- 8.1.3 For information, State Aid and the subsequent obligations does not apply to the SSMTR Grant.

## Legal

- 8.1.4 The Health and Social Care Act 2012 and associated regulations transferred the responsibility for public health from the NHS to local authorities from April 2013. Drug and alcohol services are recommended public health services as defined by the relevant legislation (Health and Social Care Act, 2012), but are in the relevant circular describing appropriate public health services (LAC(DH) (2013)3). Several key indicators in the Public Health Outcomes Framework relate to these areas and it is likely that they will be assessed in terms of performance.
- 8.1.5 The Health and Social Care Act 2012 and associated regulations transferred the responsibility for public health from the NHS to local authorities from April 2013. Drugs and alcohol services are not mandatory public health services, but the local authority has the power to provide community-based services to those with alcohol and drugs misuse problems who meet the eligibility criteria for those services.

## Equalities

- 8.2 See **Appendix 3** for details of the Equality Impact Assessment.

## Procurement

- 8.2.1 Regulation 72. (1) of the Public Contract Regulations provides that “Contracts and framework agreements may be modified without a new procurement procedure...in any of the following cases...(b) for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor... (ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract.” The value of the original contract includes any options to extend that were provided for at the point of advertising the original contract.
- 8.2.2 In accordance with the Council’s new Procurement and Contract Governance Rules, the Waiver Procedure guidelines have been followed. This has enabled the recommendation for the extension of this contract to be brought to Cabinet. The Waiver Form is included at **Appendix 4**.
- 8.2.3 The Adult Substance Misuse contract was for a maximum 7 years (5 years plus an option to extend for a further 2 years) and commenced with CGL on 1st March 2015, expiring on the 28th February 2020. The option to extend for 2 years was taken up (to March 2022) under delegated approval and then the contract has been further extended, through Cabinet Approval up until March 2025. The original 7-year contract value was £111,012,657 and the contract value of the extensions combined, since March 2022, do not exceed the 50% threshold detailed under 8.2.1.



- 8.2.4 Therefore, this circumstance complies with Regulation 72(1)(b)(ii) as set out above, the costs of the extension as detailed in this report do not exceed the 50% tolerance. As set out in points 3.8 – 3.10 above, there is a significant amount of risk in relation to the SSMTR Grant.
- 8.2.5 In addition, a Voluntary Ante Ex-Transparency Notice (VEAT) will be issued to the market to inform them of the decision and proposed timeline for the future commissioning/procurement.
- 8.2.6 In parallel with the proposal to extend current contract arrangements for a further 6 months to 30<sup>th</sup> September 2025, consideration has been given to ensuring continuity of delivery of current services at a time when Council is modifying a number of its services to manage financial pressures.
- 8.2.7 An indicative implementation plan for the commissioning and procurement of the Adult Substance Misuse Treatment and Recovery is detailed below in Table 1 to demonstrate that this can be completed in the proposed contract extension period.

**Table 1: Procurement Timelines for Adult Treatment and Recovery Substance Misuse Service**

Activity	Proposed Dates
Evaluation of current service provision, SSMTR funding and engagement with Stakeholders	July - Sept 2024
Procurement Strategy review and approved via Delegated Authority	Sept 2024
Service Specification developed with citizens and experts by experience	Sept 2024 - Oct 2024
ITT and specification development	Nov 2024 – Dec 2024
Tender published to the market	Jan 2025 – Feb 2025
Evaluation Period	March 2025
Contract Award approved/awarded.	April 2025
Mobilisation period	May 2025 - Sept 2025
Contracts Start	1 <sup>st</sup> October 2025

### **People Services**

- 8.3 It has been confirmed with our People Partner that there are no People implications.

### **Climate Change, Nature and Net Zero**

- 8.4 See **Appendix 5** for Environmental Sustainability Assessment.

### **Corporate Parenting**

- 8.5 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

## **Other**

- 8.6 There are no other implications arising from the recommendations in this report.

## **9 APPENDICES**

- 9.1 **Appendix 1:** Cabinet Report – Substance Misuse Commissioning Proposals 25<sup>th</sup> July 2023.
- 9.2 **Appendix 2:** Adult Drug and Alcohol Services Procurement Options Appraisal Review
- 9.3 **Appendix 3** - Equality Impact Assessment (EIA000454)
- 9.4 **Appendix 4** – Tender Waiver
- 9.5 **Appendix 5** - Environmental Sustainability Assessment (ESA).
- 9.6 **Appendix 6** – Change, Grow, Live (CGL) Performance and Financial Benchmarking.

## **10 BACKGROUND PAPERS**

- 10.1 Provider Selection Regime [NHS commissioning » NHS Provider Selection Regime \(england.nhs.uk\)](https://www.england.nhs.uk/commissioning/provider-selection-regime/)

## Appendix 1

**Birmingham City Council****Report to Cabinet**25<sup>th</sup> July 2023

**Subject:** **SUBSTANCE MISUSE COMMISSIONING PROPOSALS**

**Report of:** **Dr Justin Varney**  
**Director for Public Health**

**Relevant Cabinet Member:** **Cllr Mariam Khan - Health and Social**

**Relevant O &S Chair(s):** **Cllr Mick Brown - Health and Social Care**

**Report author:** **Karl Beese – Commissioning Manager, Adults Public Health Services**  
**Email:** [Karl.Beese@birmingham.gov.uk](mailto:Karl.Beese@birmingham.gov.uk)

**Chris Baggott - Public Health Service Lead**  
**Email:** [chris.baggott@birmingham.gov.uk](mailto:chris.baggott@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: 011635/2023		
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 report is seeking approval to extend the current Substance Misuse contracts with Change, Grow, Live and Aquarius for a period of 12 months.
- 1.2 The report also includes a revised substance misuse commissioning timeline that ensures continued service delivery.

## **2 Recommendations**

### **2.1 That Cabinet:**

- 2.1.1 Approves the extension to the Substance Misuse contract with Change, Grow, Live for Adult Substance Misuse Treatment Service for a maximum period of 12 months (1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025).
- 2.1.2 Approves the extension to the Substance Misuse contract with Aquarius Action Projects (part of Richmond Fellowship Group) for the Young People's Substance Misuse Treatment Service for a maximum period of 12 months (1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025).
- 2.1.3 Delegates the approval of the Commissioning/Procurement Strategy and Contract Award for the future service provision for both Adult and Young People's Misuse Treatment Services post 31<sup>st</sup> March 2025 to the Cabinet Member for Health and Social Care.
- 2.1.4 Delegates authority to allocate the additional funding received as part of the Supplemental Substance Misuse Treatment and Recovery (SSMTR) Grant from the Office for Health Improvement and Disparities (OHID) to existing providers from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2025 and any new yet to be announced OHID Grant Funding to the Cabinet Member for Health and Social Care. For information, the fully signed Memorandum of Understanding (MOU) confirming the funding allocation for 2023/24 and acceptance of Birmingham's Delivery Plan was received on 5<sup>th</sup> May 2023.
- 2.1.5 Authorises the City Solicitor (or their delegate) to conclude and enter into all legal documents to give effect to the above.

## **3 Background**

- 3.1 The responsibility for commissioning Substance Misuse Services transferred to the Local Authority on the 1<sup>st</sup> April 2013. The provision of Substance Misuse Services is a condition of the Public Health Grant that is received into the Council. Under the Health and Social Care Act 2012 (HSC), local authorities have the duty to reduce health inequalities and improve the health of their local population by ensuring that there are public health services aimed at reducing drug and alcohol misuse and have regard to the need to improve the take up of, and outcomes from, its drug and alcohol misuse treatment services.
- 3.2 Currently the adult substance misuse treatment service is delivered by Change, Grow, Live (CGL) under a contract which commenced on 1<sup>st</sup> March 2015 and expires on the 31<sup>st</sup> March 2024 to support people in treatment across five locality hubs in Birmingham. The key commissioning intentions of the contract are:
  - Think Family; support families during the recovery process and reducing associated harms caused to children
  - A Single System with CGL as the Lead Provider
  - Focus on Recovery Outcomes

CGL work in a multi-agency partnership approach across the city to achieve treatment completion rates at or above the core city averages. Services provided through partnership include specific service elements focused on mental health, prison release, employment, criminal justice, blood-borne viruses, domestic abuse, acute sector, child protection and homelessness.

- 3.3 The Young People's service is delivered by Aquarius Action Projects (part of the Richmond Fellowship Group) under a contract which commenced on 1<sup>st</sup> October 2019 and expires on the 31<sup>st</sup> March 2024, supporting young people by providing a range of interventions to address their drug and alcohol use. The key commissioning intentions of the contract are to minimise the misuse of drugs, alcohol and tobacco & Reduce risk/vulnerabilities in a holistic approach. There are strong partnership arrangements to address criminal and sexual exploitation, homelessness, mental health, parental substance misuse and county lines. Aquarius staff are trained in Hidden Harm, Adverse Childhood Experiences and Contextual Safeguarding to ensure best practice to protect vulnerable children and young people.
- 3.4 The current substance misuse service contracts with Change, Grow, Live (Adults) and Aquarius (Young People) both expire on 31st March 2024.
- 3.5 Both contracts continue to perform successfully against required outputs and outcomes.
- 3.6 Nationally and locally, there is a significant amount of strategic direction required to confidently develop future Birmingham substance misuse services that can meet current and future priorities, these include:
- The Dame Carol Black review (parts one and two were published February 2020 and July 2021 respectively); Part two made 32 recommendations for change across various national and local government departments and other organisations to improve the effectiveness of drug prevention and treatment services.
  - The publication in August 2022 of Commissioning Quality Standard: alcohol and drug services. This is guidance for local authorities to support in commissioning effective alcohol and drug treatment and recovery services.
  - From Harm to Hope: a 10-year drugs plan to cut crime and save lives for England (published December 2021) in response to the Dame Carol Black review. A main strand of which is the importance of developing local partnership working, including the Office of the Police and Crime Commissioner (OPCC), Criminal Justice (Police, Prisons, Probation) and the Integrated Care System (ICS).
  - Locally, the Triple Zero City Strategy, Needs Assessment and Needs Assessment Executive Summary were approved by BCC Cabinet on 21st March 2023.
- 3.7 In order to support the abovementioned strategic direction, in addition to the ring-fenced Public Health Grant, Birmingham are in receipt of a Supplemental Substance Misuse Treatment and Recovery (SSMTR) Grant from OHID. The purpose of the

grant is to facilitate improvements in the quality and capacity (as detailed in From Harm to Hope) of drug and alcohol treatment from 2022/23 to 2024/25. Birmingham's additional funding was £3,018,940 in 2022/23, £4,946,496 (£3.5M to CGL & £920k to Aquarius) in 2023/24 and £9,547,838 (indicative and to be confirmed, with at least £3.5M to CGL and £920k to Aquarius) in 2024/25 – approx. £17.5M in total. At this juncture OHID have not advised on the continuation of the SSMTR Grant post 31<sup>st</sup> March 2025.

- 3.8 As part of the SSMTR Grant, Birmingham City Council have a Memorandum of Understanding (MOU) with OHID which formalises the working relationship between both parties and the expectations from OHID in relation to the Grant payment. Delivery planning is already underway for how the indicative amount of £9,547,838 for 2024/25 will be best utilised and allocated, with CGL and Aquarius likely to be in receipt of at least £3.5M and £920k respectively. Funding for Aquarius and CGL is likely to increase in 2024/25 and the grant funding will also be utilised in order to increase workforce capacity within the Public Health Addictions and Commissioning Teams. As part of Delivery planning Public Health and Commissioners will assess other different initiatives to increase treatment capacity and could be delivered by other providers outside of CGL and Aquarius. There is an expectation from OHID that the Birmingham Delivery Plan is approved in Q4 2023/24.
- 3.9 Contract procurement midway through a 3-year government grant programme worth £17.5M is high risk to BCC both reputationally and financially. If both Substance Misuse Contracts are not extended by 1-year up until 31st March 2025 and the contracts are procured with a potential new service provider/s on 1st April 2024, BCC could not onboard a new provider/s and maintain the required levels of pace, acceleration and change in order to achieve the SSMTR Delivery Plan for 2024/25 and increase treatment capacity by at least 20% which puts £4.6M of additional SSMTR OHID grant funding for 2024/25 at risk which in turn would mean reduced opportunities to support citizens and achieve the ambitions set out in the Council's Triple Zero Strategy to reduce the impacts of drug and alcohol addiction.
- 3.10 Breach of Conditions and Recovery of Grant are detailed within the MOU and OHID are very clear that they may reduce, suspend, or withhold grant payments or require the repayment of the whole or any part of the grant monies paid if the recipient (BCC) fails to deliver the project in line with the proposal outlined within the Delivery Plan. To ensure that the procurement of both contracts does not put SSMTR grant funding for 2024/25 at risk, a 1-year extension of the existing Adults and Young People's Substance Misuse contracts will enable the Council to be confident of SSMTR Grant Delivery up to March 2025 with no financial risk as well as enabling both contracts to be procured in order for new contracts to be in place on 1st April 2025. The contract extensions will also allow BCC to include any future Grant Funding from OHID post 31st March 2025 to be factored into contract procurement which is detailed in the indicative implementation plan (Point 7.4.9).

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

- 4.1 Do Nothing – do not extend the current services, this would lead to a failure to provide services which are a condition of the Public Health Grant. This is not recommended.
- 4.2 Deliver the service in-house – this option is not viable as the Council does not have the capacity, resources or clinical knowledge and experience to deliver substance misuse services. This is not recommended.
- 4.3 Commission the market to deliver the outcomes within this financial year – as detailed in 3.8 – 3.10 and based upon the indicative implementation plan for the commissioning and procurement of both contracts (Point 7.4.9), if both contracts are procured with a potential new service provider/s on 1st April 2024, BCC could not onboard a new provider/s and maintain the required levels of pace, acceleration and change in order to achieve the SSMTR Delivery Plan for 2024/25. This is not recommended.
- 4.4 Extend both services for a period of 12 months (1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025) and procure in 2024/25 by the most appropriate route that best meets the needs of our most vulnerable citizens and delivers the best value for money.

The 2 routes that will be evaluated are:

- Open Procurement
- or
- Utilising the new NHS Provider Selection Regime (PSR)

The PSR is yet to be launched and we expect more clarity on timeframes for implementation from Government to be published shortly.

It will replace current Procurement Regulations for services that are in scope: Health Services as defined in section 1(1) of the National Health Service Act 2006 (Substance Misuse services are within scope)

Directly provided to individuals

Arranged by certain select organisations – these include Local and Combined Authorities

An Open Procurement will allow the indicative implementation plan (Point 7.4.9) for the commissioning and procurement to be enacted. This is the recommended proposal.

## **5 Consultation**

- 5.1 The Public Health Senior Management Team (PHSMT) and the Drug & Alcohol Improvement Support Team (Office for Health Improvement and Disparities - Department of Health and Social Care) have been briefed on the contents of this report and are supportive of the recommendations within this report.

## **6 Risk Management**

- 6.1 The policy has been developed through a robust project management programme that includes the management and identification of risks that are tracked as part of the project delivery.
- 6.2 To minimise the risk of possible challenge from the market a Voluntary Ante Ex-Transparency Notice (VEAT) would be issued to the market to inform them of the decision and proposed timeline for the future commissioning/procurement.

## **7 Compliance Issues:**

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

7.1.1 The proposals contribute to strategic priorities and outcomes in the BCC Corporate Plan 2022 to 2026:

- A Prosperous Birmingham: The Drug and Alcohol Individual Placement Support (IPS) Programme delivered by CGL provides targeted help to people receiving substance support and who want to gain employment.
- An Inclusive Birmingham: Some people experience multiple and complex needs, with drug and/or alcohol addiction co-occurring with a range of health inequalities such as mental ill health, homelessness and rough sleeping and contact with the criminal justice system. Young people receive targeted help as early as possible to support them with issues associated with their own substance misuse or substance misuse of those that they live with. The service helps to empower young people and teaches them coping strategies to keep themselves safe and reduce risky behaviours.
- A Safe Birmingham: Both services contribute to multi-agency safeguarding partnerships and have a clear focus upon preventing and tackling homelessness.
- A Healthy Birmingham: Both services contribute towards tackling health inequalities and supporting mental health, the substance misuse workforce in Birmingham are able to address the trauma and mental health problems which can underpin a lot of drug addiction.

### **7.2 Legal Implications**

7.2.1 The Health and Social Care Act 2012 and associated regulations transferred the responsibility for public health from the NHS to local authorities from April 2013. Drugs and alcohol services are not mandatory public health services as defined by the relevant legislation (Health and Social Care Act, 2012), but are in the relevant circular describing appropriate public health services (LAC(DH) (2013)3). Several key indicators in the Public Health Outcome



Framework relate to these areas and it is likely that they will be assessed in terms of performance.

7.2.2 The Children Act 1989 requires the Council to safeguard and promote the welfare of children within their area. The Act also requires the Council to facilitate the provision by others of services, and to make such arrangements as it sees fit for any person to act on their behalf in the provision of any such service.

7.2.3 The Health and Social Care Act 2012 and associated regulations transferred the responsibility for public health from the NHS to local authorities from April 2013. Drugs and alcohol services are not mandatory public health services, but the local authority has the power to provide community-based services to those with alcohol and drugs misuse problems who meet the eligibility criteria for those services.

### **7.3 Financial Implications**

7.3.1 The cost of the 1-year proposed extension to the two (2) Substance Misuse Contracts will be funded through the ring-fenced Public Health Grant that is received by the Council. There is no additional funding required from the Council to support the extensions of the contracts.

7.3.2 Young People's Substance Misuse contract – service provided by Aquarius Action Projects, the cost of the extension period of 12 months is £649,445. This value is for delivery of the core contract funded by the Public Health ring-fenced Grant and does not include the additional OHID SSMTR Grant funding of £920k confirmed for 2023/24 and £920k indicative for 2024/25.

7.3.3 Adults Substance Misuse contract – service provided by Change, Grow, Live (CGL), the cost of the extension period of 12 months is £15,591,144. This value is for delivery of the core contract funded by the Public Health ring-fenced Grant and does not include the additional OHID SSMTR Grant funding of £3.5M confirmed for 2023/24 and £3.5M indicative for 2024/25.

7.3.4 For information, State Aid and the subsequent obligations does not apply to the SSMTR Grant.

### **7.4 Procurement Implications**

7.4.1 There is no remaining delegated provision to extend the current contracts, as the original extension has been utilised.

7.4.2 Regulation 72. (1) of the Public Contract Regulations provides that "Contracts and framework agreements may be modified without a new procurement procedure...in any of the following cases...(b) for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor... (ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract." The value of the original contract

includes any options to extend that were provided for at the point of advertising the original contract.

- 7.4.3 In accordance with the Council's new Procurement and Contract Governance Rules, the Waiver Procedure guidelines have been followed. This has enabled the recommendation for the extension of this contract to be brought to Cabinet. The Waiver Form is included at Appendix 4.
- 7.4.4 The Adult Substance Misuse contract was for a maximum 7 years (5 years plus an option to extend for a further 2 years) and commenced with CGL on 1st March 2015, expiring on the 28th February 2020. The option to extend for 2 years was taken up under delegated approval and then the contract was further extended for 2 years (1 year +1 year) via Cabinet approval. The original 7-year contract value was £111,012,657 and the contract value of this extension combined with previous (1 year + 1 year) contract extensions does not exceed the 50% threshold detailed under 7.4.2.
- 7.4.5 The Young People's Substance Misuse contract was for a maximum of 4 years (2 years with an option to extend for a further 2 years) commenced with Aquarius Action Projects on 1st October 2019 and expired on 30th September 2021. Following this, only 18 months of the 2-year option to extend was taken up under delegated approval, and then a further 1 year extension via Cabinet approval. The original 4-year contract value was £2,692,000 and the contract value of this extension combined with the previous contract extension does not exceed the 50% threshold detailed under 7.4.2.
- 7.4.6 Therefore, this circumstance complies with Regulation 72(1)(b)(ii) as set out above, the costs of the extension as detailed in this report do not exceed the 50% tolerance. As set out in points 3.8 – 3.10 above, there is a significant amount of risk in relation to the SSMTR Grant.
- 7.4.7 In addition, a Voluntary Ante Ex-Transparency Notice (VEAT) will be issued to the market to inform them of the decision and proposed timeline for the future commissioning/procurement.
- 7.4.8 In parallel with the proposal to extend current contract arrangements for a further 12 months to the 31st March 2025, consideration has been given to ensuring continuity of delivery of current services.
- 7.4.9 An indicative implementation plan for the commissioning and procurement of both substance misuse services is detailed below to demonstrate that this can be completed in the proposed contract extension period:

Activity	Proposed Dates
Procurement Strategy approved via Delegated Authority	September 2023
Service Specification developed with citizens and experts by experience	Oct 2023 - Jan 2024
ITT and specification development	March – May 2024

Tender published to the market	June - July 2024
Evaluation Period	August 2024
Contract Award approved/awarded	October 2024
Mobilisation period	October - March 2024
Contracts Start	1 <sup>st</sup> April 2025

7.4.10 The procurement proposal in order for new contracts to be in place by 1<sup>st</sup> April 2025 is via the open tender route to market or by utilising the new Provider Selection Regime (PSR) detailed under 4.4.

7.4.11 It is proposed that contract award for both Adults and Young People's substance misuse services be delegated to the Cabinet Member for Health and Social Care and the Director of Public Health to enable procurement to be achieved within the advised timeline above.

7.4.12 The contracts will continue to be managed by the Public Health Commissioning Team within the Adult Social Care Directorate. As part of ongoing contract management both providers will be required to update their Social Value Action Plan to include new targets for their plan for a further year of service delivery.

## 7.5 Human Resources Implications

7.5.1 None

## 7.6 Public Sector Equality Duty

7.6.1 See **Appendix 2** Equality Impact Assessment (EQUA899)

7.6.2 The requirements of Standing Order No. 9 in respect of the Council's Equal Opportunities Policy are incorporated in the contract for those services proposed to be extended.

7.6.3 The requirements of the Equality Act 2010 are specifically included in the contract to ensure compliance with the Act.

## 7.7 Environmental and Sustainability Implications

7.7.1 Attached as Appendix 8.3.

## 8 Appendices

8.1 **Appendix 1** – Cabinet Report - Substance Misuse Commissioning Proposals 28<sup>th</sup> June 2022

8.2 **Appendix 2** - Equality Impact Assessment (EQUA899)

8.3 **Appendix 3** – Environment and Sustainability Assessment

8.4 **Appendix 4** – Tender Waiver

## 9. Background Documents

The following publicly available documents have been used or referred to in the drafting of this report:

- 9.1 Dame Carol Black's independent report - Review of drugs: phase one report, 2020  
<https://www.gov.uk/government/publications/review-of-drugs-phase-one-report>
- 9.2 Dame Carol Black's independent report - Review of drugs: phase two report, 2021  
<https://www.gov.uk/government/publications/review-of-drugs-phase-two-report>
- 9.3 From harm to hope: A 10-year drugs plan to cut crime and save lives, 2022  
<https://www.gov.uk/government/publications/from-harm-to-hope-a-10-year-drugs-plan-to-cut-crime-and-save-lives>
- 9.4 Triple Zero Drug and Alcohol Strategy  
[Triple Zero City Strategy | Birmingham City Council](#)

## Appendix 2:

### Adult Drug and Alcohol Services Procurement Options Appraisal Review

1. The review was carried out on the 30<sup>th</sup> April 2024 and the panel consisted of: Jo Tonkin (Deputy Director of Public Health), Saba Rai (Head of Service Commissioning ASC), Mike Smith (Head of Category-People, Corporate Procurement Services, Micheal Scheepers (Senior Solicitor), Lynda Bradford (Interim Service Lead Addictions), Karl Beese (Commissioning Manager).
2. **Recommendation from the panel for the Adult Treatment and Recovery Service procurement is that there is insufficient evidence to proceed with a procurement process decision at this time.** The recommendation is to ask Cabinet for a 6-month contract extension for the CGL Adult Treatment and Recovery contract to allow for the work necessary to make a procurement process decision in September 2024, ready to progress to contract award and start of new provision for Adult Treatment and Recovery from 1<sup>st</sup> October 2025.
3. Table 1 sets out details of the options considered by the panel for Adult Drug and Alcohol Treatment and Recovery procurement.

**Table 1: Procurement Options Considered for Adult Substance Misuse Services**

Option Description	Comments	Recommendation
<b>Option 1</b> <b>Do nothing.</b>	<ul style="list-style-type: none"> <li>• Current specification for Adult Drug and Alcohol Treatment and Recovery Service requires updating.</li> <li>• Current contract will exceed procurement timelines and will not comply with procurement rules in November 2025.</li> <li>• If a further extension of contract with CGL is required to be clear about types or services to be procured there would be a need to go to cabinet to extend and describe the risks and benefits</li> </ul>	Not Recommended
<b>Option 2</b> <b>Direct Award A</b>	<ul style="list-style-type: none"> <li>• A Market Engagement event in 2023 identified 7 providers was interested and capable of</li> </ul>	Not Recommended

The existing provider is the only capable provider	<p>delivering Adult Drug and Alcohol Treatment services.</p> <ul style="list-style-type: none"> <li>• Consideration of due diligence requires that for a provider to be able to bid for any contract their turnover has to be double the annual contract value.</li> </ul>	
<p><b>Option 3</b></p> <p><b>Direct Award B</b></p> <p>People have a choice of providers, and the number of providers is not restricted by the relevant authority</p>	<ul style="list-style-type: none"> <li>• Due to the clinical nature of and the complexity of adult drug and alcohol treatment it is most effective to have only one specialist provider in a system. This provider co-ordinates and manages pathways of care as well as offering a high quality, at scale treatment services.</li> <li>• More choice of providers exists for recovery. There is some choice of providers for Recovery (which is currently subcontracted by CGL to 4 different providers) but co-ordination of Treatment requires one provider.</li> </ul>	Not Recommended
<p><b>Option 4</b></p> <p><b>Direct Award C</b></p> <p>The existing provider is satisfying the existing contract and will likely satisfy the proposed new contract, and the contract is not changing considerably.</p>	<ul style="list-style-type: none"> <li>• The National Drug Treatment Service Treatment Monitoring System (NDTMS) tells us this is an effective service and compares favourably with statistical neighbours and England average.</li> <li>• There is insufficient evidence to support a decision regarding the service model required and therefore whether the contract is significantly changing. This is in part due to the impact of SSMTR funding and whether there are suitable providers for this model.</li> <li>• The contract value may vary.</li> </ul>	More investigation to consider all options for Treatment and Recovery, based on latest best practice and learning from SSMTR is needed.
<p><b>Option 5</b></p> <p><b>Most Suitable Provider</b></p> <p>Allows the relevant authority to make a</p>	<ul style="list-style-type: none"> <li>• This would need to be tested once there is clarity re the service model based on the learning from SSMTR.</li> <li>• There is insufficient evidence</li> </ul>	More investigation to consider all options for Treatment and Recovery, based on latest best

judgement on which provider is most suitable based on consideration of the key criteria. Award without competitive tender	currently to be certain about the key criteria which include: Quality and innovation; Improving access; reducing health inequalities and facilitating choice.	practice and learning from SSMTR is needed.
<b>Option 6</b> <b>Competitive Process</b> <p>Where the relevant authority cannot use any of the other processes or wishes to run a competitive exercise.</p>	<ul style="list-style-type: none"> <li>There is no evidence that the alternative processes cannot be used at present.</li> </ul>	Not Recommended





# EQUALITY IMPACT ASSESSMENT

6 month extension to Adult's Substance Misuse Service

Reference: EIA000454

Date: 20/06/2024

Submitted by: Lynda Bradford and Karl Beese



### EIA Form – About your EIA

Reference number	EIA000454
Date Submitted	20/06/2024
Subject of the EIA	6 month extension to Adult's Substance Misuse Service
Brief description of the policy, service or function covered by the EIA	Change, Live, Grow (CGL) are the provider for the Drug and Alcohol Treatment and Recovery contract which is contracted to deliver the Adult Substance Misuse Service
Equality Assessment is in support of...	["Amended/refreshed strategy "]
How frequently will you review impact and mitigation measures identified in this EIA?	Quarterly
Due date of the first review	2024-10-03

### Directorate, Division & Service Area

Which directorate(s) are responsible for this EIA?	["Strategy, Equalities and Partnerships"]
Division	Public Health
Service area	Addictions Team
Budget Saving	No

### Officers

What is the responsible officer's name?	Click or tap here to enter text.
What is the responsible officer's email address?	lynda.bradford@birmingham.gov.uk and karl.beese@birmingham.gov.uk
What is the accountable officer's name?	Jo Tonkin
What is the accountable officer's email address?	Jo.Tonkin@birmingham.gov.uk

### Data Sources

Data sources	["Relevant reports/strategies", "Quantitative data (please specify in the box below)", "Service level data"]
Data source details	NDTMS, contract management reports

### Protected Characteristics

#### Protected Characteristic – Age

Does this proposal impact people due to their age as per the Equality Act 2010?	Yes
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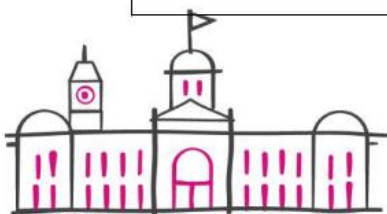
What age groups are impacted by your proposal?	["20-29 years", "30-39 years", "40-49 years", "50-59 years", "60-69 years"]
Please describe any potential impact to the age characteristic	The contract extension to be applied aims to prevent disruption to Drug and Alcohol clients over the age of 18 years who currently access CGL, as well as those who will access the the service over the 6 month extension period. The action will have a stabilising effect
How could you mitigate against any negative impact to the age characteristic?	No negative impact expected
Please describe how this proposal does not impact people due to their age	

#### Protected Characteristic – Disability

Does this proposal impact those people with a disability as per the Equality Act 2010?	Yes
Please describe any potential impact to the disability characteristic	The contract extension to be applied aims to prevent disruption to Drug and Alcohol clients which include those with a disability who currently access CGL, as well as those who will access the service over the 6 month extension period. The action will have a stabilising effect
How could you mitigate against any negative impact to the disability characteristic?	No negative impact expected
Please describe how this proposal does not impact people due to their disability	

#### Protected Characteristic – Sex

Does this proposal impact citizens based on their sex as per the Equality Act 2010?	Yes
What sexes will be impacted by this proposal?	["Male", "Female", "Non-binary"]
Please describe any potential impact to the sex characteristic	The contract extension to be applied aims to prevent disruption to Drug and Alcohol clients who currently access CGL, as well as those who will access the the service over the 6 month extension period. The CGL provision supports all clients based on need and has a specific LGBT subcontract as part of the contract. The action will have a stabilising effect





How could you mitigate against any negative impact to the sex characteristic?	No negative impact expected
Please describe how this proposal does not impact people due to their sex	

#### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	Yes
Please describe any potential impact to the gender reassignment characteristic	The contract extension to be applied aims to prevent disruption to Drug and Alcohol clients who currently access CGL, as well as those who will access the the service over the 6 month extension period. The CGL provision supports all clients based on need and has a specific LGBT subcontract as part of the contract, understanding of gender reassignment is understood and managed by the provider. The action will have a stabilising effect
How could you mitigate against any negative impact to the gender reassignment characteristic?	No negative impact expected
Please describe how this proposal does not impact people due to gender reassignment	

#### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?	Yes
What legal marital or registered civil partnership status will be impacted by this proposal?	["Single", "Never married and never registered a civil partnership", "Married: Same sex", "Married: Opposite sex", "In a registered civil partnership: Opposite sex", "In a registered civil partnership: Same sex", "Separated, but still married", "Separated, but still in a registered civil partnership", "Divorced", "Formerly in a civil partnership now legally dissolved", "Widowed", "Surviving partner from civil partnership"]
Please describe any potential impact to the marriage and civil partnership characteristic	The contract extension to be applied aims to prevent disruption to Drug and Alcohol clients who currently access CGL as well as those who will access the the service over



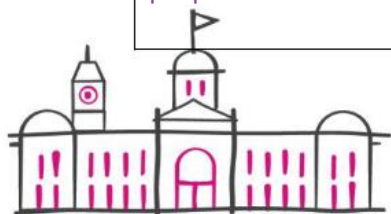
	the 6 month extension period. The CGL provision supports all clients based on need and staff are trained to understand and apply reasonable adjustments for protected characteristics. The action will have a stabilising effect
How could you mitigate against any negative impact to the marriage and civil partnership characteristic?	No negative impact expected
Please describe how this proposal does not impact people who are married or in a civil partnership	

### Protected Characteristic - Pregnancy and Maternity

Does this proposal impact people covered by the Equality Act 2010 under the protected characteristic of pregnancy and maternity?	Yes
Please describe any potential impact to the pregnancy and maternity characteristic	The contract extension to be applied aims to prevent disruption to Drug and Alcohol clients who currently access CGL as well as those who will access the the service over the 6 month extension period. The CGL provision supports all clients based on need and has a small team focused on women in treatment. They understand the needs of women, including those who are pregnant or have children. The action will have a stabilising effect
How could you mitigate against any negative impact to the pregnancy and maternity characteristic?	No negative impact expected
Please describe how this proposal does not impact people who are covered by the pregnancy and maternity characteristic	

### Protected Characteristic - Ethnicity and Race

Does this proposal impact people due to their race as per the Equality Act 2010?	Yes
What ethnic groups would be impacted by this proposal?	["White British","Other White","Bangladeshi","Chinese","Indian","Pakistani","Other Asian","African","Caribbean","Black British","Other Black","Arab","Latin American","Irish","Gypsy or Irish



	Traveller", "Roma", "Central and Eastern Europe", "Western and Southern Europe"]
Please describe any potential impact to the ethnicity and race characteristic	The contract extension to be applied aims to prevent disruption to Drug and Alcohol clients who currently access CGL as well as those who will access the service over the 6 month extension period. The CGL provision supports all clients based on need and although the majority of clients are white, British and male they have some clients from all the ethnic groups mentioned above. CGL have a subcontract arrangement with KIKIT who focus on support for Black, Asian, Minority and Ethnic communities and offer additional targeted help when needed. The action will have a stabilising effect.
How could you mitigate against any negative impact to the ethnicity and race characteristic?	No negative impact expected
Please describe how this proposal does not impact people due to their race	

#### Protected Characteristic - Religion or Beliefs

Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	Yes
What religions could be impacted by this proposal?	["No religion", "Christian", "Buddhist", "Hindu", "Jewish", "Muslim", "Sikh"]
Please describe any potential impact to the religion or beliefs characteristic	The contract extension to be applied aims to prevent disruption to Drug and Alcohol clients who currently access CGL as well as those who will access the service over the 6 month extension period. The CGL provision supports all clients based on need but have a subcontract arrangement with KIKIT who focus on support for Black, Asian, Minority and Ethnic communities and this includes an understanding of various faiths. The action will have a stabilising effect.
How could you mitigate against any negative impact to the religion or beliefs characteristic?	No negative impact expected
Please describe how this proposal does not impact people due to	



their religion or beliefs

### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	Yes
What sexual orientations may be impacted by this proposal?	["Straight or heterosexual", "Gay or lesbian", "Bisexual", "Pansexual", "Asexual", "Queer", "All other sexual orientations"]
Please describe any potential impact to the sexual orientation characteristic	The contract extension to be applied aims to prevent disruption to Drug and Alcohol clients who currently access CGL as well as those who will access the the service over the 6 month extension period. CGL provision supports all clients based on need and has a specific LGBT subcontract as part of the contract, understanding of sexual orientation is embedded into the service managed by the provider. The action will have a stabilising effect
How could you mitigate against any negative impact to the sexual orientation characteristic?	No negative impact expected
Please describe how this proposal does not impact people due to their sexual orientation	

### Monitoring

How will you ensure any adverse impact and mitigation measures are monitored?	There are monthly contract meetings with CGL and every 3 months a more detailed discussion about quality aspects of provision. One of the standing agenda items at quarterly face to face meetings is Equality, review of this EIA will be carried out there.
Please enter the email address for the officer responsible for monitoring impact and mitigation	Karl Beese karl.beese@birmingham.gov.uk







## APPENDIX 4 – WAIVER FORM

<b>PROJECT / CONTRACT TITLE</b>	ADULT SUBSTANCE MISUSE CONTRACT
<b>PROJECT / CONTRACT REFERENCE NUMBER</b>	C0146 – Adults Substance Misuse Treatment and Recovery Service
<b>DESCRIPTION OF CONTRACT (GOODS / SERVICES PROVIDED)</b>	Adult Substance Misuse Treatment Service
<b>SUPPLIER (where relevant)</b>	Change, Grow Live (CGL)
<b>CONTRACT PERIOD</b>	6 month extension period from 1 st April 2025 to 30 <sup>th</sup> September 2025
<b>VALUE (£/p)</b>	£7,795,572
<b>FUNDING SOURCE</b>	Ring-fenced Public Health Grant
<b>DIRECTORATE</b>	Partnerships Insight and Prevention
<b>SERVICE AREA</b>	Public Health
<b>SERVICE LEAD</b>	Lynda Bradford
<b>DIRECTOR/ ASSITANT DIRECTOR</b>	Justin Varney
<b>HEAD OF SERVICE</b>	Jo Tonkin
<b>Please indicate the justification for a Waiver to the Procurement and Contract Rules</b>	
i. <b>Efficiency / expediency in relation to process:</b> Following the Rules in whole or part would not add value to the intended outcomes and would significantly impact the delivery of the Council Plan and priority outcomes. A Waiver would not compromise transparency and accountability.	X
ii. <b>Increased cost / loss of income:</b> Following the Rules in whole or part would likely result in increased costs or loss of opportunity.	
iii. <b>Time constraints beyond the control of the Council:</b> Following the Rules in whole or part would create unreasonable time pressures to deliver outcomes required. In such cases this must not be through poor planning or lack of action by the Council to have created the time constraint.	X
iv. <b>Avoidance of reputational damage:</b> Failure to act promptly would have a serious, damaging and long-term impact on the reputation of the Council, that from a time perspective the Council cannot afford to be mitigated through a formal tendering process.	
v. <b>Request for noting for transparency as a formal Breach of the Rules:</b> Noting outcome of formal Breach investigation and seeking to note in line with Waiver Approval procedure.	

<p><b>Please provide details on reasons for applying for a Waiver</b></p> <p>The Adult Substance Misuse contract is funded by the ring-fenced Public Health Grant and is delivered by Change, Grow, Live (CGL), it currently ends on 31st March 2024.</p> <p>In addition to the ring-fenced Public Health Grant, Birmingham are in receipt of a Supplemental Substance Misuse Treatment and Recovery (SSMTR) Grant from OHID to facilitate improvements in quality and capacity detailed in the 10 year Govt Plan: From Harm to Hope; a 10-year drugs plan to cut crime and save lives. The grant is a 3 year programme which started in 2022/23 and allocations have been given to the Adult Drug and Alcohol Treatment and Recovery Service each year. In 2024/25 Birmingham's SSMTR grant allocation is £9,547,838 and £6.4 million is going to Adult Substance Misuse Service to increase numbers of clients into treatment.</p> <p>On January 1<sup>st</sup> 2024 the new Provider Selection Regime (PSR) came into force and provides a set of rules for procuring health care services in England by organizations termed relevant authorities. Local authorities are one of these organisations and Adult Substance Misuse Services being clinical fall into the remit of this procurement regime.</p> <p>No services within Birmingham City Council have yet been procured using this procurement regime and interpretation and application of the guidance is still being considered on a case by case basis.</p> <p>A review of PSR for the Adults Substance Misuse Treatment and Recovery Service contract carried out in April/May 2024 was unable to determine which procurement process within PSR would be suitable, this is due in part to the significant additional SSMTR grant allocation given to the current provider over 3 years.</p> <p>An assessment of the impact of the SSMTR grant allocations needs to be completed in consultation with stakeholders to inform a contract service specification for Adult Treatment and Recovery. To carry out this work it is necessary to request approval for an extension on current contract arrangements with CGL by 6 months until the 30<sup>th</sup> of September 2025. This would provide sufficient time to engage with stakeholders, collate information, prepare a suitable specification and to revisit PSR to identify a suitable procurement process.</p>
<p><b>Which part(s) of the Procurement and Contract Governance Rules are being sought to be waived?</b></p>
<p>Contract Extensions and Modifications clause 4.36</p>
<p><b>What implications, risk(s) or consequences would apply if a Waiver is not approved?</b></p>
<p>The risk if a waiver is not approved is that BCC will not be able to procure suitable Adult Substance Misuse Services. At this time BCC is unable to determine a procurement process within the PSR rules and can not proceed.</p>
<p><b>What longer terms plans are in place to ensure compliant contractual arrangements will be established prior to the end of the contract awarded under Waiver?</b></p>
<p>Extending the current service contracts for Adults Substance Misuse services by 6 months will give continuity of provision for service users in treatment already, allow for utilization of SSMTR grant funding in 2024/25, create the opportunity for meaningful discussion with stakeholders about what a new contract should look like and allow the development of a high quality service specification for procurement.</p> <p>Approving this tender waiver will ensure that this procurement is in line with compliant</p>

processes and meets the requirement to maximise the effectiveness of the time-limited Government grants.			
<b>Other Comments</b>			
<b>DECLARATIONS</b>			
<b>I (the undersigned) declare that I have no conflicts of interest which would otherwise prevent my signature to this Waiver.</b>			
<b>Directorate Service Lead</b>		<b>Date</b>	XXXX
<b>Corporate Procurement Comments</b>			
Waiver form appended to Cabinet report for Cabinet approval			
<b>Name / Title</b> <b>Mike Smith</b> <b>Head of People Category</b>		<b>Date</b>	XXXX

<b>AUTHORISATIONS</b>			
	<b>DIRECTORATE SIGN OFF</b>	<b>CORPORATE SIGN OFF</b>	<b>Date</b>
<b>Over £5,000 up to £100,000</b>	Assistant Director or Head of Service (in line with the Scheme of Delegations)	Relevant Head of Category (Corporate Procurement Service)	
Comment (if required)		Waiver form appended to Cabinet report for Cabinet approval	

Name / Title			
<b>Over £100,000 to £200,000</b>	Assistant Director	Assistant Director (Procurement)	
Comment (if required)			
Name / Title			
<b>Over £200,000 to £500k (revenue) or to £1million (capital)**</b>	Director	Section 151 Officer in conjunction with Cabinet Member (Finance)	
Comment (if required)			
Name / Title			

**\*\* Above these levels and/ or Key Decision and/ or where deemed required by the Cabinet Member formal sign off is required at Cabinet.**

## 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>Project Title:</b>	<b>ADULT DRUG AND ALCOHOL SERVICE PROCUREMENT</b>			
<b>Department:</b> Public Health	<b>Team:</b> Addictions Team		<b>Person Responsible for assessment:</b> Lynda Bradford	
<b>Date of assessment:</b>	25/06/2024	<b>Is it a new or existing policy/strategy/decision/development proposal?</b> New		
<b>Brief description of the proposal:</b> Request for cabinet to approve a 6 month contract extension (for the period 1st April 2025 – 30th September 2025) to the Adults Substance Misuse Service delivered by the provider Change, Live, Grow.				
<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			X	
Energy use and CO <sub>2</sub> emissions	X			The services includes access to locality-based delivery hubs as well as GPs delivering Shared Care and Pharmacies delivering Supervised Consumption & Needle Exchange, which reduces the need for people to travel excessive distances
Quality of environment			X	

Impact on biodiversity		X		Substance misuse services by their nature generate clinical waste, e.g., syringes, testing equipment. There is also packaging that keeps equipment sterile and the use of PPE. Many of these products are plastic based and therefore not currently sustainably manufactured. Products and packaging must also be disposed of frequently. These products will also need to be transported to the clinical sites and require regular delivery. As these are existing services, we do not anticipate an increased impact. Waste management services are already in place. Products and equipment are sourced via service provider supply chains with the appropriate governance arrangements
Use of sustainable products and equipment		X		Clinical waste, packaging and PPE disposal required. As this is an existing service, we do not anticipate an increased impact. Clinical waste management services are already in place
Council plan priority: a city that takes a leading role in tackling climate change	X			Locality based services reduce the need for residents to travel across the City
Overall conclusion on the environmental and sustainability impacts of the proposal'	Substance misuse services are offered in communities across Birmingham as well as via GP practices and pharmacies. Whilst clinical services will require the use of sterile and disposable equipment and generate clinical waste, this will not be exacerbated by the contract extension. Governance and monitoring sits within our existing service contract.			

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

## APPENDIX 6 – CHANGE, GROW, LIVE (CGL) FINANCIAL & PERFORMANCE BENCHMARKING 2023/24

### Financial Benchmarking

Core City Cost Comparison 2022/23 (latest data available – 2023/24 data likely to be published in December 2024)

Contract spend per head of population benchmarked against 7 English core cities; Bristol, Leeds, Liverpool, Manchester, Newcastle, Nottingham and Sheffield.

*Data Source:* Local Authority Revenue Outturns 2022/23:

- Birmingham spend: £16.26 per head of population; 6<sup>th</sup> lowest spend of the 8 core cities
- Highest spend: £56.37 per head of population – Newcastle
- Lowest spend: £15.61 per head of population – Leeds
- Average mean spend across 8 core cities: £23.87 per head

### Performance Benchmarking

#### Unmet Need

Is defined as the estimated proportion of people in the city who are dependent on opiates and/or crack cocaine or alcohol not in the treatment system. Data is from the NDTMS Diagnostic Outcomes Monitoring Executive Summary (DOMES) and covers the period 01/04/2023 to 31/03/2024:

Substance/s	Birmingham	National
Opiates and Crack	45.4%	54.2%
Opiates	26.7%	48.3%
Crack	42%	56.6%

In summary, Birmingham's unmet need for substances compares very favourably when compared to the national figure.

#### Birmingham: Adults in Treatment (2018 to 2024)

2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
6,580	6,880	7,860	7,970	8,177	8,490
	+300	+980	+110	+383	+313

*Data Source:* NDTMS Local Outcomes Framework (LOF) accessed 24th May 2024

In summary, the 2023/24 figure of 8,490 people in treatment is an increase of approx. 29% compared to 2018/19 and extremely positive given that Birmingham has the 6<sup>th</sup> lowest spend per head of population of the 8 core cities.

## APPENDIX 6 – CHANGE, GROW, LIVE (CGL) FINANCIAL & PERFORMANCE BENCHMARKING 2023/24

### Adults in Treatment (April 2023 – March 2024): National, Core City & Regional Benchmarking

	Apr 2023 – Mar 2023	Baseline (March 2022)	Difference	
England	308,607	286,545	+22,062	
Regional	33,543	31,382	+2,161	
Birmingham	8,490	7,787	+703	
<b>Core Cities</b>				<b>Rank</b>
Birmingham	8,490	7,787	+703	2
Bristol	3,642	3,477	+165	5
Leeds	5,902	5,879	+23	8
Liverpool	4,715	4,628	+87	7
Manchester	5,247	4,210	+1,037	1
Newcastle	2,576	2,228	+348	3
Nottingham	2,650	2,523	+127	6
Sheffield	3,729	3,394	+335	4
<b>Regional Neighbours</b>				
Dudley	1,777	1,827	-50	
Sandwell	2,095	1,946	+149	
Solihull	1,177	1,116	+61	
Walsall	1,785	1,843	-58	
Wolves	1,899	1,763	+136	

*Data Source:* NDTMS Local Outcomes Framework (LOF) accessed 24<sup>th</sup> May 2024

In summary, Birmingham's increasing number of adults accessing treatment compares very favourably when benchmarked nationally, regionally and against the 7 core cities.

At a national and regional level in 2023/24 there were increases of 7.5% and 7% respectively, compared to Birmingham's increase of 9%. From a core city perspective, Birmingham, Manchester, Newcastle and Sheffield have seen good increases in numbers accessing treatment with the remainder seeing small increases.



## APPENDIX 6 – CHANGE, GROW, LIVE (CGL) FINANCIAL & PERFORMANCE BENCHMARKING 2023/24

### Treatment Exits: Successful Completions (Apr 2023 – Mar 2024): England and Regional Benchmarking

Benchmark	Opiates	Crack	Alcohol	Non-Opiate & Alcohol	Non-Opiate
England Average	7%	17%	35%	30%	34%
Regional Average	6%	17%	35%	29%	35%
Birmingham	6%	24%	35%	29%	37%

Data Source: NDTMS Local Outcomes Framework (LOF) accessed 24th May 2024

### Treatment Exits: Successful Completions (Apr 2023 – Mar 2024): Core City Benchmarking

Core City	Opiates	Rank	Crack	Rank	Alcohol	Rank	Non-Opiate & Alcohol	Rank	Non-Opiate	Rank
Birmingham	6%	4	24%	2	35%	6	29%	6	37%	5
Bristol	6%	4	11%	7	36%	5	29%	6	28%	7
Leeds	12%	1	18%	4	46%	2	38%	2	39%	3
Liverpool	9%	2	28%	1	67%	1	45%	1	41%	2
Manchester	6%	4	17%	5	37%	3	32%	4	39%	3
Newcastle	5%	7	14%	6	37%	3	30%	5	33%	6
Nottingham	8%	3	20%	3	33%	7	26%	3	46%	1
Sheffield	4%	8	8%	8	19%	8	15%	8	18%	8

Data Source: NDTMS Local Outcomes Framework (LOF) accessed 24<sup>th</sup> May 2024

In summary, Birmingham ranks mid-table when compared to the 7 core cities, which is positive given that Birmingham has one of the lowest spends per head of population (£16.26) and the average mean spend across 8 core cities is £23.87 per head.



# Birmingham City Council

## Report to Cabinet

23 July 2024



<b>Title:</b>	<b>FULL BUSINESS CASE FOR THE NEW BUILD EXTENSION AT SELLY OAK TRUST SCHOOL</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Mick Brown, Cabinet Member for Children, Young People & Families
<b>Relevant Overview and Scrutiny Committee:</b>	Councillor Kerry Jenkins, Education, Children & Young People
<b>Report Author:</b>	Zahid Mahmood, Interim Head of Service Education Infrastructure Phone Number 0121 464 9855 <a href="mailto:zahid.mahmood@birmingham.gov.uk">zahid.mahmood@birmingham.gov.uk</a>
<b>Authorised by:</b>	Dr Sue Harrison, Strategic Director of Children & Families Children and Families Directorate
<b>Is this a Key Decision?</b>	Yes
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes - 013027/2024
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for 'call in?'</b>	Yes

**If not eligible, please  
provide reason(s):**

Not Applicable

**Wards:**

Bournville & Cotteridge

**Does this report contain exempt or confidential  
information?**

No

**Has this decision been included on the  
Notification of Intention to consider  
Matters in Private?**

No

**Reasons why not included on the  
Notification:**

Not Applicable

## **1 EXECUTIVE SUMMARY**

- 1.1 To seek approval for the capital scheme for the extension works at Selly Oak Trust School. The project cost for the scheme will not exceed £13,088,131. It should be noted that the sum of £737,850 has been committed for the Pre-Construction Services Agreement (PCSA) to be completed, subject to approval by The Cabinet Member for Children & Families report titled Full Business Case and Contract Award – Detailed Design Services for The Capital Scheme for The Extension Works at Selly Oak Trust School.
- 1.2 This project will be funded from the High Needs Allocation Grant (HNG), Basic Need (BN) and S106 Selly Oak Bloor Homes. No General Fund will be used.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendations.

## **3 RECOMMENDATIONS**

### **That Cabinet:**

- 3.1 Approve the project costs for the expansion works at Selly Oak Trust school at a total project cost not to exceed £13,088,131.
- 3.2 Approve the Full Business Case appended to this report.
- 3.3 Delegate award of the contract to the Strategic Director of Children and Families in conjunction with the Interim Director, Commercial and Procurement, the Interim Director of Finance (Section 151 Officer) and the Interim City Solicitor & Monitoring Officer (or their delegates), subject to being within the approved budget.
- 3.4 Authorises the Acting City Solicitor & Monitoring Officer to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

## **4 KEY INFORMATION**

### **Context**

- 4.1 The Local Authority has a statutory duty to ensure 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).
- 4.2 The Local Authority has a statutory duty to ensure that maintained school buildings are maintained to a standard such that, so far as is reasonably practicable, the health, safety and welfare of pupils are ensured.

- 4.3 The works comprise of the demolition and removal of existing modular teaching and changing room blocks which are no longer fit for purpose, and the construction of a new 2 storey extension to the existing school building with internal alterations. The extension will include general and specialist teaching space, pupil and staff changing facilities, additional toilets and ancillary administration space for staff.
- 4.4 The extension works will enable Selly Oak Trust School to take on an additional 33 pupils with the total number of pupils increasing from 387 currently to 420 pupils upon completion. A separate School Organisation statutory process is underway for the increase in pupil numbers and a separate decision on that proposal will be made. However, these works are required to make the school site safe and fulfil the Council's health and safety duties and this decision is therefore not contingent on the School Organisation decision being made.
- 4.5 A PSCA has been entered into with Morgan Sindall Construction & Infrastructure Ltd for the detailed design and Procurement process to be undertaken for the final costs for the main works to be agreed. The PSCA period is due to conclude in December 2024 and the main works is programmed to commence in January 2025 following Delegated Approval to award the contract, subject to the recommendations of this report being approved. There is a planned phased handover to the school allowing children entry from September 2025 with final works being completed by March 2026.

### **Proposal and Reasons for Recommendations**

- 4.6 The recommended option is to approve the Full Business Case to enable the extension of the school to be delivered to ensure that children and young people have a suitable and safe space to learn, grow and develop in so their full potential can be achieved.

### **Other Options Considered**

- 4.7 A feasibility study was carried out in order to explore viable options. Replacement of the temporary building with further temporary buildings was not feasible due to the scale and poor condition of the existing cabins.

## **5 RISK MANAGEMENT**

- 5.1 Risks have been considered as part of the design process. A contingency sum of £907,246 has been allocated to this project. The contingency sum has been included in the overall project costs. For further details please refer to Appendix 1 - Full Business Case (FBC).

## **6 CONSULTATION**

- 6.1 The Head Teacher and governors of Selly Oak Trust School have been consulted and are fully supportive of the building extension scheme.

- 6.2 A separate statutory consultation will take place to decide whether the School should increase its pupil numbers.

## **7 MEMBER ENGAGEMENT**

### **Ward Councillor(s)**

- 7.1 The Ward Members for Bournville & Cotteridge have been consulted in relation to the proposals via email on 18th June 2024 and have no further comments or queries.

### **Overview and Scrutiny**

- 7.2 Councillor Kerry Jenkins Education, Children and Young People Overview and Scrutiny Committee has been consulted in relation to the proposals via email on 20<sup>th</sup> June 2024 and a response has been received with confirmation of no further comments for the report.

### **Other**

- 7.3 Not Applicable.

## **8 IMPACT AND IMPLICATIONS**

### **Finance**

- 8.1 The project costs not to exceed £13,088,131 will be funded from the High Needs Allocation Grant (HNG), Basic Need and S106 Selly Oak Bloor Homes. No General Fund will be used. This is inclusive of £355,501 for Acivico Ltd's professional fees and £381,207 of EDI capitalisation fees.
- 8.2 Consequential revenue costs arising, including the need for additional staffing and any on-going day-to-day repair and maintenance of the asset, will be the responsibility of Selly Oak Trust School and funded from the school's delegated budget.
- 8.3 Expenditure associated with the High Needs Allocation Grant has received approval (line 24 & line 26 (for S106) of the C&F exemption list) via the S151 officer. This spend is to ensure that we are providing sufficient pupil places and to replace teaching provision that is not fit for purpose and was approved in principle by the C&F Directorate SCB on 20th May 2024. This will be reported to S151 SCB as part of the monthly reported lists.

### **Legal**

- 8.4 This report facilitates the discharge of functions contained within section 22 of the School Standards and Framework Act 1998 whereby the local authority has a duty to maintain its schools; this includes expenses relating to premises.
- 8.5 The Local Authority has a statutory duty, by virtue of section 542 of the Education Act 1996 and the School Premises (England) Regulations 2012, to ensure that maintained school buildings are maintained to a standard such that, so far as is reasonably practicable, the health, safety and welfare of pupils are ensured.

8.6 The Local Authority must also keep under review the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability, under section 27 of the Children and Families Act 2014

8.7 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 in Sections 2 and 4 of the Localism Act 2011.

### **Equalities**

8.8 A Full Equality Analysis (EQA650) was reviewed and updated in November 2023. Having considered the Public Sector Equality Duty in light of the recommendations in the Schools Capital Programme Report 2024/25 (approved by Cabinet on 19 March 2024), it has been decided that another Full Equality Analysis is not required, and it thought that that the decisions taken in this report will support the Council's performance of the duty.

### **Procurement**

8.9 There are no procurement implications relating to this report.

8.10 It should be noted that we are awaiting Cabinet Member approval to enter into a PCSA contract for New Build Extension at Selly Oak Trust.

8.11 On successful completion of PCSA the award of the contract will be approved by Strategic Director of Children and Families in conjunction with the Interim Director, Commercial and Procurement, the Interim Director of Finance (Section 151 Officer) and the Interim City Solicitor & Monitoring Officer (or their delegates), subject to being within the approved budget and this report being approved.

### **People Services**

8.12 There are no staffing implications.

### **Climate Change, Nature and Net Zero**

8.13 Refer to Appendix B - Environmental Sustainability Assessment (ESA).

### **Corporate Parenting**

8.14 There are no direct implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

### **Other**

8.15 There are no other implications arising from the recommendations in this report.

## **9 APPENDICES**

9.1 Appendix A – Full Business Case (FBC)

9.2 Appendix B – Environmental Sustainability Assessment (ESA) Selly Oak Trust School



**10 BACKGROUND PAPERS**

**10.1 [Schools' Capital Programme 2024/25 approved by Cabinet on 19th March 2024](#)**



## APPENDIX 1

FULL BUSINESS CASE (FBC)			
<b>A. GENERAL INFORMATION</b>			
<b>A1. General</b>			
<b>Project Title</b> (as per Voyager)	<b>SELLY OAK TRUST SCHOOL – NEW BUILD EXTENSION – FULL BUSINESS CASE</b>		
<b>Oracle code</b>	B1-AV06H-P101-EC0-LV002D-TZZZ-JZZZ-JXXX LV002D-052		
<b>Portfolio /Committee</b>	Children Young People and Families	<b>Directorate</b>	Children and Families
<b>Approved by Project Sponsor</b>	Zahid Mahmood	<b>Approved by Finance Business Partner</b>	Paul Durrant
<b>A2. Outline Business Case approval (Date and approving body)</b>			
<a href="#">Schools' Capital Programme 2024/25 – High Needs Allocation, Basic Need Allocation 2024-25+ Future Years Cabinet Report approved by Cabinet on 19th March 2024</a>			
<b>A3. Project Description</b>			
These works are for the demolition and removal of existing modular teaching and changing room blocks which are no longer fit for purpose, and the construction of a new 2 storey extension to the existing school building with internal alterations. The extension will include general and specialist teaching space, pupil and staff changing facilities, toilets and ancillary, staff and administration space.			
<b>A4. Scope</b>			
This Business Case is to seek approval for the project costs for the capital scheme for the building extension works at Selly Oak Trust School.			
<b>A5. Scope exclusions</b>			
No works outside this scope will be undertaken			
<b>B. STRATEGIC CASE</b>			
<i>This sets out the case for change and the project's fit to the Council Plan objectives</i>			
<b>B1. Project objectives and outcomes</b>			
<i>The case for change including the contribution to Council Plan objectives and outcomes</i>			
<ul style="list-style-type: none"> <li>A Bold Prosperous Birmingham</li> <li>A Bold Inclusive Birmingham</li> <li>A Bold Safe Birmingham</li> <li>A Bold Healthy Birmingham</li> <li>A Bold Green Birmingham</li> </ul> <p>The extension works at Selly Oak Trust meets the Council Plan objectives by ensuring that children and young people have a suitable and safe space to learn, grow and develop in so their full potential can be achieved.</p>			
<b>B2. Project Deliverables</b>			
<i>These are the outputs from the project e.g. a new building with xm2 of internal space, xm of new road, etc</i>			
<p>The scope of works includes the following:</p> <ul style="list-style-type: none"> <li>Demolition and removal of existing modular buildings.</li> </ul>			

- Construction of new two-storey extension.
- Repairs to existing services.
- Resurfacing of external pathway.
- Erection of external fencing.
- External drainage and services works.

### B3. Project Benefits

*These are the social benefits and outcomes from the project, e.g. 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 (e.g. for economic and transportation benefits)</i>
To enable the additional uptake of pupils at Selly Oak Trust School.	Completing the extension works will provide suitable space for learning and development for additional pupils at Selly Oak Trust School and it enables the Council to meet its statutory obligations for to provide sufficient pupil places.
Support and enrich learning opportunities for children and young people.	On completion of the programme of works, pupils will have a fully functional safe, warm and dry environment before, during and after school hours.

### B4. Benefits Realisation Plan

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

The extension works will ensure that Selly Oak Trust school will provide suitable space for learning and development to for additional pupils at Selly Oak Trust School and it enables the Council to meet its statutory obligations to provide sufficient pupil places.

### 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 recommended option is for the project costs to be approved and works to be undertaken to enable the school to ensure that children and young people have a suitable and safe space to learn, grow and develop in so their full potential can be achieved.
- A feasibility study was carried out in order to explore viable options. Replacement of the temporary building with further temporary buildings was not feasible due to the scale and poor condition of the existing cabins.

### C2. Evaluation of key risks and issues

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

A contingency sum of £907,246 has been allocated to the project. This contingency sum has been included in the project costs.

**C3. Other impacts of the preferred option**

*Describe other significant impacts, both positive and negative*

**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 as follows:

- Client for the project is Birmingham City Council.
- Project Management services will be provided and carried out by Acivico Ltd.
- The end user is Selly Oak Trust School.
- Regular 2 – 4 weekly meetings will be held with the project team, including client and the end user.
- Programme will be monitored and developed to ensure that required timescales are achieved.
- Scheme costs are to be continually 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 implications are detailed in 8.9, 8.10 & 8.11 of the Cabinet report

**D3. Staffing and TUPE implications:**

None

<b>E1. Financial costs</b>				
<b>Capital Costs &amp; Funding</b>	<b>Financial Year</b>			<b>Totals</b>
	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	
<b>Expenditure</b>				
Selly Oak Trust School				
Construction costs, incl. Surveys, Investigations, & Statutory Fees and contingency	£2,926,537	£9,253,223	£171,663	£12,351,423
Acivico Fees	£91,934	£228,425	£35,142	£355,501
EDI Capitalisation	£90,554	£284,449	£6,204	£381,207
<b>Total Project Cost Excluding VAT</b>	£3,109,025	£9,766,097	£213,009	£13,088,131
<b>Funding sources</b>				
<b>S106 Selly Oak Bloor Homes</b>	<b>£1,499,029</b>			<b>£1,499,029</b>
<b>High Needs Grant (HNG)</b>	<b>£1,609,996</b>			<b>£1,609,996</b>
<b>Basic need</b>		<b>£9,766,097</b>	<b>£213,009</b>	<b>£9,979,106</b>
<b>Totals</b>	<b>£3,109,025</b>	<b>£9,766,097</b>	<b>£213,009</b>	<b>£13,088,131</b>

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

The current costs for the project are based on the pre-tender report dated 28<sup>th</sup> May 2024 provided by Acivico Ltd QS.

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

An allowance of £907,246 has been allocated to this project. The contingency sum has been included in the overall project costs.

## **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*

	<b>Planned Delivery Dates</b>
Cabinet Approval	<b>July 2024</b>
Delegated Authority Approval to Award Phase 2	<b>July 2024</b>
Main Construction works	<b>January 2025 – March 2026</b>
Practical completion	<b>March 2026</b>

**F2. Achievability**

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

- Scope of work identified as in the project description.
- Extensive site investigation carried out.
- Project programme and costs have been developed.
- Funding is in place.
- Contractor has considerable previous experience.
- Similar projects have been delivered on budget and to time by the project team.

**F3. Dependencies on other projects or activities**

- Landlord Approval has been granted for the project.

**F4. Officer support**

<b>Project Manager:</b>	Baljeet Uppal	Interim Capital Programme Manager
	07730 281 356	<a href="mailto:Baljeet.Uppal@birmingham.gov.uk">Baljeet.Uppal@birmingham.gov.uk</a>
<b>Project Accountant:</b>	Jaspal Madahar	Finance & Resources Manager
	07766922478	<a href="mailto:jaspal.madahar@birmingham.gov.uk">jaspal.madahar@birmingham.gov.uk</a>
<b>Project Sponsor:</b>	Zahid Mahmood	Interim Head of Service, Education Infrastructure
	07860906126	<a href="mailto:zahid.mahmood@birmingham.gov.uk">zahid.mahmood@birmingham.gov.uk</a>

**F5. Project Management**

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

See 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*

1. Cabinet Approval – July 2024
2. Completion of PCSA – December 2024
3. Delegated award of Phase 2 contract – July 2024
4. Start on site – January 2025
5. Completion – March 2026

**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
Condition of the site is not clear	Detailed surveys are to be carried out as part of the pre-construction period to establish the site conditions.	High	Medium / low
Building costs escalate	A fixed priced contract programme will be provided by the contractor which will be closely managed and monitored by the Project Team.	Low	Medium
Building works fall behind	A detailed construction programme will be provided by the contractor which will be closely managed and monitored by the Project Team.	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 school. Any increase in revenue costs will be offset by an increase in income through increased pupil numbers provided by the DfE.	Low	Low

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

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

N/A



#### 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	Approval of Cabinet Member report and expenditure for project.	Strategy not approved	Early Consultation and Regular Briefing on all aspects of Basic Need	BCC / EDI
EDI's Consultant Partners (Acivico)	Design and Delivery	High	To support delivery and programme management.	Unable to design to budget Unable to deliver to timescales	Close working with other stakeholders Regular feedback	BCC/EDI /Acivico
School Leadership Team / Governors	Governing Body Agreement and End Users	High	Compliance with GBA Ongoing Revenue costs for R&M once works complete	N/A	Governing Body Agreement signed and regular project meetings	School Leadership Team/Academy Trust/ Governing Body EDI Project Officer
Pupils	End user	Low	Consultation	Nil	Through school's council	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*

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## Environment and Sustainability Assessment

<b>Project Title: Expansion works at Selly Oak Trust School</b>				
<b>Department: Education Infrastructure</b>	<b>Team: Capital Projects</b>		<b>Person Responsible for assessment:</b>	
<b>Date of assessment:</b>	<b>Is it a new or existing proposal?: New</b>			
<b>Brief description of the proposal: The scheme comprises demolition and removal of existing timber modular teaching units no longer fit for purpose and construction of 2 storey extension to replace teaching units and provide additional pupils places.</b>				
<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	✓			Water use fittings in the new extension will be of an improved efficiency compared to existing fittings, - providing a more sustainable water usage scenario and consequently generating less foul water for disposal and processing. Surface water drainage design is proposed to include measures to mitigate and reduce the rate of surface water run off to minimise risk of storm water surcharge and flooding offsite. Reduced footprint of single build compared to existing single storey structures.
Energy use and CO <sub>2</sub> emissions	✓	.		The existing buildings to be removed are of a relatively inefficient construction by current standards. Their insulating values and services efficiency are lower than minimum required standards today. They are also unlikely to have high levels of air tightness. As a number of smaller stand alone buildings this inefficiency is magnified by their relatively high ratio of external heat losing

				<p>surfaces to internal volume. The new extensions will be of a much higher standard of thermal efficiency and will be above the minimum requirements of current regulations. As a single multi-storey extension they will have a much better ratio of external surface to volume, which will enhance their efficiency. Insulating standards are generally targeted at 15% above current minimum standards and a good air tightness standard has been specified. Installed services will incorporate energy saving measures such as absence detection for light switching and modern heating controls. Consequential improvements required under Building Regulations will also see efficiency measures incorporated into the retained structures which may include on site micro generation such as P.V.'s or replacement of existing boiler systems with modern higher efficiency alternatives. Passive design strategies such as solar shading, solar control glazing, exposed thermal mass, and rooflight orientation have been identified to reduce anticipated cooling requirements.</p>
Impact on local green and open spaces and biodiversity	✓			<p>Proposals are not yet sufficiently advanced to determine the impact upon Biodiversity and open space in detail, however the removal of the modular classroom elements creates considerable opportunity for ecological improvement to meet anticipated requirements that will be imposed by Birmingham Development Control (Planners). The new build elements offer an opportunity to design for biodiversity in a manner that the existing buildings undoubtedly did not consider as an issue. No impact on green spaces but scheme will include</p>

				measures to encourage wildlife and biodiversity a- with potential to increase green space to rear of school with the removal of old timber units.
Use of sustainable products and equipment	✓			<p>Technical design has yet to commence, however certain sustainable technologies have been considered and identified for consideration for inclusion including heat recovering ventilation systems, Heat Pumps, and Photo-Voltaic Solar Panels.</p> <p>In construction of the new extension consideration is given to use of environmentally sustainable products, and systems that provide both longevity and recyclability. Consideration will include sourcing manufacture and functionality.</p>
Minimising waste		✓		All Contractors/bidders have committed to waste management strategies to reduce the volume of products sent to landfill and to see products separated for identification of suitability for re-use or recycling if possible. Whilst there will be some waste generated by the development, the design of the new extension has been considered to minimise off site waste generated and to maximise recycling and use of sustainable products
Council plan: A Bold Green Birmingham	✓			The plans directly improve the local area and city climate change contribution, by extending the useful life expectancy of the site and buildings on them, and where possible while reducing their ongoing demand for energy and carbon emissions, and without adversely introducing significant negative impacts during the construction process

<p>Overall conclusion on the environmental and sustainability impacts of the proposal</p>	<p>An increased number of SEN places is required across Birmingham and Nationally. Given the general specialist nature of such accommodation it is inevitable that new construction accommodation will be required and this should be of a high and sustainable standard.</p> <p>The proposals at Selly Oak School seek to provide a portion of this required accommodation by replacing existing and inefficient built volume with an increased enhanced volume that is an improvement on current minimum standards.</p> <p>The modular buildings being replaced were undoubtedly provided as a result of time pressure requirements and as such they suffer from compromises to other aspects of their construction on top of their end of serviceable life status.</p> <p>The new build will prioritise more long term sustainable aspects including, - the built quality and functionality of the accommodation provided to the end users, the efficiency of building services, and longevity of built fabric.</p> <p>Existing retained accommodation will also benefit from energy efficiency improvements.</p> <p>The scheme will see enhancements to biodiversity (a planning requirement), mitigation of impacts on drainage, and services to reduce natural resource usage. By selecting materials with improved life expectancy and improved recyclability, the sustainability of the site will be improved, and by significantly improving insulation, air tightness and heating system performance through targeted upgrade with more efficient and lower energy consumption units, there will be a reduction in the demand on natural resources and carbon emissions associated with the buildings. Carbon impact will be assessed at all stages of design.</p>
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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

23<sup>rd</sup> July 2024



<b>Title:</b>	<b>APPROVAL FOR THE AWARD OF A GRANT FOR THE REFURBISHMENT OF THE OAKLANDS PARK CHILDREN'S CENTRE</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Mick Brown, Cabinet Member for Children, Young People & Families.
<b>Relevant Overview and Scrutiny Committee:</b>	Councillor Kerry Jenkins, Education, Children and Young People Overview and Scrutiny Committee
<b>Report Author:</b>	Zahid Mahmood, Interim Head of Service Education Infrastructure <a href="mailto:zahid.mahmood@birmingham.gov.uk">zahid.mahmood@birmingham.gov.uk</a>
<b>Authorised by:</b>	Dr Sue Harrison, Strategic Director of Children & Families Children & Families Directorate
<b>Is this a Key Decision?</b>	Yes
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes – 013028/2024
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for 'call in?'</b>	Yes
<b>If not eligible, please provide reason(s):</b>	Not Applicable

**Wards:**

Bordesley and Highgate and South Yardley

**Does this report contain exempt or confidential information?**

No

**Has this decision been included on the Notification of Intention to consider Matters in Private?**

No

**Reasons why not included on the Notification:**

Not Applicable



## **1 EXECUTIVE SUMMARY**

- 1.1 To seek approval for the Full Business Case and the grant award for the capital scheme for the Refurbishment of the Oaklands Park Children's Centre to enable the creation of additional places at Calthorpe Academy. The project costs of the works will not exceed £1,900,000.
- 1.2 The grant will not exceed £1,900,000 and will be funded from the Local Authority's High Needs Provision Capital Allocation Grant. No General fund will be used.

## **1.3 COMMISSIONERS' REVIEW**

Commissioners support the recommendations.

## **2 RECOMMENDATIONS**

### **That Cabinet:**

- 2.1 Approve the project costs for the refurbishment of the Oaklands Park Children's Centre for use by Calthorpe Academy part of Thrive Education Partnership Trust at a total project cost, which will not exceed £1,900,000.
- 2.2 Approve the Full Business Case appended to this report.
- 2.3 Approves the award of a grant for the sum of £1,900,000 for the refurbishment works at the Oaklands Park Children's Centre for Thrive Education Partnership Trust to create additional capacity.
- 2.4 Notes that Calthorpe Academy is waiting for approval from the Department for Education's Regions Group to expand its pupil numbers.
- 2.5 Authorise the Interim City Solicitor & Monitoring Officer to complete all necessary documents to give effect to the above recommendations.

## **3 KEY INFORMATION**

### **Context**

- 3.1 There is currently a high demand for additional school places for children with Special Educational Needs and Disabilities (SEND) across the city of Birmingham. There is a large shortfall in available places amongst Birmingham's schools to safely educate this cohort of children.
- 3.2 This request is seeking approval to grant fund via a Condition of Grant Aid (COGA) which will be put in place between the Council and Thrive Education Partnership Trust. This will outline responsibility for delivering the scheme within the agreed budget and timescale. The Council will only fund the amount that has been agreed. Payment will be made upon evidence of works being completed.
- 3.3 Thrive Education Partnership Trust intend to carry out main capital works, so that a satellite unit can be developed on the former Oakland's Park Children's Centre site, in Yardley, for Calthorpe Academy, part of Thrive Education Partnership

Trust, to provide up to 40 places within a KS3 complex autism A4 band. The Centre was previously being used as a private nursery but was closed in September 2022 following the lease termination, the Children's Centre itself having been closed some time ago. There are currently no safe options to provide additional space at Calthorpe Academy's main school site in Highgate which is at maximum capacity. The Local Authority will be funding the capital works in order to create additional pupil places. The project for the development of the unit is being managed by the school with approvals under its governance. The school commenced the project on 3rd August 2023 to investigate the feasibility for the works and the delivery of the services up to RIBA Stage 4 Design & Tender.

- 3.4 The Council has previously agreed to fund the feasibility and design works to enable the decision to be made around additional intake of pupils. To cover these costs, grants have been issued for the total cost of £594,388 approved under Chief Officer Delegated Authority for high level feasibility and low carbon viability studies, RIBA Stage 4 Design and tender including enabling works. (detailed in

Capital Costs & Funding	Financial Year		SCB Approval
	2023/24	2024/25	
1. High Level Feasibility with Low Carbon viability including site investigations, surveys and design services	£12,295		3 <sup>rd</sup> Aug 2023
2. Up to RIBA stage 2	£49,373		2 <sup>nd</sup> Oct 2023
3. Up to RIBA stage 4 design & tender	£149,720		8 <sup>th</sup> Nov 2023
4. Enabling works	£193,000		8 <sup>th</sup> Mar 2024
5. Further required enabling works		£190,000	29 <sup>th</sup> Apr 2024
<b>Totals</b>	<b>£404,388</b>	<b>£190,000</b>	<b>£594,388</b>

table below).

- 3.5 The preconstruction services have been completed successfully and there is a requirement for the school to commence the procurement process for the works. This grant is to fund all costs for the project including the cost of construction and all associated fees for professional services.
- 3.6 This will be significant change the Academy and the works will be contingent upon the Academy obtaining approval for the increase in pupil numbers and expansion onto a satellite site by following the statutory process. Please refer to Risk Management 4.3.
- 3.7 The occupancy will be under a lease agreement between The Council and Thrive Education Partnership Trust, which will be finalised following the Significant Change Approval by the DfE. The Council will continue to own the land and property.

### Proposal and Reasons for Recommendations

- 3.8 The recommended option is to award a grant to Thrive Education Partnership Trust so that they can complete the proposed refurbishment project. The school have limited funds and will not be able to complete this refurbishment project

without the financial support of the City Council and would not be able to increase their pupil numbers without additional space.

### **Other Options Considered**

- 3.9 For the school to fund the project themselves. This was rejected as the school does not have significant funding for this work and is proposing to take on additional pupils at the request of Birmingham City Council.

## **4 RISK MANAGEMENT**

- 4.1 The key risk is the project is not managed by Thrive Education Partnership Trust within the approved grant value or timescale. The mitigation is Thrive Education Partnership Trust has appointed a project management and technical advisor (Ridge and Partners LLP) who have extensive experience in managing risk and delivering similar schemes and will enter into a written grant agreement with BCC setting out how the grant funding should be used as detailed in 3.2.
- 4.2 The risk of any rising costs will be mitigated and managed by the consultant employed by the school to oversee and advise on the project – market rates will be monitored and tested for best value. The costs of the consultant are included in the project costs.
- 4.3 There is risk that the Regions Group will not approve the Academy's application to expand onto a satellite site which would mean that the building works were completed but the additional pupil places could not be created, but this risk is thought to be low for the following reasons:
- 4.3.1 The Regions Group have already approved a satellite and extra pupil numbers previously for Thrive Education Partnership Trust at other academies – The Trust is recognised and has a very good reputation of successfully running SEN provision.
- 4.3.2 The delay in the Regions Group making a decision is due to the current elections taking place, rather than due to any concerns about the proposal itself.
- 4.3.3 In the event that the proposal was rejected by the Regions Group, the Council would be able to recover possession of the land and buildings, arrange for completion of the building works as necessary and consider alternative ways to use the building for other SEN provision due to high demand.

## **5 CONSULTATION**

- 5.1 The Head Teacher and governors of Calthorpe Academy have been consulted and are fully supportive of the scheme.
- 5.2 The Academy will be required to consult more widely as part of the statutory process to increase pupil numbers.

## **6 MEMBER ENGAGEMENT**

### **Ward Councillor(s)**

- 6.1 The Ward Members for Bordesley and Highgate and South Yardley have been informed via email on 21st May 2024, for which no feedback has been received at the time of submitting this report.

### **Overview and Scrutiny**

- 6.2 Councillor Kerry Jenkins Education, Children and Young People Overview and Scrutiny Committee has been consulted in relation to the proposals via email on 19<sup>th</sup> June 2024, for which no feedback has been received at the time of submitting this report.

## **7 IMPACT AND IMPLICATIONS**

### **Finance**

- 7.1 The grant will not exceed £1,900,000 and will be funded from the Local Authority's High Needs Provision Capital Allocation Grant. No General fund will be used.
- 7.2 Consequential revenue costs arising, including the need for additional staffing and any on-going day-to-day repair and maintenance of the asset, will be the responsibility of Calthorpe Academy School.
- 7.3 A Condition of Grant Aid (COGA) will be put in place between the Council and Thrive Education Partnership Trust which outlines responsibility for delivering the scheme within the agreed budget and timescale. The Council will only fund the amount that has been agreed. Payment will be made upon evidence of works being completed.
- 7.4 This report proposes the use of ringfenced DfE grant (High Needs Provision Capital Allocation Grant) and does not seek approval for the use of any corporate capital resources.
- 7.5 The cost of £1,900,000 grant payment towards the project cost has been approved in principle by the S151 Officer on 9th May 2024, subject to cabinet approval.
- 7.6 Financial risks have been considered as part of the design process. This is a school led project however any cost overruns will not be the responsibility of the school, since this is a High Needs project required by BCC to provide SEND provision. We are not expecting that this project will have cost overrun but understand that additional approvals will be sought should this happen.
- 7.7 Thrive Education Partnership Trust have delivered previous similar schemes and have a good record of delivering these capital projects within budget and to timescales.

### **Legal**

- 7.8 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.

7.9 The Local Authority must also keep under review the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability, under section 27 of the Children and Families Act 2014.

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

### **Equalities**

7.11 A Full Equality Analysis (EQA650) was reviewed and updated in November 2023. Having considered the Public Sector Equality Duty in light of the recommendations in the [Schools Capital Programme Report 2024/25](#) (approved 19 March 2024), it has been decided that another Full Equality Analysis is not required, and it thought that that the decisions taken in this report will support the Council's performance of the duty.

### **Procurement**

7.12 There are no procurement implications with the recommendations in this report. The responsibility for the procurement and award of contract for the works is with Thrive Education Partnership Trust for Calthorpe Academy School under their governance arrangements. The Conditions of Grant Aid agreement will include the requirement to demonstrate to the Council value for money and compliance to any legislation including the Public Contracts Regulations 2015 (PCR2015) from the issue of the payment.

7.13 The Interim Head of Service, Education Infrastructure will manage and monitor the delivery of the outcomes specified in the Conditions of Grant Aid are delivered to ensure value for money to the Council with compliance to the PCR2015 and the school's governance.

### **People Services**

7.14 There are no staffing implications arising from the recommendations in this report.

### **Climate Change, Nature and Net Zero**

7.15 See Appendix B - Environmental Sustainability Assessment (ESA)

### **Corporate Parenting**

7.16 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

### **Other**

7.17 There are no other implications arising from the recommendations in this report.

## **8 APPENDICES**

8.1 Appendix A – Full Business Case (FBC)

8.2 Appendix B - Environmental Sustainability Assessment (ESA) Oaklands  
BACKGROUND PAPERS

8.3 [Schools' Capital Programme 2024/25 approved by Cabinet on 19th March 2024](#)

## APPENDIX 1

FULL BUSINESS CASE (FBC)			
<b>A. GENERAL INFORMATION</b>			
<b>A1. General</b>			
<b>Project Title</b> (as per Voyager)	<b>GRANT AWARD FOR THE REFURBISHMENT OF THE OAKLANDS PARK CHILDREN'S CENTRE – FULL BUSINESS CASE</b>		
<b>Oracle code</b>	B1-AV06H-P101-EC0-LV002D-TZZZZ-JZZZ-JXXX LV002D-068		
<b>Portfolio /Committee</b>	Children Young People and Families	<b>Directorate</b>	Children and Families
<b>Approved by Project Sponsor</b>	Zahid Mahmood	<b>Approved by Finance Business Partner</b>	Paul Durrant
<b>A2. Outline Business Case approval (Date and approving body)</b>			
<a href="#">Schools' Capital Programme 2024/25 approved by Cabinet on 19th March 2024</a>			
<b>A3. Project Description</b>			
The refurbishment of the Oaklands Park Children's Centre for Calthorpe Academy part of Thrive Education Partnership including external play area and grounds. To assist the school with meeting the costs of these works, the City Council proposes to award the school a grant which will not exceed £1,900,000.			
<b>A4. Scope</b>			
This scheme involves works as described in the above project description			
<b>A5. Scope exclusions</b>			
No works outside this scope will be undertaken			
<b>B. STRATEGIC CASE</b>			
<i>This sets out the case for change and the project's fit to the Council Plan objectives</i>			
<b>B1. Project objectives and outcomes</b>			
<i>The case for change including the contribution to Council Plan objectives and outcomes</i>			
The refurbishment of the Oaklands Park Children's Centre will be used by pupils of Calthorpe Academy and meets the Council Plan objectives by ensuring that children and young people have a suitable and safe space to learn, grow and develop in so their full potential can be achieved.			
<b>B2. Project Deliverables.</b> <i>These are the outputs from the project e.g. a new building with xm2 of internal space, xm of new road, etc</i>			
Refurbishing the site and building into a suitable teaching facility for secondary aged special needs students.			
<b>B3. Project Benefits</b>			
<i>These are the social benefits and outcomes from the project, e.g. additional school places or economic benefits.</i>			
<b>Measure</b>	<b>Impact</b>		
<i>List at least one measure associated with each of the objectives and outcomes in B1 above</i>	<i>What the estimated impact of the project will be on the measure identified – please quantify where practicable (e.g. for economic and transportation benefits)</i>		
To allow continuation of education operations for Calthorpe Academy	Completing the refurbishment of the Oaklands Park Children's Centre it allows the Council to meet its statutory obligations.		
Support and enrich learning opportunities for children and young people.	On completion of the programme of works, pupils will have a fully functional safe, warm and dry environment before, during and after school hours.		
Promoting designs which support Birmingham's Education Vision.	The refurbishment works will enhance the teaching and learning environment that are suitable for delivering education.		

<b>B4. Benefits Realisation Plan</b>
<i>Set out here how you will ensure the planned benefits will be delivered</i>
The planned benefits will be delivered following completion of the refurbishment of the Oaklands Park Children's Centre to ensure a dry, safe, fit-for-purpose building successfully satisfying maintaining the site and the City's drive towards net carbon zero emissions.
<b>B5. Stakeholders</b>
A stakeholder analysis is set out at G4 below.
<b>C. ECONOMIC CASE AND OPTIONS APPRAISAL</b>
<i>This sets out the options that have been considered to determine the best value for money in achieving the Council's priorities</i>
<b>C1. Summary of options reviewed at Outline Business Case</b>
<i>(including reasons for the preferred option which has been developed to FBC)</i>
<i>If options have been further developed since the OBC, provide the updated Price quality matrix and recommended option with reasons.</i>
<ul style="list-style-type: none"> <li>The recommended option is to award a grant to Calthorpe Academy for the refurbishment of the Oaklands Park Children's Centre to address the lack of capacity at Calthorpe Academy. The refurbishment will ensure there is a fit-for-purpose, safe, dry building for all pupils to learn and thrive in and The Council will meet its statutory duty to provide sufficient pupil places.</li> </ul>
<b>C2. Evaluation of key risks and issues</b>
<i>The full risks and issues register is included at the end of this FBC</i>
<ul style="list-style-type: none"> <li>The key risk is the project is not managed by Thrive Education Partnership Trust within the approved grant value or timescale. The mitigation is Thrive Education Partnership Trust has appointed a project management and technical advisor (Ridge and Partners LLP) who have extensive experience in managing risk and delivering similar schemes and will enter into a written grant agreement with BCC setting out how the grant funding should be used as detailed in 3.2.</li> <li>The risk of any rising costs will be mitigated and managed by the consultant employed by the school to oversee and advise on the project – market rates will be monitored and tested for best value. The costs of the consultant are included in the project costs.</li> <li>There is a low risk that the Regions Group will not approve the Academy's application to expand onto a satellite site which would mean that the building works were completed but the additional pupil places could not be created. <ul style="list-style-type: none"> <li>The Regions Group have already approved a satellite and extra pupil numbers previously for Thrive Education Partnership Trust – The Trust is recognised and has a very good reputation of successfully running SEN provision.</li> <li>The delay in the Regions Group making a decision is due to the current elections taking place.</li> <li>Our mitigation is the building could still be used for other SEN provision due to high demand.</li> </ul> </li> </ul>
<b>C3. Other impacts of the preferred option</b>
<i>Describe other significant impacts, both positive and negative</i>
The proposed works will enable Calthorpe Academy to provide up to 40 places within a KS3 complex autism A4 band. There are currently no safe options to provide space at Calthorpe Academy's main school site which is at maximum capacity.
<b>D. COMMERCIAL CASE</b>
<i>This considers whether realistic and commercial arrangements for the project can be made</i>
<b>D1. Partnership, Joint venture and accountable body working.</b>
<i>Describe how the project will be controlled, managed and delivered if using these arrangements</i>
The Scheme will be managed directly by the Thrive Education Partnership



**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).*

There are no direct procurement implications as this is an issue of a grant for works. The responsibility for the procurement and award of contract for the works is with Thrive Education Partnership under their governance arrangements. The Conditions of Grant Aid agreement will include the requirement to demonstrate to the Council value for money and compliance to any legislation including the Public Contracts Regulations 2015 (PCR2015) from the issue of the payment.

**D3. Staffing and TUPE implications:**

None

Capital Costs & Funding	Financial Year	Totals
	2024/25	
Expenditure		
Grant for construction works.	£1,900,000	£1,900,000
EDSI Capitalisation	N/A	N/A
Funding source: High Needs Provision Capital Allocation Grant		
Totals	£1,900,000	£1,900,000

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

It is the responsibility of the school to demonstrate value for money to the Council from the issue of the grant. A contingency of £280,320 has been included in the overall project costs.

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

Thrive Education Partnership will manage the project directly.

**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

**Jul 2024**

Children to occupy space

**Jan 2025**

**F2. Achievability**

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

Thrive Education Partnership together with Ridge and Partners LLP have considerable previous experience and will manage the following:

- Scope of work identified as in the project description.
- Extensive site investigation carried out.
- Project programme and costs have been developed.
- Funding is in place.

**F3. Dependencies on other projects or activities**

- Landlord Approval has been granted for the project.

**F4. Officer support**

**Project Manager:** Baljeet Uppal      Interim Capital Programme Manager  
07860906126      [Baljeet.Uppal@birmingham.gov.uk](mailto:Baljeet.Uppal@birmingham.gov.uk)

**Project Accountant:** Jaspal Madahar      Finance & Resources Manager

## APPENDIX 1

	07766922478	<a href="mailto:jaspal.madhar@birmingham.gov.uk">jaspal.madhar@birmingham.gov.uk</a>
<b>Project Sponsor:</b>	Zahid Mahmood	Interim Head of Service, Education Infrastructure
	07825 117334	<a href="mailto:zahid.mahmood@birmingham.gov.uk">zahid.mahmood@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>		
See 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*

- 1 - Start date – July 2024
- 2 - Completion Date – Dec 2024

### 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
School cannot be occupied in January 2025	Thrive Education Partnership will manage this project directly via their project management and technical advisor (Ridge and Partners LLP) and have extensive experience in managing these types of projects and delivering on time. The school will be providing progress updates throughout.	Low	Medium
There is a low risk that the Regions Group will not approve the Academy's application to expand onto a satellite site which would mean that the building works were completed but the additional pupil places could not be created.	The Regions Group have already approved a satellite and extra pupil numbers previously for Thrive Education Partnership Trust – The Trust is recognised and has a very good reputation of successfully running SEN provision. The delay in the Regions Group making a decision is due to the current elections taking place. Our mitigation is the building could still be used for other SEN provision due to high demand.	Low	Low

### G3. EXTERNAL FUNDING AND OTHER FINANCIAL DETAILS

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

N/A

### 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	Approval of Cabinet Member report and expenditure for project.	Strategy not approved	Early Consultation and Regular Briefing	BCC / EDI

## APPENDIX 1

School Leadership Team / Governors	Design and Delivery	High	To lead on delivery and programme management through its assigned contractors.	Unable to design to budget Unable to deliver to timescales	Close working with other stakeholders Regular feedback	BCC/EDI /School Leadership Team
School Leadership Team / Governors	Governing Body Agreement and End Users	High	Compliance with GBA Ongoing Revenue costs for R&M once works complete	N/A	Governing Body Agreement signed and regular project meetings	School Leadership Team/Academy Trust/ Governing Body EDI Project Officer
Pupils	End user	Low	Consultation	Nil	Through school's council	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*

- N/A



## Environment and Sustainability Assessment

<b>Project Title: REFURBISHMENT OF THE OAKLANDS PARK CHILDREN'S CENTRE</b>				
<b>Department: Education Infrastructure</b>		<b>Team: Capital Projects</b>		<b>Person Responsible for assessment:</b>
<b>Date of assessment:</b>		<b>Is it a new or existing proposal?: New</b>		
<b>Brief description of the proposal: The works comprise of the construction of a new secondary school provision to allow an All Through School provision and an extension to the existing primary school provision to alleviate existing capacity pressure.</b>				
<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 facility will not require any additional treatment of water or increase water usage; given a change of use from nursery to secondary school, point of source and water saving flow restrictors, auto-cutoff taps, and water saving replacement of WC cisterns (and a reduction in the overall number of these) we expect savings in water usage.</p> <p>No negative impact expected on air quality Electric charging points considered but would have required an electrical supply upgrade and utility company turnaround on this compromised required completion date. We are more than happy to review this in the future and consider adoption should funding be available to support.</p> <p>As a new satellite facility with restricted on site parking (and no parking added) those working</p>

				there will be incentivised to use public transport and car share.
Energy use and CO <sub>2</sub> emissions				<p>Significantly improved external envelope insulation (particularly as flat roof was found compromised and existing insulation water saturated), and more efficient heating gas boiler with heat exchange system will improve energy usage and CO<sub>2</sub> emissions. Heat-pump heating technology was considered but the need to increase electric supply to the site to achieve this conflicted with the required completion date and we did not have the budget. Again, happy to review in future with any available funding support.</p> <p>Complete LED lighting replacement system (previous systems obsolete and failing) both internally and externally with smart controls will improve energy consumption associated with lighting; changeout of dated commercial kitchen white goods will also have a significant impact on previous consumption levels</p>
Impact on local green and open spaces and biodiversity				No amendments or impact to neighbouring spaces as a result of this refurbishment only. Open external spaces remain as is with some minor improvements within the site boundaries of added shrubs and small habitat area added.
Use of sustainable products and equipment				The school has positive policies with respect to selecting sustainable products and recycling when in operation. A water harvesting system is currently in evaluation for simple external soft landscaping watering purposes. Where practical to do so, internal timber furniture and external timber storage

				sheds and play equipment are to be FSC certified sustainably sourced.
Minimising waste				The Refurbishment only project seeks to only replace those items that cannot be retained for safety or basic function needs; external windows are being serviced and retained rather than replaced; flat roof coverings have completely failed and must be replaced but metal pitched roof coverings (65% of the overall roof area) are being serviced, sealed and retained
Council plan: A Bold Green Birmingham				Overall the priority for this project is to provide new secondary SEN student places with a time constrained priority. That said an early design focus on avoiding any extension of the facility and in general assessing and re-using existing building fabric and services whilst improving in particular insulation performance of the fabric envelope and efficiency of the services means the project will positively contribute to carbon and energy reduction and Net Zero targets. Retaining external green spaces that students can engage with and receive wellbeing benefits from is a priority of this SEN school and so there has also been a focus on retaining green areas and where possible improving the external site areas with added planting and insect habitats for this benefit
Overall conclusion on the environmental and sustainability impacts of the proposal	As per the Bold Green Birmingham comments			

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

23<sup>rd</sup> July 2024



<b>Title:</b>	<b>FULL BUSINESS CASE FOR THE EXTENSION WORKS AT HAMILTON SCHOOL</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Mick Brown, Cabinet Member for Children, Young People & Families.
<b>Relevant Overview and Scrutiny Committee:</b>	Councillor Kerry Jenkins, Education, Children and Young People Overview and Scrutiny Committee
<b>Report Author:</b>	Zahid Mahmood, Interim Head of Service Education Infrastructure <a href="mailto:zahid.mahmood@birmingham.gov.uk">zahid.mahmood@birmingham.gov.uk</a>
<b>Authorised by:</b>	Dr Sue Harrison, Strategic Director of Children & Families Children & Families Directorate
<b>Is this a Key Decision?</b>	Yes
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes – 013029/2024
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for 'call in?'</b>	Yes
<b>If not eligible, please provide reason(s):</b>	Not Applicable

**Wards:** Holyhead

**Does this report contain exempt or confidential information?** No

**Has this decision been included on the Notification of Intention to consider Matters in Private?** No

**Reasons why not included on the Notification:** Not Applicable

## **1 EXECUTIVE SUMMARY**

- 1.1 To seek approval for the capital scheme for the extension works at Hamilton School. The project cost for the scheme will not exceed £19,482,838. It should be noted that the sum of £991,578 has been committed for the Pre-Construction Services Agreement (PCSA) to be completed, approved by The Cabinet Member for Children & Families report titled Full Business Case And Contract Award – Detailed Design Services For The Capital Scheme For The Extension Works At Hamilton School 25<sup>th</sup> June 2024.
- 1.2 This project will be funded from the High Needs Allocation Grant (HNG) and Basic Need (BN). No General fund will be used.

## **1.3 COMMISSIONERS' REVIEW**

Commissioners support the recommendations.

## **2 RECOMMENDATIONS**

### **That Cabinet:**

- 2.1 Approve the project costs for the extension works at Hamilton School at a total project cost not to exceed £19,482,838.
- 2.2 Approve the Full Business Case appended to this report.
- 2.3 Delegate award of the contract to the Strategic Director of Children and Families in conjunction with the Interim Director, Commercial and Procurement, the Interim Director of Finance (Section 151 Officer) and the Interim City Solicitor & Monitoring Officer (or their delegates), subject to being within the approved budget.
- 2.4 Authorises the Acting City Solicitor & Monitoring Officer to negotiate, execute and complete all necessary documents to give effect to the above recommendations.

## **3 KEY INFORMATION**

### **Context**

- 3.1 There is currently a high demand for additional school places for children with Special Educational Needs and Disabilities (SEND) across the City of Birmingham. There is a large shortfall in available places amongst Birmingham's schools to safely educate this cohort of children.
- 3.2 There are significant pressures in respect of the sufficiency of special school places within the city and there is an urgent need to develop a five-year plan that will underpin the commissioning of appropriate special school places for SEND pupils.
- 3.3 We know already that there is a significant need for more school places for children with Education, Health and Care Plans (EHCPs), in special school and resource base sectors, as well as in mainstream. There is a particular pressure in respect of secondary transition.

- 3.4 Hamilton School currently only offers primary provision however following completion of the extension works the school will become the provider of an All Through School provision (Autistic Spectrum Condition and Speech, Language and Communication Needs). Approval has been provided previously to allow for the placement of modular temporary classrooms to help meet the Local Authority's sufficiency duty for secondary places. These modular temporary classrooms have been installed for a two year period whilst the main scheme is being developed this will ensure educational continuity for the pupils. Cabinet Report titled - Hamilton School - Approval For Capital Works To Create A Temporary Two-Storey Classroom Block, Play Area And Car Parking To Increase To Ks3 Provision, was approved by Cabinet on 3rd May 2023 for the value of £2,704,224.
- 3.5 The School Organisation process has been completed and on 19th December 2023 Birmingham City Council, as the Local Authority, in exercise of the powers conferred on it, has determined that the proposal by the Governing Body of Hamilton School be implemented, as detailed:
- Alter the age range from 4 – 11 years to 4 – 16 years.
  - Increase pupil number from 108 to 287.
  - Effective from 1st September 2025.
- 3.6 The works comprise of the design services and eventual construction of a new secondary school provision to allow intake of All Through Ages and an extension to the existing primary school provision to alleviate existing capacity pressure and create sufficient pupil places.
- 3.7 A PSCA has been entered into with Morgan Sindall Construction & Infrastructure Ltd for the detailed design and procurement process to be undertaken for the final costs for the main works to be agreed. The PSCA period is due to conclude in November 2024 and main works is programmed to commence in December 2024 following delegated approval to award the contract, subject to the recommendations of this report being approved. There is a planned phased handover to the school allowing children entry from September 2025 with final works being completed by December 2025.

### **Proposal and Reasons for Recommendations**

- 3.8 The recommended option is to approve the Full Business Case to enable the extension of the school to be delivered.

### **Other Options Considered**

- 3.9 The Council is actively considering ways to increase places for this cohort of pupils across the city and working with its special schools to identify ways to create additional physical space. There is therefore no capacity to create these additional places for this type of special educational need at any other school.

## **4 RISK MANAGEMENT**

- 4.1 Risks have been considered as part of the design process. A contingency sum of £1,731,519 has been allocated to this project. The contingency sum has been included in the overall project costs. For further details please refer to Appendix 1 - Full Business Case (FBC).

## **5 CONSULTATION**

- 5.1 The Head Teacher and governors of Hamilton School have been consulted and are fully supportive of the scheme.
- 5.2 School Organisation consultation completed on 19th December 2023 as detailed in 3.5. This consultation engaged parents and other key stakeholders in respect of the proposal to expand the school, including that there would need to be building works at the school, and the consultation responses were broadly in agreement.

## **6 MEMBER ENGAGEMENT**

### **Ward Councillor(s)**

- 6.1 The Ward Member for Holyhead has been consulted in relation to the proposals via email on 14th June 2024, for which no feedback has been received at the time of submitting this report.

### **Overview and Scrutiny**

- 6.2 Councillor Kerry Jenkins Education, Children and Young People Overview and Scrutiny Committee has been consulted in relation to the proposals via email on 19th June 2024, for which no feedback has been received at the time of submitting this report.

## **7 IMPACT AND IMPLICATIONS**

### **Finance**

- 7.1 The project costs not to exceed £19,482,838 will be funded from the High Needs Allocation Grant (HNG) and Basic Need (BN). This is inclusive of £542,862 for Acivico Ltd's professional fees and £567,461 of EDI capitalisation fees. No General fund will be used.
- 7.2 Consequential revenue costs arising, including the need for additional staffing and any on-going day-to-day repair and maintenance of the asset, will be the responsibility of Hamilton School and funded from the school's delegated budget.
- 7.3 Expenditure associated with the High Needs Allocation Grant (HNG) and Basic Need (BN) has received approval (line 24 of the C&F exemption list) via the S151 officer. This spend is to ensure that we are providing sufficient pupil places and was approved in principle by the C&F Directorate SCB on 30<sup>th</sup> May 2024 subject to the cabinet decision being made. This will be reported to S151 SCB as part of the monthly reported lists.

## **Legal**

- 7.4 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.
- 7.5 The Local Authority must also keep under review the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability, under section 27 of the Children and Families Act 2014.
- 7.6 The arrangements set out in this report exercise the powers of general competence as set out in Section 1 of the Localism Act 2011 and they are within the boundaries and limits of the general power set out in Sections 2 and 4 of the Localism Act 2011.

## **Equalities**

- 7.7 A Full Equality Analysis (EQA650) was reviewed and updated in November 2023. Having considered the Public Sector Equality Duty in light of the recommendations in the [Schools Capital Programme Report 2024/25](#) (approved 19 March 2024), it has been decided that another Full Equality Analysis is not required, and it thought that that the decisions taken in this report will support the Council's performance of the duty.

## **Procurement**

- 7.8 There are no procurement implications relating to this report.
- 7.9 It should be noted that The Cabinet Member for Children & Families approved entering into a PCSA in the report titled Full Business Case And Contract Award – Detailed Design Services For The Capital Scheme For The Extension Works At Hamilton School 25<sup>th</sup> June 2024 following a further competition exercise using Acivico Ltd's Constructing West Midlands 2 Framework Agreement.
- 7.10 On successful completion of PCSA period, the contract for the main works will be approved by Strategic Director of Children and Families in consultation with the Interim Director, Commercial and Procurement, the Interim Director of Finance (Section 151 Officer) and the Interim City Solicitor & Monitoring Officer (or their delegates), subject to the costs being within the approved budget.

## **People Services**

- 7.11 There are no staffing implications arising from the recommendations in this report.

## **Climate Change, Nature and Net Zero**

- 7.12 Please refer to Appendix 2 - Environmental Sustainability Assessment (ESA)

### **Corporate Parenting**

- 7.13 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

### **Other**

- 7.14 There are no other implications arising from the recommendations in this report.

## **8 APPENDICES**

- 8.1 Appendix 1 – Full Business Case (FBC)  
8.2 Appendix 2 - Environmental Sustainability Assessment (ESA)

### **BACKGROUND PAPERS**

- 8.3 [Schools' Capital Programme 2024/25 approved by Cabinet on 19th March 2024](#)





## APPENDIX 1

FULL BUSINESS CASE (FBC)			
<b>A. GENERAL INFORMATION</b>			
<b>A1. General</b>			
<b>Project Title</b> (as per Voyager)	<b>FULL BUSINESS CASE – FOR THE EXTENSION WORKS AT HAMILTON SCHOOL – FULL BUSINESS CASE</b>		
<b>Oracle code</b>			
<b>Portfolio /Committee</b>	Children Young People and Families	<b>Directorate</b>	Children and Families
<b>Approved by Project Sponsor</b>	Zahid Mahmood	<b>Approved by Finance Business Partner</b>	Paul Durrant
<b>A2. Outline Business Case approval (Date and approving body)</b>			
<a href="#">Schools' Capital Programme 2024/25 approved by Cabinet on 19th March 2024</a>			
<b>A3. Project Description</b>			
These works are for the construction of an extension at Hamilton School for additional classroom space and to replace existing teaching accommodation that is no longer fit for purpose. The works comprise of the construction of a new secondary school provision and an extension to the existing primary school provision.			
<b>A4. Scope</b>			
This business case is to seek approval for the project costs for the capital scheme for the extension works at Hamilton School.			
<b>A5. Scope exclusions</b>			
No works outside this scope will be undertaken			
<b>B. STRATEGIC CASE</b>			
<b><i>This sets out the case for change and the project's fit to the Council Plan objectives</i></b>			
<b>B1. Project objectives and outcomes</b>			
<i>The case for change including the contribution to Council Plan objectives and outcomes</i>			
<ul style="list-style-type: none"> <li>▪ A Bold Prosperous Birmingham</li> <li>▪ A Bold Inclusive Birmingham</li> <li>▪ A Bold Safe Birmingham</li> <li>▪ A Bold Healthy Birmingham</li> <li>▪ A Bold Green Birmingham</li> </ul> <p>The extension works at Hamilton School meets the Council Plan objectives by ensuring that children and young people have a suitable and safe space to learn, grow and develop.</p>			
<b>B2. Project Deliverables</b>			
<i>These are the outputs from the project e.g. a new building with xm2 of internal space, xm of new road, etc</i>			
The scope of works includes the following: <ul style="list-style-type: none"> <li>• Design services for the capital extension scheme.</li> <li>• Construction of two new extensions (Secondary and Primary provision).</li> </ul>			
<b>B3. Project Benefits</b>			
<i>These are the social benefits and outcomes from the project, e.g. additional school places or economic benefits.</i>			
<b>Measure</b>		<b>Impact</b>	
List at least one measure associated with <b>each</b> of the objectives and outcomes in B1 above		What the estimated impact of the project will be on the measure identified – please quantify where practicable (e.g. for economic and transportation benefits)	

## APPENDIX 1

To allow the additional uptake of pupils at Hamilton School.	Completing the extension works will provide suitable space for learning and development to pupils at Hamilton School and it enables the Council to meet its statutory obligations for to provide sufficient pupil places.
Support and enrich learning opportunities for children and young people.	On completion of the programme of works, pupils will have a fully functional safe, warm and dry environment before, during and after school hours.
<b>B4. Benefits Realisation Plan</b> <i>Set out here how you will ensure the planned benefits will be delivered</i>	
The extension works will ensure that Hamilton School will provide suitable space for learning and development for pupils at Hamilton School and it will enable the Council to meet its statutory obligations for to provide sufficient pupil places.	
<b>B5. Stakeholders</b> A stakeholder analysis is set out at G4 below.	
<b>C. ECONOMIC CASE AND OPTIONS APPRAISAL</b> <i>This sets out the options that have been considered to determine the best value for money in achieving the Council's priorities</i>	
<b>C1. Summary of options reviewed at Outline Business Case</b> <i>(including reasons for the preferred option which has been developed to FBC)</i> <i>If options have been further developed since the OBC, provide the updated Price quality matrix and recommended option with reasons.</i>	
The recommended option is to approve the Full Business case to enable the school to increase its capacity and become a All Through provision provider.	
<b>C2. Evaluation of key risks and issues</b> <i>The full risks and issues register is included at the end of this FBC</i>	
A contingency sum of £1,731,519 has been allocated to the project. This contingency sum has been included in the project costs.	
<b>C3. Other impacts of the preferred option</b> <i>Describe other significant impacts, both positive and negative</i>	
Completing the extension works will provide suitable space for learning and development to pupils at Hamilton School and it enables the Council to meet its statutory obligations for to provide sufficient pupil places. The Council is actively considering ways to increase places for this cohort of pupils across the city and working with its special schools to identify ways to create additional physical space. There is therefore no capacity to create these additional places for this type of special educational need at any other school.	
<b>D. COMMERCIAL CASE</b> <i>This considers whether realistic and commercial arrangements for the project can be made</i>	
<b>D1. Partnership, Joint venture and accountable body working.</b> <i>Describe how the project will be controlled, managed and delivered if using these arrangements</i>	
Scheme will be delivered as follows: <ul style="list-style-type: none"> <li>• Client for the project is Birmingham City Council.</li> <li>• Project Management services will be provided and carried out by Acivico Ltd.</li> <li>• The end user is Hamilton School.</li> <li>• Regular 2 – 4 weekly meetings will be held with the project team, including client and the end user.</li> <li>• Programme will be monitored and developed to ensure that required timescales are achieved.</li> <li>• Scheme costs are to be continually assessed, developed and monitored.</li> </ul>	
<b>D2. Procurement implications and Contract Strategy:</b>	

## APPENDIX 1

<i>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).</i>
The procurement implications are detailed in 7.8, 7.9 & 7.10 of the Cabinet report.
<b>D3. Staffing and TUPE implications:</b>
None

<b>E1. Financial costs</b>	<b>Financial Year</b>			<b>Totals</b>
<b>Capital Costs &amp; Funding</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>	
Expenditure for Hamilton School				
Construction costs, incl. Surveys, Investigations, & Contingency	£6,033,433	£12,089,467	£249,615	£18,372,515
Acivico Fees	£190,002	£309,431	£43,429	£542,862
EDI Capitalisation	£198,611	£323,453	£45,397	£567,461
Total Project Cost Excluding VAT	£6,422,046	£12,722,351	£338,441	£19,482,838
<b>Funding sources :</b>				
High Needs Grant (HNG)	£6,422,046			£6,422,046
Basic Needs (BN)		£12,722,351	£338,441	£13,060,792
<b>Totals</b>	<b>£6,422,046</b>	<b>£12,722,351</b>	<b>£338,441</b>	<b>£19,482,838</b>

<b>E2. Evaluation and comment on financial implications:</b>
The current costs for the project are based on the tender report dated 29 May 2024 provided by Acivico Ltd QS.
<b>E3. Approach to optimism bias and provision of contingency</b>
A contingency sum of £1,731,519 has been allocated to the project. This contingency sum has been included in the project costs.
<b>E4. Taxation</b> <i>Describe any tax implications and how they will be managed, including VAT</i>
N/A

<b>F. PROJECT MANAGEMENT CASE</b>	
<i>This considers how project delivery plans are robust and realistic</i>	
<b>F1. Key Project Milestones</b>	<b>Planned Delivery Dates</b>
<i>The summary Project Plan and milestones is attached at G1 below</i>	
Cabinet Member Approval	<b>July 2024</b>
Delegated Authority Approval to Award Phase 2	<b>July 2024</b>
Main Construction works	<b>December 2024</b>
Completion	<b>December 2025</b>
<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.</li> <li>• Funding is in place.</li> <li>• Contractor has considerable previous experience.</li> <li>• Similar projects have been delivered on budget and to time by the project team.</li> </ul>	
<b>F3. Dependencies on other projects or activities</b>	
<ul style="list-style-type: none"> <li>• Landlord Approval has been granted for the project.</li> </ul>	
<b>F4. Officer support</b>	
<b>Project Manager:</b>	Baljeet Uppal      Interim Capital Programme Manager 07730 281 356 <a href="mailto:Baljeet.Uppal@birmingham.gov.uk">Baljeet.Uppal@birmingham.gov.uk</a>
<b>Project Accountant:</b>	Jaspal Madahar      Finance & Resources Manager

## APPENDIX 1

	07766922478	<a href="mailto:jaspal.madhar@birmingham.gov.uk">jaspal.madhar@birmingham.gov.uk</a>
<b>Project Sponsor:</b>	Zahid Mahmood	Interim Head of Service, Education Infrastructure
	07860906126	<a href="mailto:zahid.mahmood@birmingham.gov.uk">zahid.mahmood@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>		
See 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*

1. Cabinet Member Approval – July 2024
2. Completion of PCSA – July 2024
3. Delegated award of Phase 2 contract – July 2024
4. Start on site – December 2024
5. Completion – December 2025

### 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
Condition of the site is not clear	Detailed surveys are to be carried out as part of the pre-construction to establish the site conditions.	High	Medium / low
Building costs escalate	A fixed priced contract programme will be provided by the contractor which will be closely managed and monitored by the Project Team.	Low	Medium
Building works fall behind	A detailed construction programme will be provided by the contractor which will be closely managed and monitored by the Project Team.	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 school. Any increase in revenue costs will be offset by an increase in income through increased pupil numbers provided by the DfE.	Low	Low

### G3. EXTERNAL FUNDING AND OTHER FINANCIAL DETAILS

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

N/A

<b>G4. STAKEHOLDER ANALYSIS</b>						
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	Approval of Cabinet Member report and expenditure for project.	Strategy not approved	Early Consultation and Regular Briefing on all aspects of Basic Need	BCC / EDI
EDI's Consultant Partners (Acivico)	Design and Delivery	High	To support delivery and programme management	Unable to design to budget Unable to deliver to timescales	Close working with other stakeholders Regular feedback	BCC/EDI /Acivico
School Leadership Team / Governors	Governing Body Agreement and End Users	High	Compliance with GBA Ongoing Revenue costs for R&M once works complete	N/A	Governing Body Agreement signed and regular project meetings	School Leadership Team/Academy Trust/ Governing Body EDI Project Officer
Pupils	End user	Low	Consultation	Nil	Through school's council	School Leadership Team

<b>G5. BENEFITS REGISTER</b>			
<i>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)</i>			
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		

<b>Other Attachments</b> <i>provide as appropriate</i>	



### Environment and Sustainability Assessment

<b>Project Title: Extension works at Hamilton School.</b>				
<b>Department: Education Infrastructure</b>		<b>Team: Capital Projects</b>		<b>Person Responsible for assessment:</b>
<b>Date of assessment:</b>		<b>Is it a new or existing proposal?: New</b>		
<b>Brief description of the proposal: The works comprise of the construction of a new secondary school provision to allow an All Through School provision and an extension to the existing primary school provision to alleviate existing capacity pressure.</b>				
<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>Water will be required for construction activities for both the new secondary school building and primary school extension. In addition water will be required in use for both buildings.</p> <p>Air quality impact will be reduced during construction with careful consideration of product selection and manufacture, construction methods and use of electric vehicles for deliveries where possible.</p> <p>A possibility of existing ground contamination has been highlighted and the existence of a layer of soil has been recommended for either removal or encapsulation. Ground Investigation has recommended that exact measures to be adopted will need to be informed by the technical design stage of the project. Due to the sensitive nature of the end use and the nature of existing ground conditions the eventual outcome should be a positive improvement for the site.</p>

				<p>Recommendations from Specialist investigation has recommended covering/dampening of soil, capture of surface water run off and cleansing of boots and vehicle wheels e.t.c. to reduce risk of any contamination spread into sewers, drains or air.</p>
Energy use and CO <sub>2</sub> emissions	✓			<p>New school building and extension will be designed to reduce energy usage with the use of energy efficient low energy lighting, energy efficient heating system etc. CO2 emissions/impact will also be considered through design of new extension and in product selection. Removal and replacement of existing timber units with a new energy efficient building will reduce energy requirements heating, lighting etc. Improvement to existing structure elementals will improve insulation, air tightness and u-values where practical. Similarly, source services equipment will be evaluated and where required upgraded to current performance standards.</p> <p>Energy modelling of the proposals at technical design stage is yet to be undertaken but the following measures have been considered.</p> <p>Space Heating is proposed to be provided by a Low Temperature Heat Pump System. This may be coupled with a Photo-Voltaic solar panel system.</p> <p>Extensive use of Mechanical Ventilation Heat Recovery Systems is proposed for fresh air supply and extract to reduce heat loss in winter.</p>



				<p>Exposed thermal mass with night time cooling has been included as an option to ensure thermal stability and reduce extremes of hot and cold.</p> <p>LED lighting is proposed throughout the buildings and site.</p>
Impact on local green and open spaces and biodiversity		✓		<p>The development of the new secondary school building will impact on adjacent grass sports pitches next to the Oaklands Youth Centre. New improved quality external spaces will be created as part of the works. Planting around the site will be maintained supplemented as far as possible and ecological impact reduced with measures such as bat and bird boxes included to encourage wildlife.</p>
Use of sustainable products and equipment	✓			<p>In construction of the new extension and the new secondary school building consideration is given to use of environmentally sustainable products, and systems that provide both longevity and recyclability. Consideration will include sourcing, manufacture and functionality.</p>
Minimising waste		✓		<p>Whilst there will be some waste generated by the development, the design of the new extension and secondary school building will be considered to minimise off site waste generated and to maximise recycling and use of sustainable products.</p> <p>The new build secondary school is proposed to be constructed from an offsite pre-fabrication of Structurally Insulated Panels. This will allow minimisation of waste in the general fabric of the</p>

				building by reducing the need for on site cutting and tailoring. The contractor is planning to ensure suppliers reduce superfluous packaging in deliveries. Waste segregation is aiming for a very high rate of diversion from landfill (high 90s%). The contractor is committing to engagement with recycling companies for disposal of plasterboard, metal, and plastics. Timber is to be taken to community recycling centres.
Council plan: A Bold Green Birmingham	✓			The plans directly improve the local area and city climate change contribution, by extending the useful life expectancy of the site and where possible reducing their ongoing demand for energy and carbon emissions, and without adversely introducing significant negative impacts during the construction process
Overall conclusion on the environmental and sustainability impacts of the proposal	By selecting materials with improved life expectancy and improved recyclability, the sustainability of the site will be improved, and by significantly improving insulation, air tightness and heating system performance through targeted upgrade with more efficient and lower energy consumption units, there will be a reduction in the demand on natural resources and carbon emissions associated with the buildings. Carbon impact will be assessed at all stages of design.			

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

23 July 2024



**Title:** Homelessness and Rough Sleeping Prevention Strategy 2024-2029

**Lead Cabinet Portfolio:** Cllr Jayne Francis, Cabinet Member Housing & Homelessness

**Relevant Overview and Scrutiny Committee:** Homes Overview and Scrutiny Committee

**Report Author:** Stephen Philpott, Director of Housing Solutions and Support

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**Authorised by:** Paul Langford, Strategic Director  
City Housing

**Is this a Key Decision?** Yes

**If this is a Key Decision, is this decision listed on the Forward Plan?** Yes: 012205/2024

**Reason(s) why not included on the Forward Plan:** Not Applicable

**Is this a Late Report?** No  
**Reason(s) why Late:** Not Applicable.

**Is this decision eligible for 'call in?'** Yes

**If not eligible, please provide reason(s):** Not Applicable

**Wards:** All

**Does this report contain exempt or confidential information?**

No

## 1 EXECUTIVE SUMMARY

- 1.1 This report seeks approval to publish and adopt the refreshed and combined Homelessness and Rough Sleeping Prevention Strategy 2024-2029 for Birmingham. The full strategy can be referenced in Appendix A.
- 1.2 The Council launched the Housing Strategy 2023-2028 in January 2023, Priority 2 of the strategy sets out the intention that 'citizens can access and sustain the right home for them.' A key commitment of the strategy in relation to Priority 2 was to review the Homelessness Prevention Strategy (2017) and develop an updated document that reflects real time context.
- 1.3 Over 2022/23, 6,212 households approached the Council as homelessness or threatened with homelessness, an increase of 14.3% on 2021/22. There are currently 5850 households (July 2024) residing in temporary accommodation, with 24,452 households seeking more suitable accommodation via the Housing Register (July 2024). This does not consider other forms of homelessness, such as households who are sofa surfing, of which there is an estimated 8,470 households (Jan 2024), or those who are rough sleeping, of which there are 36 people on any given night (Jan 2024).
- 1.4 The Council delivers housing advice for those who are either homeless or threatened with homelessness through the Housing Solutions and Support Service (HSSS). This is a Council service which is funded by the General Fund (GF), whereby the Council is facing financial challenge through an equal pay liability. On 5 September 2023, a s.114 notice under the Local Finance Act was issued. The second s.114 notice was triggered by the issuing of a section 5 report on 21 September 2023 and is likely to impact mean a significant reduction of resources in the service.
- 1.5 Given both the challenges both financially and in relation to demand, it is imperative that the Council has a robust strategy in place which sets out the activities that will be prioritised across the next 5 years to safeguard the residents of Birmingham. The strategy has been developed in conjunction with the Centre of Homelessness Impact (CHI) who have enabled the development of a clear framework that meets local need. CHI have acted as a critical friend, supporting the Council to develop its strategic priorities for homeless households.
- 1.6 The Homelessness Prevention Strategy 2024-2029 has a clear vision:  
*'We want to create a society in which any experience of homelessness is prevented wherever possible but where this can't be achieved, it is rare, brief, and non-recurring.'*  
  
The vision is aspirational, prevention focused and enables the Council to develop a set of achievable and realistic commitments that will make our vision a reality for the residents of Birmingham.

- 1.7 The Homelessness Prevention Strategy 2024-2029 aligns to the Council's approach 2022-2026, moving towards a Bolder, Brighter Birmingham. The key commitments set out within the strategy focus on collaboration, innovation and strong partnerships that have the will and dedication to work together and safeguard the residents of Birmingham. Whilst the Council is accountable for the development of this strategy, homelessness is everybody's business, and this strategy reflects the collective responsibility across the whole city.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendations and welcome the Council's commitment to monitoring the action plan, regularly evaluating agreed outcomes and undertaking an annual review of strategy commitments in support of preventing homelessness across the City.

## **3 RECOMMENDATIONS**

### **That Cabinet:**

- 3.1 Approves the strategic priorities set out in the Homelessness Prevention Strategy 2024-2029.
- 3.2 Approves the Council's intention to deliver a Homelessness Prevention Strategy that covers a 5-year period, enabling the Council to focus delivering the key commitments set out in Appendix A.
- 3.3 Endorses the Council's approach to monitoring and evaluation of the proposed Homelessness Prevention Strategy 2024-2029, providing assurance on an annual basis that the commitments set out are delivered.

## **4 KEY INFORMATION**

### **Context**

- 4.1 Section 1(1) of the Homelessness Act 2002 Act legislates Local Authorities should carry out a homelessness review for their district and formulate and publish a homelessness strategy based on the results of the review.
- 4.2 Section 1(4) requires Local Authorities to publish a new homelessness strategy, based on the results of a further homelessness review within the period of 5 years beginning from the day on which their last homelessness strategy was published.
- 4.3 The housing sector has seen significant change over the last 5 years; the implementation of both Universal Credit and the Homelessness Reduction Act (2017) required all those who support homeless households to totally adapt the way that they work, making Local Authorities fundamentally responsible for prevention activity for the first time since the Housing Act (1996) was implemented.

- 4.4 Whilst this level of legislative change has been challenging for all services to respond to, it has been revolutionary in its approach, in that it has been designed to give priority to prevention, something which authorities across the UK have welcomed.
- 4.5 In 2018, the Government also released the national Rough Sleeping Strategy (2018), followed by the Domestic Abuse Act (2021) which further encouraged authorities and services to develop specialist approaches, particularly given the tailored support these specific cohorts need.
- 4.6 In the same way as many other Local Authorities; Birmingham has also had to respond to the Coronavirus pandemic and the cost-of-living crisis, both of which have had a significant impact. Birmingham is the 7th most deprived city in England, with nearly half of the city within the bottom 10% most deprived nationally.
- 4.7 Economic activity is also significantly less than other areas of the UK, the unemployment rates in Birmingham sit at 7.5% which compares unfavourably with the overall unemployment rate for the UK (3.8%). This is not helped by the fact that 27.1% of households facing unemployment are also economically inactive.
- 4.8 Extraordinary events like the cost-of-living crisis, or the pandemic, both of which have had a significant impact on the economy increase the risk of homelessness for households in Birmingham, particularly those already facing financial hardship.
- 4.9 Birmingham have also experienced increased levels of migration into the city; 17% of the population in Birmingham have settled through a migration pathway and 30% of households who approached the Council as either homeless or threatened with homelessness, migrated into the city.
- 4.10 These households are also represented in temporary accommodation, with 47% of all households in temporary accommodation having migrated into the city. Birmingham is a proudly diverse city, but the data above demonstrates that households that do migrate into the city also face an increased risk of homelessness.
- 4.11 Homelessness is intrinsically linked to the supply of affordable housing. The Council have a published Birmingham Development Plan (BDP) in which there are specific targets to deliver affordable housing; the Council have only achieved 51% against targets and have seen a consistent decline in the delivery of affordable homes since 2017/2018.
- 4.12 The recently approved Housing Revenue Account (HRA) Business Plan also highlights a need to invest in the Council's current stock portfolio, scaling back on the delivery of affordable homes. A reduced supply of affordable homes continues to contribute to the level of demand in the city.

- 4.13 The Council recently delivered a re-design in the HSSS service, as well as a Temporary Accommodation strategy, designed to approach service delivery in a more preventative way and reducing the use of B&B. Commissioned contracts in the voluntary sector support hard to reach groups, providing accommodation solutions for 2,111 vulnerable households in 2022/2023.
- 4.14 These combined factors have enabled the Council to gradually reduce B&B use for families with dependent children, over 6 weeks. The Council's financial situation will require the service to make £9.1m in savings which will make service delivery more challenging across all areas.
- 4.15 Given these contextual issues both locally and nationally, setting strategic priorities which focuses citywide commitments in a challenging climate, is an important step to ensuring that resources are targeted, and partnerships are minimizing the risk of homelessness for those households who are most susceptible to this experience.
- 4.16 The Homelessness Prevention Strategy 2024-2029 has been designed with the voices of lived experience woven throughout. Specific focus has been given to households who have resided in B&B and lessons have been learned from determinations made by the Local Government & Social Care Ombudsman (LGSCO). Complaints have been analysed and customer satisfaction surveys across Council dispersed properties have been undertaken.
- 4.17 An understanding of lived experience has also been gained through our partners; this includes the West Midlands Combined Authority (WMCA) lived experience group, St Basils residents, people who have used the Refuge & Migrant Centre, those who have experienced criminal justice services and survivors of Domestic Abuse. Rough sleepers have also been consulted through our commissioned partners.
- 4.18 We have also worked directly with community groups like the Poverty Truth Commission and Birmingham Fair Housing Campaign to understand broader experiences of homelessness across the city. It is imperative that the commitments we make is in line with what is important to residents.
- 4.19 There is a clear commitment through the strategy to bring services together to promote prevention activities across the whole Council. The implementation of the Council's Early Intervention & Prevention (EI&P) programme represents a step-change for the authority, looking to provide visible and local services where households at risk can receive targeted support.
- 4.20 It is proposed that the Homelessness Prevention Strategy 2024-2029 is monitored on an annual basis where a report will be provided to the Cabinet Member and CLT on progress against the delivery plan.
- 4.21 The Homelessness Prevention Strategy 2024-2029 has been developed in accordance with the documents below:
- Everybody's Battle, Everybody's Business 2022.



- Birmingham Development Plan (BDP)
- Central Birmingham (2040) Strategy
- Our Future City Plan
- Birmingham City Council Levelling Up Strategy
- Health & Wellbeing Strategy
- Housing Strategy 2023-2028
- Corporate Plan 2022-2026
- Homelessness Reduction Act (2017)
- Housing Strategy 2023-2028

## 5 Vision and Typology

### Vision:

- 5.1 The Homelessness Prevention Strategy 2024-2029 has a clear vision; ‘we want to create a society in which any experience of homelessness is prevented wherever possible but where this can’t be achieved, it is rare, brief, and non-recurring.’
- 5.2 The vision is aligned to the WMCA aspiration to ‘Design out Homeless’ looking as opportunities for systemic prevention. The Council’s Early Intervention & Prevention (EI&P) programme supports this approach, investing resource upstream reducing pressure on statutory services and contributing to aspirations for an accessible and inclusive universal space.
- 5.3 Our vision is also designed to reflect the high levels of demand in the homelessness sector. The Centre of Homelessness Impact (CHI) adopted a rare, brief, non-recurring framework which was originally developed as a mechanism to address rough sleeping.
- 5.4 The Council have adopted this to address homelessness across the board because the framework provides an opportunity to be preventative in all aspects of the ecosystem, whether this relates to system prevention in the universal space or preventing the situation worsening for households in crisis.
- 5.5 Rare, brief, and non-recurring are explained below:  

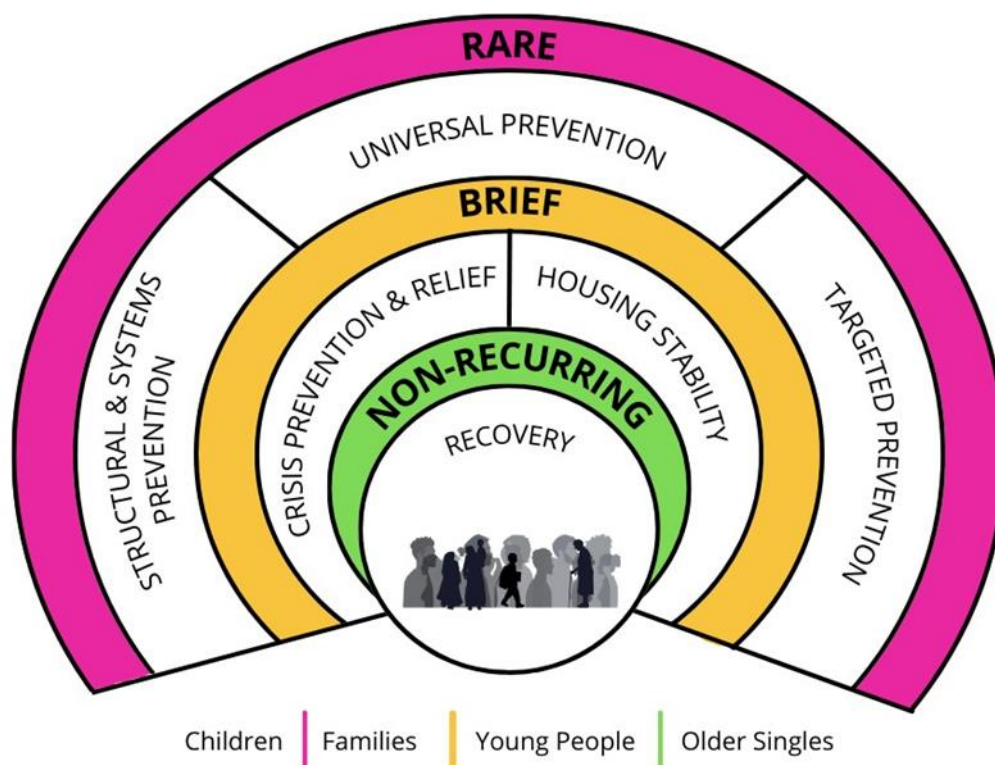
**Rare:** we will deliberately design out homelessness, developing interventions and contributing to both national and regional policy with the overall aspiration to prevent homelessness from happening altogether, wherever possible.

**Brief:** we will identify those households’ experiencing homelessness quickly and support them in to long-term, sustainable accommodation as soon as possible.

**Non-Recurring:** we will support households who have experienced homelessness to recover from their experience and help build in resilience so that it does not happen to them again.

Typology:

- 5.6 Through the implementation of the Homelessness Reduction Act (2017), Government defines prevention as anyone who is threatened with homelessness within 56 days and requires Local Authorities to formally intervene at this stage.
- 5.7 The implementation of this legislation was a significant change for Local Authorities who had no statutory duty to prevent homelessness up until this point, although many attempted to do so. Fulfilling our statutory obligations has to be the start, not the end of our prevention activity, our experience is that the statutory definition of prevention does not go far enough.
- 5.8 We have adopted best practice models from across the country to develop a typology and specific approach to defining and understanding prevention. Our typology is set out visually in the model below:



- 5.9 The approach maintains the prevention domains of the 2017 strategy whilst giving a stronger emphasis to upstream structural and systems prevention. The different categories in this typology are intended to identify and organize the range of activities that are considered to be central to homelessness prevention.
- 5.10 The model acknowledges that prevention activity takes place at various stages of a household's journey. It can be adapted to all life stages, regardless of age of

demographic and sets out the need to balance prevention in the universal space with prevention activities with households in recovery, which could reduce pressure on statutory institutions (A&E, criminal justice and health services as an example).

- 5.11 The typology is aspirational in the sense that it promotes a proactive mindset, where homelessness is prevented from happening in the first place or is rare, brief and non-recurring when it does occur. This means that prevention focused activity is promoted across all life stages, at all possible opportunities balancing the need to work upstream, whilst making sure those who have already reached crisis are supported.
- 5.12 The typology and overall approach within the proposed Homelessness Prevention Strategy 2024-2029 are brought to life through the practical commitments and strategic priorities referenced in the strategy document itself. These are specifically laid out within Appendix A.

### **Proposal and Reasons for Recommendations**

#### **That Cabinet:**

- 5.13 Approve the strategic priorities set out in the Homelessness Prevention Strategy 2024-2029.
- 5.14 Approve the Council's intention to deliver a Homelessness Prevention Strategy that covers a 5-year period, enabling the Council to focus delivering the key commitments set out in Appendix A.
- 5.15 Endorse the Council's approach to monitoring and evaluation of the proposed Homelessness Prevention Strategy 2024-2029, providing assurance on an annual basis that the commitments set out are delivered.

### **Other Options Considered**

- 5.16 Section 1(1) of the 2002 Act legislates that housing authorities must carry out a homelessness review for their district and formulate and publish a homelessness strategy based on the results of the review.
- 5.17 Section 1(4) requires housing authorities to publish a new homelessness strategy, based on the results of a further homelessness review, within the period of 5 years beginning with the day on which their last homelessness strategy was published. Consequently, the Council has no option other than to develop this Homelessness Prevention and Rough Sleeping Strategy to ensure we meet our statutory obligations.

## **6 RISK MANAGEMENT**

- 6.1 There are several key risks to be considered through the implementation of the proposed Homelessness Prevention Strategy 2024-2029 and the associated key commitments- set out in Appendix A. These can be summarised as:

<b>Risk Event</b>	<b>Impact</b>	<b>Mitigations</b>
Scaling back the direct delivery programme	A reduction in affordable homes may increase the reliance on temporary accommodation, particularly B&B through the General Fund (approx. 25k per household).	The development of the Housing Strategy 2023-2028 has bolstered partnerships with Homes England and the WMCA to enable third party delivery.
Savings programmes have a detrimental impact on service delivery	Proposed savings have been forecasted based on an ability to continue to deliver statutory services, including vacancy management	Savings plans have been stress tested to ensure the impact, particularly on vulnerable citizens is minimised.
Planned reduction in Adult Social Care commissioned resource	Likely given the need to deliver on savings- the same level of resource will not be available to formally commission services	Market engagement events with commissioned providers to co-design and jointly shape future commissioning.
Delivering the temporary accommodation strategy differently	Proposed savings have meant that funds available to deliver property acquisitions has been significantly reduced	Explore possible opportunities for private funding, leasing arrangements or delivering acquisitions through the Housing Revenue Account (HRA)
Fast track of Home Office asylum decisions	Likely, households may be expected to leave Home Office accommodation at short notice and approach the Council for immediate assistance	Well-developed internal migration partnership supporting resettlement
Homelessness disproportionately impacts diverse groups.	<u>Appendix A</u> evidences that homelessness in Birmingham impacts households with protected characteristics	Equality Impact Assessment reflects the need to deliver targeted support to households from specific communities
Change to Government policy and/or homelessness legislation	Unlikely as the Homelessness Reduction Act (2017) is relatively new at present, but there may be indirect implications through the Renters Reform Bill etc.	Thorough impact assessments will be undertaken subject to any change in legislation, supporting the service to plan and manage any potential change.
Reduction in funding from Government	Unknown at this stage- funding is often short-term in nature and can be reduced or changed at any time.	Regulator engagement and interaction with DLUHC, there has been no indication that funding will reduce at this stage

Compliance with LGSCO guidance	The Council are unable to deliver services (particularly households in B&B for over 6 weeks) in line with (Suitability Of Accommodation) England) Order 2003 SI 2003/3326 Art 4(1)(b) Order, Homelessness Code of Guidance and LGSCO guidance- may result in judicial review court proceedings and/or potentially a Public Interest Report if there is a continued failure to provide suitable alternative accommodation to a family in B&B over 6 weeks. <b>This is both a financial and reputational risk to the Council as compensation/legal costs will be awarded.</b>	B&B reduction plan in place, monitored every 6 weeks with DLUHC. Temporary accommodation strategy is in place which sets out blueprint for B&B reduction
s.114 intervention	Impact of delay around financial decision making as a result of additional financial constraints	Anticipated that such occurrences will be mitigated through comprehensive planning and monitoring through Directorate spend control boards
Financial hardship to residents	Rent increases may cause financial hardship to residents who are continuing to expect challenge through a cost-of-living crisis.	Residents who are on full or partial benefits are protected from the impact of rent increases. Residents who are working will be entitled to tailored support from the available cost-of-living toolkit, targeted visits, and safe spaces such as the 320 warm welcome hubs.

## 7 CONSULTATION

7.1 The Homelessness Partnership Board have been consulted throughout the development of this strategy. The Board includes representatives from:

- Housing Solutions & Support
- Adult Social Care and Commissioning
- Public Health
- Birmingham Children's Trust
- Department for Work and Pensions (DWP)
- Centre for Homelessness Impact
- Voluntary sector organisations
- Commissioned services
- Senior Inequalities Leads

- Chair of the West Midlands Combined Authority Homelessness Taskforce and National Youth Homelessness Parliament.

7.2 The Homeless Prevention Steering Group have been consulted throughout the development of this strategy.

7.3 Community groups such as the Poverty Truth Commission and Birmingham Fair Housing Campaign have been consulted in the development of this strategy.

7.4 Public consultation on the vision, prevention typology, priorities and commitments has been undertaken via Be Heard Consultation Hub.

7.5 Lived experience research has taken place in the development of this strategy. This has included direct consultation with survivors of Domestic Abuse, refugees and migrants, offenders, and the Youth Advisory Board.

## **8 MEMBER ENGAGEMENT**

### **Ward Councillor(s)**

8.1 Councillor Jayne Francis, Cabinet Member for Housing and Homelessness has been engaged during the development of the strategy.

### **Overview and Scrutiny**

8.2 The Chair of Homes Overview and Scrutiny Committee has been consulted on the contents of the report.

### **Other**

8.3 No other members have been directly engaged.

## **9 IMPACT AND IMPLICATIONS**

### **Finance**

9.1 The Homelessness Prevention Strategy creates an objective for the Council to reduce homelessness through both prevention and provision of support to those experiencing homelessness. The strategy supports the Council's Financial Plan in reducing demand for intervention at the point of crisis, by proactively supporting citizens into independence. This reduced demand is factored into the Housing Solutions and Support budget over the medium term. While there are no direct financial implications from the strategy, delivery of services to achieve the objectives creates resource implications on the Council.

9.2 These resources are already recognised in the Council's Financial Plan, directly through £8.8m funding for the Early Intervention and Prevention programme, c£2.5m per annum ringfenced rough sleeping and public health grant funding, and £33.9m per annum net General Fund budget within the Housing Solutions and Support service; but also wrapped up in the Council's wider front line service provision with areas such as Domestic Abuse, Mental Health, addiction support and financial support services.

- 9.3 The strategy recognises the financial climate in which the Council is operating, and is clear that reduced resources will be available, but alternative approaches and more joined-up partnership working approach will be taken to achieving the objectives. None of the services directly or indirectly providing support to tackle Homelessness are being removed, with the Financial Plan instead laying out programmes to deliver the services more efficiently and effectively, and so reducing resource commitment without impacting on the objectives of the strategy.
- 9.4 The Homelessness Partnership Board oversees the value for money approach to the strategy as a whole, and along with Council's contract management, contract procurement and budgetary control measures will ensure a value for money in all operational initiatives to deliver homelessness prevention and support services.
- 9.5 As well as statutory obligations to have a Homelessness Prevention Strategy, the financial risks to the Council of not following a consolidated approach to tackling homelessness on a micro level is duplication or inefficiency of services, and on a macro, level is the system wide costs of crisis intervention.

#### **Legal**

- 9.6 The Council's arrangements for homelessness, including the initiatives, Strategy and Delivery Plan are designed to meet the Council's legal obligations in relation to homelessness.
- 9.7 Statutory obligations on local authorities are stipulated in the Housing Act 1996 and revised by the Homelessness Reduction Act 2017 which extended and introduced new duties to homeless households.
- 9.8 The Domestic Abuse Act received Royal Assent in April 2021 and will have some implications for the delivery of statutory homelessness services. In particular the changes brought about by the Act (s.78) will mean that the consideration of vulnerability will no longer be required in order to be considered as having priority need for those who are homeless as a result of being a victim of domestic abuse. The Act also introduces a new definition of domestic abuse which housing authorities must follow to assess whether an applicant is homeless as a result of being a victim of domestic abuse, a new duty to provide Domestic Abuse Safe Accommodation and introduces new provisions to protect victims of domestic abuse who have or had a lifetime tenancy. Some of these provisions will be subject to further consultation before implementation. The Homelessness Reduction Act 2017 broadens the range of duties owed by local authorities under Part 7 of the Housing Act 1996 in significant ways. Local authorities in England now owe duties to help and support eligible applicants who are homeless or threatened with homelessness, regardless of whether those applicants also have priority need or became homeless intentionally.
- 9.9 If the council fails to comply with its duties in accordance with the Housing Act 1996, Homelessness Code of Guidance and LGSCO recommendations, the

council may be subject to judicial review court proceedings and/or a Public Interest Report which will result in additional financial risk of compensation and court costs becoming payable to the applicant and their legal advisors.

### **Equalities**

- 9.10 An Equalities Impact Assessment has been completed in support of this strategy (Appendix B). The EIA identifies vulnerable groups with an increased risk of homelessness due to their protected characteristic alongside mitigations and the positive impacts of this strategy for these groups.
- 9.11 The execution of this strategy is the responsibility of the Homelessness Partnership Board. The Board will be responsible for undertaking annual equalities reviews through the collation of data, indicators, lived experience and wider monitoring information to consider whether the proposals of this strategy are meeting the needs of those identified as adversely impacted by homelessness owing to a protected characteristic under the Equality Act 2010. Through these reviews further actions and mitigations will be proposed, delegated and shared when necessary to ensure the Council and key partners are meeting their legal obligations under the Public Sector Equality Duty.

### **Procurement**

- 9.12 There is no direct procurement activity resulting from the approval of this Homelessness and Prevention Strategy. Any future procurement activity required for the implementation of the strategy will be undertaken in accordance with the Council's Procurement and Contract Governance Rules.

### **People Services**

- 9.13 To support the Homelessness Prevention Strategy and achieve the workforce savings required, the Housing Solutions and Support management team have focused on deleting vacancies to protect staff from redundancies whilst ensuring sufficient capacity at all levels. In making the above changes, some staffing will need to be reconfigured. Any changes will be part of the formal consultation process, in conjunction with staff and Trade Unions.

### **Climate Change, Nature and Net Zero**

- 9.14 A full Environmental Impact Assessment has been completed in support of this strategy and cabinet report. The report is contained in Appendix C.



## **Corporate Parenting**

- 9.15 The Homelessness Prevention and Rough Sleeping Strategy 2024-2029 aims to act in the best interests, and promote the physical and mental health and well-being, of children and young people. Consequently consultation has taken place with the Birmingham Children's Trust and Adult Social Care through the Homelessness Partnership Board throughout the development of the strategy.

## **10 APPENDICES**

- 10.1 The following appendices are included with this report:

- Appendix A: Homelessness Prevention Strategy 2024-2029
- Appendix B: Equality Impact Assessment EIA000325
- Appendix C: Environment Sustainability Report
- Appendix 1: Homelessness Prevention Strategy 2024-2029 – Measuring Impact
- Appendix 2: Homelessness Prevention Strategy 2024-2029 - Delivery Plan

## **11 BACKGROUND PAPERS**

No Background Papers



# HOMELESSNESS & ROUGH SLEEPING

## Prevention Strategy 2024 - 2029



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Having a safe place to call home is one of the most basic human necessities; in Birmingham, we face a significant challenge in both preventing and adequately supporting those who are either experiencing or at risk of homelessness in the city.

As Cabinet Member for Housing & Homelessness, reducing the impact and likelihood of homelessness is a priority. Our Homelessness Prevention Strategy 2024-2029 sets out the Council's commitments over the next 5 years.

We know that that the trauma and instability homelessness can cause is lifechanging and can debilitate every aspect of someone's life. Given the impact it has on both citizens and communities, homelessness is something that should not be tolerated in modern day society.

In Birmingham, we know that high levels of deprivation and systemic issues, coupled with recovery from the pandemic, and more recently the cost-of-living crisis, have made homelessness a more common experience for our citizens. Birmingham, much like the rest of the UK is also navigating the national housing crisis and undersupply of affordable homes.

This strategy sets out our priorities for the next 5 years, helping to safeguard communities from the damage that homelessness can cause, while enabling citizens to recover.

Whilst we know there have been achievements, tackling homelessness continues to be a real challenge for the city and there is lots to do. Thousands of households are living in unsuitable homes or are at risk of homelessness and as a Council, we are working diligently to try and stop these households' reaching crisis.

In response, we are developing our Early Intervention & Prevention model, understanding and capitalising on opportunities to work upstream; our pilot hubs are demonstrating some fantastic outcomes, and we are committed to continuing to refine our model in the future. As part of this work, we must strike a balance between our obligations to those facing homelessness right now and those who could be at risk in the future, so the experience of homelessness does as little harm as possible.

We know that opportunities to prevent homelessness in some cases have passed and therefore we must shift our focus, making sure that when homelessness occurs, the experience is rare, brief, and non-recurring, so that households do not become trapped in a cycle of homelessness.

The Council is facing a challenging financial situation, resulting in intervention from Commissioners and the need to acquire exceptional financial support from Government. Whilst all involved parties are committed to making sure the impact on our citizens is minimised, the fact remains that there will be a significant restriction on resources both now, and in the future, with the key focus delivering on the Improvement and Recovery Plan (IRP)

Now more than ever, the role of our partners is paramount. The focus of this strategy is on collaboration and making the best use of resources available. Throughout the sector there is will and commitment to improve the options available for households who are either homeless or facing homelessness.

It is imperative that we use this strategy to capitalise on dedication and commitment across the sector to make sure our interventions are effective so that opportunities to provide good quality advice, support and build resilience across our communities are not lost.

As Cabinet Member for Housing & Homelessness, I endorse the publication of this strategy and see the document as an opportunity re-focus on our priorities, ensuring we are working effectively across the city to reduce the impact and likelihood of homelessness for our citizens.

Cllr Jayne Francis, Cabinet Member  
for Housing & Homelessness



This strategy is underpinned by the principle that homelessness is a debilitating and traumatic experience for citizens across society, which affects every aspect of life and impacts on far more than just housing. Therefore, the goal is to prevent homelessness whenever possible, and where it does occur, ensure that it is rare, brief and non-recurring.

The Council has made significant progress in improving the experiences of citizens who need to access housing advice. These are just a few of our achievements made since the implementation of the previous strategy:

- The number of families with dependent children in Bed & Breakfast (B&B) has reduced in the last year, for the first time in several years.
- Our property acquisitions programme is enabling the Council to purchase over 300 homes for families facing homelessness.
- We have mobilised an Accommodation Finding Team who have negotiated with landlords to make over 400 properties available in the private rented sector over the past two years.
- The number of successful prevention outcomes for households who approach the Council at risk of homelessness within 56 days are continuing to increase and are regularly surpassing the national average at 53%.
- We have re-designed our service following the implementation of the Homelessness Reduction Act (2017) to work more proactively, with prevention in mind.
- We have reduced the number of rough sleepers seen on our streets on any given night, reducing from 91 in 2018 to 36 in 2023.
- We have successfully implemented the Homes4Ukraine Move-on financial package, with 170 initially hosted households able to move into the private rented sector.

- We have designed and committed to mobilising the 'Live and Work' scheme, supported by St Basils, whereby young people have genuine access to affordable homes and the labour market in tandem.
- We have supported 110 exempt accommodation providers to sign up to the Charter of Rights whilst 18 achieved full accreditation under our supported exempt quality standards, and a further 15 providers are under assessment to become accredited.
- We have developed and drafted our new strategy, setting out specifically how we will support survivors of Domestic Abuse in line with a zero-tolerance approach.
- We continue to work towards a Domestic Abuse Housing Alliance (DAHA) accreditation, making sure we provide the best service possible to both survivors and perpetrators.
- We have successfully piloted EI&P approaches to prevent people at risk of homelessness falling into crisis. For example, 39 households who had requested foodbank assistance that were eligible for but not claiming welfare benefits. Our advisors contacted them via text and supported them to claim a combined £94k as a means of maximising their income and easing financial hardship.

The strategy builds on the work of the Homelessness Prevention Strategy 2017-2022 which supported the city in implementing wholesale changes to the sector, addressing the introduction of Universal Credit and the implementation of the Homelessness Reduction Act (2017). This strategy seeks to build on these successes, whilst responding to the changing landscape both nationally and locally.

In January 2023, the Council launched its Housing Strategy 2023-2028, setting

out a refreshed approach to improving housing options for Birmingham citizens. This has been recently supported by a newly approved Asset Management Strategy 2024-2029 and Housing Revenue Account Business Plan. These key documents set out the need to direct investment towards existing stock, making partnerships ever more important, particularly in relation to the delivery of affordable homes.

We know that there will be challenges in our future. The Council is facing an unprecedented challenge financially. The challenging financial situation the Council finds itself in and subsequent intervention, means the Council will require exceptional financial support from Government and a new Corporate Plan will be developed to reflect the changes to work practices that will be required.

Housing is not exempt from this and will have to make some very difficult decisions about the way in which services are delivered both now and, in the future, and as a result, one of the key components of this strategy focuses on how we will prioritise the resources available and deliver services as efficiently as possible, to help the greatest number of people.

Our objectives in this strategy are clear, as are the challenges in achieving them. The Council cannot do this alone, and the strength of our partnerships will be central in helping us to achieve our goals. We want to capitalise on the skills, resources and commitment of the sector, harnessing opportunities to work together to improve outcomes for households facing homelessness. We have been supported by our strategic partner, the Centre for Homelessness Impact (CHI) to develop a strategy that is realistic and adopts national best practice. We want to develop a strategy that promotes innovation and enables all stakeholders to work differently to tackle homelessness, but we also want to make sure that our vision is realistic and honours our commitments to the multiple households who continue to approach our service in a crisis position. Councils have a statutory duty to prevent homelessness at the point a household becomes threatened with homelessness within 56 days, the balance between working proactively to prevent people becoming homeless further upstream, and providing targeted support to those already experiencing homelessness,

as well as those in recovery, is crucial and requires creativity and innovation, not just from the Council but the city as a whole.

This strategy is about making sure that we get the balance right, promoting independence and resilience across communities with the understanding, that when people need us, access to services is fair, equitable and the advice people receive has a positive impact on their lives.

**To create a society in which any experience of homelessness is prevented wherever possible, but where this cannot be achieved, homelessness is rare, brief, and non-recurring.**

We want to make sure homelessness is prevented. This means deliberately designing-out-homelessness in our strategies, policies, procedures, laws, structures, and systems, that either cause or fail to prevent homelessness.

We want to make sure that inclusion is promoted across all areas of the sector and that everyone understands and takes an active role in preventing homelessness.

Where homelessness does still occur, we want to make it rare, brief, and non-recurring. The key words are explained below, so our intentions are clear and cannot be misunderstood.

**1. Homelessness is RARE-** We will commit to tackling the enablers of homelessness throughout society, as well as in strategies, policy, and practise, utilising key initiatives such as the Early Intervention & Prevention program and by collaborating with the regional Homelessness Taskforce. We will also track the prevalence of homelessness both nationally and locally, working with partners to design interventions that will make homelessness a rare occurrence in our city.

**2. Homelessness is BRIEF-** We will identify those experiencing homelessness as soon as we can, through clear pathways and referral routes and will support them into long-term accommodation as quickly as possible, minimizing the time and impact of homelessness. We will ensure that any stays in temporary accommodation are as brief as possible, particularly for households with children.

**3. Homelessness is NON-RECURRING-** We will support people who have experienced homelessness, by ensuring that the routes out of homelessness are both resilient and sustainable, thereby enabling citizens to recover from their experience, and allowing them to benefit from a system designed to prevent them from becoming homeless again.

It is essential that 'prevention' of homelessness doesn't just become a catchphrase or buzz word and that the Council and partners play their part in bringing these initiatives to life; this strategy sets out how the Council will contribute to tackling some of the systemic issues that make homelessness a far more frequent experience than it should be.



# DEFINING HOMELESSNESS

To realise our vision, it is important that we first understand what is meant by homelessness, given that the term is so often misinterpreted or misapplied. Many may think of homelessness as solely rough sleeping, which is of course the most visible and acute form of homelessness, but it only represents a very small proportion of homeless households. We want this strategy to represent every one of our citizens who experiences homelessness in whatever form it takes.

The statutory definition of homelessness is one route in which homelessness can be defined:

Threatened with homelessness- 'Households are considered to be threatened with homelessness if they are going to become homeless within 56 days.'

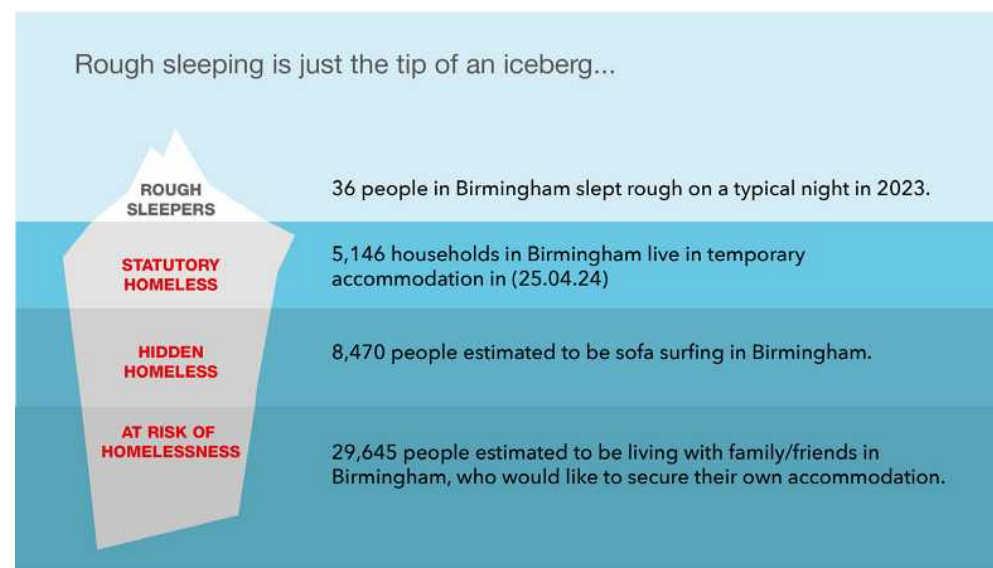
The Local Authority are required to intervene and try to prevent households from becoming homeless within the 56-day period. It is important to note that Local Authorities have no statutory duty to prevent homelessness outside of the 56-day timeframe, although many see the benefit of doing so.

Homeless- 'Households are considered to be homeless if any one of the criteria below can be met:

- They have no accommodation available to occupy.
- They are at risk of violence or Domestic Abuse.
- They have accommodation, but it is not reasonable for them to continue to occupy it.
- They have accommodation but cannot secure entry to it.
- They have no legal right to occupy their accommodation.
- They live in a mobile home or houseboat but have no place to put it or live in it.'

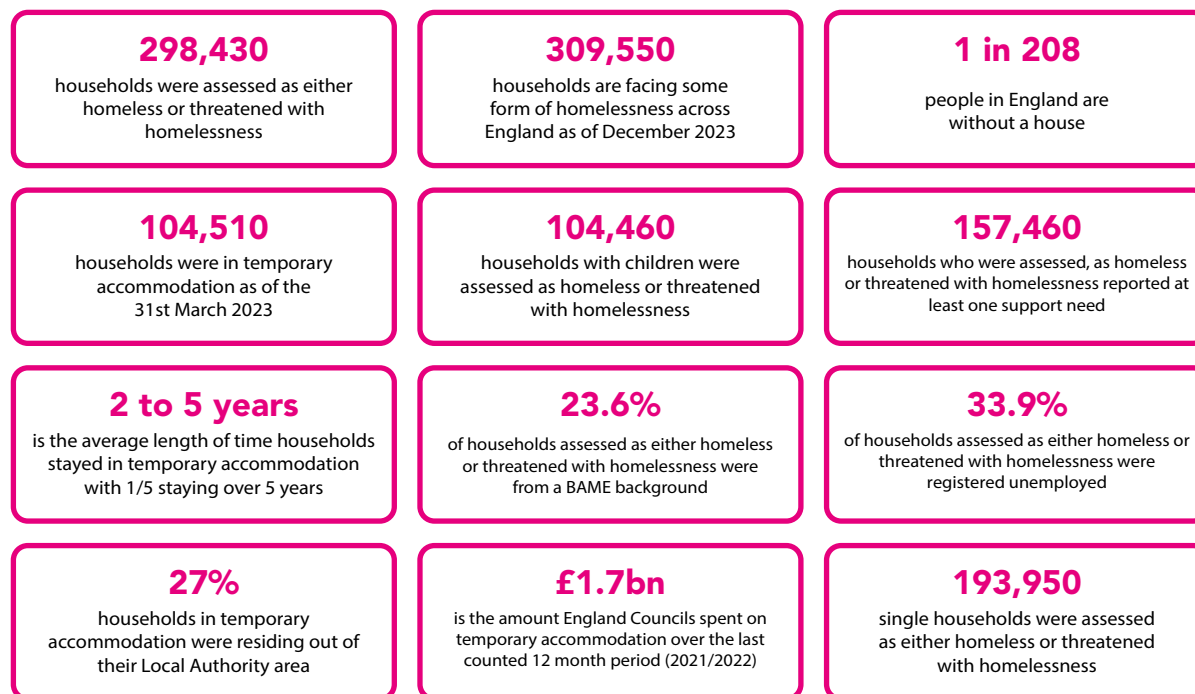
At this point, the Local Authority must intervene and have a 56-day period to work with the household to try and relieve their homelessness.

The statutory definitions are important to understand as these definitions are directly linked to the funding arrangements Councils in England receive to support people who are either homeless or threatened with homelessness. Whilst the statutory definition of homelessness triggers intervention from the Council, we know that homelessness is broader than this, ranging from rough sleeping on the streets to being insecurely housed. Preventing homelessness making it rare, brief, and non-recurrent is the ultimate aim, however, to do this we must first understand the root causes and factors that lead people to become homeless in the first place.



# BACKGROUND

## National Homelessness Picture - 2022/2023



The data above represents some of the national, published Government data on the picture of homelessness across the UK. This demonstrates the sheer volume of households affected by homelessness across the UK and gives some indication of the cost both socially and financially.

Birmingham is a city with great strengths and enormous promise, while at the same time facing real challenges. Although a city with promise, there is no getting away from the fact that Birmingham is a city that is facing real challenge. This is depicted in the data above, which gives a high-level overview of demand and an understanding a volume of households, the city.



# WHAT DOES THE DATA SAY?

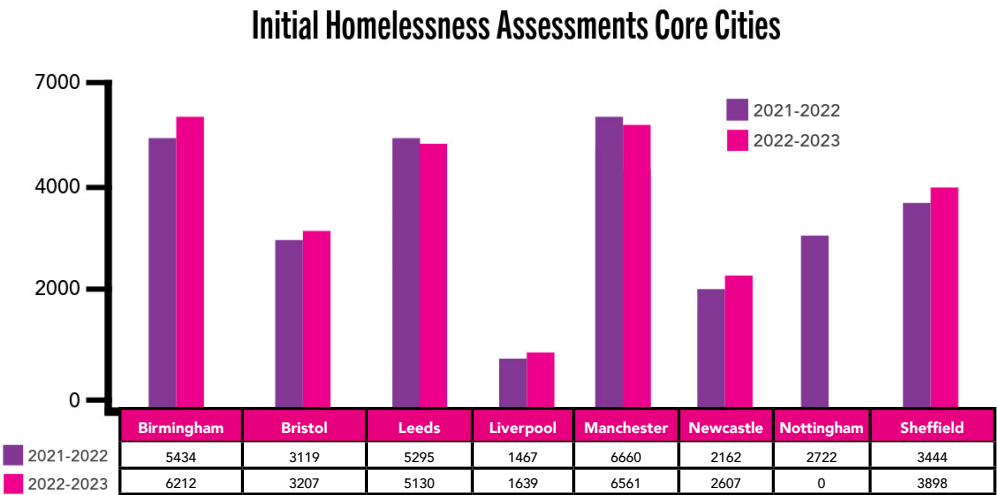
This section of the strategy intends to set out the homelessness picture in the city at a high level, providing an evidence base for the strategic priorities and commitments we have identified.

## Quantifying demand in Birmingham

Homelessness in Birmingham is an acute issue and the Council continue to assess large volumes of households each year. Birmingham is twice the size of any other core city, and whilst we experience similar issues to a London borough, we cover a much broader geographical area.

This contributes to the level of demand we experience across the city. Figure 1 sets out how many households the Council has assessed under homelessness legislation in comparison with other core cities.

Figure 1



With the exception of Manchester, Birmingham delivered the highest number of initial assessments across other comparable core cities in the UK, while in total, 8.1% of the population are considered homeless, again the highest percentage of any lower-tier Local authority (LTLA).

Within Figure 1, 45.2% of households assessed in 2022/2023 were owed the main housing duty which means the Council have a duty to secure these households a home.

This is higher than any other core city, and indeed any other authority in the UK, putting significant pressure on the Council to prioritise the scarce supply of affordable homes for homeless households, while avoiding incentivising homelessness as the main pathway for people on a low income to secure a long-term home.

The numbers further support this; as in 2023/2024, 80.2% of main duty resolutions involved the household securing social housing, far more than the 40.3% of cases resolved in this way in Manchester, for example. This information highlights the reliance on social housing supply as a resolution for homelessness in Birmingham.

The reasons for homelessness in Birmingham are important to understand because they paint a picture of who is becoming homeless and how they are reaching this point.

Figure 2

Reason for loss of last settled home for households owed a relief duty 2022/23:		
Family or friends no longer willing or able to accommodate	1,253	33.6%
Domestic abuse	599	16.1%
End of private rented tenancy - assured shorthold	499	13.4%
Eviction from supported housing	425	11.4%
End of private rented tenancy - not assured shorthold	248	6.7%
Other reasons / not known	201	5.4%
Non-violent relationship breakdown with partner	158	4.2%
Required to leave accommodation provided by Home Office as asylum support	102	2.7%
Other violence or harassment	101	2.7%
Left institution with no accommodation available	85	2.3%
End of social rented tenancy	54	1.4%

Figure 2 demonstrates the high levels of statutory homelessness for 2022/2023; whilst this only gives us the statutory picture, it helps us to understand why people are approaching the authority.

The data shows that relationship breakdown with family/friends and Domestic Abuse are the two most prevalent reasons for households becoming homeless, both of which suggest the household will understandably only present to the Council when in crisis, reducing the opportunity for prevention.

Other frequently stated reasons, relate to tenancies ending either in supported accommodation or in the private rented sector. This reflects the high concentration of supported exempt accommodation in Birmingham for single people and the affordability pressures of the private rented sector.

**Affordability- what is the picture for low-income households?**

The private rented sector presents affordability challenges for households on a low-income. This is something that the UK experiences as a whole, but it is particularly marked in the West Midlands and Birmingham. Accessing the private rented sector is a challenge and a significant opportunity; the Accommodation Finding Team has been successful in identifying properties in the private sector, negotiating with landlords and enabling families to move into homes.

Access to the private rented sector is often dependent on what is available within Local Housing Allowance (LHA) rate. The LHA is paid to low-income families in the rented sector to help them cope with high housing costs. The rate has been frozen for several years, which has meant that the sector has become unaffordable, particularly for those who are benefit dependent.

For instance, in 2023 Crisis and Zoopla reported that only 7% of two bed properties and 6% of three bed properties listed for rent in the West Midlands were available at rents covered by benefits, compared with 27% of the households in the West Midlands needing support from benefits towards their rent.

In Birmingham itself, the situation was more acute with only 3.28% of two bed properties and 1.79% of 3 bed properties available to let at levels covered by LHA rates.

Figure 3 sets out the detailed research behind this, showing the disparity between what is affordable in the West Midlands compared with other areas of the country, providing a reason for the long-term reliance on social rented supply.



Source: Zoopla; StatXplore: ONS

Notes: % of new listings affordable to those in receipt of housing benefits calculated using Zoopla data; % of households receiving housing benefits calculated by dividing the number of households in each region receiving housing benefits (from StatXplore - February 2022) by the most recent regional data showing the size of the PRS in each region (from ONS)

In the 2023, Autumn statement, Government announced the intention to unfreeze LHA rates, raising LHA to the 30th percentile of local market rents from April 2024.

Whilst there is no commitment to this in the long-term, it is anticipated that raised LHA rates will mean people on low incomes have more breathing space, allowing them to access more affordable housing options, rather than relying solely on social housing.

## Migration- what is the impact?

Birmingham is a diverse city, covering a significant geographical area with a wide range of communities, but the impact of the Brexit decision in 2016 and additional Government interventions to reduce the level of migration have understandably had an impact on the city.

This is demonstrated by the recent fast tracking of Home Office decisions, the interventions around small boats, and the consultation on Social Housing Allocations (which proposes the prioritisation of citizens from the UK), all of which are challenging in such a diverse city.

Additionally, the city has also had to respond to the war in Ukraine as well as conflicts in Sudan and Afghanistan. As such, interventions have been piloted to respond to conflict, such as Homes for Ukraine, which saw an outpouring of support from the community, with host families welcoming Ukrainian households into their home.

From a Birmingham perspective, the insufficient supply of affordable housing and high levels of deprivation mean that the ability to provide the resettlement support and infrastructure to enable households from outside of the UK to settle is not as robust as it needs to be.

The demographic of homeless households also poses a specific set of challenges for the city.

For instance, based on the data held; 30% of households presenting as statutorily homeless to the Council have come into the UK through a migrant route. This doesn't mean that all these households' approach as homeless

directly after coming to the UK, but that experience is part of their background. In context it must be noted that 17% of Birmingham's population have arrived in the city having come to the UK as a migrant.

Of the 30% who presented as statutorily homeless, 22% of households have been formally granted asylum, leave to remain and/or refugee status. The remainder relate primarily to households from the European Economic Area (EEA). This increases when we look at numbers in temporary accommodation, where 47% of households have migrated to the UK. This suggests a greater vulnerability amongst citizens who have arrived in Birmingham from abroad, and an increased need for stable accommodation and increased resettlement support.

Birmingham is a diverse city that welcomes other cultures and ethnicities into the city. Figure 4 sets out Government statistics for 2022/2023 showing the number of households that have entered Birmingham through a direct migration route in comparison to other areas.

Figure 4

Local Authority	Homes for Ukraine	Afghan Resettlement	Supported Asylum	Total Population
Birmingham	1000	450	3105	1,142,494
Leeds	909	431	1451	809,036
Sheffield	704	175	1196	554,401
Manchester	642	366	1714	549,853
Liverpool	398	156	2184	484,488



Figure 4 shows that Birmingham experiences higher levels of migration than any other core city; because of the size of Birmingham's population, migrants as a percentage of the overall population is not as significant.

The number of households migrating into the city isn't the root of the problem. The number of households from a migrant background into temporary accommodation, alongside the percentage of overall presentations signifies that there is a lack of long-term resettlement support for households from a migrant background.

The lack of stability for households who are likely to experience a language barrier, a difference in culture and overall lack of understanding around how to manage bureaucratic systems, like the benefits system, housing register, access to healthcare or education means that they are often coming from a disadvantaged position.

The lack of additional support to truly enable these households to re-settle often results in an increased risk of homelessness.

### Disproportionate impact of homelessness

The connections between race, ethnicity and homelessness are recognised. A recent research study by Heriot-Watt University (Homelessness amongst Black and minoritized ethnic communities in the UK: a statistical report on the state of the nation 2022) found people from Black, Asian and other marginalised ethnic group backgrounds can be as much as three and a half times more likely to experience homelessness as those from White British backgrounds.

Disproportionality within the housing system and other aspects such as poverty and patterns of employment were found to increase risk of exposure to homelessness. This increased risk is echoed within the city's own homelessness data.

Figure 5

Ward	Number of Presentations
Soho & Jewellery Quarter	354
Aston	353
Stockland Green	344
Sparkbrook & Balsall Heath East	331
North Edgbaston	307
Alum Rock	295
Ladywood	288
Newtown	264
Acocks Green	259
Birchfield	250
Glebe Farm & Tile Cross	249
Small Heath	220
Bartley Green	212
Bordesley Green	210
Handsworth	201
Sparkhill	201
Weoley & Selly Oak	201

Figure 5 sets out the number of households presenting as homeless, by ward. Soho & Jewellery Quarter has a population of 25,456, the ward has a younger age profile than most of the city, as well as a higher ethnic minority

population, indeed 61.9% or 15,757 people are from minority backgrounds. Similarly, Aston has a population of 24,450 of which 88.3% or 21,589 of the population are from ethnic minority backgrounds, presenting a correlation between ethnicity and homelessness.

## Pressure on families with dependent children:

The picture of statutory homelessness in Birmingham is different to that of some other core cities. In Birmingham the well-developed services and extensive supported exempt accommodation sector have resulted in fewer single people requiring the statutory provision of temporary accommodation than in comparable core cities. This is evidenced by the fact that in Birmingham, the number of households in temporary accommodation without a dependent child is over 10% lower than the national average (37.9%).

Families on the other hand make up the vast majority of citizens accessing the Council's housing services. Birmingham currently has the highest rate of family main duty acceptances in England (per thousand households living in the Council's jurisdiction) and the percentage of citizens with two or more dependent children that are owed a homelessness duty is 50% higher than that of the national average.

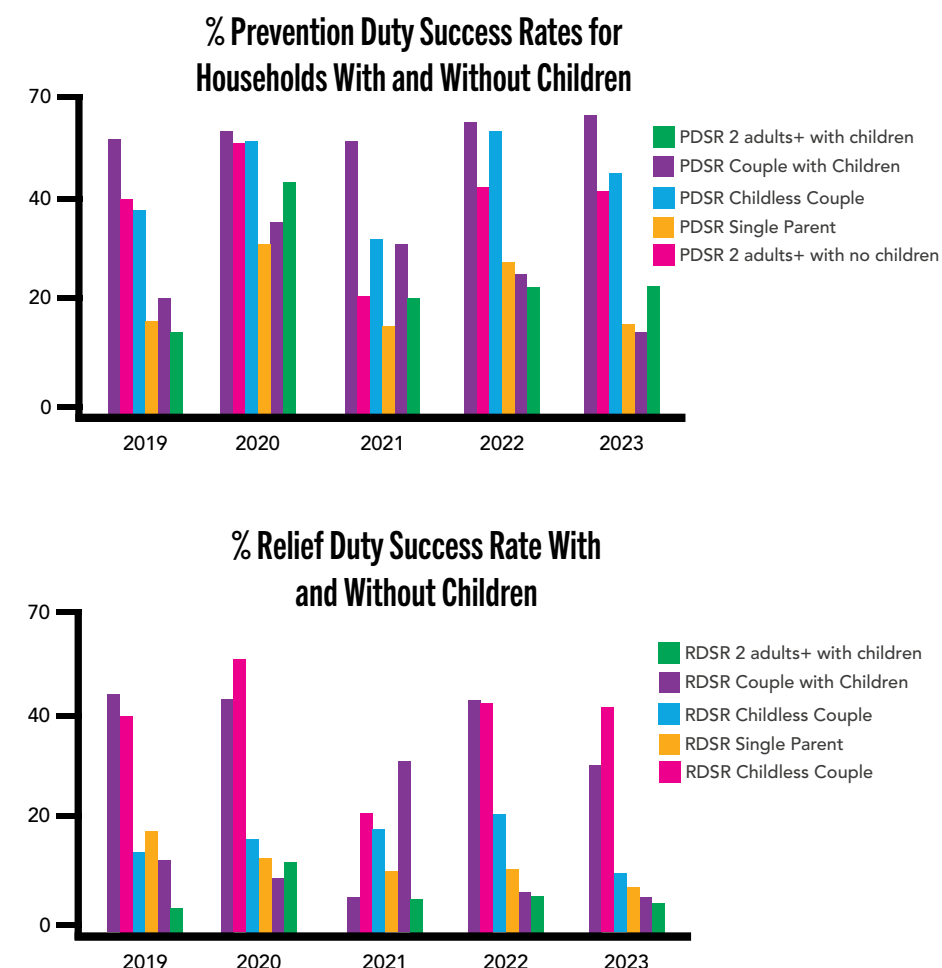
This brings with it a great number of challenges, given that social housing stock does not meet demand. This is particularly acute for larger families trying to access social housing in which there is limited supply, and therefore it can be much harder to house these families.

For example, while there are almost 3,000 households on the housing register waiting for a 4-bed property (2960), in the most recently reported 6-month period, only 25 of such properties were let. For 6-bed properties there are 140 families waiting, but only 14 properties exist across the Council's entire

stock (0.02% of stock)

Figure 6 sets out the success rates for statutory prevention and relief across different key groups in 2022/2023.

Figure 6





The pressure on families with dependents is often higher, given that suitable accommodation is less readily available, and because single people and households with no dependent children are more likely to see their homelessness successfully ended at either the prevention or relief stage.

Growth in the exempt sector and the rise of HMO accommodation, coupled with the make-up of existing stock (40% 1 bedroom) and the general lack of new homes built for large families, has made this situation more acute, and has meant that households with children tend to have the least options.

This means that in line with our new placement policy we must continue to widen the scope of PRS (Private Rented Sector) offers in discharge of homelessness duties to enable families to move on from temporary accommodation and secure a suitable and affordable home.

## A breakdown of Temporary Accommodation (TA)

As of September 2023, 109,000 households were living in temporary accommodation across the UK, including 69,680 households with children.

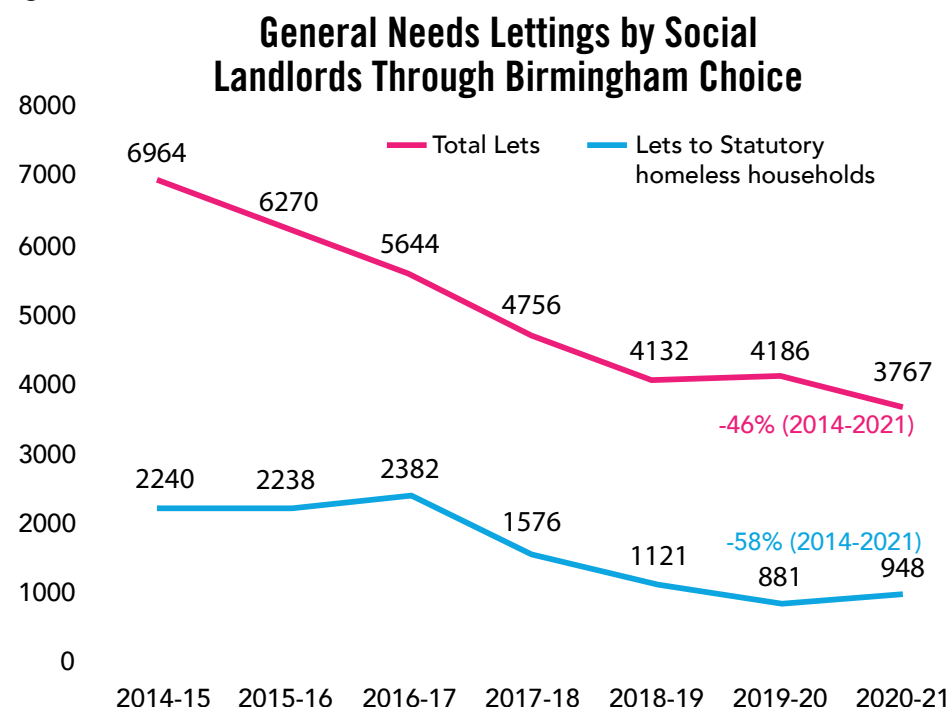
From a Birmingham perspective, there were 5082 Households in TA (as of March 2024) of which 3495 households had been in TA for more than six weeks, with dependent children.

There are several reasons why the Birmingham picture is so acute; increased levels of deprivation, an over reliance of social housing and high levels of main duty acceptances are all contributory factors.

However, the number of homes physically available for these households must also be taken into account.

Lettings on Birmingham Choice fell from 9,964 in 2014/15 to 3,767 in 2020/21, with lettings to statutorily homeless households halving over the same period, as shown below in Figure 7:

Figure 7



The Council have tried to improve this through the newly published Allocations Policy in January 2023, ensuring the Council are prioritising households based on the most acute need, which has led to a greater proportion of properties being let to statutory homeless households.

Between March 2023 and February 2024, there were 3,547 properties let, of which 1,203 properties were let to households owed a homelessness duty, 1087 of these households were owed the main homelessness duty.

Lettings through the new allocations policy will be subject to review in 2024 to ensure that we continue to allocate to those most in need.

Figure 8 and Figure 9 demonstrate the reliance on lettings through the register

for homeless households. Predominately the reason for discharge of duty at main duty stage is into social housing. The limited number of lettings and scarce supply of affordable homes have created a bottle neck in TA where people have to wait for significant periods to access a long-term home.

Figure 8

Reason for end of main duty Birmingham 22/23:		
Housing Act 1996 Pt6 social housing offer - accepted	892	80.2%
Housing Act 1996 Pt6 social housing offer - refused	72	6.5%
Private rented sector offer6 - accepted	59	5.3%
Private rented sector offer3 - refused	6	0.5%
Voluntarily ceased to occupy	47	4.2%
Refused suitable TA offer, withdrew or lost contact	31	2.8%
Became intentionally homeless from TA	2	0.2%
Ceased to be eligible	3	0.3%
Not known7	0	0.0%

Figure 9

Bedrooms needed	Percentage of households in TA	Mean number of weeks in TA so far	Expected mean average length of stay in TA before leaving (years)
1	7%	109	4.2
2	40%	72	2.8
3	32%	89	3.4
4	15%	135	5.2
5+	4%	142	5.5
ALL	100%	91	3.5

The average length in TA for all households between entering and leaving is estimated to be 3.5 years. As might be expected, this varies by the size of the household, with larger families likely to wait longer because of the lower numbers of larger properties available to let through the allocations system. In response, the Council recently set up a 'complex case team' to work with TA residents facing barriers to move on. To date the team has assisted over 1,600 households to receive over £2m in backdated housing benefit claims to contribute towards their TA arrears and assisted a further 661 households to be permanently rehoused via direct matches, tenancy conversations, choice-based lettings and the PRS.

TA also presents a significant cost to the Council, the net weekly cost of TA is estimated at £512,946 per week (March 2024 data), equivalent to £2.2m per month. These costs have increased by £1.47m in the last 12 months since the Council's Temporary Accommodation Strategy was launched.

The most expensive form of temporary accommodation is the provision of B&B accommodation, currently costing £15.7m per year. The Council's focus since the launch of the Temporary Accommodation Strategy has been reducing the use of B&B accommodation, particularly for families with dependent children over 6 weeks.

Over the last 12 months, the service has managed to progress a gradual reduction in these numbers and have a robust B&B reduction plan, which is closely monitored both internally and by Government colleagues.

### Supply of affordable homes vs demand

The lack of genuinely affordable homes, particularly social rented homes across all of the UK has a clear correlation to homelessness. This is particularly prevalent in Birmingham where 24% of the population rely on affordable homes, in comparison with the 18% UK average (HEDNA, 2022).

The Council launched its refreshed Housing Strategy 2023-2028 in January 2023, which was developed with due consideration to the Birmingham Development Plan 2017-2031. The commitment of the strategy was to deliver 1,083 affordable homes per year over the course of the strategy.

Historically, the Council have relied on direct delivery as a means to develop affordable homes. Whilst this was successful between 2009-2017, productivity has reduced in recent years to meeting 51% of its delivery target in relation to affordable homes.

Figure 10

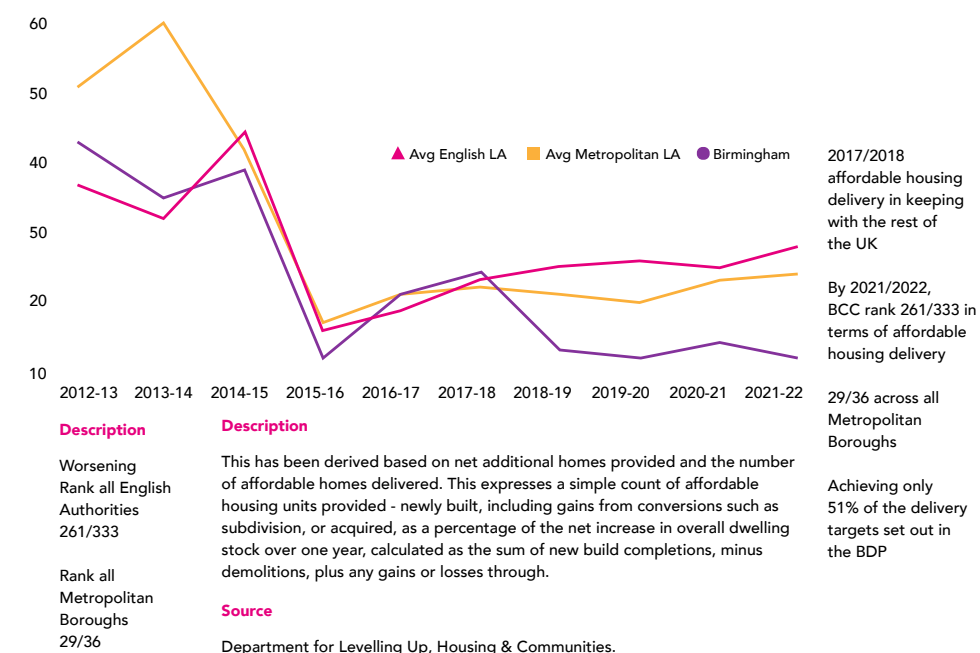


Figure 10 above shows the decline in affordable homes post 2017/2028 following an over reliance on direct delivery routes since the inception of Birmingham Municipal Housing Trust in 2009. The data below demonstrates some a summary of key metrics in relation to affordable housing are the impact of reduced development.

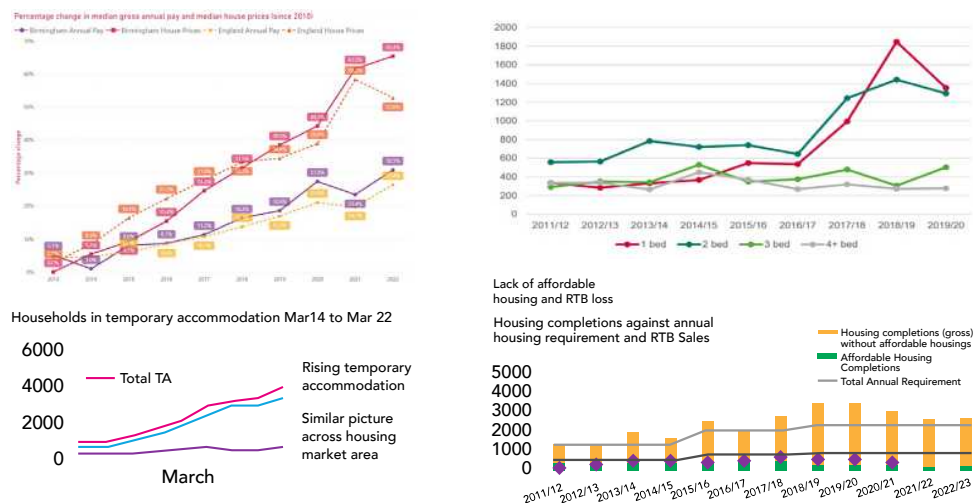
Over the last 5 years, development has been predominately undertaken in the city centre, which has reduced the number of affordable homes developed, specifically due to high land values and viability concerns.

The picture in Birmingham mirrors the national landscape; the House of Commons produced a briefing in May 2023 setting out that the UK needs 145,000 new affordable homes each year. At present, it is estimated that approximately 7,000 affordable homes per year are actually being delivered. The Council has started to address some of these concerns, disposing of

the first 8 land sites to Registered Providers, enabling them to use Homes England grant to deliver 100% affordable sites. This is a positive step, but the fact remains that the city is facing the same challenge as the rest of the UK regarding supply vs demand and resolutions cannot be delivered at pace. The supply of affordable homes in the city is crucial to meeting housing needs. Since 2017/18 there has been a reduction in the delivery of affordable homes. Figure 11 shows factors that are contributing to a reducing supply.

Figure 11

### Growing Housing issues in four graphs



The first graph shows the rising house prices over the past 7 years vs the growth in wages, with the gap widening which means more people are relying on affordable products. This is coupled with the fact that families with dependent children are facing the most need, but 1-2 bed homes are being developed proportionately more than family homes. Graphs 3 and 4 depict the rising use of temporary accommodation vs the

homes lost through RTB which has outweighed the number of new homes developed across the sector. These graphs set out a visual representation in relation to some of the key challenges related to supply of affordable homes. A lack of supply in this area, coupled with the city's reliance of social rented homes heightens the risk of homelessness to low-income households.

## Impact of the cost-of-living crisis

Nationally, we know that the recent shocks to the economy and the subsequent cost-of-living crisis have reduced the level of disposable income for most households across the UK. As a city, Birmingham has found this even more challenging given the high levels of deprivation which already existed prior to the cost-of-living crisis.

Poverty has always been linked to homelessness. The Joseph Rowntree Foundation published figures in 2023, setting out that in 2022/2023, 7.2 million households were skipping meals or unable to afford essentials, 4.7 million households are in some form of arrears either with utilities or rent/ mortgage arrears and 3 million households reported being unable to afford to keep warm in their home.

Birmingham is the 7th most deprived city in England, with nearly half of the city wards within the bottom 10% most deprived nationally.

Economic activity is also significantly less than other areas of the UK. The unemployment rates in Birmingham sit at 7.5% which compares unfavourably with the overall unemployment rate for the UK (3.8%). This is compounded by the fact that 27.1% of households facing unemployment, are also economically inactive, meaning they aren't or cannot seek employment, such as students, early retirees, and those with long-term illness.

Birmingham has adopted a multi-disciplinary approach to tackling poverty;

the city has an established financial inclusion partnership that has brought stakeholders together since 2017 to deliver interventions to those experiencing financial hardship.

The city has also worked hard to respond to the cost-of-living crisis; the Council declared a cost-of-living emergency in September 2022 and has worked closely with stakeholders through a well-resourced Financial Inclusion Partnership to deliver interventions around fuel poverty, food and general household support. Multi-disciplinary interventions such as this, have led to the delivery of over 300 warm welcome hubs, the largest across the whole of the UK.

Whilst the city's response to the cost-of-living crisis has been admirable, a longer-term commitment to financial inclusion, capitalising on the opportunities of the Early Intervention & Prevention program is required to ensure households in financial hardship continue to be supported.

### **Supporting survivors of Domestic Abuse**

The Housing Act 1996 provides that it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to violence or abuse against them, a member of their household, or any other person that might reasonably be expected to reside with them.

This was further reinforced by the Domestic Abuse Act (DA) 2021 which allowed for a wider recognition of crimes, survivors, and perpetrators of DA by acknowledging that DA can take many forms, not just physical violence, and can include economic abuse and controlling or coercive behaviour. The 2021 Act also changed homelessness legislation by determining that all victims of DA would be automatically considered priority need.

This is vital, as DA survivors face significant barriers to being rehoused, be that socially, financially or in the interests of their safety, and as DA is intrinsically linked to homelessness, this situation has become more acute as the demand

for housing services has increased, which is deeply impacted by the difficulties faced by services in preventing both issues.

Over the last 4 years, an average of 811 households per year have required homelessness assistance from the Council due to DA, of which an average of 715 households per year became homeless. DA is the third most common reason for homelessness and is also a common reason why households access both Birmingham Children's Trust and Adult Social Care.

Given the rate of DA in the city, the Council have embarked on a journey to become accredited through the Domestic Abuse Housing Alliance (DAHA). The Council have also committed to developing a standalone Domestic Abuse strategy, solidifying the commitment to improving the experience of survivors. The strategy has a very clear vision and reflects the Council's zero tolerance approach to DA.

**"Birmingham is a place where Domestic Abuse is not tolerated; where everyone can expect equality and respect in their relationships, and live free from domestic abuse."**

The development of this strategy seeks to align to the objectives of the DA strategy, in an attempt to make sure that silo working is eradicated and there is a multi-disciplinary approach to supporting survivors of DA.

### **Responding to the Government's Rough Sleeping Strategy (2018)**

Following a national reduction over the last few years, rough sleeping in the UK increased in both 2022 and 2023. At 3,898 in Autumn 2023, recorded rough sleeping was 27% up on the equivalent figure twelve months earlier.

As a city, we recognise that rough sleeping is more than a housing issue. That's why we have developed a multi-disciplinary approach to tackling

rough sleeping through partnerships that include housing providers, police, probation, adult and children's social care services, hospitals and wider NHS services, Job Centre Plus, several voluntary and community organisations, and the WMCA.

In 2018, the Government released the national Rough Sleeping Strategy (2018), which encouraged authorities and services to develop specialist approaches, particularly given the tailored support these specific groups need. A 'refreshed' Rough Sleeping Strategy was launched in September 2022, Ending Rough Sleeping for Good, underpinned by ongoing ambition to meet the 2024 target to 'end' rough sleeping as per the 2019 Conservative Party election manifesto commitment.

The 2022 strategy sets out a definition of what it means to end rough sleeping "which is that it is prevented wherever possible, and where it does occur it is rare, brief, and non-recurrent.

Legislative changes such as these have led to some key achievements; the Rough Sleeper Initiative (RSI) funding programme and Housing First model have become embedded approaches across the UK and are an example of a tailored support package for cohorts that might need something more personalised.

Backed by £9.6m government funding the WMCA Housing First pilot gives people who have experienced rough sleeping a home with intensive support for problems such as mental, psychological, or emotional ill health, drug or alcohol dependency, or experience of domestic violence and abuse. It places individuals directly into independent tenancies with no requirement to progress through transitional housing programmes.

Locally, Birmingham's Housing First pilot has been successful with allocations of social housing through the pilot recognised as best practice at the national level. The pilot helped to accommodate 175 households into sustainable tenancies, while commissioned providers have worked together to make sure that rough sleeping does not increase in the city.

Birmingham's approach to rough sleeping has been nationally recognised and this strategy reinforces the need to continue to work in a multi-disciplinary

way to prevent and tackle rough sleeping, both now and in the long-term. Birmingham's Rough Sleeping Strategy 2020-2023 aligned to the Government's own strategy and aimed to embed a comprehensive targeted prevention, relief and recovery model on the prevention pathway approach set out in our overall Birmingham Homelessness Prevention Strategy 2017+ which has included:

- Developing specialist provision for Young People (including Care Leavers and Youth Offenders) in partnership with BCT, St Basils and Spring Housing.
- Developing specialist provision for prison leavers and offenders in partnership with Spring Housing
- Sustaining and enhancing our homelessness provision for vulnerable Single Adults delivered in partnership with SIFA Fireside
- Putting in place multi-disciplinary teams (housing, health and social care) into the work of NHS hospital discharge services covering Birmingham. Support is offered to patients with no fixed abode or precarious housing to prevent rough sleeping and hospital re-admissions to A&E services.

Investment in the reduction of rough sleeping delivers positive outcomes; this was demonstrated by the Government issued an 'Everyone-In' instruction, to accommodate all rough sleepers regardless of circumstance. This intervention gave Birmingham the flexibility to support over 450 homeless presentations from 'single adults' over the 6-week period that followed, through outreach, additional housing advice, closing of night-shelters and increased temporary accommodation capacity.

This included those traditionally excluded due to having no recourse to public funds, reducing numbers on the streets to as low as 10 people. 'Everyone-In' ended in Birmingham in August 2021, consequently a single night snapshot of rough sleepers in October 2023 recorded 36 people sleeping rough, which although is the highest it had been all year, it is still some way below the 2019 average.



Figure 12 reflects the city's rough sleeping population between April 2021-December 2023.

Figure 12

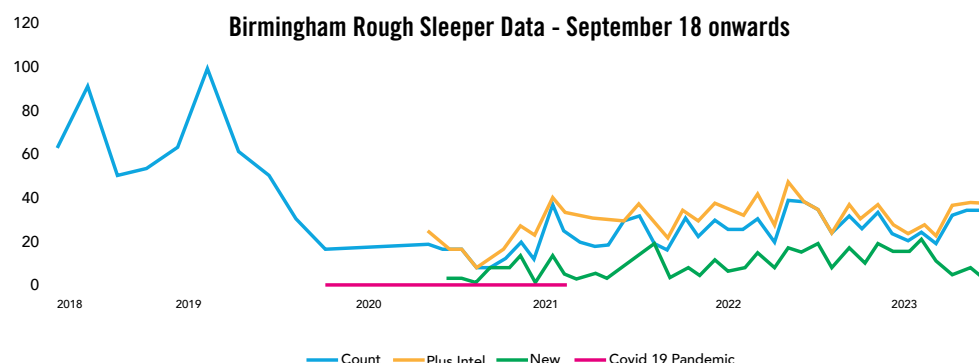
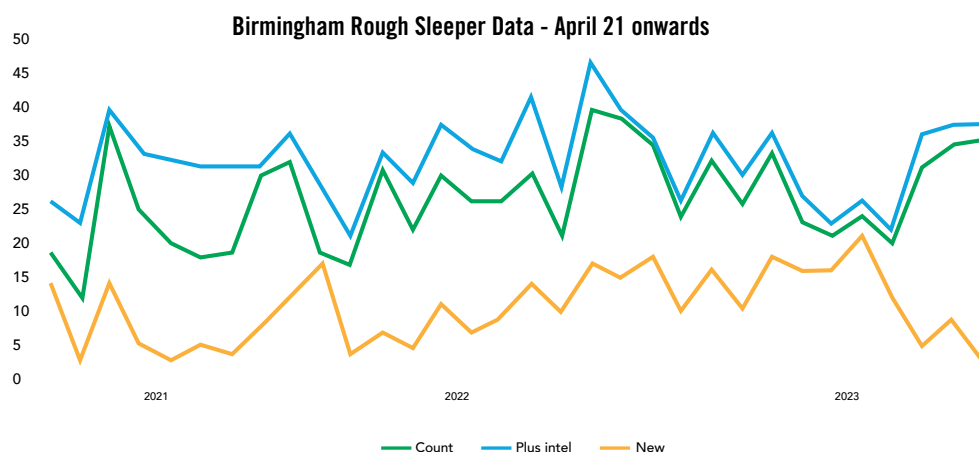


Figure 13



To track the number of people sleeping rough in Birmingham, the city undertakes a monthly snapshot count, Figure 12 and Figure 13 demonstrates the way in which rough sleeping is tracked. Numbers peaked in October 2022 with 39 people sleeping rough on any given night. Most recent figures (December 2023) counted 35 as the most up to date figure.

The formal 2023 street count confirmed the number of rough sleepers as 36 which is a decrease of almost 8% compared to the last year, and significantly bucks the national trend. Nationally, street count numbers saw the estimated number of people sleeping rough increase by 27% since last year's count, which is the highest it has been since prior to the pandemic, and a climb for the 3rd year in a row.

Birmingham's successes in tackling rough sleeping is evidenced by the fact city street count compares favourably with other core cities across England. In Birmingham we have the lowest rate of rough sleeping per 100,000 people of the population compared to other core cities, demonstrated in Figure 14.

Core City	Count of RS SN Snapshot Autumn 2023	Rate per 100k of population
Birmingham	36	3.1
Bristol	67	14
Leeds	49	6
Liverpool	34	6.8
Manchester	48	8.4
Newcastle Upon Tyne	26	8.5
Nottingham	46	14
Sheffield	31	5.5

Birmingham's count figure for 2023 includes:

- Individuals who have accommodation to which they can return: 7 (19%)
- Non-UK Nationals with unsettled immigration status: 4 (11%)
- New presentations: 11 (31%)
- 21 (58%) individuals found on the night had been rough sleeping for less than 7 days, although 24 individuals were known to outreach services, indicating they had previous episodes of rough sleeping.
- 6 females, 30 males; 1 individual under 25, 4 individuals over 50.

Since the snapshot count in October, there has been a fluctuation in numbers of people found rough sleeping (37 in November, 33 in December, 43 in January, 48 in February 2024). All who are rough sleeping continue to have an offer of accommodation and support.

The council was awarded £5,398,744 through the Rough Sleepers Initiative (RSI) 2022-2025. The Council was also awarded £1,747,500 through Single Homelessness Accommodation Programme (SHAP). This funding has been allocated by Government to improve the existing network of provision to provide better accommodation options for young people with complex needs, those living with physical disabilities, ensuring there is provision of single sex accommodation for women, and increasing the units of Housing First accommodation.

Birmingham's collaborative approach to rough sleeping means the city falls out of the top 10 cities with the most people estimated to be sleeping rough, and the West Midlands region is the only in the region to see no significant change to their numbers.

Figure 15 sets out the national trends below.

Area	2022	2023	Difference	%Change
West Midlands	250	256	6	2
North East	61	89	28	46
East of England	285	337	52	18
East Midlands	213	287	74	35
South West	413	488	75	18
South East	572	670	98	17
Yorkshire and the Humber	170	270	100	59
North West	247	369	122	49
London	858	1,132	274	32
Rest of England	2,211	2,766	555	25
England	2,069	3,898	829	27



Rough sleeping is not increasing significantly in the city, and this is because of the specific interventions embedded jointly by the Council and voluntary sector; the implementation of Housing First, Navigators, and commissioned support services funded through Rough Sleeper Initiative (RSI) funding.

These partnership arrangements have been solidified over several years and are a good example of the difference that can be made to some of the most vulnerable members of society, through multi-disciplinary efforts. We want to build on the successes we have had tackling rough sleeping so far and this involves protecting and expanding on successful partnerships and commissioning arrangements, to ensure our approach to rough sleeping remains sustainable both now and in the long-term.

### **The relationship between supported exempt accommodation and homelessness**

Birmingham is in a unique position, in that there is a large population of hidden homeless people consistently falling both in and out of the supported exempt sector. Exempt accommodation is a form of supported accommodation and is known as 'exempt' because it is exempt from the usual caps on housing benefit levels, meaning residents can receive a higher amount of housing benefit than usual. This additional housing benefit usually assists with the costs of providing care and support.

The sector has been largely unregulated for several years, meaning that unscrupulous providers have accepted an income for providing additional support that has not actually been provided, and have in some circumstances left vulnerable residents living in poor quality accommodation. The ability for landlords to make additional profit in the exempt sector has led to a growth of over 11,000 units between 2011-2022, with the most recent number of exempt units sitting at circa 26,000 units.

Whilst the exempt sector poses a challenge, if delivered and regulated appropriately it can play an important part in reducing homelessness, for households requiring an enhanced level of support. In January 2023 the Council published its Supported Housing Strategy which aims to improve property standards and standards of care across the supported housing sector.

Since its publication the Council has partnered with the Birmingham Voluntary Service Council (BVSC) to draw up a supported exempt accommodation quality standards accreditation scheme (SEAQS) for Birmingham. Additionally, Spring Housing and Birmingham University also developed a SEA tenants Charter of Rights. This aims to ensure there is some governance around the level of support residents receive, providing some assurance that residents who access exempt accommodation are well taken care of.

Additionally, the Council was awarded £3.19 million last year through the Supported Housing Improvement Programme (SHIP) pilot, covering the period April 2023-March 2025. The pilot sustains its multi-disciplined, cross-departmental, team dedicated to improving the quality of exempt accommodation. To date the team have achieved the following outcomes:

- Since October 2020, the Housing Inspection arm of the team have identified a total of 10,366 combined category one and two hazards across 2778 SEA properties. 98% of these hazards have been removed without the need for costly formal enforcement action.
- During the same period, the Planning Team have undertaken 353 SEA inspections resulting in 28 formal enforcement notices.
- The Community Safety Team have completed 1590 investigations into residents of SEA which have led to 28 community protection warnings, 48 arrests and 488 evictions of SEA residents that posed a risk to others.

- Adult Social Care have completed 1756 support plans and 77 safeguarding plans for SEA residents.
- The Revenue and Benefits arm of the team have claimed back £7.6 million in overpaid SEA housing benefit.

The Council, alongside partners have taken significant steps in to embedding infrastructure that enables a better-quality exempt provision. The Council have also led the way in lobbying Government to introduce legislation that enables more effective regulation of the sector, leading to the Supported Housing (Regulatory Oversight) Act, formally introduced in August 2023.

The Act allows the government to create new National Supported Housing Standards and introduce licensing regulations. It also sets out how a new Supported Housing Advisory Panel will work and makes changes to the rules on intentional homelessness when a person leaves accommodation which does not meet national standards.

The standards could address the type or condition of accommodation, as well as the care or support provided. There is no set date for these standards to be introduced and it is not currently known what the standards will specify. Uncertainty around how and when the standards will be formally introduced leaves the city unable to take more proactive action.

This is compounded by the short-term funding arrangements provided by Government to support the pilot, in the sense that the city are reliant on the introduction of national standards before they can build a model that is sustainable for the city.

## Embedding the Positive Pathway

The 2017 Homelessness Prevention Strategy set out the Positive Pathway system approach designed based on collaboration, best practice, and service integration as a means of ensuring an excellent response to homelessness in the city.

First developed by St Basils and implemented locally with young people at risk of, or experiencing homelessness, the Positive Pathway had seen much success for young people. The Pathway sets out five key areas that can be used flexibly, with an aim that people will be supported as early and as effectively as possible; that no matter what stage people enter the pathway. The five key areas are:

- 1 Universal Prevention
- 2 Targeted Prevention
- 3 Crisis Prevention and Relief
- 4 Homeless Recovery
- 5 Sustainable Housing



The 2017 strategy highlighted the severe health inequalities experienced by homeless households, identifying triggers, causes and risk factors associated with homelessness. The prevention pathway being specifically designed to help address this inequity.

It is essential that we review our progress over the last five years. In this section we seek to acknowledge the successes of our commissioned services/partners and understand where the pathway is working well, while identifying gaps, and thus opportunities, to improve outcomes for this new strategy.

We have acknowledged the tremendous financial pressure the Council is under and the likelihood that this will impact future service delivery. However, we are committed to advocating for the protection of these vital means of support for the most vulnerable.

What have the outcomes and achievements been?

The Homelessness Prevention Pathway in Birmingham is a robust partnership of statutory and non-statutory services, targeted commissioned services for vulnerable adults and young people delivered in partnership with the voluntary and community sector, and interventions managed by partners such as the West Midlands Combined Authority.

All of these partners play a vital role in the prevention and relief of homelessness. The infographic below demonstrates both service demand and successful outcomes achieved by partners during either 2023 or the financial year 2022/23:

## Universal

226 instances where Neighbourhood Advice & Information Services prevented homelessness upstream of statutory homelessness provision

934 Households supported by Neighbourhood Advice and Information Services to claim a combined £1.378m as a means of maximising their income

Average of 13,577 citizens per month receiving housing related advice & assistance from our Customer Contact Centre via telephone, webchat & email

54,991 homelessness related webpage views per month. Down 43% following Improvement to the website as citizens can self-serve quicker.

## Recovery

94 clients moved into commissioned Supported Accommodation by SIFA's Homeless Transition Worker Service

SEA Quality Accreditation Scheme  
110 providers signed up to the Charter of Rights, 23 fully accredited

358 Care leavers provided holistic support from St Basil's, ranging from mental health support to Money skills and employment training

175 People a year supported via Housing First Pilot (WMCA)

## Targeted

SIFA Fireside Adult Support Hub:  
• 526 adults with complex needs had their financial support needs met  
• 628 had their community-based support needs met  
• 425 were referred for health and wellbeing support  
• 232 were supported into accommodation

Commissioned Lead Worker Services:  
• 886 people provided with emotional and practical support.  
• 251 people supported into long term accommodation  
• 338 people supported to maintain their accommodation

Cranstoun DA Hub:  
• 873 DA survivors supported.  
• 328 survivors received financial advice  
• 128 received IAG  
• 269 were supported with housing applications  
• 161 were referred to refuge

St Basils Youth Hub:  
• 414 young people supported to secure long-term accommodation  
• 239 young people housed in emergency commissioned accommodation  
• 189 young people placed in supported accommodation

Spring Offenders Hub:  
• 912 people supported upon release from prison  
• 439 people with an offending history accommodated  
• 957 referrals accepted for drug, alcohol, mental health and wider support

## Crisis

589 People supported via the Rough Sleeper Outreach Team (24/7 response to alerts from Street Link)

Specialist Refuge Accommodation: of 317 placement requests, 151 households accommodated into refuge and 114 supported into lone term accommodation

1980 households accommodated in temporary accommodation  
3725 Relief Duty accepted  
2230 Prevent Duty accepted

1323 Duty to Refer referrals received in 2023

## Sustainable Housing

2746 Properties let through Birmingham Choice

350 Private Rented Properties secured in discharge of homelessness duty by the Accommodation Finding Team

In 2023/24 The Empty Property Strategy has resulted in 300 properties being brought back in to use, 20 of which are family sized homes

Private Rented Team in place to improve the standards of private accommodation-direct intervention in 359 properties last year

Across the pathway, services are well used with impressive outcomes, without which the pressure and demand upon statutory services would likely be immense and outcomes for vulnerable citizens highly detrimental.

The diagram above sets out the volume of households supported across each type of intervention, as well as who delivers them. Presenting the pathway in this way demonstrates that partners working together is what makes a difference, rather than any individual contribution.

Targeted support spans across the pathway, with providers carrying out interventions, aimed at supporting households proactively but also through crisis and recovery.

Through the delivery of such a robust pathway, we have been pleased to see the achievements and the genuine lifeline it has provided for many vulnerable people.

Aspirations for the pathway should consider how the Council's Early Intervention & Prevention program can be embedded into the pathway approach. We want to focus on how we make the universal space more inclusive for households, focusing on reaching households at an earlier point, enabling people to help themselves before they require intervention.

We want to build on the success of the pathway so far, whilst integrating a more preventative model. However, we must be clear in our conclusion that we are not promoting prevention over recovery; this strategy seeks to promote a balanced approach to resourcing, making sure that nobody gets left behind.

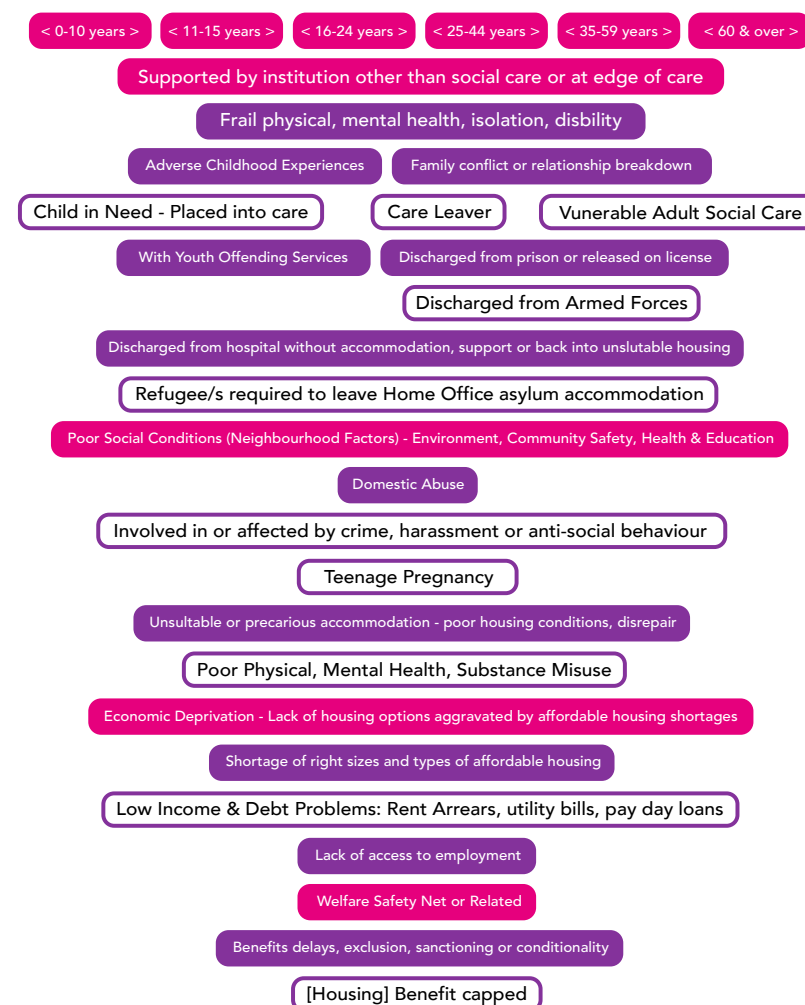
## Solidifying the relationship between housing and health

The root causes and drivers of homelessness are multifaceted and complex. Examining these through a public health lens, using the wider determinants of health and life course approach, can help us make sense of these interrelated factors by understanding what increases risk or influences that can help mitigate i.e. protective factors.

Adopting this approach is vital if we truly wish to tackle the root causes of

homelessness, and this process is particularly pertinent given the interlinked nature of housing and health across the life course for different cohorts, and how detriment to one can have an equally severe impact on the other, as shown visually in Figure 16.

Figure 16 **Homelessness across the life course: Triggers, Causes & Risk Factors**



For instance, with 1 in 3 children in Birmingham living in poverty and 5062 living in temporary accommodation (as of March 2024), we risk creating the next generation of homeless adults and families in Birmingham.

It is well recognised that homelessness at a young age can be harmful to one's life chances, and that associated circumstances such as neglect, abuse, missing school regularly, Domestic Abuse, and substance misuse, are well understood to be underlying risk factors for the recurrence of homelessness. Addressing wider determinants and drivers such as these, not only improves overall health and wellbeing, but ultimately reduce risk of homelessness in the future, which is one of our core objectives. Across all measures, from life expectancy, infant mortality, suicide, to homelessness, those living in deprivation are several times more likely to have adverse outcomes. This is compounded further when we consider other inequalities such as race and ethnicity.

In reverse, poor housing is also a key driver of health inequalities and influences health throughout the life course. Research has shown that inadequate housing conditions are linked to poor physical and mental health.

Synonymously mental health can also lead to losing housing, in January 2020, support with ill mental health has been the third most prevalent listed support need of all households experiencing homelessness.

This scenario is compounded further where someone suffers from multiple vulnerabilities, or has additional health-care responsibilities, such as those also experiencing Domestic Abuse, or full-time carers.

The same applies to vulnerable citizens who experience 'dual diagnosis', which broadly refers to those who have both a mental health illness and a substance misuse disorder. In circumstances such as these, citizens can find it difficult to obtain and maintain stable accommodation and causing additional healthcare pressures.

Similar pressures are experienced by those with household members living with neurodivergent conditions. For example, research estimates that about 12% of people experiencing homelessness are autistic, compared to 1-2% of the general population. People with ADHD are also at a greater risk of becoming homeless.

Mental and physical health needs are already the 3rd and 4th most commonly disclosed support need for all households approaching the Council as homeless which on its own demonstrates a correlation between health and homelessness. There are many ways to demonstrate the relationship between housing and health, it is what we do with this information that counts. In most cases, homelessness occurs when a household has reached crisis point and there are often several opportunities for both statutory and non-statutory services to intervene in prevention focused activity.

One of the key principles of this strategy is that homelessness is everyone's business and that adopting a multi-disciplinary approach as early as possible, getting households the right help should be prioritised.



Homelessness cannot truly be understood without learning from those who have experienced it. Only through understanding those who have lived experience, can we seek to design interventions that will be successful in preventing it from happening to others.

Throughout the formation of the strategy, we have been keen to draw from existing information provided by both national and regional groups like Crisis and the WMCA, who have done extensive research with people who have or are currently experiencing homelessness. We have incorporated this research and added often underrepresented local perspectives, by conducting engagement sessions with citizens with lived experience of homelessness, in collaboration with HMP Winson Green, the Birmingham Refugee & Migrant Centre, Green Square Accord Refuge, and Trident Housing.

The common themes present in citizens journeys were listed and then discussed in additional engagement sessions with networks for citizen engagement, namely St Basil's Youth Advisory Board, Birmingham Poverty Truth Commission, Shelter, and Fair Housing Birmingham. The themes drawn from this research, as well as quotes collected from those who took part in the engagement sessions, are set out below and have been incorporated into the strategic priorities.

**Theme 1-** Homelessness affects some people more than others and this is not always recognised within the systems we use to tackle homelessness.

Throughout our research, there were many groups who said that some people are more likely to experience homelessness than others and raised concerns that mechanisms are not in place to ensure marginalised groups have the right safety net to prevent them from becoming homeless.

This is something that is widely understood; Heriot Wyatt University undertook a deep dive in to race inequalities and homelessness in the UK, finding that black people are three and a half times more likely to experience homelessness than white people.

Amongst black people with experiences of homelessness, 32% report discrimination from a landlord and within the West Midlands Region, 33% of

households in temporary accommodation are from an ethnic minority, which is noticeably disproportionate, given ethnic minorities make up less than 23% of the West Midlands population.

In response, the WMCA have developed a Race, Equalities Task force looking to challenge some of the systemic issues related to race. They are working closely with the WMCA Homelessness Taskforce in identifying the underlying links between race and homelessness.



The Council have also developed the 'everybody's battle, everybody's business agenda', which has a focus on driving forward a culture of equality and promoting diversity both within the Council's entire workforce and the way we deliver services to citizens as a whole.

It was clear through our research that seeking help when homeless or threatened with homelessness is easier for some than others.

**"It's not good enough to be accessible to 'normal methods', it needs to be accessible to everyone."**

Through the work of the Regional Homelessness Taskforce, we know that outside of London, we are by far one of the most ethnically diverse regions. According to 2021 Census data, 45% of people in the region do not identify as

being from a white British background. In addition, we know that Birmingham specifically receives high levels of migration year on year, and migrants are much more likely to fall into homelessness than other groups.

**"I have been abroad, all of my family live abroad. I don't need a local connection; I need a fresh start".**

Other groups with protected characteristics have also found it difficult to access the system. For instance, households with both mental and physical health disabilities can find it much more difficult to access help when they are homeless or threatened with homeless, for reasons such as the proximity and physical accessibility of services, through to waiting times for referrals. Similarly, when offers of accommodation are received, they often don't meet their citizen's specific needs.

**"My main problem is myself and my three-year-old twins who are both on the autistic spectrum and have been in this 1 bed flat for nearly 3 years (temporary accommodation). How can you plan for the future as you don't know where you are going to be?"**

Birmingham Autism & ADHD Partnership have also flagged the challenges with offers of certain accommodation, particularly in relation to noise and close proximity to other households.

This can be much more challenging for households with a neurological disability and the way in which homes are provided to various households doesn't support this.

We understand both theoretically and practically that groups with protected characteristics are more likely to become homeless and find it more challenging

to seek support when they reach this point.

If we understand that this is the case, then it is our responsibility to work together to tackle it. We must build on the work of the WMCA's race and equalities taskforce and ensure that we work towards a system that is equitable for all.

**Theme 2-** It isn't always obvious to people where they can seek support and the processes that are in place feel confusing.

We know that the housing system and specifically homelessness, can be confusing. Through our work with the Poverty Truth Commission, we have worked very closely to understand what it feels like to try and navigate the system, and this is depicted below.

'Our Housing Experiences' Birmingham Poverty Truth Commission





The pictorial depiction above has been developed by people who have experienced what it is like to be homeless and the different areas they are expected to navigate and explore to achieve a successful outcome. The illustration also sets out some of the emotions people experience 'why me,' 'not fair,' and 'what else can I do' demonstrates the feelings of exasperation at trying to navigate a system, that can feel quite complex even for professionals.

**"When I make a housing application, it's just boxes to tick. That is a barrier to me because I can't properly explain my situation with a tick box."**

The Council is operating within a complex legislative framework and has to make difficult decisions around who to prioritise and how this should be applied. This means systems can feel bureaucratic and households often feel a desperation to move themselves up the queue.

**"When citizens are presenting, they have to oversell their situation to get help. You constantly have to fight to prove yourself."**

It is clear that the way in which households experience support is challenging to navigate and whilst the legislative framework governs this, we do have control around the way in which we help people to understand what they need to do and what the likely outcomes will be. As such, perhaps adopting progressive practice, such as Trauma Informed Care (TIC), would make procedures more accessible.

### **Case Study: unsure where to go for support.**

Kelly wanted to leave an abusive home but did not know where to go for help. She spoke to the Police who were unhelpful, and inflamed the situation by making contact while her partner was at the property. Eventually Kelly was made aware of help she could receive, but this was far later than it should have been.

***"I didn't know where to go. I had heard of Women's Aid, but I didn't know that they could help. I definitely didn't know they had accommodation".***

Access, connectivity, and awareness are vital, making it easier for people to seek advice and support when they need it. In Kelly's situation, there were clearly opportunities missed to support her and we must do all we can to raise awareness of the support available.

**Theme 3-** Systems need to be humane and a space where people do not feel judged.

Following the Grenfell tragedy in 2017, there has been significant focus on the stigma that is attached to those living in social housing and we believe this extends to those who are homeless or threatened with homelessness.

### Case Study: poor customer service.

Steven became homeless when drug addiction led to a relationship breakdown. He was able to stop taking drugs and leave the homeless hostel he was staying in, but after a month Steven's mental health suffered and he once again found himself homeless. At this point Steven reached out for help, but found support unresponsive or offering false hope:

*"I had a call literally a week before coming back into this place cos I was registered as homeless. Dude, I registered that in August (now December), that wasn't even what I was registering for! I had to give them identification, I had to send them a letter of my Universal Credit. The people on the other end... do not do anything, do not get back in contact with ya. For all these guys know I'm dead in a park".*

The way in which Steven was spoken to made the situation worse, and disincentivised him to interact with services:

*"You know what the person on the other end of the phone said? [we] don't do self-contained places so 'good luck with that'. In this walk of life, the people that answer the phones don't know or see the situation you're in, they genuinely don't care. That's the horrible most degrading thing. That is the sentiment and that's what's going to stick with me".*

Experiences like those Steven reports are not about the quality of the advice provided or the options available for him. The way in which we communicate and how we treat households who need our support, is within our gift and can have a direct impact on the household's ability or willingness to seek the support they need.

**"Did you know if they don't give you a call back by 5 o'clock you have to redo it all again the next day? Go through every single detail [...] every single moment again. It's soul destroying".**

From the research undertaken, it is clear that communication is an area that citizens would like to see improved. When household's approach as homeless, it is likely that they will be experiencing extreme stress and are often homeless because of existing vulnerabilities and if they are treated with a lack of sensitivity, this can make the situation worse.

**"You have to understand that the whole process is traumatic in itself, and that just adds to the trauma you've already got."**

This strategy and the activities associated with its delivery, must begin to shift the balance, understanding that households approaching are customers using the service, the same way as utility providers or any other customer focused business.

We want to ensure we commit to reducing stigma, improving the quality of service, and helping the system to feel more humane for those who need to use it.

**Theme 4-** People in Birmingham are experiencing financial hardship and feel like it is more likely that they may become homeless.

Evidence shows that the cost-of-living crisis has had a significant impact across the whole of the UK. As the levels of deprivation in Birmingham are much higher than the national average, that means that the risk of homelessness is increased, and therefore it is crucial to tackle the symptoms of homelessness upstream, in order to prevent people entering crisis.

***"Food insecurity is a huge challenge for me. I always talk about how important free food is... If you're malnourished, you don't have energy to go out and work".***

Several people we spoke to reiterated the challenges buying essentials and keeping themselves afloat. The reiterated focus on the inability to fund the necessities solidified the clear link between poverty and homelessness. The city has an established financial inclusion partnership who co-ordinate interventions across the city that help to tackle poverty. This has been supported by a COL programme which has made several key achievements, including the mobilisation of over 300 warm welcome hubs.

#### **Case Study: cost of living**

Haider is a refugee who was recently granted refugee status and placed into a hotel, before moving into supported living. Haider spoke of his gratitude but did not understand why so much money was being spent on accommodation which he confirmed was certainly not to standard.

***"Yes, [the staff] came once. But nothing changes, the guests they still say too cold...[the staff] not helping. They charge 250 per week, more than a thousand. Why so much?"***

Given how others were struggling, Haider was not comfortable with the amount of money being spent on him and didn't want people to think he was wasting money.

***"I am happy to be here, but I just want live and respect this country. I don't understand why paying £1000 a month. I don't [want to] disrespect people".***

What was clear from the research undertaken was that households who are facing financial hardship are struggling because they can't meet their basic needs.

With national rent increases in both social housing rents and private rents, as well as potential restrictions in funding through the Council, it is imperative that we continue to embed interventions that support citizens facing financial hardship.

This strategy formalises the links between poverty and homelessness and as a commitment of this strategy, we must continue to work in partnership to level up and reduce deprivation across the city wherever we have the opportunity to do so.

# OUR APPROACH TO PREVENTION

## How are we defining prevention?

Through the implementation of the Homelessness Reduction Act (2017), Government defines prevention as anyone who is threatened with homelessness within 56 days and requires Local Authorities to formally intervene at this stage.

The implementation of this legislation was a significant change for Local Authorities who had no statutory duty to prevent homelessness up until this point, although many attempted to do so.

Fulfilling our statutory obligations has to be the start, not the end of our prevention activity, and experience shows us that the statutory definition of prevention doesn't go far enough.

This is formalised in the West Midlands by the Regional Homeless Taskforce approach to 'design out' homelessness.

## Designing out Homelessness in the West Midlands

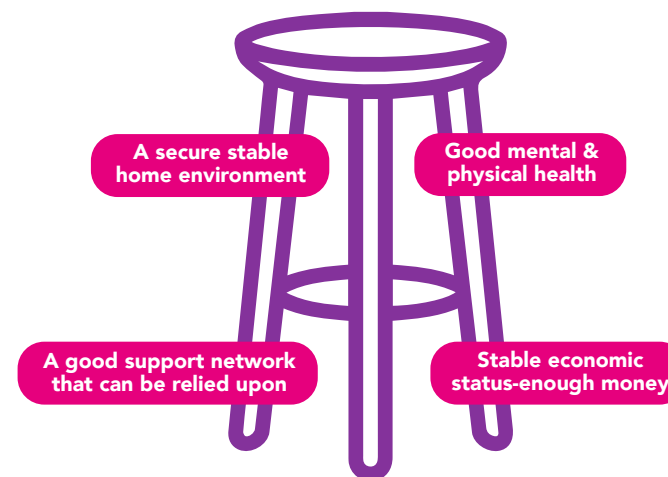


Homelessness is rarely the result of a single cause but rather a complex culmination and interplay of structural, systemic, and individual/relational factors.

Although distinct, we should not consider these as separate categories but rather an interplay between each within an overall system.

Our approach to homelessness prevention, should therefore seek to address this complex range of factors.

We know that homelessness can happen to anyone, at any time but we cannot get away from the fact that some members of society are at higher risk than others.



The diagram above or 'four-legged stool' analogy, sets out how we see the increased risk of homelessness develop in certain aspects of an individual's life. The stool, with four legs resting solidly on the floor represents solid foundations, a life protected from homelessness.

Good mental and physical health, a secure stable home, a steady sufficient income, and a good support network are protective factors guarding against homelessness.

A weakness in any of these four areas increases the risk of homelessness and when more than one of these risk factors is present, the level of risk increases with it.

We know that resources to address homelessness, and in particular the root causes of homelessness are limited both nationally and locally.

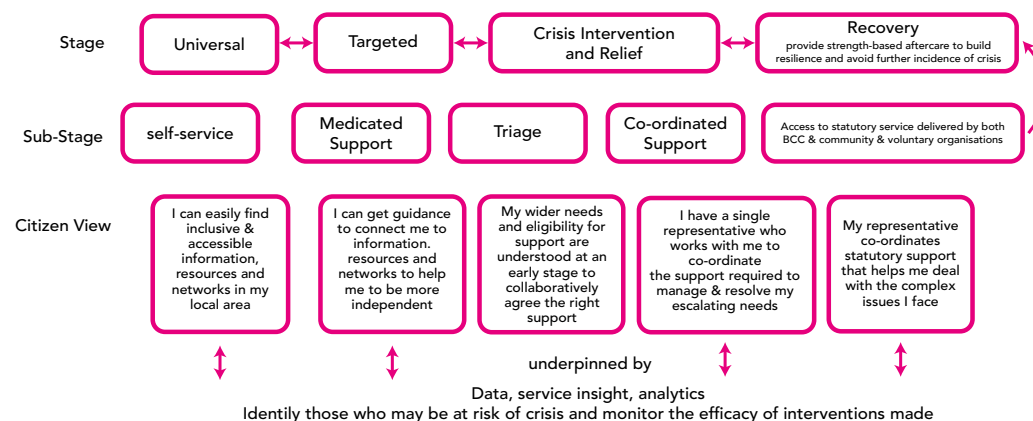
In addition, there is the danger of both the sector and government emphasising the need for short-term and emergency responses, which generally leads to funding for short-term and emergency interventions, rather than tackling systemic issues.

Focus on prevention can seem like a moral dilemma; questions around targeting resource upstream, without taking away from those who are vulnerable now are age old and it is easy to make the wrong decision.

The Council's Early Intervention & Prevention programme has been designed to work further upstream; using readily available data to proactively identify those most at risk, enabling teams to focus on early, holistic, strengths-based support.

The programme is truly collaborative in the sense that it brings together a multi-disciplinary, integrated, and inclusive offer that leverages the strengths of the Council and its partners to bring together universal and targeted services together in one place, with the technology, tools, and ways of working that are fundamental to transforming how we work and think differently around early intervention and prevention.

The model below sets out how the programme will work in practice; the visual is designed to articulate what we mean by each of the stages and the key transitions that will take place between early intervention and prevention and wider services.



Our aim is to keep most of our citizens in the universal space by empowering them to completely self-serve or receive some guidance to find the resources to help themselves for example, those who are digitally excluded.

Some of our citizens will of course require more targeted, intensive support as their challenges escalate to meet statutory thresholds. If the program is successful, statutory services will have more capacity to deliver services once a threshold is reached, based on the program's proactive and targeted approach.

# WHAT IS OUR PREVENTION TYPOLOGY?

We are committed to taking an informed and evidence-based approach to homelessness prevention in Birmingham. Firstly, by understanding what homelessness looks like in the city and reflecting on the effectiveness of existing interventions. Secondly, by listening to (and learning from) the insights of real people, who have experience of homelessness and thirdly, by exploiting the expansive knowledge, evidence, strategy, and policy developed by our local and national partners.

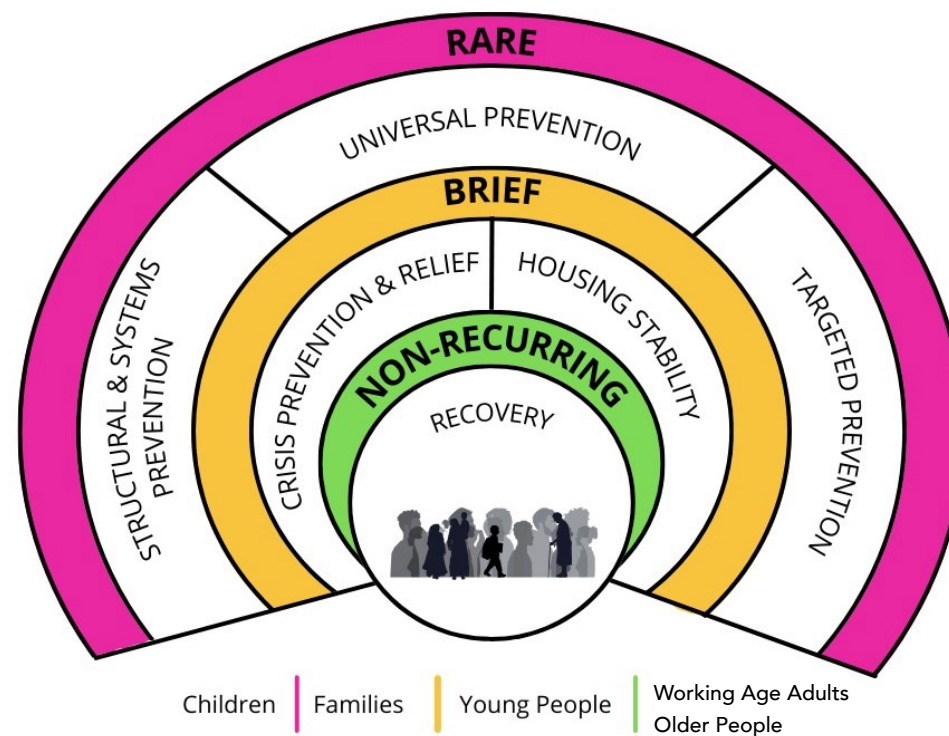
In reviewing the homelessness prevention typology within Birmingham's 2017 strategy, we have also looked to a range of frameworks and more specifically:

- **Ending Rough Sleeping for Good (2022) – DLUHC**
- **The SHARE Framework (2020) – CHI**
- **Designing Out Homelessness (2018) – WMCA**
- **Everybody In: How to end homelessness in Great Britain (2018) – Crisis**

All the frameworks share the ultimate and ambitious vision of ending Homelessness and/or Rough Sleeping and agree the best way to prevent homelessness, is to stop it from happening in the first place. DLUHC (in partnership with CHI) in the Ending Rough Sleeping Strategy, set out four key themes of Prevention, Intervention, Recovery and a Transparent & Joined up System. In doing so, the government have laid out a clear and measurable definition of ending Rough Sleeping: To prevent homelessness where possible but where it does occur for it to be rare, brief and non-recurrent.

In developing Birmingham's prevention model or typology, we have adopted the rare, brief and non-recurrent approach, most commonly associated with ending rough sleeping, and adapted this to apply it to homelessness in its broader form.

The typology provides a common understanding of prevention whilst helping to define the ways in which the city, our partners and collaborators can intervene to prevent and 'design out homelessness'. The model incorporates several complex themes which are explored thoroughly below, the objectives are set out below so there is clarity around what we expect it to achieve:



- Look forward ambitiously and align to the rare, brief and non-recurrent stance and evaluate impact through a set of clear indicators.



- Incorporate what has worked and remains relevant from existing typologies/prevention pathways to the rare, brief and non-recurring concept.
- Be person centred, aiming to empower citizens and promote wellbeing.
- Understand homelessness prevention as a broad and complex system.
- Work 'upstream' with increased focus on the structural and systems space for effective universal and targeted prevention.
- Recognise the structural, social, economic, and individual factors, through a public health lens, learning from the Wider Determinants of Health.

The approach maintains the prevention domains of the 2017 strategy whilst giving a stronger emphasis to upstream structural and systems prevention. The different categories in this typology are intended to identify and organize the range of activities that are considered to be central to homelessness prevention.

The typology seeks to explain that prevention of homelessness doesn't happen in a linear format; it is an approach or a way of thinking that enables the sector to intervene early, either to stop homelessness from happening at all, or to stop a situation from worsening.

The section below sets out how we will bring this typology to life, focusing on our key commitments over the next 5 years, prioritising the key activities we need to undertake (as a city) to improve options for households experiencing homelessness.

**APPENDIX 1** answers the question around impact, setting out several key indicators that the city can use to understand how much progress that we have made against these commitments throughout the life of the strategy.

# HOW WILL WE MAKE HOMELESSNESS A RARE OCCURRENCE?

A prevention first approach with an ambition to prevent homelessness before it happens, making it a rare occurrence. Making homelessness a rare occurrence incorporates universal prevention, targeted prevention as well as systems and structural prevention.

Truly tackling homelessness means looking more broadly, addressing the structural and system factors that drive the root causes. To really make homelessness a rare occurrence, everyone has to play their part; this strategy supports the assertion that homelessness is everyone's business and is part of a wider eco-system. Prevention is not at the expense of a crisis response; the system must support these initiatives and services simultaneously.

In making homelessness rare we incorporate structural and systems prevention, universal prevention, and targeted prevention to support our aspirations. This helps to frame what we can do to address the drivers of homelessness, ensure people are empowered and have access to the right information, advice, and guidance to prevent the risk of homelessness and the targeting of services for those who are at greatest risk.

Key commitments:

Area	Commitments
Structural & Systems Prevention	Work with partners to increase the supply of affordable housing. Activities to achieve this are likely to include the following:
	Deliver on Birmingham's Empty Homes Strategy.
	Work with partners to expand the St Basils Live & Work scheme in Birmingham
	Collectively and actively lobby government on key structural issues driving homelessness.
	Deliver on the commitments of the Supported Housing Strategy, with a focus on reducing the number of exempt accommodation units in the city.
Universal Prevention	Reducing welfare related poverty through access to high quality IAG, empowering through self-service tools and mediated where there is a need.
	Working with partners to increase awareness or, access to and readiness for good employment opportunities.
	Ensure support available in the city for those facing homelessness is accessible, inclusive, and clearly communicated.
Targeted Prevention	Work closely with households who have lived experience to ensure that interventions for households at risk are appropriate and have been stress tested by those who have been in a similar position.
	Improve the quality of data and intelligence around households at risk of homelessness
	Strengthen the Duty to Refer as a means of preventing homelessness, particularly as a result of having left an institution.
	Embed a multi-disciplinary approach where households are at risk, ensuring that all stakeholders contribute to stabilising the household



## What is structural and systems prevention?

The structural and systemic causes of homelessness are embedded within legislation, policy, and systems. Structural causes of homelessness can often be thought of as something we have limited control over. However, considering these in the round help set our collective strategic intentions, particularly within local systems.

Structural factors can be protective providing the regulatory framework and delivery mechanisms and give the public access to welfare benefits, housing, employment opportunities, education, healthcare and mental health services. However, they can also be a barrier through discrimination, lack of integration across systems which can often lead to systems failure; of which those transitioning from statutory services, such as prison, hospital or care can be at risk.

Causal factors where one leads to the other; loss of employment restricts access to housing which can lead to sub-standard housing and eventually poor health outcomes. These are examples of causal links which can often become cyclical and difficult to break.

This strategy refers to structural and systems preventions as an opportunity to look at the bigger picture collectively and how this interacts with our own strategies, policies, and service delivery.

## What is universal prevention?

Universal prevention targets the general population, ensuring that there are systems in place for those who may not be immediately or obviously vulnerable to homelessness and social exclusion. Universal prevention is an upstream mechanism to prevent homelessness and has an increased focus on individual factors, empowering the individual to take action to improve their lives before the situation reaches crisis point.

It is important to emphasise 'individual' does not mean the person is culpable (to blame), individual factors can be outside of the person's control such as Domestic Abuse. Integral to the delivery of universal prevention, is the Council's Early Intervention and Prevention (EI&P) Programme which has a vision to:

**"Enable everyone in Birmingham to become, and to be, independent, socially and economically active and resilient citizens, starting from when they are children and continuing throughout their lives."**

Effective and timely Information, Advice and Guidance (IAG) is a fundamental enabler of EI&P. The EI&P universal stage prevention pathway has two sub-stages:

**Self-service** - ensures citizens can access inclusive and accessible information, resources, networks, Council resources and tools at a time of their choosing and in a way that works for them in their daily lives, through a comprehensive digital offer.

**Mediated support** - citizens receive guidance to connect them to information, resources, and networks to increase independence.

Citizens who are able to self-serve are more likely to maintain their independence and resilience. By helping to facilitate timely, appropriate self-service we aim to drive better outcomes for citizens and limit avoidable demand on targeted and statutory services.

Through IAG we must ensure people are informed about their housing, as well as information that promotes social inclusion such as welfare rights advice, employment opportunities, health and wellbeing, social connection, and support.

## What is targeted prevention?

Although it is true that anyone can become homeless, targeted prevention focuses on groups at particular risk of homelessness. It is possible to identify people who are most likely to become homeless by understanding risk factors. People transitioning from a state institutions or care are at increased risk and this includes young people leaving the care of the Local Authority, people leaving prison, people leaving hospital, people leaving the Armed Forces and people leaving Asylum services. It is possible for such transitions to be planned well in advance.

St Basils Live & Work model provides an excellent example of how young people can be transitioned away from supported accommodation in a way that is affordable and promotes independence.

Other groups at increased risk include vulnerable children and young people, people experiencing Domestic Abuse, people with a mental health issue, people with addictions e.g. drug, alcohol, and people experiencing family breakdown.

Targeted prevention requires that there is early identification of people who are at risk of homelessness and ensuring there is an opportunity to intervene before it reaches crisis. Integration between services and effective use of data is crucial in targeted prevention activity. People who are at risk of homelessness often use a variety of different services, either statutory services or voluntary sector services and much work can be done to work better together, sharing information effectively.

# HOW DO WE MAKE HOMELESSNESS A BRIEF OCCURRENCE?

We will identify those experiencing homelessness quickly and support them into accommodation as soon as possible.

Where homelessness cannot be prevented, and a household becomes homeless/threatened with homelessness its vital people don't fall into destitution and are supported to either remain in their home or helped into suitable accommodation as soon as possible.

Temporary accommodation is a crisis safety net, but unfortunately, limited supply of affordable housing means that, on average households currently wait 3.5 years before being permanently accommodated. Where a larger property is required of 4 or more bedrooms the average wait increases to 5+ years.

Given that the most acute need in the city is for families with dependent children, there is a danger that children are experiencing several years of their childhood in temporary accommodation. The Council's Temporary Accommodation Strategy seeks to address this. The strategy recognises that the supply of affordable housing must be bolstered, in order to enable services to be more efficient and make homelessness a brief experience.

Single people have the same experiences; time spent in supported accommodation with limited move on options as well as long-stays in refuges or exempt accommodation, often means households can be at risk of homelessness for a significant period. Adapting pathways to improve throughput, alongside a focus on bolstering supply will enable the experience of homelessness to be a brief one.

Our indicators work toward making homelessness brief, this includes a range of indicators relating to the length of time spent in temporary accommodation and time between sleeping rough and moving to permanent accommodation. Reductions in these timeframes help us to demonstrate we are moving closer to our aims of making homelessness brief.

Key commitments:

Area	Commitments
Crisis Intervention	Deliver on the recommendations set out in the Campbell Tickell review of the Housing Solutions & Support service.
	Consistently review our approach to Housing Applications and Allocations to ensure the level of demand is managed wherever possible.
	Deliver on the commitments set out in the reviewed Temporary Accommodation strategy (post March 2024).
	Actively seek and trial best practice approaches on what works across the UK.
	Bridge gaps in support for families with children, including undertaking an analysis of the impact of homelessness and particularly temporary accommodation on children throughout their life stages.
	Work collaboratively with the supported housing sector to prevent eviction and people returning to rough sleeping.
	Increase the number of households accessing the private rented sector.
	Increase the supply of genuinely affordable housing.

## What is crisis intervention?

Crisis intervention defined by a range of responses that support households when they have no option but to engage with statutory services. This domain aims to respond at the point of crisis, where the threat of homelessness is imminent or has occurred. It includes interventions that result in someone making a homeless application in order to help them secure accommodation.

Intervening when households reach crisis point and providing good quality advice and guidance is a key lever when making homelessness a brief experience. Crisis intervention is a form of prevention activity in itself, given that it can significantly prevent a household's circumstances from worsening. It also encompasses interventions that seek to resolve the threat of homelessness such as mediation resulting in someone being able to remain in the current home or alternative accommodation and therefore removing the imminent threat of being homeless. The scope of the crisis and relief offer is broad and includes:

- Crisis and relief work is undertaken by the Housing Solution and Support service and targeted hubs who support hard to reach groups (young people, rough sleepers, offenders, survivors of Domestic Abuse etc.)
- The interventions delivered are generally led by Government policy (the Homelessness Reduction Act 2017) and are centrally funded through New Burdens funding that was provided following the legislative change in 2017.
- An enhanced Rough Sleeper Outreach Team are available 24/7 and responds to alerts raised through Streetlink. The team actively find and assist those sleeping rough and ensure they are provided with a Housing and Support Needs Assessment and accommodation offer.

- Rapid Rehousing through the Housing First pilot supports for people who have experienced rough sleeping in Birmingham to be provided with a home with intensive support for problems such as mental, psychological, or emotional ill health, drug or alcohol dependency, or experience of Domestic Abuse
- Bed and breakfast and temporary accommodation- the provision of interim accommodation where there is a statutory duty to do so.
- Direct hostel and refuge routes and specialist support and intervention for people affected by Domestic Abuse.
- Specialist teams who support households who may not have recourse to public funds, or who need tailored support following asylum related decisions.

As part of work being undertaken by the Council to deliver services focused on prevention, our strategic partners Campbell Tickell undertook a full review of the Housing Solutions and Support service, providing several recommendations to enable a more responsive approach to service delivery. Additionally, the Council's Temporary Accommodation Strategy was launched in June 2023, setting out several commitments geared towards reducing the reliance on unsuitable temporary accommodation, like B&B and improving the experience for those who are required to use it. These key documents inform our approach to the delivery of statutory services, preventing household's circumstances from worsening when crisis does hit.

## HOW WILL WE MAKE HOMELESSNESS NON-RECURRING?

We will support people who have experienced homelessness to recover from their experience, so that it does not happen to them again.

We know that the impacts of homelessness are far reaching and can affect a person throughout their life. The complex range of factors that lead to any household becoming homeless, compounded with the experience of homelessness, means that the need for extra support to recover is much more likely.

We recognise that the sustained experience of homelessness is often negative, unhealthy, unsafe, traumatising, and stressful. We know that without the right conditions, the impact on children can be lifelong, with them being more likely to become homeless as an adult. We know that repeat homelessness for people rough sleeping shortens life expectancy by more than 30 years.

Outside of the moral reasons why there should be a tailored approach to support people to recover from homelessness, there is also a clear impact on multiple statutory services when homelessness is experienced more than once. Households who experience repeat homelessness often need to use health, social care and criminal justice services which comes at significant public cost. By investing in recovery, we reduce the likelihood of households needing to rely so heavily on statutory services and provide them with a genuine opportunity to live fulfilled, independent lives in the long-term.

In Birmingham, one way in which recovery is enabled is through the commissioned vulnerable adults pathway, in which flexible support is provided to sustain recovery. People who have experienced homelessness are more likely to have additional needs around their mental, physical, and emotional health and may need extra support to make a sustained recovery into stable housing and onward to a positive and healthy future.

Whilst the city has continued to face challenges in relation to families with dependent children; the routes that have been developed to support single people in the city have been robust and have been one of the key achievements over the last five years.

The overarching pathway and the way in which commissioned services works

together is something that the Council must continue to build upon. There are opportunities, given the financial situation of the Council to review the way in which this works, to ensure the heart of the pathway is retained.

Key Commitments:

Area	Commitments
Recovery	Services must operate in a multi-disciplinary way where households are experiencing repeated homelessness.
	Build on the positive pathway approach to ensure hard to reach groups have the right tailored support when things go wrong.
	Lobby Government to improve the re-settlement package and infrastructure to support households made homeless through Home Office decision making.
	Formalise our tailored approach to rough sleeping, making sure that the system is as accessible and inclusive as possible to their specific needs.
	Build on the success of Housing First, capitalising on opportunities to lobby Government for the expansion of the future Housing First programme.
	Ensure that all statutory services play their part in a household's long-term recovery from homelessness.

## What is recovery?

In such a challenging financial climate, there is a danger that the balance of resource shifts, with recovery focused service delivery reducing whilst organisations try to stem the flow by targeting resources upstream. This strategy maintains that the best approach is a sensible balance, where resource is allocated based on need and there is sufficient resource to support both prevention and recovery.

Whilst resourcing recovery is long-term in its nature and cannot be delivered in a 'light-touch' way, the lifeline this provides for groups that do not find universal systems easy to access is significant. In many cases, crisis looks significantly worse for households with complex support needs and can at times lead to a reduced life expectancy.

As highlighted in the prevention typology above, it is incredibly valuable to prevent homelessness from happening at all and wherever we are able, we should be gearing our efforts towards this. However, prevention is just as valuable in recovery, particularly when it is focused on helping people to be more independent, resilient and to stabilise following difficult and traumatic experiences.

Within the scope of this strategy, prevention can also mean preventing challenging situations from getting worse and is not something that should be discounted.

## Monitoring delivery of this strategy

This strategy is designed to encourage real change across the city and has been developed with a clear understanding of the local context, with the voices of lived experience woven throughout.

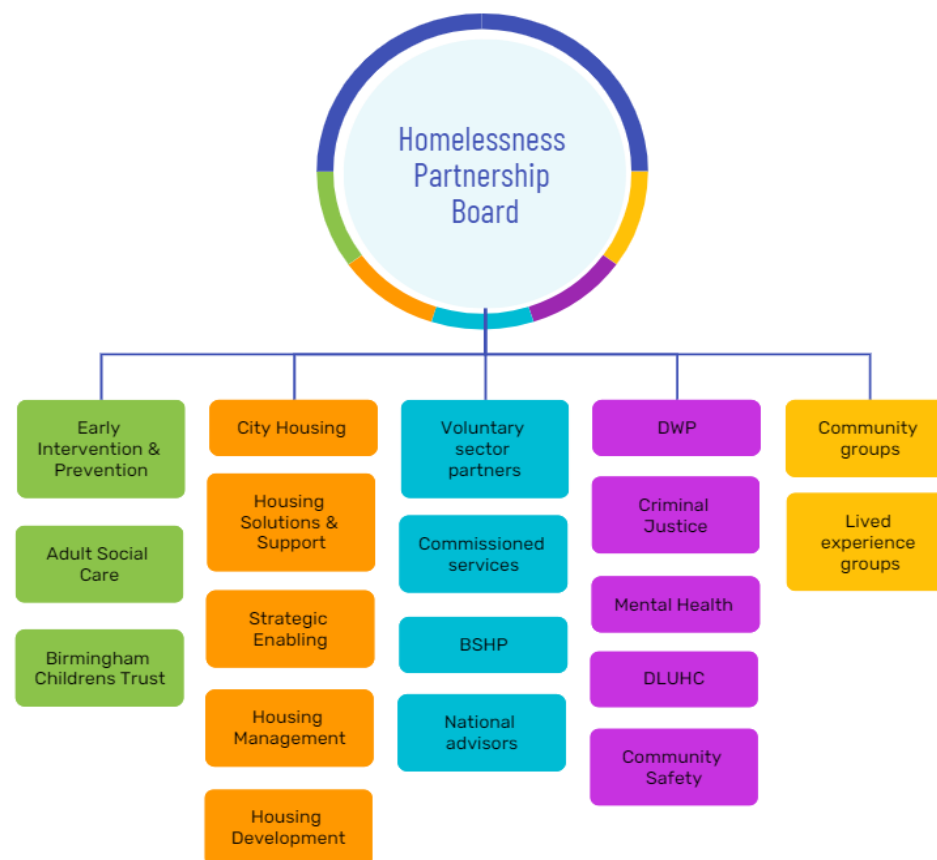
Given the context in which the city is operating, it is more important than ever that there is genuine collaboration across a multitude of internal and external partners to make sure we truly make tackling homelessness everybody's business.

Robust governance arrangements are vital in order to make sure that there is a forum by which progress can be tracked and there are clear lines of responsibility for the key commitments set out. **APPENDIX 2** sets out a co-produced delivery plan which focuses on the specific sets of activities that will be undertaken over the next 5 years.

The Council have an established Homelessness Partnership Board, who hold overarching responsibility for the delivery of the strategy. There are several key stakeholders that will feed into this governance framework and will be responsible for co-ordinating activity related to some of the key commitments within the strategy.

The Homelessness Partnership Board is made up of both internal and external stakeholders and will be informed by community and lived experience groups, who has been vital in informing the key commitments within the strategy.

The image below sets out the key stakeholders and agencies that will contribute to the delivery of the strategy, via the Homelessness Partnership Board. The Board is chaired by the Cabinet Member for Housing & Homelessness, ensuring there is appropriate levels of visibility at senior levels.



Progress against this strategy will be reported upon at the Commissioner led Housing Sub-Board, ensuring that Commissioners are kept abreast of delivery against the key commitments set out in the strategy.

Aspects of the strategy, particularly those relating to the provision of B&B accommodation for families over 6 weeks will be reported through the Council's Improvement & Recovery Plan (IRP) so there is public accountability.

Cabinet will also receive an annual progress update against the strategy's delivery plan. This will be supported by the Cabinet Member for Housing & Homelessness who will chair the Homelessness Partnership Board moving forward.



## Documents reference list:

Local strategies/documents:

- Housing Strategy 2023-2028
- Improvement & Recovery Plan
- Temporary Accommodation Strategy
- Domestic Abuse Strategy
- Corporate Plan 2022-2026
- Early Intervention & Prevention program plan
- Supported Housing Strategy
- Levelling Up Strategy
- Health & Wellbeing Strategy
- Birmingham and Solihull Integrated Care Strategy 2023-2033
- Housing Revenue Account Business Plan & 2024/2025 Rent Setting Report
- Asset Management Strategy 2024-2029
- Birmingham Economic Review 2023
- The Office for National Statistics Employment, unemployment and economic inactivity in Birmingham
- Birmingham Chapter 5: Projecting homelessness | The Plan To End Homelessness
- Birmingham Housing and Economic Development Needs Assessment 2022
- Rough Sleeping Initiatives 2018 & 2022-2025
- National strategies/documents:
- Statutory homelessness in England financial year 2021/2022 & 2022/2023
- Homelessness in England 2023- Shelter

- Centre of homelessness impact- Defining an end to rough sleeping in England
- Rough Sleeping strategy (2018)
- Homelessness Reduction Act (2017)- Code of Guidance
- Levelling Up Strategy
- LGA- 'Making homelessness strategies happen.'
- WMCA: Designing out homelessness, full toolkit.
- Ending Rough Sleeping for Good (2022) – DLUHC
- The SHARE Framework (2020) – CHI
- Designing Out Homelessness (2018) – WMCA
- Everybody In: How to end homelessness in Great Britain (2018) – Crisis
- Crisis Homelessness Monitor 2023
- Joseph Roundtree Cost of Living Tracker Winter 2022/23
- Ending Rough Sleeping for Good (2022) – DLUHC
- The Office for National Statistics Food and energy price inflation, UK: 2023
- Chartered Institute of Housing What You Need to Know About the Supported Housing (Regulatory Oversight) Act 2023
- How life has changed in Birmingham: Census 2021 (ons.gov.uk)
- Homeless people staying with family and friends: why it's not that simple? | Fulfilling Lives (fulfillingliveslondon)
- Domestic abuse victim characteristics, England and Wales - Office for National Statistics



# EQUALITY IMPACT ASSESSMENT

Homelessness Prevention Strategy 2024-2029

Reference: EIA000325

Date: 31/01/2024

Submitted by: richard.labran@birmingham.gov.uk



### EIA Form – About your EIA

Reference number	EIA000325
Date Submitted	31/01/2024
Subject of the EIA	Homelessness Prevention Strategy 2024-2029
Brief description of the policy, service or function covered by the EIA	The Homelessness Prevention Strategy 2024-2029 is a city wide document that aims to bring together people with homelessness lived experience, statutory, voluntary and community sector, and private organisations who each have a role to play in homelessness prevention across a wide and complex homelessness ecosystem. The Homelessness Prevention Strategy 2024-2029 aligns to the Council's approach 2022-2026, moving towards a Bolder, Brighter Birmingham. The key commitments set out within the strategy focus on collaboration, innovation and strong partnerships that have the will and dedication to work together and safeguard the residents of Birmingham. Whilst the Council is accountable for the development of this strategy, homelessness is everybody's business, and this strategy reflects the collective responsibility across the whole city.
Equality Assessment is in support of...	["New strategy"]
How frequently will you review impact and mitigation measures identified in this EIA?	Annually
Due date of the first review	2024-04-19

### Directorate, Division & Service Area

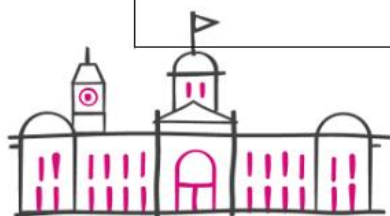
Which directorate(s) are responsible for this EIA?	["City Housing"]
Division	Strategic Enabling & Housing Solutions and Support
Service area	Modernisation and Strategy
Budget Saving	Yes

### Officers

What is the responsible officer's email address?	richard.labran@birmingham.gov.uk
What is the accountable officer's email address?	guy.chaundy@birmingham.gov.uk

### Data Sources

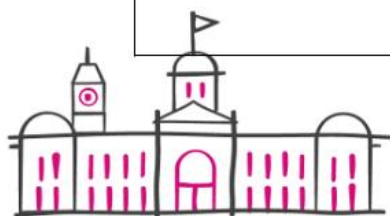
Data sources	["Quantitative data (please specify in the box below)", "Consultation results", "Interviews", "Birmingham
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	City Observatory data and insight", "Relevant research", "Relevant reports/strategies", "Surveys"]
Data source details	Housing Strategy 2023-2028 Temporary Accommodation Strategy Corporate Plan 2022-2026 Supported Housing Strategy Levelling Up Strategy Health & Wellbeing Strategy Statutory homelessness statistics in England and Birmingham financial year 2022/2023 Homelessness in England 2023- Shelter Centre of homelessness impact- Defining an end to rough sleeping in England Lived Experience Consultation with at risk groups and key informants such as The Poverty Truth Commission and Birmingham Fair Housing Campaign Rough Sleeping strategy (2018) Homelessness code of guidance Homelessness Case Law Levelling Up Strategy ONS Data City Observatory Data LHA Rates Mencap Homeless Link Housing Health Data Royal College of Midwives Stonewall Action for Children AKT

## Protected Characteristics

Protected Characteristic – Age					
Does this proposal impact people due to their age as per the Equality Act 2010?	Yes				
What age groups are impacted by your proposal?	["0-9 years", "10-19 years", "20-29 years", "30-39 years", "40-49 years", "50-59 years", "60-69 years", "70-79 years", "80-89 years", "90 years or over"]				
Please describe the impact to the age characteristic	<p>The majority of homelessness applicants are aged 18-44:</p> <p>Age of main applicants owed a prevention or relief duty:</p> <table> <tr> <td>2021/22</td><td>2022/23</td></tr> <tr> <td>16-17 83</td><td>1.6% 67 1.1%</td></tr> </table>	2021/22	2022/23	16-17 83	1.6% 67 1.1%
2021/22	2022/23				
16-17 83	1.6% 67 1.1%				



18-24	895	16.9%	886	14.9%
25-34	1,82	34.4%	2,007	33.7%
35-44	1,464	27.6%	1,636	27.5%
45-54	677	12.8%	818	13.7%
55-64	270	5.1%	399	6.7%
65-74	67	1.3%	109	1.8%
75+	22	0.4%	32	0.5%

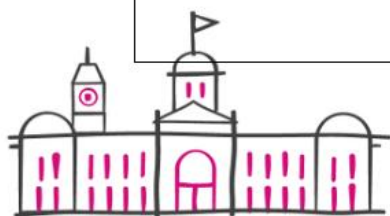
This correlates with the two main reasons for becoming homeless in Birmingham, family and friends being unwilling to accommodate, and due to a private tenancy coming to an end. Evidence tells us that privately rented accommodation in Birmingham is generally occupied by people in their 20-30s, often economically active and with young children. Furthermore young people- especially those aged 16-35, have more restricted Housing Options due to welfare benefit restrictions. This impacts the type of property they can access in comparison to other groups in the community.

Evidence suggests younger households are adversely affected by the cost of living crisis, are not able to afford to buy, or in the case of family and friends exclusion rent or buy. Both renters and those living with family and friends also tend to be without the capital in the bank for home ownership. Whilst there is little difference in affordability between mortgage payments and monthly rents, household surveys indicate that 41% of those living in the private rented sector have no savings and are in some form of debt which makes pulling together a deposit for a house or new private rental property unrealistic.

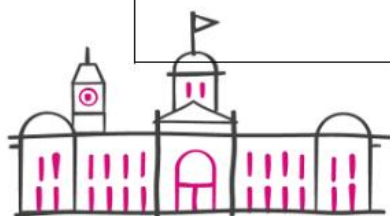
Lower numbers of youth homelessness can be partly attributed to strong youth homelessness prevention pathway and associated commissioned services delivered in partnership between the Councils Housing Solution and Support Service, St Basils and Birmingham Children's Trust. With the council under considerable financial duress and many of the supported accommodation contracts through this partnership up for renewal in 2024, there is a genuine concern amongst commissioned services that many of the accommodation solutions might be lost.

Within Birmingham it is anticipated that between 2020 and 2040 there will be:

- An 32% increase in the population aged 65+ (potentially



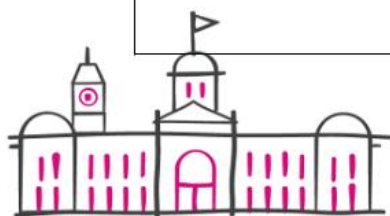
	<p>accounting for 39% of total population growth</p> <ul style="list-style-type: none"> <li>• A 35% increase in the number of people aged 65+ with dementia and a 33% increase in those aged 65+ with mobility problems</li> </ul> <p>Consequently requests for homelessness assistance from older people are likely to increase as seen in the increase in numbers of older people between the years 2021/22 and 2022/23. Furthermore, there is a lack of suitable adaptable accommodation for older people in Birmingham who are more likely to experience physical and mobility issues and this will likely mean growing numbers of older people requiring assistance to maintain their existing accommodation if new adaptable older peoples housing is not delivered in future. This impacts on health and social care services.</p> <p>Entrenched rough sleepers are, on average, more likely to die younger than the general population. They also face a higher likelihood of dying from injury, poisoning and suicide. It has been estimated that around 35% of people who die whilst sleeping rough die due to alcohol or drugs, compared to 2% in the general population. The average age of death for female rough sleepers is just 42 and for men 44, whereas women and men in the general population can expect to live to 81 and 76 respectively.</p>
How will you mitigate against any negative impact to the age characteristic?	<p>The Strategy recognises the need for greater housing stability and to address structural and systemic issues that lead to homelessness for different age cohorts, this includes consideration of key determinants of public health, the need to ensure homelessness services address the holistic emotional and practical support needs of all beneficiary types including rough sleepers, and a need to improve access to and the quality of accommodation across all accommodation types and tenures.</p> <p>The proposed governance framework for this strategy will include those with lived experience across all age groups shaping the delivery of statutory and commissioned homelessness services. Furthermore a range of measures have been proposed to ensure homelessness becomes everybody's business. This will mean the performance of key agencies that support homelessness prevention across the life course including education, housing, health, children's and adults social care services, VCS groups, and the DWP will all be monitored to ensure the infrastructure</p>



	<p>is developed to better support and address issues that contribute to health and housing inequality and an increased likelihood of homelessness for different age groups.</p> <p>In addition, the strategy recognises the importance of EI&amp;P. Presently the EI&amp;P programme have been piloting a Homes and Money offer in the universal space. The strategy has the potential to build on this offer to better support people to remain at home to find a home. This includes tailored monetary and housing options advice for young people and more widely tailored information, advice and guidance to prevent needs escalation and homelessness across the life course.</p>
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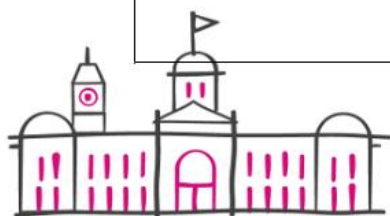
### Protected Characteristic – Disability

Does this proposal impact those people with a disability as per the Equality Act 2010?	Yes
Please describe the impact to the disability characteristic	<p>Statutory Homelessness statistics for England record the support needs of households. 2022/23 homelessness statistics for Birmingham suggest of the 5,955 households accepted for a Homelessness Prevention or Relief Duty, 469 or 7.9% contained somebody with a history of mental health problems, 312 or 5.2% contained somebody with physical ill health or a disability, and 127 or 2.1% of households were recorded as having a learning disability. However, there are concerns regarding the accuracy of this data as across all local authority areas in England, 26.6% of homeless households contained someone with ill mental health, 18.2% contained someone with a physical disability, and 5.7% of households contained someone with a learning disability.</p> <p>Research undertaken by Fulfilling Lives suggests the high numbers of households that become homeless as a result of family and friends eviction may be linked to ill mental health and behaviours that make it difficult for the family to live with them whilst research undertaken by Mencap suggests people living at home with friends and family are more likely to have a learning disability than those living in any other tenure.</p> <p>Those with decreased mobility and physical ill health are often limited in terms of housing options owing to a lack of suitable and adaptable housing. Consequently affected</p>





	<p>households are often required to stay in level access temporary accommodation for longer and it can be hard to source accommodation with wet rooms, meaning sometimes offers of short term less suitable emergency accommodation are made whilst more suitable accommodation is found. This has created issues and brought about legal challenges against the council as seen in Elkundi vs Birmingham where the Council were criticised for not considering disability and the support needs of individual households when prioritising move on to suitable accommodation. This ruling also reinforced the legal requirement that temporary accommodation must be suitable for all household members once the main housing duty is owed.</p>
<p>How will you mitigate against any negative impact to the disability characteristic?</p>	<p>This strategy recognises the importance of good mental and physical health for homelessness prevention. Consequently, accessible service delivery, improved EI&amp;P support and the maintenance and development of the existing homeless prevention pathway are key components of the strategy. This should strengthen accessibility and connection to support services for those affected by ill physical and mental health.</p> <p>Within the Homeless Prevention Pathway, St Basils Youth Hub, Spring Offenders Hub, SIFA Single Adults Hub, the DA Hub and Lead Worker Services ensure there are tailored responses for different cohorts affected by homelessness. Those experiencing ill mental and physical health are referred to wider statutory and third sector support and all referrals are monitored quarterly to ensure those who need support receive it and referrals are being made. Furthermore services are delivered within accessible venues and assessments can take place with support workers present either face to face, over the phone, or at home.</p> <p>The strategy considers the Impact of temporary accommodation on other lifecycle factors such as diet, mental/physical health and proposes to work with Public Health to develop a range of measures that will monitor and connect those in TA to support.</p> <p>The strategy also acknowledges a need to better support those living with friends and family to remain at home either indefinitely or until they can secure a long term housing option and this includes the need to consider factors that contribute to homelessness within the</p>



structural and systemic homelessness prevention space. This includes connecting those at risk of family/friend eviction to mental and physical health support and awareness raising amongst support agencies of increased homelessness risk. The strategy also offers potential for the implementation of wider changes piloted by Manchester and Leeds City Council who ensure applicants can remain on the housing register if they accept a private rented sector offer in discharge of homelessness duties. This in turn provides hope to family members who are less inclined to evict their loved ones. Research undertaken by fulfilling lives would suggest this might result in less people with mental impairment or learning disability becoming homeless.

The strategy has also been informed by lived experience voices who highlighted a need for improved communication and more humane treatment around mental health. This strategy will seek to ensure those with problematic substance misuse issues receive dual diagnoses, households with neuro-divergent children have better supported and temporary accommodation options and that providers recognise that factors such as noise may play a part in behaviours that can lead to eviction.

People with decreased mobility are likely to need support to remain in their homes or secure suitable accommodation through adaptations, care packages, and the provision of specialist older peoples accommodation. This strategy will seek to monitor support via adults social care, BCT and others which enables challenge and improved response across the system. Potential measures to be monitored include:

% of people provided with OT assistance having made a request for an assessment

No. of people in need of adaptations supported to access a DFG

No. of people assessed as having a learning disability supported to obtain or maintain accommodation where there is a housing need

No. of people with dementia provided with supported living

Regarding data quality, one of the key priorities of this strategy is to leverage data and technology so we can be more efficient in targeting those in need of support. This



	strategy will consider data quality and collection across the system and where gaps are identified, address these gaps so more households are supported. Therefore this strategy will advance equality of opportunity for those affected by ill mental, physical health and learning disability.
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#### Protected Characteristic – Sex

Does this proposal impact citizens based on their sex as per the Equality Act 2010?	Yes
What sexes will be impacted by this proposal?	["Male","Female"]
Please describe the impact to the sex characteristic	<p>Homelessness statistics suggest single parent females are disproportionately affected by homeless in comparison to single parent males. In 2022/23 1,154 single parent females became homeless in Birmingham as opposed to 109 male single parents. Single females and single parent females are also more likely to have been made homeless as a result of domestic abuse. In both instances these households would be considered priority need which means the council will respond with an offer of either refuge or temporary accommodation and most will go on to be owed the main housing duty.</p> <p>Single adult males are also disproportionately affected by homelessness. In 2022/23 27% of all households owed a homelessness relief duty were single males. This cohort are less likely to be considered in priority need and owed a rehousing duty. This leads to a higher prevalence of male rough sleepers. In 2022 there were reported to be 2,539 men and 464 women sleeping rough on a single night in England. Entrenched rough sleepers are, on average, more likely to die younger than the general population. They also face a higher likelihood of dying from injury, poisoning and suicide.</p> <p>It has been estimated that around 35% of people who die whilst sleeping rough die due to alcohol or drugs, compared to 2% in the general population. The average age of death for female rough sleepers is just 42 and for men 44, whereas women and men in the general population can expect to live to 81 and 76 respectively.</p>
How will you mitigate against any negative impact to the sex characteristic?	The strategy will improve housing stability for victims of domestic abuse through improved information advice and guidance on all available housing options, and improved temporary accommodation and support. Furthermore the

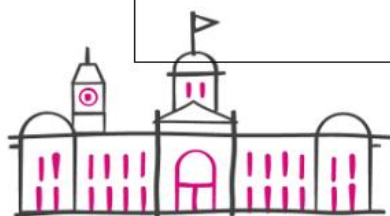


strategy seeks to build on, improve and maintain provision across the homelessness prevention pathway for homeless single parents females and rough sleepers and proposes indicators and measures which track progress.

Existing services in the crisis prevention and relief space in Birmingham include:

- A Rough Sleeper Outreach Team that are available 24/7 and responds to alerts raised through Streetlink. The team actively find and assist those sleeping rough and ensure they are provided with a housing and support needs assessment and accommodation offer.
- Rapid Rehousing through Housing First which ensures entrenched rough sleepers are provided with a home and intensive support for problems such as mental, psychological, or emotional ill health, drug or alcohol dependency, or experience of domestic abuse
- Bed and breakfast and temporary accommodation- the provision of interim accommodation for priority need households.
- Direct hostel and refuge access with specialist support and intervention for people affected by domestic abuse. Whilst the majority of this provision is for females with or without dependents, there is commissioned male refuge space including refuge for men with children.
- Specialist teams who support households who that do not have recourse to public funds, or who need tailored support following asylum related decisions including victims of domestic abuse, households with dependent children, and single individuals.
- SIFA Firesides Adult Single Homeless Hub which provides housing and wider holistic support which seeks to address the emotional and practical support needs of single people with multiple and complex needs.
- The Domestic Abuse Housing Solution and Support Service which offers tailored homelessness support and assistance for all victims of domestic abuse so victims get safe housing, are supported into refuge and temporary accommodation, supported to secure their existing home, supported to find safe long term suitable accommodation and are supported to access holistic and wider culturally sensitive support services.

Some of the measures and actions taken through this strategy to further advance equality of opportunity for people more likely to be affected by homelessness include



	<p>due to their sex include:</p> <ul style="list-style-type: none"> <li>•Monitoring new people who are rough sleeping, measured month-by month with an agreed reduction in the number of new rough sleepers per month throughout the life of the strategy.</li> <li>•Monitoring of time between people sleeping rough and moving to permanent accommodation</li> <li>•Ongoing performance monitoring of commissioned services through collection of outputs, outcomes and demographical data.</li> <li>•Ensuring the strategy and ongoing service delivery reflects the needs of lived experience groups. As part of the strategies formation, single parent female victims of domestic abuse in refuge and single adult males at risk of rough sleeping such as offenders awaiting release from custody and refugees and migrants have been consulted. This enabled a better understanding of these households support needs and action required across the homelessness ecosystem to better prevent and relieve their homelessness and aid recovery so that homelessness is a non-recurring experience. For example, ensuring more supported exempt providers sign up to the Charter of Rights and become approved providers and providing better information, advice and guidance on housing options for DA victims and disseminating this to partners such as refuge services.</li> </ul> <p>The governance framework for this strategy will ensure these lived experience groups feedback into the Homelessness Partnership Board to achieve co-production in service delivery so that outputs and outcomes are better aligned to support needs.</p>
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#### Protected Characteristic - Gender Reassignment

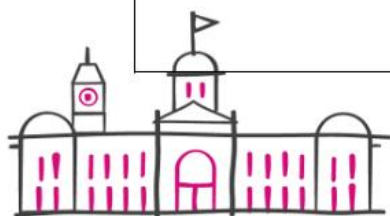
Does this proposal impact people who are proposing to undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	No
Please describe the impact to the gender reassignment characteristic	
How will you mitigate against any negative impact to the	



gender reassignment  
characteristic?

### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?	Yes
What legal marital or registered civil partnership status will be impacted by this proposal?	["Married: Same sex", "Married: Opposite sex", "In a registered civil partnership: Opposite sex", "In a registered civil partnership: Same sex", "Separated, but still married", "Separated, but still in a registered civil partnership", "Surviving partner from civil partnership"]
Please describe the impact to the marriage and civil partnership characteristic	In 2022/23 of the 2,230 households accepted for a Prevention Duty, 71 were at risk of homelessness due to a non-violent relationship breakdown. Of the 3,725 households accepted for a Relief Duty, 158 were homeless due to a non-violent relationship breakdown. The effects of relationship breakdowns on housing rights vary greatly dependent upon the tenure, relationship status and if children are involved. If those on the front line are not properly trained to understand these rights or citizens are unsure where to seek support to enforce legal rights to remain in occupation where such rights exist then this can result in people being made homeless unnecessarily.
How will you mitigate against any negative impact to the marriage and civil partnership characteristic?	<p>The Homelessness Prevention Strategy recognises the importance of mediation in the crisis prevention and relief space as this can result in someone being able to remain in the current home therefore removing an imminent threat of being homeless. Consequently housing stability for those experiencing a non-violent relationship breakdown can be achieved through effective housing solutions, universal advice and mediation support.</p> <p>Effective and timely Information, Advice and Guidance (IAG) is a fundamental enabler of Early Intervention for Homelessness Prevention. The strategy recognises the EI&amp;P Universal stage prevention pathway has two sub-stages:</p> <p>Self Service - ensures citizens can access inclusive and accessible information, resources, networks, council resources and tools at a time of their choosing and in a way that works for them in their daily lives, through a comprehensive digital offer.</p> <p>Mediated Support – Citizens receive guidance to connect them to information, resources and networks to increase</p>

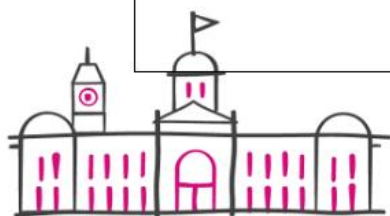




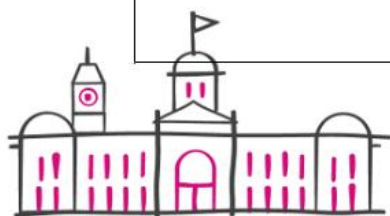
	<p>independence</p> <p>Citizens who are able to self-serve are more likely to maintain their independence and resilience. By helping to facilitate timely, appropriate self-service we aim to drive better outcomes for citizens and limit avoidable demand on targeted and statutory services. Therefore through improved IAG the strategy recognises we must ensure people are informed about their housing rights, as well as information that promotes social inclusion such as welfare rights advice, employment opportunities, health and wellbeing, social connection, and support.</p> <p>In order to ensure that people better understand their housing rights during a relationship breakdown, the strategy will work to ensure that our IAG incorporates this within the Universal and Crisis Prevention and Relief space to better promote housing stability for those who might otherwise become homeless as a result of a non-violent relationship breakdown.</p>
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#### Protected Characteristic - Pregnancy and Maternity

Does this proposal impact people covered by the Equality Act 2010 under the protected characteristic of pregnancy and maternity?	Yes
Please describe the impact to the pregnancy and maternity characteristic	<p>Pregnancy can be a trigger for domestic abuse, and existing abuse may get worse during pregnancy. As domestic abuse is consistently the third most common reason for becoming homeless in Birmingham it could be considered that pregnancy itself comes within an increased risk of homelessness.</p> <p>A 2019 survey undertaken by The Royal College of Midwives found that:</p> <p>99.7% of the midwives who responded to the survey reported that they had seen a pregnant woman who was homeless in the past 6 months.</p> <p>96.7% reported that they had seen a pregnant woman whom they believed to be at risk of homelessness in the past 6 months.</p> <p>97% had seen at least one pregnant woman sharing overcrowded or otherwise unsuitable accommodation.</p> <p>99% had seen at least one pregnant woman living in</p>



	<p>hostels, shelters or temporary accommodation. 97% had seen at least one pregnant woman sofa-surfing. 81% had seen at least one pregnant woman who was street homeless.</p> <p>Evidence shows that homelessness and temporary accommodation during pregnancy are associated with an increased risk of preterm birth, low birth weight, poor mental health in infants and children, and developmental delay (Stein &amp; Gelberg, 2000; Richards, Merrill &amp; Baksh, 2011). All of these factors are, in turn, associated with the risk of poor outcomes in later life.</p>
How will you mitigate against any negative impact to the pregnancy and maternity characteristic?	<p>All pregnant women with recourse to public funds are considered priority need for homelessness assistance. This means that most pregnant woman presenting as homeless will be accommodated either in refuge or some form of temporary accommodation and every effort will be made through commissioned outreach services to prevent pregnant women from rough sleeping. Pregnant DA victims presenting as homeless or threatened with homelessness are provided with a specialist DA response through the Councils Domestic Abuse Housing Solution and Support Service, which is delivered in partnership with Cranstoun. This provision includes a female only safe space for presentations, advocacy, support to access to refuge and temporary accommodation, and links into emotional, practical and culturally sensitive support. The strategy recognises the need to maintain a specialist DA response within the Homelessness Prevention Pathway.</p> <p>For those without recourse, the Council provides emergency beds outside of statutory homelessness support for pregnant women and households with dependent children in partnership with the Children's Advice and Support Service. Wider asylum and immigration support is provided whilst accommodated, this sometimes includes support to access the Destitute Domestic Violence Concession so that victims of DA can access statutory homelessness assistance for a time limited period whilst the Home Office make decisions regarding the individuals long term immigration status. This strategy recognises the need for greater housing stability for this cohort and the need to maintain existing provision as part of the Homelessness Prevention Pathway. In particular the strategy is concerned by the fact that 30% of households presenting as homeless in Birmingham have come through a migration pathway, this is also true for 47% of homeless</p>

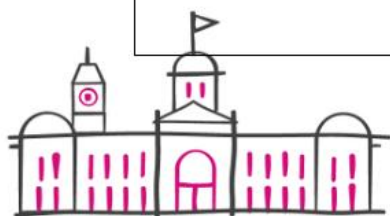




	<p>households in TA.</p> <p>Moving forwards, this strategy seeks greater collaboration and involvement of EI&amp;P, the Birmingham Children's Trust and Health services to contribute towards homelessness prevention through the Homelessness Partnership Board. This should ensure that services better respond to the housing and support needs of all pregnant women which will improve responses upstream and in the crisis prevention and relief space.</p> <p>The councils temporary accommodation service recognise the need to ensure that all pregnant women are accommodated in areas where they can continue to access vital health and midwifery services and always seek to offer alternative accommodation to B&amp;B for households containing pregnant women or dependent children. However, due to a lack of availability and high demand there are instances where no other suitable alternative accommodation is available. Where no other suitable accommodation exists and such placements are necessary, the Council moves these households as soon as more suitable accommodation becomes available so they can continue to access support. This strategy only seeks to strengthen support pathways and improve health outcomes for those in TA and this includes women during the perinatal period.</p>
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#### Protected Characteristic - Ethnicity and Race

Does this proposal impact people due to their race as per the Equality Act 2010?	Yes
What ethnic groups would be impacted by this proposal?	["Black British", "Caribbean", "African", "Other Black", "Other White", "Other Asian", "Mixed ethnic groups"]
Please describe the impact to the ethnicity and race characteristic	<p>When cross referencing population data from the 2021 Census with Homelessness Statistics for Birmingham there is a higher prevalence of black, mixed and other ethnic groups that are homeless in Birmingham than what might be expected whilst white groups are underrepresented. For example:</p> <p>Black, Black British, Black Welsh, Caribbean or African make up 11% of the population yet 21.8% of households owed a prevention or relief duty in 2022/23.</p> <p>Mixed ethnic groups make up 4.8% of the population and</p>



5.8% of homeless applicants owed a duty, other ethnic groups 4.5% of the population but 6.4% of homeless applicants owed a duty.

White ethnic groups make up 48.6% of the population but just 28.5% of those owed a prevention or relief duty.

The wards with the largest concentration of Asian people are Alum Rock (21,065), Sparkbrook and Balsall Heath East (18,052), Aston (17,073) and Sparkhill (16,803). Three of these wards feature in the top 10 wards, and all of these wards feature in the top 17 wards from which a homeless household presented for statutory homelessness assistance.

The wards with the largest concentration of Black people are Newtown (7,468), Soho and Jewellery Quarter (6,005), Nechells (5,877) and Ladywood (5,801). Three of these wards feature in the top 10 wards from which a homeless household presented for statutory homelessness assistance, Nechells is not in the top 17.

The wards with the largest concentration of mixed people are Ladywood (1,721), Bartley Green (1,588), Glebe Farm and Tile Cross (1,479) and Harborne (1,470). Two of these wards feature in the top 10 wards from which a homeless household presented for statutory homelessness assistance. Harborne does not feature in the top 17 wards from which a homeless applicant presented.

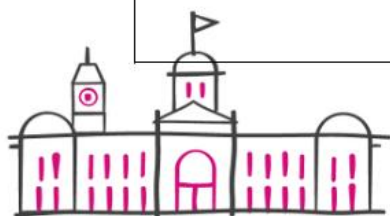
The wards with the largest concentration of 'other ethnic group' are Sparkbrook and Balsall Heath East (3,136), Balsall Heath West (2,428) Ladywood (2,168) and North Edgbaston (1,723). All of these wards feature in the top 10 wards from which a homeless household presented for statutory homelessness assistance, only Balsall Heath West is not in the top 17.

Ward level (count) with the largest concentration of White people are Longbridge and West Heath (17,877), Bartley Green (16,410), Sutton Vesey (16,026) and Weoley and Selly Oak (15,588). None of these Wards feature in the top 10 wards from which a homeless household presented for statutory homelessness assistance however Bartley Green 13th and Weoley and Selly Oak 10th make the top 17

Based on the data held, 30% of households presenting as



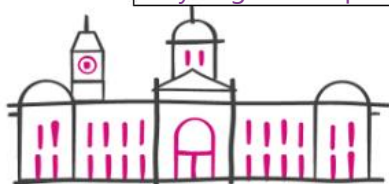
	<p>homeless have come through a migration pathway. This doesn't mean that all of these households' approach as homeless directly after coming to the UK but at some stage, their accommodation arrangements have disintegrated, requiring them to make a formal approach to the Council.</p> <p>Of the 30%, 22% of households have been formally granted asylum, leave to remain and/or refugee status. The remainder relate primarily to households from the European Economic Area (EEA). Overall, 47% of households in temporary accommodation have approached after migrating to the UK from abroad.</p>
How will you mitigate against any negative impact to the ethnicity and race characteristic?	<p>The Strategy acknowledges Birmingham receives high levels of migration year on year and people who have migrated to the UK are more likely to fall into homelessness than other groups. The strategy is also recognises the infrastructure and resettlement arrangements that have been put in place to support households coming to the UK are not sustainable enough to prevent these households from becoming homeless. The strategy intends to make homelessness everybody's business, this include working with the Home Office and NASS accommodation providers to ensure those who are required to leave such accommodation have a sustainable housing solution before moving on.</p> <p>The strategy links to Birmingham's Levelling Up strategy which acknowledges that people from ethnic minority backgrounds are marginalised in the city through a variety of guises. This is reflected in the households we see becoming homeless, in that ethnic minority communities are significantly over-represented. Consequently by adopting The Councils 'everybody's battle, everybody's business agenda' responses will be focused on driving forward a culture of equality, promoting diversity both within the Council's workforce and the way we deliver services to citizens. The strategy also recognises the need to build on the work of the WMCA's race and equalities taskforce and ensure that we work towards a system that is equitable for all.</p> <p>The strategy was developed having consulted and gathered the lived experiences of refugees and migrants through the Refugee and Migrant Centre. Other marginalised groups were consulted such as women from minority ethnic backgrounds who are homeless as a result of domestic</p>



	<p>abuse. Throughout the life of the strategy there will be an expectation that the voices of those with lived experience will inform strategic decisions taken by The Homelessness Partnership Board who are responsible for the strategies execution. Consequently several key priorities of this strategy are relevant to improving life outcomes for those that have migrated to the UK as a means of preventing homelessness.</p> <p>For example, one linked priority is: Creating an inclusive system by 1. Ensuring people who are or have experienced homelessness can influence how we shape and deliver homeless services, adopting the 'nothing about us, without us' mantra of the Poverty Truth Commission 2. Improving peoples experience of the system through better communication, access, connection, participation and information. Through this priority the strategy seeks to diminish discrimination and promote inclusion. In the recovery space this also means improving the quality of advice and information, and ensuring access to culturally specific service responses whilst equipping our staff with a greater understanding of the most sustainable housing solutions for people from different minority ethnic backgrounds who are experiencing homelessness under different circumstances.</p> <p>Another priority is Leveraging Data and Technology. It is considered this includes making best use of technological advances to ensure those with English as a second or other language can access information and guidance in languages they understand.</p>
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#### Protected Characteristic - Religion or Beliefs

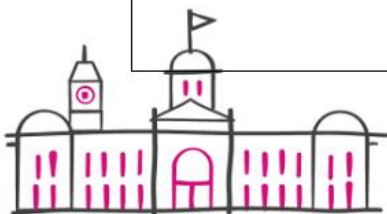
Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	No
What religions could be impacted by this proposal?	
Please describe the impact to the religion or beliefs characteristic	
How will you mitigate against any negative impact to the	



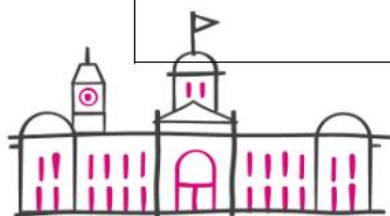
religion or beliefs  
characteristic?

### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	Yes
What sexual orientations may be impacted by this proposal?	["Gay or lesbian", "Bisexual", "Pansexual", "Asexual", "Queer", "All other sexual orientations"]
Please describe the impact to the sexual orientation characteristic	<p>Statutory Homelessness Statistics for England classify sexual orientation into just four categories which are Heterosexual, Homosexual, Other or prefer not say. During 2022/23 1.4% of homeless applicants in England identified as homosexual which aligns closely to the 1.3% of people aged over 16 in Birmingham who identify as gay or lesbian.</p> <p>1.9% identified as other which aligns closely to the combined 1.3% who identified as Bisexual, 0.3% who identified as pansexual, 0.1% who identified as asexual and 0.04% and 0.03% who identified as queer or another sexual orientation</p> <p>22.5% of homeless applicants in England preferred not to disclose their sexual orientation.</p> <p>Within Birmingham the picture was somewhat different. 0.3% of applicants identified as homosexual, 0.8% as other and 3.6% preferred not to say. What is clear is that there seems to be an issue with the quality of data recording as for 4,192 applicants their sexual orientation was classified as not known, this equates to 44.54% of all homeless applicants whose sexual orientation was not known in England.</p> <p>When looking across commissioned services there seems to be a larger proportion of people that disclose their sexual identity. For example 1.4% of those supported by SIFA Fireside identified as gay or lesbian, 2.89% of those supported by St Basils identified as gay or lesbian. Support within a charitable setting might be reason for disclosure as people feel more confident in the support they will receive.</p> <p>Statistics indicate there might be greater anxiety for homeless applicants in disclosing their sexual orientation when approaching Birmingham City Council as homeless. The 22.5% of applicants across England who prefer not to</p>



	<p>disclose might also fear discriminative treatment if they reveal their sexual orientation. It is widely recognised those who are LGBTQ+ are more likely to experience homelessness.</p> <p>Research from Stonewall shows that almost one in five LGBT people have experienced homelessness at some point in their lives.</p> <p>Rates are even higher amongst trans people, with 25% having experienced homelessness at some point.</p> <p>According to akt, 77% of LGBTQ+ young people gave, 'family rejection, abuse or being asked to leave home' as a cause of their homelessness.</p> <p>LGBT+ youth are more likely to be the targets of violence and sexual exploitation than non-LGBT+ homeless young people (Action for Children)</p> <p>People from the LGBTQ+ community are more susceptible to homelessness through relationship breakdown. There is no specific 'priority need' attributed to this cohort, even though it is accepted that this group are more vulnerable to homelessness through discrimination.</p>
How will you mitigate against any negative impact to the sexual orientation characteristic?	<p>Whilst presently there is little evidence to suggest that LGBTQ+ people do not access homelessness support services in Birmingham, statistics suggest that for many when they encounter statutory provision do they do not feel comfortable in disclosing their sexual orientation. However, all homelessness services both statutory and commissioned record sexual orientation data and are inclusive. Through this strategy Its important that those working on the front line receive training around increased risk factors for homelessness including those faced by LGBTQ+ community to develop greater empathy and understanding across the system and that a commitment to equality and diversity and accurate data reporting are key aspects of all job descriptions.</p> <p>Through it's proposed priorities of making homelessness everybody's business and developing a socially inclusive system in Birmingham, the strategy will aim to facilitate more inclusive access, partnerships and support for those who identify as LGBTQ+ that are either threatened with or experiencing homelessness, or who might become homeless if action is not taken upstream.</p> <p>The leveraging data and technology priority of the prevention strategy will over time allow for consideration</p>





	<p>as to whether this is an under-representation of LGBTQ people within the homelessness system, whether LGBTQ+ people prefer to remain as hidden homeless rather than present for support, and how best to reach these groups through targeted approaches to the dissemination of advice, information and guidance as a means of preventing homelessness upstream and supporting those in crisis.</p> <p>A recommendation for this strategy is to ensure representation of those affected by homelessness who identify as LGBTQ+ on the Homelessness Partnership Board. This can and should be facilitated through the Youth Advisory Board and Birmingham LGBT.</p> <p>Furthermore upstream homelessness prevention activity including those undertaken by EI&amp;P needs to consider the increased risk of eviction by family and friends and harm as a result of disclosure of an LGBTQ+ identity and how best to mediate, educate and protect LGBTQ+ people from wider needs escalation and homelessness. This includes those at risk of domestic abuse and developing culturally sensitive approaches so that LGBTQ+ people of all backgrounds are provided with the support and space needed to maintain and secure accommodation where relationships do breakdown.</p>
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### Monitoring

How will you ensure any adverse impact and mitigation measures are monitored?	The execution of this strategy is the responsibility of the Homelessness Partnership Board. The Board will be responsible for undertaking an annual equalities review through the collation of data, indicators, lived experience and wider monitoring information to consider whether the proposals of this strategy are meeting the needs of those identified as adversely impacted by homelessness owing to a protected characteristic under the Equality Act 2010 as a result of this equalities impact assessment. From this review further actions and mitigations will be proposed, delegated and shared when necessary to ensure the Council and key partners are meeting their legal obligations under the Public Sector Equality Duty.
Please enter the email address for the officer responsible for monitoring impact and mitigation	helen.shervington@birmingham.gov.uk







## Environment and Sustainability Assessment

<b>Project Title: Homelessness Prevention and Rough Sleeping Strategy 2024</b>				
<b>Department: Strategic Enabling</b>	<b>Team: Housing Modernisation and Strategy</b>		<b>Person Responsible for assessment:</b> Richard Labran (Housing Modernisation and Strategy Manager)	
<b>Date of assessment: 01/02/2024</b>		<b>Is it a new or existing proposal?: New</b>		
<b>Brief description of the proposal: A refreshed and updated Homelessness Strategy as required by the Homelessness Act 2002</b>				
<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	✓	✓		The strategy is in support of developing new affordable housing as a means of preventing homelessness upstream in the Universal space. This means there may be negative implications for water usage, the treatment of wastewater and the disposal of waste which uses energy. This can be mitigated as all new affordable housing developments will be delivered in an environmentally sustainable way with latest technology and techniques for energy efficiency.
Energy use and CO <sub>2</sub> emissions			✓	The strategy involves the delivery of a range of statutory and commissioned services and argues that these should be sustained. These services offer a variety of assessment types including face to face, telephone, and occasional home visits. All commissioned services are centrally located meaning they are accessible by public transport which should limit the number of individual car journeys to a minimum. Furthermore, flexibility in service delivery means many assessments can be carried out over the phone and therefore the need to commute for support is reduced in many instances.

Impact on local green and open spaces and biodiversity	✓	✓		The strategy links to the Housing Strategy 2023-2028. An aspect of this strategy includes disposing of Housing Revenue Account land to Housing Associations to accelerate the delivery of new affordable housing, this includes some green spaces. In terms of mitigation any new developments will be developed to decent and future homes standards and accessible home standards. These standards will dramatically improve the energy efficiency of homes, allow for improved electric vehicle infrastructure and for green space within these developments to encourage good physical and mental health.
Use of sustainable products and equipment	✓			Any future housing developments will need to consider the use of modern methods of construction and environmentally friendly materials and technology including recycle waste water units, modern insulation, heat pumps, sustainable building materials, electrical vehicle infrastructure, eco friendly lighting etc.
Minimising waste			✓	The strategy itself only advocates for new affordable housing and will not directly result in the demolition or construction of homes. This would have to be considered for each proposal.
Council plan priority: a city that takes a leading role in tackling climate change			✓	The strategy advocates for and will encourage affordable housing delivery. This has short term negatives environmental impacts but long term positive impacts. Any new developments will be delivered in an environmentally sustainable way.
Overall conclusion on the environmental and sustainability impacts of the proposal	The strategy will have some implication for energy usage through services it seeks to build on and maintain however these services are delivered from localities and in ways which seek to minimise the carbon footprint of citizens. It is hoped this strategy can be used to encourage the delivery of sustainable and affordable housing, whilst this might result in short term negative environmental impacts, this should be offset by positive impacts over the long term.			

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









## **APPENDIX 1- HOW WILL WE MEASURE SUCCESS?**








**‘To be successful, visions need to be translated into clear, measurable goals with associated indicators’ (CHI)**

Data exists and is collected regularly	Data could be collected with small tweaks	Significant changes to data collection needed	Data is not currently available
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We know that no strategy will be successful unless there is clarity around what success looks like. We intend to build a strong evidence base that enables the city to measure our progress against the key commitments we have made. This allows us to work together to unlock barriers and make sure we are focusing our interventions on the right things, based on robust intelligence. These indicators will evolve and change throughout the life of the strategy, building on the continual learning around ‘what works’ in the sector.

### How will we know if we are making homelessness a rare occurrence?










Success Area	Indicator	Measure	Data Availability
<b>RARE</b>	Households assessed as homeless or threatened with homelessness per 100,000 households.	An agreed reduction in the number of households approaching the Council as homeless, in line with the mobilisation of the Early Intervention & Prevention (EI&P) program and commitment to upstream prevention through targeted hubs (DA, vulnerable adults, youth hub, offender hub etc.)	
	Number of households evicted from housing providers (Council, Registered Providers, PRS, exempt accommodation sector) etc.	The number of evictions can be easily identified through H-CLIC data as a percentage of statutory approaches	
	People found sleeping rough through single night counts per 100,000 population.	An agreed reduction in the number of people sleeping out per 100,000 of population.	
	Numbers of people leaving care, discharged from hospital or prison into settled accommodation.	An agreed target to be considered as part of the new vulnerable adults' contracts (post December 2024).	
	Number of households who become homeless as a result of receiving refugee status	Government tracked Home Office decisions, presentation data etc.	
	New people sleeping rough	Reduction by 10% each year in the number of new people sleeping rough throughout the life of this strategy	
	Number of people sleeping rough having left an institution	Reduction by 10% in the number of people sleeping rough each year having left an institution throughout the life of this strategy	
	Number of affordable homes (social rent) delivered on an annual basis across the city.	Targets available in the Birmingham Development Plan (BDP), to be refreshed as part of the 2026 Local Plan.	

	Number of households supported to access the Private Rented Sector (PRS)	An agreed target of expected increase to be agreed through the delivery plan	
	Reduction in exempt accommodation provision, in line with proposals set out in the Supported Housing Strategy	Reduction will be more readily measurable once regulation is implemented through the Supported Regulation Bill	
	Number of households reporting debt or arrears related to accommodation costs	Data requires refinement but is intended to be monitored and tracked through the Early Intervention & Prevention (EI&P) program	
	Duty to refer, referrals increase particularly from other statutory services	An agreed target of expected referrals in line with the number of households experiencing housing related issues.	
	Number of households with accommodation-based issues accessing early help, family support or think family services	Life stages data to be examined more closely to assess opportunities for intervention- throughout the life of the strategy	
	There is an increase in households who are financially able to meet their basic needs (food, fuel, shelter)	An agreed target to be increased through the improved level of intelligence the Early Intervention & Prevention (EI&P) programme have identified.	
	New people who are rough sleeping, measured month-by month.	An agreed reduction in the number of new rough sleepers each month throughout the life of the strategy.	

### How will we know if homelessness is a brief experience?

Success Area	Indicator	Measure	Data
<b>BRIEF</b>	Time between people submitting a homelessness application and being moved to permanent accommodation	As at March 2024, it takes an average of 80 days between submitting an application to accessing permanent accommodation- agreed reduction in this target.	
	Time households spend in temporary accommodation	Target number of days spent in temporary accommodation, broken down into specific circumstance and household size.	
	Reduction in the reliance of B&B, reduce the use for families with dependent children over 6 weeks.	Tracked and monitored to meet DLUHC agreed deadline (DLUHC).	
	Time between people identified as rough sleeping and accessing accommodation	Monitoring of new rough sleepers to analyse time spent rough sleeping.	
	Average length of time spent in supported accommodation (including refuges)	Tracked through monitoring of commissioned services contracts	
	Length of time homeless households wait for permanent accommodation	Reduction in the length of time can be monitored via the Housing Register	
	Number of successful prevention and relief outcomes in comparison with the national average	Monitored via H-CLIC submissions	
	Length of time taken to respond to homelessness applications or Duty to Refer referrals	Target timeframe reduction due to be agreed through the delivery plan	
	Increase the number of interventions available to support households in temporary accommodation.	Record of households accessing support services, opportunity to monitor outcomes.	

### How will we know if homelessness is a non-recurring experience?

Success Area	Indicator	Measure	Data
<b>NON-RECURRING</b>	Number of households reassessed as homeless in a given year per 100,000 households (split into those with/without dependent children)	Agreed target to reduce the number of repeat homelessness approaches within the delivery plan	
	Number of households reassessed as homeless with a history of homelessness	As above- with a focus on those households which present multiple times.	
	Number of households provided with resettlement support- post migration specifically	Agreed target to reduce the number of approaches from those with a migration background	
	Number of households supported through the commissioned vulnerable adult's pathway	In line with agreed contractual targets	
	Number of people with housing related issues approaching on other statutory services (A&E, police, prison services etc.)	Data is available but is not necessarily readily monitored or collated	
	Reduced number of households approaching with multiple support needs	Via H-CLIC submissions, commissioned support providers, Northgate data etc.	
	Number of households evicted from supported or exempt accommodation	Recorded as a statutory homelessness approach	
	Number of people who are categorised as entrenched rough sleepers	Reduction according to formal street counts	
	Number of people returning to sleeping rough	Reduction in line with RSI monitoring	





## HOMELESSNESS PREVENTION &amp; ROUGH SLEEPING STRATEGY DELIVERY PLAN 2024 – 2029

**AIM 1: RARE – We PREVENT homelessness from happening in the first place, making it a RARE occurrence.**

STRATEGY COMMITMENT	ACTION	LEAD	ACTION OWNER	INDICATOR RAG (within existing budget)	TIMESCALE (approximate)
<b>AFFORDABILITY &amp; COST OF LIVING</b>					
1. <b>Strategy Commitment:</b> Collectively and actively lobby government on key structural issues driving homelessness.	<b>Action:</b> Develop a lobbying agenda with the WMCA and partners for significant changes to policies that drive people into homelessness.  Examples include: Developing joint lobbying paper proposing long-term uplifts to the LHA rate, with the objective of making the PRS more affordable. Along with existing political campaigning in the areas of Right to Buy suspension and welfare rights policies.	Cabinet Member for Housing and Homelessness  WMCA Regional Homelessness Taskforce Lead	Councillor Jayne Francis	No additional cost	12 months
2. <b>Strategy Commitment:</b> Work with partners to increase the supply of affordable housing.	<b>Action:</b> Develop stronger relationships with third party providers, enabling the city to deliver 1,083 affordable homes per year as agreed in the Housing Strategy 2023-2028	Assistant Director of Strategic Enabling	Naomi Morris	Cost to the Council alleviated through revised HRA Business Plan 2023/2024	6 months (Review annually)
	<b>Action:</b> Deliver on the activities set out in the IRP, related to the BMHT review, building the right internal capacity to deliver new affordable homes	Strategic Director of City Housing	Kerry Scott/Guy Chaundy	Dependent on Directorate move	12 months
3. <b>Strategy Commitment:</b> Work with partners to expand the St Basils Live & Work scheme in Birmingham & Working with partners to increase awareness or access to and readiness for good employment opportunities	<b>Action:</b> Deliver flagship Live & Work scheme in the city and develop robust offer for young people based on this model.	Chief Executive, St Basils	Jean Templeton	Dependent on the success of current bidding process	18 months
	<b>Action:</b> Deliver the rent simplification pilot and analyse its success as a mechanism reduce the number of households facing homelessness	WMCA Regional Homelessness Taskforce Lead	Jean Templeton	No additional cost- model is being delivered	18 months
4. <b>Strategy Commitment:</b> Work collaboratively with the sector to prevent eviction and people returning to rough sleeping.	<b>Action:</b> Develop and jointly agree pre-eviction protocols actively focused on preventing the eviction of vulnerable households; incorporating the learning from and closer working with BCC's Eviction Prevention Panel	Birmingham Social Housing Partnership (BSHP Exec)	Dominic Bradley (Chair)	No additional cost	12 months
5. <b>Strategy Commitment:</b> Strengthen the Duty to Refer as a means of preventing homelessness, particularly as a result of having left an institution, hospital, or care.	<b>Action:</b> Develop and implement protocols for early identification of at-risk individuals in healthcare settings, including the experience of dual diagnosis	TBC	TBC	Savings to Public Health services could delay the time taken to deliver	18 months

**AIM 1: RARE – We PREVENT homelessness from happening in the first place, making it a RARE occurrence.**

STRATEGY COMMITMENT	ACTION	LEAD	ACTION OWNER	INDICATOR RAG (within existing budget)	TIMESCALE (approximate)
6. <b>Strategy Commitment:</b> Work closely with households who have lived experience to ensure that interventions for households at risk are appropriate and have been stress tested by those who have been in a similar position.	<b>Action:</b> Ensure there is regular and deliberate engagement with households who have experienced homelessness, disseminating learning from their experiences in order to improve service delivery	Homelessness Partnership Board	Stephen Philpott	Limited resource may make this challenging, support from Strategic Enabling available	6 months
7. <b>Strategy Commitment:</b> Improve the quality of data and intelligence around households at risk of homelessness.	<b>Action:</b> Embed a data driven approach to identifying households in financial hardship or at risk of homelessness, through the implementation a single customer view and the Council's Homes & Money hub model	El&P, Strategy, Equalities & Policy	Kalvinder Kohli	Model progressing through consultation,	18 months
8. <b>Strategy Commitment:</b> Ensure support available in the city for those facing homelessness is accessible, inclusive, and clearly communicated.	<b>Action:</b> Develop a communications plan, ensuring that households facing homelessness are provided with good quality advice, using language that is inclusive and non-judgemental	Assistant Director of Strategic Enabling  Director of Housing Solutions & Support.	Naomi Morris	No additional cost	12 months
9. <b>Strategy Commitment:</b> Ensure that all statutory services play their part in a household's long-term recovery from homelessness.	<b>Action:</b> Ensure that future commissioning arrangements make provision for vulnerable adults at risk of homelessness, maximising continuation of services through coordination of joint commissioning, planning and procurement activity across the council.	Director of Adult Social Care	Louise Collett	£1.3m savings in 2024/2025 and £3.4m savings in 2025/2026	6 months
10. <b>Strategy Commitment:</b> Reducing welfare related poverty through access to high quality IAG	<b>Action:</b> Raise awareness of available support through community partner organisations and the council, alongside self-help digital routes to support households facing financial hardship	El&P	Kalvinder Kohli	No additional cost	18 months
<b>DELIVERING EQUITABLE SERVICES</b>					
11. <b>Strategy Commitment:</b> Ensure support available in the city for those facing homelessness is accessible, inclusive, and clearly communicated.	<b>Action:</b> Ensure Homes & Money hubs support areas where households disproportionately face homelessness	Homes & Money Hubs	Pye Nyunt	No additional cost	18 months
	<b>Action:</b> Deliver on the commitments of the Race Forward 2022 strategy, ensuring this actively includes homeless households	WMCA	Yetunde Dania	Strategy commitments may be impacted by a change of mayor	5 years (2023-2028)
	<b>Action:</b> Eradicate silo working to prevent homelessness & develop protocols to ensure access to services and support	Homelessness Partnership Board	Stephen Philpott	No additional cost	2 years
	<b>Action:</b> Call to action for all our Statutory, Voluntary, Community and Faith Partners to work with the City to reimagine and address the challenges/gaps in services arising from the City's financial position.	Statutory, Voluntary, Community and Faith Partners	All		9 months

**AIM 1: RARE – We PREVENT homelessness from happening in the first place, making it a RARE occurrence.**

STRATEGY COMMITMENT	ACTION	LEAD	ACTION OWNER	INDICATOR RAG (within existing budget)	TIMESCALE (approximate)
<b>MIGRATION</b>					
12. <b>Strategy Commitment:</b> Ensure support available in the city for those facing homelessness is accessible, inclusive, and clearly communicated	<b>Action:</b> Develop targeted support programs to integrate asylum seekers and refugees into stable long-term accommodation.	Migration Partnership Board	Saba Rai	Must be delivered within existing resource	2 years
<b>ROUGH SLEEPING.</b>					
13. <b>Strategy Commitment:</b> Build on the success of Housing First, capitalising on opportunities to lobby Government for the expansion of the future Housing First programme.	<b>Action:</b> Work with DLUHC to deliver an expanded Housing First programme for rough sleepers in Birmingham	Director of Housing Solutions and Support	Paulina Colomby	Dependent on additional RSI funding	18 months
14. <b>Strategy Commitment:</b> Work collaboratively with the sector to prevent eviction and people returning to rough sleeping.	<b>Action:</b> Develop and jointly agree pre-eviction protocols actively focused on preventing the eviction of vulnerable households in the supported/exempt sector and maximise opportunities of investment through RSI funding to support this aim.	Birmingham Homelessness Forum	Matt Green	No additional cost	12 months
<b>SUPPORTED ACCOMMODATION (INC. EXEMPT)</b>					
15. <b>Strategy Commitment:</b> Build on the positive pathway approach to ensure underreached groups have the right tailored support when things go wrong	<b>Action:</b> Develop protocols with the partnership, that reflect the Council's financial position, to proactively ensure no children are made homeless on their 18 <sup>th</sup> birthday	Birmingham Children's Trust  Homelessness Prevention Board	Dionne McAndrew  Hayley Prime	Commissioned provider funding reduced	12 months
16. <b>Strategy Commitment:</b> Deliver on the commitments of the Supported Housing Strategy, with a focus on reducing the number of exempt accommodation units in the city.	<b>Action:</b> Develop a post 2025 options appraisal to develop a sustainable model for the continuation of the Supported Housing Improvement Programme	Assistant Director of Strategic Enabling	Collette Campbell	Options to be devised based on no further funding post 2025	3 months
	<b>Action:</b> Lobby Government to bring forward pending consultation on the delivery of the Supported Housing (Regulatory) Oversight Act	Cabinet for Housing & Homelessness	Councillor Jayne Francis Guy Chaundy	No additional cost	12 months
<b>DOMESTIC ABUSE</b>					
17. <b>Strategy Commitment:</b> Build on the positive pathway approach to ensure underreached have the right	<b>Action:</b> Deliver on the agreed commitments set out in the Domestic Abuse (DA) Strategy, ensuring housing services play a role in supporting survivors of DA	Director of Housing Solutions & Support	Paulina Colomby	No additional costs- built into existing resource	12 months

AIM 1: **RARE** – We PREVENT homelessness from happening in the first place, making it a RARE occurrence.

STRATEGY COMMITMENT	ACTION	LEAD	ACTION OWNER	INDICATOR RAG (within existing budget)	TIMESCALE (approximate)
tailored support when things go wrong.					
18. <b>Strategy Commitment:</b> Ensure support available in the city for those facing homelessness is accessible, inclusive, and clearly communicated.	<b>Action:</b> Align Homelessness Prevention & Rough Sleeping and Domestic Abuse Strategies to enable a robust response/preventative approach to homelessness caused by domestic abuse	Adult Social Care  Director of Housing Solutions & Support	Ravinder Johal  Paulina Colomby	No additional cost	6 months

**AIM 2: BRIEF – We will identify those experiencing homelessness quickly and support them into accommodation as soon as possible.**

COMMITMENT	ACTION	LEAD	ACTION OWNER	INDICATOR	TIMESCALE
<b>AFFORDABILITY</b>					
19. <b>Strategy Commitment:</b> Increase the number of households accessing the private rented sector.	<b>Action:</b> Capitalise on opportunities to expand the Accommodation Finding Team to increase the number of PRS landlords available	Director of Housing Solutions and Support	Hayley Prime	Dependent on the use of GF resources	12 months
	<b>Action:</b> To produce an options appraisal on the validity of a 10 years plus leasing model in order to reduce the overall cost of temporary accommodation and use of B&B	Director of Housing Solutions and Support	Jennifer Tenant-Foster/Naomi Morris	No additional cost	3 months
	<b>Action:</b> Develop and deliver an alternative to property acquisitions, termed as 'plan B' to reduce the overall cost of temporary accommodation and use of B&B	Director of Housing Solutions and Support	Jennifer Tenant-Foster/Naomi Morris	Cost saving action. Cost clarity via OA	3 years
<b>EQUALITY AND EQUITY</b>					
20. <b>Strategy Commitment:</b> Bridge gaps in support for families with children, including undertaking an analysis of the impact of homelessness and particularly temporary accommodation on children throughout their life stages.	<b>Action:</b> Deliver a pilot programme supported exempt accommodation to include families with dependent children	Director of Housing Solutions & Support  Assistant Director of Strategic Enabling	Jennifer Tenant-Foster/Naomi Morris	Financial impact on families to be assessed	12 months
<b>MIGRATION</b>					
21. <b>Strategy Commitment:</b> Ensure support available in the city for those facing homelessness is accessible, inclusive, and clearly communicated	<b>Action:</b> Incorporate cultural sensitivity training in to housing services	Assistant Director of Strategic Enabling	Ranjeet Kaur	Likely to be a GF cost if procured externally	2 years
<b>ROUGH SLEEPING.</b>					
22. <b>Strategy Commitment:</b> Formalise our tailored approach to rough sleeping, making sure that the system is as accessible and inclusive as possible to their specific needs.	<b>Action:</b> Improve the co-ordination of street services and use of social media to inform and support homeless individuals.	Director of Housing Solutions	Paulina Colomby	No additional cost	18 months
23. <b>Strategy Commitment:</b> Formalise our tailored approach to rough sleeping, making sure that the system is as accessible and inclusive as possible to their specific needs	<b>Action:</b> Co-locate multidisciplinary teams to provide holistic support for people experiencing rough sleeping.	Director of Housing Solutions	Paulina Colomby	No additional cost- integration with Homes & Money Hubs	18 months
<b>SUPPORTED ACCOMMODATION (INC. EXEMPT)</b>					

**AIM 2: BRIEF – We will identify those experiencing homelessness quickly and support them into accommodation as soon as possible.**

COMMITMENT	ACTION	LEAD	ACTION OWNER	INDICATOR	TIMESCALE
24. <b>Strategy Commitment:</b> Consistently review our approach to Housing Applications and Allocations to ensure the level of demand is managed wherever possible.	<b>Action:</b> Undertake a review of the Council's Allocations Policy to ensure the existing framework meets the needs of the city	Director of Housing Solutions and Support	Hayley Prime	No additional cost	6 months
25. <b>Strategy Commitment:</b> Deliver on the commitments of the Supported Housing Strategy, with a focus on reducing the number of exempt accommodation units in the city	<b>Action:</b> Review the Supported Housing Needs Assessment and overall viability of the Supported Housing Strategy in light of the Council's financial position.	Strategic & Enabling & Adult Social Care Commissioning	Guy Chaundy	Dependent on funding arrangements post 2025	3 years
26. <b>Strategy Commitment:</b> Consistently review our approach to Housing Applications and Allocations to ensure the level of demand is managed wherever possible.	<b>Action:</b> Develop localised protocols to manage migration from other areas in the UK, including reciprocal arrangements within other LAs.	Director of Housing Solutions	Hayley Prime	No additional cost	18 months
<b>DOMESTIC ABUSE</b>					
27. <b>Strategy Commitment:</b> Embed a multi-disciplinary approach where households are at risk, ensuring that all stakeholders contribute to stabilising the household.	<b>Action:</b> To ensure DAPO/N's are used widely to prevent family homelessness and the displacement of children	West Midlands Police	MARAC Chair	Resource restrictions	18 months
<b>TEMPORARY ACCOMMODATION</b>					
28. <b>Strategy Commitment:</b> Deliver on the commitments set out in the reviewed Temporary Accommodation strategy (post March 2024).	<b>Action:</b> Review the TA strategy in light of the Council's financial position to understand where remaining investment will be best utilised	Director of Housing Solutions and Support	Jennifer Tenant-Foster	No additional cost	3 months
29. <b>Strategy Commitment:</b> Deliver on the commitments set out in the reviewed Temporary Accommodation strategy (post March 2024).	<b>Action:</b> Ensure officers supporting households in temporary accommodation understand the options available for residents and are supporting them to move on (workforce development)	Director of Housing Solutions and Support	Jennifer Tenant-Foster	No additional cost	6 months

**AIM 2: BRIEF – We will identify those experiencing homelessness quickly and support them into accommodation as soon as possible.**

COMMITMENT	ACTION	LEAD	ACTION OWNER	INDICATOR	TIMESCALE
30. <b>Strategy Commitment:</b> Bridge gaps in support for families with children, including undertaking an analysis of the impact of homelessness and particularly temporary accommodation on children throughout their life stages.	<b>Action:</b> Continue to prioritise the reduction in B&B for families with dependent children over 6 weeks before considering the long-term reduction in B&B for all households	Director of Housing Solutions & Support	Jennifer Tenant-Foster	Depending on remaining investment from the TA strategy	12 months
31. <b>Strategy Commitment:</b> Bridge gaps in support for families with children, including undertaking an analysis of the impact of homelessness and particularly temporary accommodation on children throughout their life stages.	<b>Action:</b> Ensure households in dispersed temporary accommodation receive the same quality of property and support with tenancy management as general needs tenants	Director of Housing Management	Jennifer Tenant-Foster	No additional cost- managed through the HM service re-design	12 months
<b>Other Matters Covered</b>					
32. <b>Strategy Commitment:</b> Deliver on the recommendations set out in the Campbell Tickell review of the Housing Solutions & Support service.	<b>Action:</b> Deliver on the recommendations of the Campbell Tickell, highlighting the impact of resource reductions on the ability to deliver high-quality services	Director of Housing Solutions and Support	Paulina Colomby	No additional cost	6 months
33. <b>Strategy Commitment:</b> Actively seek and trial crisis intervention best practice approaches on what works across the UK.	<b>Action:</b> Incorporate the use of trauma informed care in to commissioning processes and staff development to shift the culture of service delivery.	TBC	TBC	No set budget to deliver this at present	3 years (estimated)



**AIM 3: NON-RECURRING – We will support people who have experienced homelessness to recover from their experience, so that it does not happen to them again.**

COMMITMENT	ACTION	LEAD	ACTION OWNER	INDICATOR	TIMESCALE
AFFORDABILITY					
34. <b>Strategy Commitment:</b> Increase the supply of genuinely affordable housing.	<b>Action:</b> Ensure there is a partnership approach for delivering affordable homes, formal reporting attributed to this	WCMA, Head of Housing & Regeneration	Rob Lamond	Dependent on 2026 AHP programme	2 years
35. <b>Strategy Commitment:</b> Increase the supply of genuinely affordable housing.	<b>Action:</b> Providers and developers sign up to the city's nominations agreement and prioritise households who are homeless or awaiting homeless for allocation	Birmingham Social Housing Partnership (BSHP Exec)	Dominic Bradley	No additional cost	12 months
COST OF LIVING					
36. <b>Strategy Commitment:</b> Working with partners to increase awareness or, access to and readiness for good employment opportunities.	<b>Action:</b> Homes & Money Hubs must undertake a holistic process, supporting households into education, training, and employment	El&P	Kalvinder Kohli	Dependent on savings	18 months
EQUALITY AND EQUITY					
37. <b>Strategy Commitment:</b> Embed a multi-disciplinary approach where households are at risk, ensuring that all stakeholders contribute to stabilising the household	<b>Action:</b> Build on the work of Shelter and the Poverty Truth Commission to consider how peer network models can be incorporated more broadly in Birmingham	TBC	TBC	No budgeted resource attached to this	2 years
MIGRATION					
38. <b>Strategy Commitment:</b> Build on the positive pathway approach to ensure underreached groups have the right tailored support when things go wrong.	<b>Action:</b> Develop a model that enables effective outreach and re-settlement support to households who accessed the city as sanctuary seekers	Migrant Partnership Board	Saba Rai	No budgeted resource attached to this	12 months
39. <b>Strategy Commitment:</b> Lobby Government to improve the re-settlement package and infrastructure to support households made homeless through Home Office decision making.	<b>Action:</b> Lobby Government, proposing an improved resettlement package for migrant households to re-settle, reducing the risk of homelessness.	Cabinet Member for Housing & Homelessness	Councillor Jayne Francis	No additional cost	18 months
ROUGH SLEEPING.					
40. <b>Strategy Commitment:</b> Formalise our tailored approach to rough sleeping, making sure that the system is as accessible	<b>Action:</b> Undertake an impact assessment of RSI funded services, by ensuring resources are maximised, effectively distributed, and are focused on interventions that make the most impact, so that services can be properly supported.	Director of Housing Solutions and Support	Paulina Colomby	No additional costs but may be cost implications following the	6 months



**AIM 3: NON-RECURRING – We will support people who have experienced homelessness to recover from their experience, so that it does not happen to them again.**

COMMITMENT	ACTION	LEAD	ACTION OWNER	INDICATOR	TIMESCALE
and inclusive as possible to their specific needs.				impact assessment	
41. <b>Strategy Commitment:</b> Ensure that all statutory services play their part in a household's long-term recovery from homelessness.	<b>Action:</b> Ensure rough sleeping is appropriately represented in the community safety and law enforcement space	Community Safety Partnership	Pam Powis	No additional cost	6 months
<b>SUPPORTED ACCOMMODATION (INC. EXEMPT)</b>					
42. <b>Strategy Commitment:</b> Services must operate in a multi-disciplinary way where households are experiencing repeated homelessness	<b>Action:</b> Ensure all services formally commit to utilising the preferred provider list (supported exempt), reducing the ability for rogue landlords to operate	Exempt Sponsor Board	Collette Campbell	Impact on Housing Solutions whereby the alternative is rough sleeping	18 months
43. <b>Strategy Commitment:</b> Deliver on the commitments of the Supported Housing Strategy, with a focus on reducing the number of exempt accommodation units in the city	<b>Action:</b> Work with exempt providers to convert single person accommodation into family exempt units, as part of the pilot.	Director of Housing Solutions and Support	Jennifer Tenant-Foster	Dependent on success of the pilot	12 months
44. <b>Strategy Commitment:</b> Work collaboratively with the supported housing sector to prevent eviction and people returning to rough sleeping.	<b>Action:</b> Develop the 'future of supported housing paper' to ensure that this forms a robust proposal for Government regarding changes in HB regs.	Birmingham Social Housing Partnership (BSHP Exec)	Dominic Bradley (Chair) Jean Templeton	No additional cost	18 months
<b>DOMESTIC ABUSE</b>					
45. <b>Strategy Commitment:</b> Build on the success of Housing First, capitalising on opportunities to lobby Government for the expansion of the future Housing First programme.	<b>Action:</b> Capitalise on learning from the Housing First pilot, utilising for survivors of Domestic Abuse	Director of Housing Solutions	Paulina Colomby	Dependent on long term grant funding	18 months
46. <b>Strategy Commitment:</b> Ensure that all statutory services play their part in a household's long-term recovery from homelessness.	<b>Action:</b> Develop protocols to ensure safe access to support services for Domestic Abuse survivors.	Director of Housing Solutions	Paulina Colomby	No additional cost	6 months

## Monitoring

In order to ensure that the actions listed are enacted, The Council have an established Homelessness Partnership Board, who hold overarching responsibility for the delivery of the strategy.

There are several key stakeholders that will feed into this governance framework and will be responsible for co-ordinating activity related to some of the key commitments within the strategy. The Homelessness Partnership Board is made up of both internal and external stakeholders and will be informed by community and lived experience groups, who has been vital in informing the key commitments within the strategy. The Board is chaired by the Cabinet Member for Housing & Homelessness, ensuring there is appropriate levels of visibility at senior levels.

Progress against this strategy will be reported upon at the Commissioner led Housing Sub-Board, ensuring that Commissioners are kept abreast of delivery against the key commitments set out in the strategy.

Other aspects of the strategy, particularly those relating to the provision of B&B accommodation for families over 6 weeks will be reported through the Council's Improvement & Recovery Plan (IRP) so there is public accountability.

Cabinet will also receive an annual progress update against the strategy's delivery plan. This will be supported by the Cabinet Member for Housing & Homelessness who will chair the Homelessness Partnership Board moving forward.

# Birmingham City Council

## Report to Cabinet

23 July 2024



<b>Title:</b>	<b>PERRY BARR PLOT 9 APPROPRIATION</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Jayne Francis, Cabinet Member for Housing and Homelessness
<b>Relevant Overview and Scrutiny Committee:</b>	Homes Overview and Scrutiny Committee
<b>Report Author:</b>	Guy Chaundy, Assistant Director of Strategic Enabling City Housing Guy.chaundy@birmingham.gov.uk
<b>Authorised by:</b>	Paul Langford, Strategic Director of City Housing
<b>Is this a Key Decision?</b>	Yes – 012759/2024
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for 'call in?'</b>	Yes
<b>If not eligible, please provide reason(s):</b>	Not Applicable
<b>Wards:</b>	Perry Barr

**Does this report contain exempt or confidential information?**

Yes

### **Exempt Information**

Exempt Appendix 1 is exempt from disclosure by virtue of the following Paragraphs of schedule 12A to the Local Government Act, 1972 as amended: Paragraph 3

Information relating to the financial or business affairs of a particular person (including the authority holding that information).

**Has this decision been included on the Notification of Intention to consider Matters in Private?** Yes

**Reasons why not included on the Notification:** Not Applicable.

## **1 EXECUTIVE SUMMARY**

- 1.1 The Perry Barr Regeneration Scheme was approved in March 2020 as the intended site for the Athlete's Village for the Commonwealth Games, but following development restrictions during Covid 19, and the estimated cost of fast-tracking completion, the Council and the Commonwealth Games Committee concluded to omit the scheme from Games-time in August 2020. A phased design of the site progressed directly to legacy development, continuing the regeneration aspect but removing the need for much of the fit out which would only have been used during the games, and increasing the commercial benefits of the development. In July 2021, Cabinet approved a disposal strategy which included plot 9 to be private sale and build to rent.
- 1.2 With the issuing of a S114 notice in September 2023, the Council have considered the options for disposal of the nearly complete plots 6 to 9 and have received offers for plots or combinations of plots which are being considered in Cabinet Committee – Property in August 2024. However, alongside this consideration, Cabinet are recommended to take the opportunity of retaining one block (plot 9) to use as general needs social housing, in order to meet the needs of residents waiting for available social housing.
- 1.3 The HRA has a budget for 213 units of supply per annum, as well as right to buy funds which can be used to fund a portion of either acquisition or development of properties. This funding can be used to take on the 213 units in Plot 9 at Perry Barr Phase 1 and offer as Social Housing, reducing the reliance on new build programmes planned to commence during the financial year.

- 1.4 By Appropriating the property into general need housing stock, the HRA will take over financing debt to a level set by independent market valuation from the Council's general fund account.
- 1.5 The residencies will have a specific allocations programme team, and ongoing Housing Management support, to ensure occupying the block and managing the area is in line with the place making strategy of the area.
- 1.6 There are 8 units for which the Council has received interest from individuals under the First Homes initiative. These offers will be rejected if the proposals in this paper are accepted.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners are supportive of the recommendations and welcome the provision of 213 much needed affordable homes. The Council needs to ensure that they have a local lettings and housing management plan in place that helps build a mixed, sustainable, and successful community and maintains the quality of the stock and the environment over the long-term.

## **3 RECOMMENDATIONS**

### **That Cabinet:**

- 3.1 Declares that Plot 9 Phase 1 of the Perry Barr Regeneration Scheme is no longer required for the purposes for which it has been held thus far.
- 3.2 Approves the appropriation of Plot 9 Phase 1 Perry Barr Regeneration Scheme into the Housing Revenue Account for a value as set out in Exempt Appendix 1
- 3.3 Approves the creation of a specific Housing Management support team for the site.
- 3.4 Authorises the City Solicitor & Monitoring Officer to execute and complete all necessary legal documents to give effect to the above recommendations.

## **4 KEY INFORMATION**

### **Context**

- 4.1 On 21 July 2021 Cabinet considered a report on the Update on the Perry Barr Regeneration Scheme FBC and approved a disposal strategy for the scheme, including a strategy of disposal for Plot 9 of either a sale and leaseback arrangement with an investor or via direct sales to the market, subject on a review of the effectiveness of the disposal of Plots 7 and 8. This report seeks a variation of that strategy in respect of this Plot.
- 4.2 Phase 1 of The Perry Barr Regeneration Scheme has seen the construction to date of four plots of residential accommodation.

- 4.3 Plots 6 to 9 are currently marketed for disposal, with a view to completing the place making agenda for the area and generating capital receipts to the general fund in order to fund future capital costs or reduce the debt bill of the organisation.
- 4.4 Multiple bidders have made offers for Plots 6, 7 and 8, 7,8 and 9, and for plots 7 and 8 alone, which gives an indicative market value for Plot 9 and confirmation that the General Fund is not financially disadvantaged by an appropriation instead of disposal. This value has been verified by an independent valuation.

### **Proposal and Reasons for Recommendations**

- 4.5 It is proposed that Plot 9 not be disposed of to an external organisation but be appropriated into the HRA for use as Social Housing stock. This proposal:
  - 4.5.1 Has the same financial impact on the General Fund borrowing levels as external disposal as affordable housing, with the HRA being transferred the responsibility for financing debt to the agreed value, in the same way that a capital receipt can be used to reduce debt levels financed by the General Fund.
  - 4.5.2 Gives the Council an ongoing benefit from the development which was made as part of a regeneration scheme in this area of the city, in the form of high standard, low carbon social housing. With 23,000 people waiting for Social Housing in Birmingham, these units can be filled on according to the Allocation Policy within a short time period, giving 213 people new homes, a portion of whom will currently be in Council funded Temporary Accommodation whilst they are waiting for Social Housing to become available.
  - 4.5.3 To enhance the positive impact on the Housing Register, there will be an opportunity to release larger family homes. The Housing Strategy 2023-2028 sets out the challenges the city faces accommodating large households. We will look to address this as much as possible through this appropriation.
  - 4.5.4 Is affordable within the HRA, which is currently planning borrowing capacity for development and acquisition of property at a rate of 250 units a year. This funding can be allocated to Perry Barr Plot 9, which has an immediate benefit, and a 25 year payback period.
  - 4.5.5 Allows the Council to keep a stake in the management and therefore place making agenda of that area.
  - 4.5.6 Meets the affordable housing requirement of the scheme, creating 213 units of social housing, which reduces the requirement for affordable housing from the other plots, therefore increasing their value to external bidders and in turn the capital receipt generated from their sale.

## **Other Options Considered**

- 4.6 Sale of plot 9 to an external buyer. This option is not recommended as it is the same financial value impact as the recommended options, but with none of the longer term or non-financial benefits to the Council.
- 4.7 Individual sale of units within plot 9. Although this may increase the income to the council, depending on house price fluctuations, this option is not recommended due to the time it will take to individually sell each unit, as well as the loss of benefit as covered in section 4.5
- 4.8 Retain the property for Temporary Accommodation use. This option is not recommended for two reasons.
  - 4.8.1 Through soft market testing it has been established that this will reduce the amount bidders are willing to pay for plots 6,7 and 8, if not withdraw their bid altogether, due to the external perception of the impact on the area and on property values from such use.
  - 4.8.2 The general fund will not receive a capital receipt at a time when it is seeking to reduce the Capital Financing Requirement of the General Fund
  - 4.8.3 The scale of Temporary Accommodation required in the City is a symptom of wider causes, such as lack of affordable housing and macro and micro economic pressures on the City and individual residents. Increasing supply is a short term solution for while affordable and social housing is made available. The proposal to use plot 9 as social housing is a part of that longer term solution.

## **RISK MANAGEMENT**

- 4.9 Affordability to the HRA – The HRA Business Plan has been reworked to divert acquisition and development funds to the appropriation of Perry Barr, while still maintaining the level of funding required in existing stock through the Housing Investment Programme. This is a short term measure, as once 80% full, the units in plot 9 will fund the annual financing requirement until repayment is complete. Further, the annual review of the HRA Business Plan will ensure the sustainability of that account.

## **5 CONSULTATION**

- 5.1 Capital Board
- 5.2 Cabinet Member for Housing and Homelessness

## **6 MEMBER ENGAGEMENT**

### **Ward Councillor(s)**

- 6.1 Cllr John Hunt
- 6.2 Cllr Morriam Jan

## **Overview and Scrutiny**

- 6.3 The Chair of Homes Overview and Scrutiny Committee has been consulted on the contents of the report and fed back as follows: "This decision seeks to contribute to solutions to both housing allocation backlog and financial challenges the Council faces. There should be ongoing scrutiny of the homes acquisitions program looking at its value for money and speed of delivery compared to other options as the housing and financial challenges continue to loom large."

## **7 IMPACT AND IMPLICATIONS**

### **Finance**

See Exempt Appendix

### **Legal**

- 7.1 The Council has powers to acquire and appropriate land under the Sections 120-122 of the Local Government Act, 1972. The general appropriation power is section 122(1) of the Local Government Act 1972 (the 1972 Act).
- 7.2 This states that Councils "may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation ..."
- 7.3 Acquisition of land by agreement for the purposes of Part II of the Housing Act 1985 (Provision of Housing Accommodation) is dealt with under Section 17 and Appropriation to the HRA is specifically dealt with in section 19(1) of the Housing Act 1985 (the 1985 Act). Section 19(1) of the 1985 Act states
- 7.4 "A local housing authority may appropriate for the purposes of this Part ( Part II - dealing with the provision of housing accommodation) any land for the time being vested in them or at their disposal and the authority have the same powers in relation to land so appropriated as they have in relation to land acquired for the purposes of this part"
- 7.5 The rules governing the HRA are set out in Part VI of the Local Government and Housing Act 1989 (the 1989 Act). Under Section 74(1) of the 1989 Act local housing authorities must keep in accordance with proper practices an account called a Housing Revenue Account. "Proper Practices" are required by Section 88(1)(d) of the 1989 Act to be construed in accordance with Section 21 of the Local Government Act 2003. Section 21 of the Local Government Act 2003 empower the Secretary of State to issue regulations and guidance to be followed by local authorities.
- 7.6 Section 75 of the 1989 Act requires that HRAs must be kept in accordance with Schedule 4 of the 1989 Act. This prescribes, in paragraph 5 of Part 3 (Special Cases), that on an appropriation into (or out of) the HRA adjustments to the council's revenue accounts must be made in accordance with any direction by the Secretary of State.



The Secretary of State's power to make directions is set out in Section 78 of the 1989 Act. The Housing Revenue Account (Accounting Practices) Directions 2016 (the 2016 Directions) – describe the information to be disclosed in notes to the HRA; they do not make specific provision for appropriations. Instead, local housing authorities need to account for appropriations as debits (or credits) as set out in Part 2 (and Part 1) of Schedule 4 to the 1989 Act. The relevant item is item 8, i.e. "Sums to be determined by [the] Secretary of State".

### **Equalities**

- 7.7 The Allocations Policy determines the route for allocating properties without prejudice or inequality and will be used to populate the units in plot 9. By using the units as Social Housing there will be a positive impact on vulnerable groups within the City.

### **Procurement**

- 7.8 Any work to complete the building and make ready for letting will fall under the existing Repairs and Maintenance contract for Social Housing stock.

### **People Services**

- 7.9 The recruitment of a specific team to support occupancy of the units and enhance the Housing Management offer ensures this work does not fall on the existing area housing team.

### **Climate Change, Nature and Net Zero**

- 7.10 The proposal enhances the efforts to decarbonise the social housing stock, with high specification units being brought into the HRA.

### **Corporate Parenting**

- 7.11 The Council has a growing homelessness challenge, with circa 5000 households in temporary accommodation, including over 9000 children under the age of 18. There are circa 480 families with dependent children living in B&B accommodation for long than 6 weeks, which does meet our statutory obligations through the Homelessness Reduction Act (2017).
- 7.12 Given the long-term impact this can have on children and young people, and our role as a corporate parent, it is imperative that we capitalise on opportunities to secure suitable homes for these households. This report sets out an opportunity for households in TA, particularly households with dependent children to access a new long-term home, against a backdrop of a national shortage in social housing across the UK.

## **8 APPENDICES**

8.1 Exempt Appendix 1 – Financial Implications

8.2 Equality Impact Assessment

8.3 Environment Sustainability Assessment

## **9 BACKGROUND PAPERS**

9.1 Cabinet Report 27 July 2021 – Update on the Perry Barr Regeneration Scheme  
FBC

# EQUALITY IMPACT ASSESSMENT

Perry Barr Plot 9 Appropriation

Reference: EIA000458

Date: 26/06/2024

Submitted by:



### EIA Form – About your EIA

Reference number	EIA000458
Date Submitted	26/06/2024
Subject of the EIA	<p>It is being proposed that Plot 9 of the Perry Barr Regeneration Scheme be appropriated into the HRA for social housing use. The appropriation of Plot 9 will help to replenish our social housing stock and will provide 213, 1 and 2 bed units. This is a one off activity - Once the decision is made to move the block into social housing, day to day operational activity around the landlord function will be carried out as per existing policies and procedures within City Housing, and as such any arising impacts will be managed through these existing channels. Research tells us that nationally the impact of social housing loss in the UK has been significant over the last decade. Efforts to build social housing have declined, leading to a shortage. Since 2012, the number of homes available for social rent has plummeted by 218,000 due to insufficient new construction and the impact of the Right to Buy scheme England has experienced a net loss of social housing nearly every year since 1981. Between 2022 and 2023, there was a net loss of 11,700 social rent homes. The scarcity of social housing has in turn driven up private rents to record levels, further exacerbating the supply of affordable housing. The Councils Right to Buy scheme resulted in a loss of 586 properties between 1st April 2023 and 31 March 2024. Among these, 95 were one-bedroom properties and 195 were two-bedroom properties. Service data also tells us that 23.4% of applicants on the housing register are council tenants seeking an alternative council tenancy. We currently have 853 tenants, a large proportion of whom are over 50, who are underoccupying, much needed, larger 3 and 4 bed family council owned homes. These units will provide brand new affordable social housing for tenants and enable us to free up much needed larger council owned properties for families on the register. While the impacts for all of groups with protected characteristics will be positive from a greater supply of affordable housing, there is expected to be greater impact on certain groups, according to the proportion of people from each characteristic currently on the Social Housing Register. This is detailed below, but predominantly relates to gender and age, with females and people between 25-44 being the largest proportion of applicants</p>
Brief description of the policy, service or function covered by the EIA	



Equality Assessment is in support of...	["Amended function"]
How frequently will you review impact and mitigation measures identified in this EIA?	Not required
Due date of the first review	2024-06-26

#### Directorate, Division & Service Area

Which directorate(s) are responsible for this EIA?	["City Housing"]
Division	Housing Management
Service area	North Area Team
Budget Saving	Yes

#### Officers

What is the responsible officer's name?	Guy Chaundy
What is the responsible officer's email address?	guy.chaundy@birmingham.gov.uk
What is the accountable officer's name?	Paul Langford
What is the accountable officer's email address?	paul.langford@birmingham.gov.uk

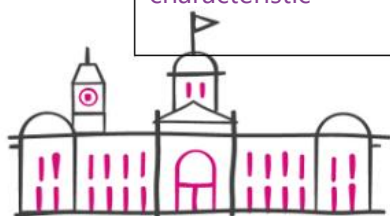
#### Data Sources

Data sources	["Quantitative data (please specify in the box below)"]
Data source details	Power Bi Service data Research- gov.uk, shelter, big issue.

#### Protected Characteristics

##### Protected Characteristic – Age

Does this proposal impact people due to their age as per the Equality Act 2010?	Yes
What age groups are impacted by your proposal?	["0-9 years", "10-19 years", "20-29 years", "30-39 years", "40-49 years", "50-59 years", "60-69 years", "70-79 years", "80-89 years", "90 years or over"]
Please describe any potential impact to the age characteristic	Positive impact:  The housing register will take applications from individual who are over 18 and have a housing need. These unit will



	<p>be allocated to in line with our Allocations Policy and therefore all ages will be positively impacted</p> <p>Demographic insights:</p> <p>Whilst the register is open to all who have a housing need service data tell us that the 61% of applicants on the housing register are aged 25-44, with 34% of applicants requiring a 1 bedroom property and 25.73% requiring a 2 bedroom property.</p> <p>Service data also tells us that 23.4% of applicants on the housing register are council tenants seeking an alternative council tenancy. We currently have 853 tenants, a large proportion of whom are over 50, who are underoccupying, much needed, larger 3 and 4 bed family council owned homes.</p> <p>Impact:</p> <ul style="list-style-type: none"> <li>• Reduced Waiting Times: Appropriating these units for social housing use will decrease waiting times on the housing register for 213 applicants.</li> <li>• Secure Tenancies: Successful applicants, including potentially homeless households or existing tenants looking to downsize, will benefit from secure tenancies.</li> <li>• Quality and Affordability: These units offer good quality brand-new, social housing that is affordable and situated near essential amenities such as shops, schools, doctors, and support agencies within a diverse community, allowing applicants to build support networks required to sustain their tenancies.</li> <li>• • Health and Wellbeing: These units will offer 213 applicants secure and stable good-quality social housing that will positively affect the applicants health, well-being, and social connections. It will also reduce homelessness and eases pressures on social care, health, and housing sectors.</li> </ul>
How could you mitigate against any negative impact to the age characteristic?	n/a
Please describe how this proposal does not impact people due to their age	

#### Protected Characteristic – Disability



Does this proposal impact those people with a disability as per the Equality Act 2010?	Yes
Please describe any potential impact to the disability characteristic	<p>Positive impact:</p> <p>The housing register will take applications from individuals regardless of disability. Applications are assessed based on housing need. These units will be allocated to in line with our Allocations Policy.</p> <p>Demographic insights:</p> <p>Service data tells us 29% of applicants on the housing register have a disability. 61% of applicants have medical needs. Research tells us that disabled people often face sever shortages of accessible housing across all tenures. However social housing provides a greater security of tenure as social housing landlords are more willing to install adaptations and will offer support where needed.</p> <p>Impact:</p> <ul style="list-style-type: none"> <li>• Adaptations: Whilst it may be difficult to make an major stuctural changes to the unit there will be the potencial to offer some adaptations to meet sucessful applicant needs.</li> <li>• Reduced Waiting Times: Appropriating these units for social housing use will decrease waiting times on the housing register for 213 applicants.</li> <li>• Secure Tenancies: Successful applicants, including potentially homeless households or existing tenants looking to downsize, will benefit from secure tenancies.</li> <li>• Quality and Affordability: These units offer good quality brand-new, social housing that is affordable and situated near essential amenities such as shops, schools, doctors, and support agencies within a diverse community, allowing applicants to build support networks required to sustain their tenancies.</li> <li>• Health and Wellbeing: These units will offer 213 applicants secure and stable good-quality social housing that will positively affect the applicants health, well-being, and social connections. It will also reduce homelessness and eases pressures on social care, health, and housing sectors.</li> </ul>
How could you mitigate against any negative impact to the disability characteristic?	n/a



Please describe how this proposal does not impact people due to their disability

### Protected Characteristic – Sex

Does this proposal impact citizens based on their sex as per the Equality Act 2010?

Yes

What sexes will be impacted by this proposal?

["Male","Female","Non-binary"]

Please describe any potential impact to the sex characteristic

Positive Impact

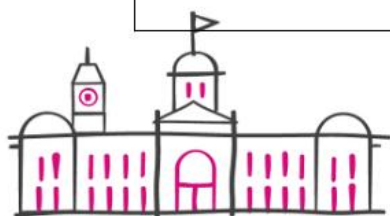
The housing register will take applications from any gender who are over 18 and have a housing need. These unit will be allocated to in line with our Allocations Policy.

Demographic insights:

Our service data tells us that 66.03% of applicants on the housing register are female and 33.97% male. Nationally 55% of adults in social housing are female. 63% of adult claiming housing benefits are female, reflecting generally lower incomes for this group.

Impact:

- Reduced Waiting Times: Appropriating these units for social housing use will decrease waiting times on the housing register for 213 applicants.
- Secure Tenancies: Successful applicants, including potentially homeless households or existing tenants looking to downsize, will benefit from secure tenancies.
- Quality and Affordability: These units offer good quality brand-new, social housing that is affordable and situated near essential amenities such as shops, schools, doctors, and support agencies within a diverse community, allowing applicants to build support networks required to sustain their tenancies.
- Health and Wellbeing: These units will offer 213 applicants secure and stable good-quality social housing that will positively affect the applicants health, well-being, and social connections. It will also reduce homelessness and eases pressures on social care, health, and housing sectors.





How could you mitigate against any negative impact to the sex characteristic?	n/a
Please describe how this proposal does not impact people due to their sex	

### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	Yes
Please describe any potential impact to the gender reassignment characteristic	<p><b>Positive Impact:</b></p> <p>Whilst we do not currently gather data on this characteristic, all genders will experience positive impact in that they are able to apply to join the housing register as long as they have a housing need and will be able to bid for these properties on the housing register. Properties will be allocated in line with our Allocations Policy.</p> <ul style="list-style-type: none"> <li>• <b>Reduced Waiting Times:</b> Appropriating these units for social housing use will decrease waiting times on the housing register for 213 applicants.</li> <li>• <b>Secure Tenancies:</b> Successful applicants, including potentially homeless households or existing tenants looking to downsize, will benefit from secure tenancies.</li> <li>• <b>Quality and Affordability:</b> These units offer good quality brand-new, social housing that is affordable and situated near essential amenities such as shops, schools, doctors, and support agencies within a diverse community, allowing applicants to build support networks required to sustain their tenancies.</li> <li>• <b>Health and Wellbeing:</b> These units will offer 213 applicants secure and stable good-quality social housing that will positively affect the applicants health, well-being, and social connections. It will also reduce homelessness and eases pressures on social care, health, and housing sectors.</li> </ul>
How could you mitigate against any negative impact to the gender reassignment characteristic?	n/a



Please describe how this proposal does not impact people due to gender reassignment

### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?

Yes

What legal marital or registered civil partnership status will be impacted by this proposal?

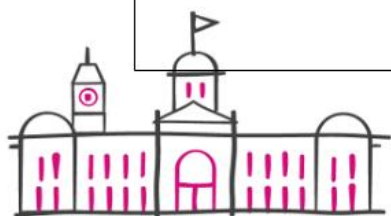
["Single", "Never married and never registered a civil partnership", "Married: Same sex", "Married: Opposite sex", "In a registered civil partnership: Opposite sex", "In a registered civil partnership: Same sex", "Separated, but still married", "Separated, but still in a registered civil partnership", "Divorced", "Formerly in a civil partnership now legally dissolved", "Widowed", "Surviving partner from civil partnership"]

Please describe any potential impact to the marriage and civil partnership characteristic

Whilst we do not currently gather data on this characteristic, all marriage and civil partnerships will experience positive impact in that they are able to apply to join the housing register as long as they have a housing need and will be able to bid for these properties on the housing register. Properties will be allocated in line with our Allocations Policy.

Impact:

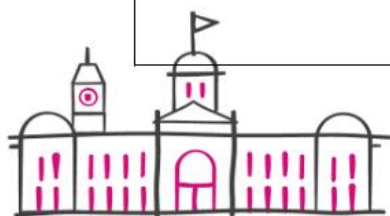
- Reduced Waiting Times: Appropriating these units for social housing use will decrease waiting times on the housing register for 213 applicants.
- Secure Tenancies: Successful applicants, including potentially homeless households or existing tenants looking to downsize, will benefit from secure tenancies.
- Quality and Affordability: These units offer good quality brand-new, social housing that is affordable and situated near essential amenities such as shops, schools, doctors, and support agencies within a diverse community, allowing applicants to build support networks required to sustain their tenancies.
- Health and Wellbeing: These units will offer 213 applicants secure and stable good-quality social housing that will positively affect the applicants health, well-being, and social connections. It will also reduce homelessness and eases pressures on social care, health, and housing sectors.



How could you mitigate against any negative impact to the marriage and civil partnership characteristic?	n/a
Please describe how this proposal does not impact people who are married or in a civil partnership	

### Protected Characteristic - Pregnancy and Maternity

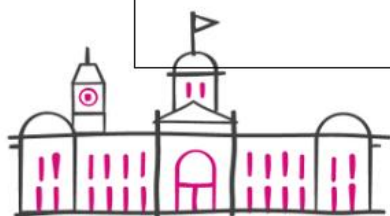
Does this proposal impact people covered by the Equality Act 2010 under the protected characteristic of pregnancy and maternity?	Yes
Please describe any potential impact to the pregnancy and maternity characteristic	<p><b>Positive impact</b></p> <p>Whilst we do not currently gather data on this characteristic, applicants who are pregnant will experience positive impact in that they are able to apply to join the housing register as long as they have a housing need and will be able to bid for properties on the housing register. Properties will be allocated in line with our Allocations Policy.</p> <p>Research tells is that a lack of housing stability can put pregnant mothers at risk of poor health, and that without stable or affordable housing pregnant women may lose access to informal social support networks and the care they and their child need.</p> <p><b>Impact:</b></p> <ul style="list-style-type: none"> <li>• <b>Midwifery services:</b> The unit is surrounded by a number of hospitals, doctors, and midwifery services to support pregnant women and ensure their health and well-being.</li> <li>• <b>Reduced Waiting Times:</b> Appropriating these units for social housing use will decrease waiting times on the housing register for 213 applicants.</li> <li>• <b>Secure Tenancies:</b> Successful applicants, including potentially pregnant women will benefit from secure tenancies.</li> <li>• <b>Quality and Affordability:</b> These units offer good quality brand-new, social housing that is affordable and situated near essential amenities such as shops, schools, doctors, and support agencies within a diverse community, allowing applicants to build support networks required to sustain</li> </ul>



	<p>their tenancies.</p> <ul style="list-style-type: none"> <li>• Health and Wellbeing: These units will offer 213 applicants secure and stable good-quality social housing that will positively affect the applicants health, well-being, and social connections. It will also reduce homelessness and eases pressures on social care, health, and housing sectors.</li> </ul>
How could you mitigate against any negative impact to the pregnancy and maternity characteristic?	n/a
Please describe how this proposal does not impact people who are covered by the pregnancy and maternity characteristic	

#### Protected Characteristic - Ethnicity and Race

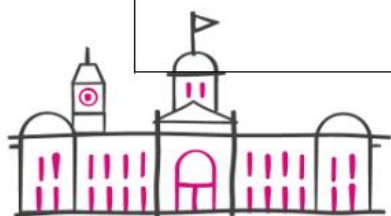
Does this proposal impact people due to their race as per the Equality Act 2010?	Yes
What ethnic groups would be impacted by this proposal?	["White British", "Other White", "Bangladeshi", "Chinese", "Indian", "Pakistani", "Other Asian", "African", "Caribbean", "Black British", "Other Black", "Arab", "Latin American", "Irish", "Gypsy or Irish Traveller", "Roma", "Central and Eastern Europe", "Western and Southern Europe"]
Please describe any potential impact to the ethnicity and race characteristic	<p>Positive impact:</p> <p>The housing register will take applications from all regardless of ethnicity or race. Applications are assessed based on housing need. These units will be allocated to in line with our Allocations Policy.</p> <p>Service data however tells us that the majority of applicants on our housing register when asked identified as White British 23.5% followed by Asian or Asian British: Pakistani 14.8% followed by Black or Black British: African 14.6%</p> <p>Impact:</p> <ul style="list-style-type: none"> <li>• Reduced Waiting Times: Appropriating these units for social housing use will decrease waiting times on the housing register for 213 applicants.</li> <li>• Secure Tenancies: Successful applicants, including potentially homeless households or existing tenants looking</li> </ul>



	<p>to downsize, will benefit from secure tenancies.</p> <ul style="list-style-type: none"> <li>• <b>Quality and Affordability:</b> These units offer good quality brand-new, social housing that is affordable and situated near essential amenities such as shops, schools, doctors, and support agencies within a diverse community, allowing applicants to build support networks required to sustain their tenancies.</li> <li>• <b>Health and Wellbeing:</b> These units will offer 213 applicants secure and stable good-quality social housing that will positively affect the applicants health, well-being, and social connections. It will also reduce homelessness and eases pressures on social care, health, and housing sectors.</li> </ul>
How could you mitigate against any negative impact to the ethnicity and race characteristic?	n/a
Please describe how this proposal does not impact people due to their race	

#### Protected Characteristic - Religion or Beliefs

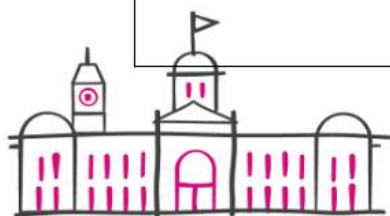
Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	Yes
What religions could be impacted by this proposal?	["No religion", "Christian", "Buddhist", "Hindu", "Jewish", "Muslim", "Sikh"]
Please describe any potential impact to the religion or beliefs characteristic	<p>Positive impact:</p> <p>The housing register will take applications from all regardless of religion or belief. Applications are assessed based on housing need. These units will be allocated to in line with our Allocations Policy.</p> <p>Impact:</p> <ul style="list-style-type: none"> <li>• <b>Reduced Waiting Times:</b> Appropriating these units for social housing use will decrease waiting times on the housing register for 213 applicants.</li> <li>• <b>Secure Tenancies:</b> Successful applicants, including potentially homeless households or existing tenants looking to downsize, will benefit from secure tenancies.</li> <li>• <b>Quality and Affordability:</b> These units offer good quality brand-</li> </ul>



	<p>new, social housing that is affordable and situated near essential amenities such as shops, schools, doctors, and support agencies within a diverse community, allowing applicants to build support networks required to sustain their tenancies.</p> <ul style="list-style-type: none"> <li>• <b>Health and Wellbeing:</b> These units will offer 213 applicants secure and stable good-quality social housing that will positively affect the applicants health, well-being, and social connections. It will also reduce homelessness and eases pressures on social care, health, and housing sectors.</li> </ul>
How could you mitigate against any negative impact to the religion or beliefs characteristic?	n/a
Please describe how this proposal does not impact people due to their religion or beliefs	

#### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	Yes
What sexual orientations may be impacted by this proposal?	["Straight or heterosexual", "Gay or lesbian", "Bisexual", "Pansexual", "Asexual", "Queer", "All other sexual orientations"]
Please describe any potential impact to the sexual orientation characteristic	<p>The housing register will take applications from all regardless of sexual orientation. Applications are assessed based on housing need. These units will be allocated to in line with our Allocations Policy.</p> <p>Service data however tell us that 89.9% of applicants identified as heterosexual or straight, 7.3% preferred not to say, 0.7% identified as gay or lesbian, and 0.3% as bisexual.</p> <p>Impact:</p> <ul style="list-style-type: none"> <li>• <b>Reduced Waiting Times:</b> Appropriating these units for social housing use will decrease waiting times on the housing register for 213 applicants.</li> <li>• <b>Secure Tenancies:</b> Successful applicants, including potentially homeless households or existing tenants looking to downsize, will benefit from secure tenancies.</li> <li>• <b>Quality and Affordability:</b> These units offer good quality</li> </ul>



	<p>brand-new, social housing that is affordable and situated near essential amenities such as shops, schools, doctors, and support agencies within a diverse community, allowing applicants to build support networks required to sustain their tenancies.</p> <ul style="list-style-type: none"> <li>• Health and Wellbeing: These units will offer 213 applicants secure and stable good-quality social housing that will positively affect the applicants health, well-being, and social connections. It will also reduce homelessness and eases pressures on social care, health, and housing sectors.</li> </ul>
How could you mitigate against any negative impact to the sexual orientation characteristic?	n/a
Please describe how this proposal does not impact people due to their sexual orientation	

### Monitoring

How will you ensure any adverse impact and mitigation measures are monitored?	This is a one off activity - Once the decision is made to move the block into social housing, day to day operational activity around the landlord function will be carried out as per existing policies and procedures within City Housing, and as such any arising impacts will be managed through these existing channels
Please enter the email address for the officer responsible for monitoring impact and mitigation	n/a







## Environment and Sustainability Assessment

<b>Project Title: Perry Barr Block 9 Appropriation</b>				
<b>Department: City Housing</b>	<b>Team: Strategy and Enabling</b>			<b>Person Responsible for assessment: Guy Chaundy</b>
<b>Date of assessment: 26/05/24</b>		<b>Is it a new or existing proposal? New</b>		
<b>Brief description of the proposal: Appropriation of Plot 9 at Perry Barr into the HRA for use as Social Housing</b>				
<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			X	The developments as part of the Perry Barr Regeneration Scheme will have had an impact on this area, but the options around sale to a third party or retention for Social Housing will have no new impact
Energy use and CO <sub>2</sub> emissions			X	The developments as part of the Perry Barr Regeneration Scheme will have had an impact on this area, but the options around sale to a third party or retention for Social Housing will have no new impact.
Impact on local green and open spaces and biodiversity			X	The developments as part of the Perry Barr Regeneration Scheme will have had an impact on this area, but the options around sale to a third party or retention for Social Housing will have no new impact
Use of sustainable products and equipment			X	The developments as part of the Perry Barr Regeneration Scheme will have had an impact on this area, but the options around sale to a third party or retention for Social Housing will have no new impact
Minimising waste			X	The developments as part of the Perry Barr Regeneration Scheme will have had an impact on this area, but the options around sale to a third party or retention for Social Housing will have no new impact. The plot includes

				mechanical heat ventilation and a high standard of fabric efficiency resulting in a 6.1% improvement beyond the minimum part L of building regulations. Absorbing units of a high build standard into the social housing stock assists the councils route to zero by reducing the future retrofit burden.
Council plan priority: a city that takes a leading role in tackling climate change	x			The inclusion of 213 modern units, with low carbon impact, will have a positive effect on the HRA stock overall carbon efficiency drive.
Overall conclusion on the environmental and sustainability impacts of the proposal	The developments as part of the Perry Barr Regeneration Scheme will have had an impact on this area, but the options around sale to a third party or retention for Social Housing will have no new impact. The plot includes mechanical heat ventilation and a high standard of fabric efficiency resulting in a 6.1% improvement beyond the minimum part L of building regulations. Absorbing units of a high build standard into the social housing stock assists the councils route to zero by reducing the future retrofit burden.			

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

23 July 2024



<b>Title:</b>	<b>LOCAL AUTHORITY HOUSING FUND – ROUND 3</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Jayne Francis, Cabinet Member for Housing and Homelessness
<b>Relevant Overview and Scrutiny Committee:</b>	Homes Overview and Scrutiny Committee
<b>Report Author:</b>	Ryan Ward, Property Acquisitions Programme Manager  City Housing 07920026609 Ryan.ward@the4OC.com
<b>Authorised by:</b>	Paul Langford, Strategic Director City Housing
<b>Is this a Key Decision?</b>	Yes
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes – 012890/2024
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for ‘call in?’</b>	Yes
<b>If not eligible, please provide reason(s):</b>	Not Applicable
<b>Wards:</b>	All
<b>Does this report contain exempt or confidential information?</b>	No

**Has this decision been included on the Notification of Intention to consider Matters in Private?**      No

**Reasons why not included on the Notification:**      If yes, list reason(s). If no, insert 'Not Applicable'.

## **1 EXECUTIVE SUMMARY**

- 1.1 The Council was approached by Department of Levelling Up, Housing and Communities (DLUHC) on 7th March confirming Birmingham had been identified as eligible for Local Authority Housing Fund R3 (LAHF3) capital grant, with an indicative allocation of £6,616,500 to deliver 59 homes and an additional £51,625 in revenue grant to support the delivery of the programme.
- 1.2 As with previous rounds of LAHF it is likely that the Council's allocation will increase during the lifecycle of the scheme which extends to March 2026.
- 1.3 On 23rd April 2024 Cabinet accepted this indicative allocation and authorised Strategic Director, City Housing, or their delegate, to sign a memorandum of understanding with DLUHC by the deadline of 31st May 2024.
- 1.4 In April officers committed to providing Cabinet with further information on the financial implications of delivering the additional homes before seeking authorisation to drawdown on the grant funding, this paper sets out to do that.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendations.

## **3 RECOMMENDATIONS**

### **That Cabinet:**

- 3.1 Approves drawdown of the Councils LAHF3 grant allocation to support the acquisition of family homes for use as Temporary Accommodation and settled accommodation for Afghan Refugees, including any additional grant allocations offered to the Council under the same scheme up to March 2026.
- 3.2 Approves the resettlement of 13 Afghan families into Birmingham who qualify for resettlement in the UK via the Afghan Citizens Resettlement Scheme (ACRS).
- 3.3 Approves the use of up to £6m of additional HRA capital borrowing to support the acquisition of properties to meet the terms of LAHF3.
- 3.4 Authorises the Strategic Director, City Housing (or their delegate) to accept further LAHF grant funding via DLUHC where the grant can be used to support the property acquisitions programme.
- 3.5 Authorises the City Solicitor (or their delegate) to negotiate, agree and complete all legal documents necessary to give effect to the above recommendations.

## **4 KEY INFORMATION**

### **Context**

- 4.1 The Property Acquisitions Programme mobilised in July 2022 with the objective of acquiring up to 230 family sized homes for use as Temporary Accommodation (TA) funded with £60m of capital funding. This programme forms an integral part

of the 'Reducing Homelessness Strategy' by increasing social housing supply in the city and reducing the costs of housing homeless families in B&B accommodation.

- 4.2 Up to May 2<sup>nd</sup>, 2024, the programme had acquired 240 properties of which 184 were let; generating £1m in rental income and £1.75m in B&B savings to date. A further 56 properties are undergoing remedial work prior to letting with a further 53 properties in the active pipeline due to be purchased.
- 4.3 To date, the Council has successfully bid for £28.9m of DLUHC grant funding via LAHF Rounds 1 & 2 and the Single Homeless Accommodation Project funding streams, subsidising 276 acquisitions, which has enabled the programme to increase its acquisitions target to 310 homes, and reducing the level of HRA borrowing by £15.37m.
- 4.4 Use of LAHF3 funding with up to £6m of additional HRA capital borrowing will enable the Council to deliver a minimum of 59 additional homes for use as social housing; 46 for TA and 13 as settled accommodation for Afghan refugee families. As in other rounds, the Council's grant allocation may increase during the lifetime of the scheme, up to March 2026.
- 4.5 LAHF Rounds 1 & 2 has provided 16 TA homes for Afghan Refugee families and 40 TA homes for Ukrainian Refugee families to date. LAHF3 will provide and additions 13 homes to Afghan Refugee families, as settled accommodation.

### **Proposal and Reasons for Recommendations**

- 4.6 It is proposed that all properties purchased for LAHF3 will be purchased through the existing Property Acquisitions Programme processes and governance arrangements up to March 2026.
- 4.7 The LAHF R3 grant allocation provides an additional 10% uplift in grant for any acquisitions that increase housing supply in the city. DLUHC have confirmed this can include the purchase of new build properties via national housing developers, SME builders or social housing developments including BMHT units.
- 4.8 To date the programme has acquired five new build units with a further 18 in the pipeline for completion by end of May 2024. The intention is for the Property Acquisitions programme to prioritise new build opportunities going forward to maximise the 10% uplift in grant available (c. £12k per property).
- 4.9 Additionally, the programme will continue to prioritise the acquisition of Supported Exempt properties and Right to Buy resales where the Council has a right of first refusal.
- 4.10 The Programme will consider all sources of suitable properties including, but not limited to.
  - 4.10.1 the open market via local agents
  - 4.10.2 Right of First Refusal buy backs via internal referral

4.10.3 private sector landlord disposals including support exempt accommodation

4.10.4 empty homes made available via BCC compulsory purchase orders

4.10.5 new developments built by SME house builders, national housebuilders or BMHT

4.11 It is proposed that City Housing and Adult Services Resettlement Officers will work collaboratively with the Home Office to identify, allocate and house the 13 Afghan Refugee families using the existing process used for Rounds 1 & 2.

4.12 The Property Acquisitions programme has successfully delivered 240 homes to date, utilising grant funding to provide an additional 80 homes when complete and reducing the Council's HRA borrowing by £15.37m. This proposal represents the best value for money option for increasing housing supply at pace.

### **Other Options Considered**

#### **Option 2. Do not accept LAHF3 grant allocation from DLUHC.**

4.13 This option has not been considered as it does not represent value for money for the Council.

#### **Option 3. Accept LAHF3 grant allocation, do not increase HRA borrowing.**

4.14 This option has not been considered as there is insufficient budget remaining in the programme to enable the Council to purchase an additional 59 properties as required for LAHF3.

4.15 As of 2<sup>nd</sup> May there is an estimated £2.85m of programme budget unallocated, funding for only 10 additional properties.

#### **Option 4. Accept LAHF3 grant allocation, do not agree to resettle 13 Afghan families.**

4.16 This option has not been proposed as LAHF3 rules state that the resettlement allocation element must be accepted and delivered to qualify for grant.

## **5 RISK MANAGEMENT**

5.1 Key risks and mitigations are set out in the table below

<b>Key Risk</b>	<b>Impact</b> low/medium/high	<b>Likelihood</b> low/medium/high	<b>Mitigation</b>
The Council is not able to purchase the required number of properties in the time available	High	Low	The existing property acquisition scheme has acquired 240 properties to date at a rate of 10-12 per month. The programme is well established, and the property market has sufficient supply to meet the needs of LAHF3.
The Council makes a financial loss compared to business as usual	Medium	Low	Acquiring properties and increasing housing supply provides a long-term saving to the Council. The average cost of an acquisition (with use of grant funding) is £140k. Rental income and B&B savings delivered per property ensure investment is recovered within 6 years.

## **6 CONSULTATION**

- 6.1 This paper has been prepared in consultation with Officers in City Housing, Adult Services and Finance.

## **7 MEMBER ENGAGEMENT**

### **Ward Councillor(s)**

- 7.1 Not applicable

### **Overview and Scrutiny**

- 7.2 Report shared with Councillor Jamie Tennant, Homes Overview and Scrutiny for comment.

## **8 IMPACT AND IMPLICATIONS**

### **Finance**

- 8.1 The R3 grant funds a portion of each property purchased, and this will be funded by the HRA capital budget but requires approximately £6m capital funding from the Housing Revenue Account to reach the purchase price of each property. This amount will vary depending on the price of each property purchased. Although not originally in the published HRA Business Plan, a review has been undertaken and approved by the S151 Officer which shows that additional HRA borrowing can be afforded without impacting on the investment levels in our existing stock. Given the value for money from having the grant funding, that borrowing capacity should be directed to this opportunity to proceed with the recommendations pertained in this report.
- 8.2 The recommendations provide value for money to the Council, enabling it to acquire up to 104 additional housing units at a subsidised cost of around £140k



for a family home. Properties purchased with this grant, once let, will be contributing to the revenue income of both the General Fund and HRA, and cost neutral within 6 years. Further, by providing supply which can be used as short-term temporary accommodation, it progresses the focus on reducing cost pressures in this area of the General Fund.

- 8.3 The 91 homes bought as general use will be dispersed to Temporary Accommodation, and let without Assured Shorthold tenancy, excluding these properties from Right to Buy during this time. DLUHC have confirmed that the 13 homes acquired as settled housing for Afghan families should be let on a long-term basis, and so will be subject to existing Right to Buy legislation in line with other General Needs housing stock.
- 8.4 Additional grant is available, and will be applied for, by Adult Services to contribute to the support costs for Afghan families qualifying via ACRS. Grant for previous rounds has been sufficient to cover 100% of these support costs.
- 8.5 Acquisition of properties using DLUHC grant also provides the Council with a SDLT relief, at an average saving of £7k per property, providing further value for money.

### **Legal**

- 8.6 There are no legal implications arising from the recommendations in this report.

### **Equalities**

- 8.7 An Equalities Impact Assessment has been completed for previous rounds of LAHF funding and a further assessment is not required for this paper.
- 8.8 The EIA is appended to this report.

### **Procurement**

- 8.9 There are no procurement implications arising from the recommendations in this report.

### **People Services**

- 8.10 There are no staffing implications arising from the recommendations in this report.

### **Climate Change, Nature and Net Zero**

- 8.11 Properties acquired with LAHF R3 and HRA funding will be required to meet an EPC rating of least C69 before being let. Properties with a potential to reach EPC B, with future investment will be prioritised over those that can are unable to meet EPC B.
- 8.12 The Environmental Impact Assessment is appended to this report.

### **Corporate Parenting**

- 8.13 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

## **9 APPENDICES**

- 9.1 Appendix A – [Memorandum of Understanding LAHF R3](#)
- 9.2 Appendix B – Equality Assessment
- 9.3 Appendix C – Environmental Sustainability Assessment
- 9.4 Appendix D – Letter to Chief Executive

## **10 BACKGROUND PAPERS**

- 10.1 [Department for Levelling Up, Housing & Communities – Local Authority Housing Fund Prospectus and Guidance](#)

# MEMORANDUM OF UNDERSTANDING

*Between*

**Department for Levelling Up, Housing and Communities**

*-and-*

**LA Name**

## **1. Purpose**

- 1.1. This Memorandum of Understanding ('MOU') sets out the agreed working relationship between the Department for Levelling Up, Housing and Communities ('DLUHC') and **LA Name** ('the Council') regarding the administration and delivery of the Local Authority Housing Fund – third funding round ('LAHF R3').
- 1.2. This MOU will be for the period 2024/25-2025/26. It will be reviewed and updated only where either of the signatories deem it necessary, in which case it will require joint agreement. Further detail on changing the MOU is set out in Paragraph 4.5.
- 1.3. This MOU is not intended to create legal or binding obligations. It describes the understanding between both parties for the use of funding specified in Section 3 of this agreement.

## **2. Background**

- 2.1. LAHF R3 was launched in March 2024. The details of the fund were shared with the Council in the document 'Local Authority Housing Fund - third funding round: Prospectus and Guidance' ('the Prospectus').
- 2.2. LAHF R3 is a £450m grant fund, with objectives to:
  - Reduce local housing pressures and use of expensive and unsuitable accommodation, by providing better quality temporary accommodation to those owed homelessness duties by local authorities.
  - Reduce temporary accommodation costs.
  - Provide sustainable settled housing to those on ACRS so that they can build new lives in the UK, find employment and integrate into communities.
  - Support local housing markets by assisting the delivery of new housing stock or new developments to grow overall housing supply.

- 2.3. DLUHC has accepted the Council's plan to provide **X** homes ('the total delivery target') under LAHF R3, and DLUHC will provide a capital grant of **£X** ('the total allocation'). This will be provided as **£X** in 2024-2025 ('the Year 1 allocation') and **£X** in 2025-2026 ('the Year 2 allocation'). The Council agrees the following targets to deliver at least:
- **X** properties to be allocated to households that meet the **TA element** eligibility criteria outlined in section 5.1 of the Prospectus.
  - **X** properties for households that meet the **R3 resettlement element** eligibility criteria outlined in section 5.2 of the Prospectus;
  - **X** properties (4+ bed) for households that meet the **R3 large resettlement element** eligibility criteria outlined in section 5.2 of the Prospectus.
- 2.4. DLUHC will also provide **£X** in revenue funding in 2024-2025 to the Council.
- 2.5. This MOU covers the funding commitments from DLUHC and the delivery, financial expenditure, agreed milestones, reporting and evaluation, and communications between the Parties. It also sets out the steps DLUHC could take in the event of underperformance if required.

### 3. Purpose of the Funding

- 3.1. LAHF R3 funding has been provided specifically for spending on LAHF R3 priorities and the Council agrees to spend LAHF R3 funding on activity set out in this MOU as agreed with DLUHC or subsequently agreed with DLUHC as per Paragraph 4.5.
- 3.2. DLUHC will part fund the cost of the Council obtaining properties for use by households that meet the eligibility criteria. The Council will use its best endeavours to meet the delivery target and to achieve value for money.
- 3.3. For the **TA element** and the **R3 resettlement element**, DLUHC's contributory share of capital funding ('the base grant rate') has been calculated as 40% of the costs of each acquisition or refurbishment that the council charges to its capital budget plus £21,000 per property. Eligible costs funded by the 40% and the £21,000 per property could include the purchase price, stamp duty, surveying, legal and other fees, refurbishments, energy efficiency measures, decoration, furnishings, or otherwise preparing the property for rent and potentially irrecoverable VAT incurred on these items. The Council should ensure it complies with the Code of Practice for Local Authority Accounting.

- 3.4. For the **R3 large resettlement element**, the base grant rate has been calculated as 50% of the costs of each acquisition or refurbishment that the council charges to its capital budget plus £21,000 per property. Eligible costs funded by the 50% and the £21,000 per property could include the purchase price, stamp duty, surveying, legal and other fees, refurbishments, energy efficiency measures, decoration, furnishings, or otherwise preparing the property for rent and potentially irrecoverable VAT incurred on these items. The Council should ensure it complies with the Code of Practice for Local Authority Accounting.
- 3.5. DLUHC has also agreed to provide a 10% uplift to the grant rate for each property that is a new home ('the new home uplift'). A new home is a property that will be delivered in FYs 24/25 or 25/26 as a direct new development, an 'Off-the-shelf' new build property purchased from developers, a property that has its use converted (delivering an extra residential unit) or a property that has its use changed (delivering an extra residential unit). The Council has agreed to deliver at least the following as new homes ('the new home target'):
- **X** TA element or R3 resettlement element properties
  - **X** R3 large resettlement element properties
- 3.6. The Council may determine how it uses the base grant rate, the new home uplift and the £21,000 per property and how much is to be spent on each individual property as long as the delivery target and the new home target is met.
- 3.7. The Council or its delivery partner(s) will fund the outstanding sum required for each property.
- 3.8. The funding will be provided by DLUHC in four tranches. The 'Tranche 1 allocation' is 30% of the Year 1 allocation. The 'Tranche 2 allocation' is 70% of the Year 1 allocation. The 'Tranche 3 allocation' and the 'Tranche 4 allocation' are both 50% of the Year 2 allocation. All tranches are set out in Table 1.

*Table 1 – Capital funding allocation*

	Tranche 1 allocation	Tranche 2 allocation	Tranche 3 allocation	Tranche 4 allocation	Total allocation
<b>Total funding</b>	£ <b>X</b>	£ <b>X</b>	£ <b>X</b>	£ <b>X</b>	£ <b>X</b>

- 3.9. Revenue funding has been provided to the Council for any activities which support delivery of the total allocation, including but not limited to programme/ administration resource or professional services (e.g. fees, conveyancing). Revenue funding will be paid in full alongside the Tranche 1 allocation.

## 4. Delivery Profile

- 4.1. Delivery of the fund will be measured on the basis of exchange of contracts, or equivalent milestone where exchange of contract will not occur, and the number of households accommodated in the properties. Any variations to this, and necessary changes to the MOU, will need to be agreed by the parties and an amendment to this MOU made.
- 4.2. Funding outlined in Table 1 is provided to deliver the total delivery target. The Council agrees to make best endeavours to meet the total delivery target by 31 March 2026.
- 4.3. The Council agrees to deliver **X** properties in financial year 2024-25 ('the Year 1 delivery target') and **X** properties in financial year 2025-26. The property types that the Council agrees to delivery is each year is outlined in Table 2.

*Table 2 – delivery profile*

Property type	Year 1 delivery target (2024-25)	Year 2 delivery target (2025-26)	Total delivery target
TA element	<b>X</b>	<b>X</b>	<b>X</b>
R3 resettlement element	<b>X</b>	<b>X</b>	<b>X</b>
R3 large resettlement element	<b>X</b>	<b>X</b>	<b>X</b>
All property types	<b>X</b>	<b>X</b>	<b>X</b>

- 4.4. This MOU is for the full term of the total allocation unless signatories agree to change as per Paragraph 4.5. A further Grant Determination Letter (GDL) will be provided following confirmation of each tranche payment.
- 4.5. DLUHC and the Council both have the right to request a change to the MOU. With regards to changing the target number of units, the Council may ask for either a higher or lower target. Any proposed change will impact the amount of funding received (as set out in the Prospectus) unless the Council is seeking to deliver more units for the same amount of money. Requests will be considered based on the progress of the reallocations process as outlined in Section 11 of the Prospectus and confirmed in writing.

## 5. Financial Arrangements

- 5.1. The agreed funds will be issued to the Council as grant payments under section 31 of the Local Government Act 2003. The Council may pass on the funding to a third party (e.g. Registered Providers) as appropriate to deliver the delivery target, complying with the Subsidy Control Act 2022.
- 5.2. Table 3 sets out the timetable for payments to be made to the Council. The earliest payment date for the Tranche 1 allocation is in April 2024. The Tranche 2 allocation will be paid once the Council has demonstrated that at least 60% of the Tranche 1 allocation has been committed ('the Tranche 2 spend requirement') via a Section 151 officer Statement of Grant Usage.
- 5.3. The Tranche 3 allocation will be paid once the Council has demonstrated that at least 80% of the Tranche 1 and Tranche 2 allocations has been committed ('the Tranche 3 spend requirement') via a Section 151 officer Statement of Grant Usage.
- 5.4. The Tranche 4 allocation will be paid once the Council has demonstrated that at least 80% of the Tranche 1, Tranche 2 and Tranche 3 allocations has been committed ('the Tranche 4 spend requirement') via a Section 151 officer Statement of Grant Usage.
- 5.5. Should the Council not meet the spend requirement for Tranche 2, 3 or 4 payments by the dates set out in Table 3, DLUHC will consider putting in place further payment dates.
- 5.6. The Council may wish to return unspent monies to the Department.
- 5.7. DLUHC reserves the right to request the return of some or all of the capital and resource funding if the Council significantly reduces its agreed delivery target or withdraws from LAHF R3 completely.

*Table 3 – Payments timetable*

<b>Payment milestone</b>	<b>Requirements for payment milestone</b>	<b>Payment by</b>
<b>Tranche 1</b> <b>(30% of total Year 1 capital allocation)</b> <b>100% of programme revenue allocation</b>	MOU signed with DLUHC	By 15 May 2024 (if a MOU is signed by 5 April) or By 14 June 2024 (if a MOU is signed by 6 May)

<b>Tranche 2</b> <b>(70% of Year 1 capital allocation)</b>	<p>Statement of Grant Usage (SOGU) demonstrating <u>60% of the Tranche 1</u> first tranche has been committed*, AND</p> <p>Relevant monitoring information (MI) submitted</p>	<p>By 2 September 2024 (if SOGU provided by 5 August) and all MI submitted to schedule.</p> <p>or</p> <p>By 4 November 2024 (if SOGU provided by 7 October) and all MI submitted to schedule.</p> <p>(With further payment windows in January 2025, and March 2025 deadlines TBC)</p>
<p>Please note that Year 2 allocation can be paid in full, in a combined tranche 3 &amp; 4 payment if the relevant milestone is met and SOGU submitted by relevant deadline<sup>1</sup>.</p>		
<b>Tranche 3</b> <b>(50% of Year 2 capital allocation)</b>	<p>Statement of Grant Usage (SOGU) demonstrating <u>80% of the Tranches 1 and 2</u> has been committed*, AND</p> <p>Relevant monitoring information (MI) submitted</p>	<p>By 2 June 2025 (if SOGU provided by 12 May) and all MI submitted to schedule.</p> <p>Or</p> <p>By 4 July 2025 (if SOGU provided by 2 June) and all MI submitted to schedule.</p> <p>(With further payment windows in September 2025, November 2025, January 2026, and March 2026 deadlines TBC)</p>

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<sup>1</sup> For local authorities seeking to accelerate delivery, a combined tranche 3 & 4 payment can be made. The SOGU needs to demonstrate the local authority has committed 80% of the combined Tranche 1, 2 and 3 total. Note that the tranche 3 payment may not yet have been paid to the local authority.



<b>Tranche 4</b> <b>(50% of Year 2 capital allocation)</b>	Statement of Grant Usage (SOGU) demonstrating <u>80% of the Tranches 1, 2 and 3</u> has been committed*, AND  Relevant monitoring information (MI)	By 2 June 2025 (if SOGU provided by 12 May) and all MI submitted to schedule.  Or  By 4 July 2025 (if SOGU provided by 2 June) and all MI submitted to schedule.  (With further payment windows in September 2025, November 2025, January 2026, and March 2026 deadlines TBC)
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\* Note: committed spend in table 1 refers only to capital grant spend (and does not include revenue grant spend)

## 6. Charging Affordable Rents for LAHF R3 funded homes

- 6.1. The LAHF Prospectus specifies “It is up to local authorities to determine the precise rent level and tenure of homes in line with the fund objectives. This could include...Affordable Rent.”
- 6.2. The Rent Standard <https://www.gov.uk/government/publications/rent-standard/rent-standard-april-2023-accessible-version> provides that Affordable Rents may be charged only in limited circumstances.
- 6.3. This MOU records the agreement between the Secretary of State and the Council that relevant accommodation, provided by the Council or a partner Registered Provider pursuant to LAHF grant funding, is permitted to be let at an Affordable Rent, and that accordingly that an Affordable Rent may be charged for such accommodation in accordance with paragraph 3.8b of the Rent Standard - April 2023.
- 6.4. In Paragraph 6.3, “relevant accommodation” means accommodation:
  - in the Council area;
  - which is being used to further the LAHF objectives set out at paragraph 2.3 of the MOU;
  - which has never been let at a social rent; and
  - where the accommodation is provided by a partner Registered Provider, for which the Council has agreed that the partner Registered Provider may charge affordable rent.

## 7. Roles and Responsibilities

### DLUHC Responsibilities

- 7.1. DLUHC is responsible for setting national housing policy, providing grant(s) to the Council and monitoring the delivery of homes.

### Council Responsibilities (fund delivery)

- 7.2. The Council will make housing investment decisions, review existing housing policies and products, maximise leverage of this public sector investment and ensure that funds provide value for money and are deliverable within the timescale of the fund. The Council may work in partnership with private Registered Providers, local authority housing companies or other bodies to deliver homes. The Council will also report on the fund by providing Management Information (MI) as set out in **Annex A** of this MOU and will work with DLUHC to ensure they have the capability to deliver the fund and provide MI within the set timescales.
- 7.3. The Council is expected to have the necessary governance and assurance arrangements in place and that all legal and other statutory obligations and consents will be adhered to, which may include, but not solely:
- **subsidy control**, at all levels e.g. the funding the Council allocates to project deliverers and subsidies that project deliverers provide to third parties.
  - **equalities duties**, the Council must ensure that all LAHF funded activity is delivered in accordance with its obligations under the public sector equality duty (PSED)
  - **procurement**, the Council must ensure that the allocation of funding to project deliverers that constitutes a procurement is managed in compliance with the public contract regulations
  - **fraud**, the Council must ensure that robust arrangements are in place to manage fraud risk, including ensuring that project deliverers have robust fraud risk management process and paying particular attention to projects that involve the payment of grants to beneficiaries e.g. businesses.
- 7.4. The Council's Section 151 Officer is expected to ensure that these legal duties and all other relevant duties are considered and that delivery of LAHF investment is carried out with propriety, regularity and value for money.

### Council Responsibilities (Affordable Rents – where required by LAs)

- 7.5. The Council should note (and remind partner Registered Providers) that conversion of social rent properties to affordable rent is not permitted pursuant to paragraph 3.15 of the Rent Standard other than in the circumstances set out in chapter 2 of the Rent Policy Statement.
- 7.6. Where the Council has agreed that a partner Registered Provider may charge affordable rent, the Council will confirm to the Registered Provider that the Registered Provider may charge affordable rent in accordance with Paragraph 6.3 of this MOU.
- 7.7. The Council will require partner Registered Providers to provide details to the Council of any accommodation provided pursuant to LAHF grant funding for which Affordable Rent is charged.
- 7.8. The Council will maintain a register of any accommodation provided pursuant to LAHF grant funding for which it or a partner Registered Provider is charging Affordable Rent. This register should be available for inspection upon request by either DLUHC or the Regulator for Social Housing. The fields of information required in register are specified in **Annex C**.

## **8. Monitoring Arrangements and Accountability**

- 8.1. The Council will put in place appropriate governance and oversight arrangements to ensure that delivery of housing is on track and that plans remain ambitious and provide value for money.

### Reporting Arrangements

- 8.2. The Council has agreed to provide reporting information to DLUHC on fund allocations and delivery. The Council will be asked to provide a mix of quantitative and qualitative summary updates to DLUHC; a full list of MI can be found in **Annex A**.
- 8.3. The first report will be due in July 2024 and then every two months thereafter, until the Council's programme has completed. The schedule for monitoring reports is outlined in **Annex B**.
- 8.4. Spend outturn and forecast should be signed off by the Section 151 officer or deputy Section 151 officer.
- 8.5. A Statement of Grant Usage Section 151 officer or deputy Section 151 officer should be submitted when:
  - at least 60% of the Tranche 1 allocation has been committed

- at least 80% of the Tranche 1 and 2 allocations has been committed
  - at least 80% of the Trance 1, 2 and 3 allocations has been committed
- 8.6. The Council also agrees to work with the department to provide any reasonable additional MI as and when requested by the DLUHC Senior Reporting Officer (SRO). DLUHC will provide an appropriate amount of time to return any additional MI requests.
- 8.7. The Council agrees to work collaboratively with any requests from DLUHC to support any retrospective assessment or evaluation as to the impact or value for money of LAHF. As a minimum, the Council is expected to monitor spend, outputs and outcomes against agreed indicators and keep this information for at least 5 years.

## 9. Governance & Assurance

- 9.1. The Council is expected to ensure that all legal and other statutory obligations and consents will be adhered to, which may include, but not solely, state aid / subsidy control, equalities duties, procurement, health and safety, and fraud prevention. The Council has prerogative to establish internal governance and assurance arrangements as they see fit to achieve this.
- 9.2. The Council will ensure data can be shared for the prevention and detection of fraud by including the following clause in all agreements with companies or external entities in relation to LAHF – including, but not limited to, property contracts, professional services contracts, construction contracts and lease agreements:
- “Data may be shared with other enforcement agencies for the prevention and detection of crime.”

### Signed for and on behalf of DLUHC

Signature:

Name:

Position:

Date:

### Signed for and on behalf of **LA Name**

Signature:

Name:  
Position:

Date:

SAMPLE

## **Annex A – Reporting and Monitoring Arrangements**

### **Scope and Purpose**

1. This annex sets out the agreed reporting and monitoring arrangements for LAHF, including the expected frequency and content of the regular reports that the Council will provide to DLUHC.

### **DLUHC Role**

2. DLUHC will support the running of the fund and maintain a national picture of delivery by putting in place a proportionate monitoring and governance framework. This will include a fund governance board(s) attended by the DLUHC Senior Reporting Officer (SRO) and other relevant stakeholders. Wherever possible DLUHC will avoid duplication of requests towards the Council.

### **Council Role**

3. Day-to-day project monitoring and delivery responsibilities will be delegated to the Council. The Council will submit reports to DLUHC in accordance with the agreed timescales and frequency set out in the MoU. The Council will also work with DLUHC to provide any reasonable additional MI required as and when requested by the DLUHC Senior Reporting Officer. DLUHC will provide an appropriate amount of time to return any additional MI requests.

### **Management Information (MI)**

4. The list of MI is split between operational data – required for monitoring the ongoing fund delivery (Table 3) and evaluation data (Table 4) required to assess the strategy-level success of the fund and inform future policy development. Tables 4 and 5 present the required routine MI and is subject to change, with agreement by DLUHC and the Council. For MI and payment purposes, “committed spend” is considered funding which has been allocated to a property where there has been an exchange of contracts or equivalent milestone where exchange of contract will not occur.

*Table 3 – Monitoring Data*

Item	Frequency
Number of properties where contracts exchanged, including: <ul style="list-style-type: none"> <li>• bedroom size</li> <li>• whether located in another borough area</li> <li>• who will own the dwellings</li> <li>• how properties obtained</li> </ul>	Every 2 months
Number of properties occupied/ ready to let, including bedroom size	Every 2 months
Number of resettlement scheme households housed	Every 2 months
Number of pending resettlement scheme properties pre-matched to current/ former bridging hotel households	Every 2 months
Total expenditure (incl grant and other funding)	Every 2 months
Total committed spend (incl grant and other funding)	Every 2 months
DLUHC grant used	Every 2 months
Overall assessment (RAG rated) of whether delivery is on track as determined by the responsible Council officer	Every 2 months

*Table 4 – Evaluation Data*

Item	Frequency
How properties have been sourced (e.g. through stock acquisition or another delivery route)	In April 2026 and thereafter upon request to aid with evaluation of the fund
How the Council has funded its contributory share	
Breakdown of resettlement scheme households housed by previous housing situation, e.g. in bridging hotel, in LA emergency accommodation/temporary accommodation	
Tenancy duration	
Rent levels	
Number of properties obtained outside the local authority's area, if applicable, and where these are located.	

- In addition, to enable the assessment of relative value for money and to assist with future spending reviews, we may occasionally ask for additional information including details of how the fund is delivered and housing market conditions. This will provide important data to support future policy developments and will also support engagement with HM Treasury. This information will be provided to agreed timeframes when requested by DLUHC.
- Should the Council wish to amend and/or not collect any of these proposed data points, they should submit a proposal to DLUHC for agreement.

### Frequency of Reporting

- The Council will be asked to provide reports every two months. The schedule for monitoring reports is outlined in Annex B.

### **Data Consistency**

8. DLUHC and the Council have a shared commitment to ensure that, for clarity and transparency purposes, consistent methods of recording outputs are maintained. It is expected that the provided reporting will be robust, accurate and quality assured to a high standard. As such minimal revisions would be expected – although, where these are required, DLUHC should be advised as soon as practical.

### **Use of Material Provided**

9. DLUHC will use the provided material to monitor delivery nationally.

SAMPLE



## Annex B – Monitoring Milestones

1. The Council is requested to submit the monitoring information summarised in **Annex A** via a Microsoft Form every two months by 5pm on the dates outlined below. DLUHC will provide the link to the form directly to the Council well in advance of each touchpoint date.
2. DLUHC will provide full guidance for submitting the form directly well in advance of each touchpoint date.

*Table 5 – Monitoring Touchpoint Dates*

Monitoring touchpoint	Microsoft Form to be submitted by 5pm on the following dates
Touchpoint 1	01 July 2024
Touchpoint 2	02 September 2024
Touchpoint 3	04 November 2024
Touchpoint 4	06 January 2025
Touchpoints 5-12	TBC
Evaluation	April 2026

## **Annex C – Register of LAHF accommodation for which an Affordable Rent is charged**

This annex sets out the agreed information which will be contained in the Council's Register of LAHF accommodation for which an Affordable Rent is charged.

This register should be available for inspection upon request by either DLUHC or the Regulator for Social Housing.

Property address			
Completion date			
Name of Registered Provider			
Registration Code			

(Note: The Council is not required to submit this information as part of regular delivery monitoring submissions.)

## EQUALITY IMPACT ASSESSMENT

Local Authority Housing Fund (LAHF) Additional Grant  
to Support acquisition of Accommodation for Homeless  
Families with Dependants in Birmingham

Reference: EIA000366

Date: 12/02/2024

Submitted by: Hayley Prime



### EIA Form – About your EIA

Reference number	EIA000366
Date Submitted	12/02/2024
Subject of the EIA	Local Authority Housing Fund (LAHF) Additional Grant to Support acquisition of Accommodation for Homeless Families with Dependants in Birmingham
Brief description of the policy, service or function covered by the EIA	To obtain Cabinet approval to bid and accept grant to support acquisition of properties to accommodate homeless families with dependents
Equality Assessment is in support of...	["Amended service"]
How frequently will you review impact and mitigation measures identified in this EIA?	No preference
Due date of the first review	2024-02-12

### Directorate, Division & Service Area

Which directorate(s) are responsible for this EIA?	["City Housing"]
Division	Housing Solutions & Support
Service area	Homelessness Property Acquisition
Budget Saving	No

### Officers

What is the responsible officer's email address?	Hayley Prime
What is the accountable officer's email address?	jennifer.tennant-foster@birmingham.gov.uk

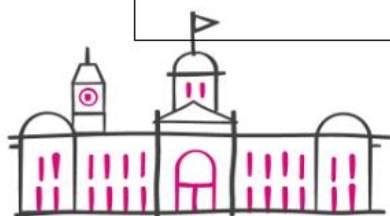
### Data Sources

Data sources	["Relevant reports/strategies"]
Data source details	

### Protected Characteristics

#### Protected Characteristic – Age

Does this proposal impact people due to their age as per the Equality Act 2010?	Yes
What age groups are impacted by your proposal?	["20-29 years", "30-39 years", "40-49 years", "50-59 years", "60-69 years", "70-79 years", "80-89 years", "90 years or over"]



Please describe the impact to the age characteristic	No negative impact identified. Provision of better quality, more settled accommodation for homeless families will improve the life chances of the children within those families
How will you mitigate against any negative impact to the age characteristic?	No negative impact identified. Provision of better quality, more settled accommodation for homeless families will improve the life chances of the children within those families

#### Protected Characteristic – Disability

Does this proposal impact those people with a disability as per the Equality Act 2010?	Yes
Please describe the impact to the disability characteristic	No negative impact identified. Provision of better quality, more settled accommodation for homeless families will improve the life chances of the children within those families
How will you mitigate against any negative impact to the disability characteristic?	No negative impact identified. Provision of better quality, more settled accommodation for homeless families will improve the life chances of the children within those families

#### Protected Characteristic – Sex

Does this proposal impact citizens based on their sex as per the Equality Act 2010?	Yes
What sexes will be impacted by this proposal?	["Female"]
Please describe the impact to the sex characteristic	It is possible that some of the homeless families will be single parent families led by women. Provision of better quality, more settled accommodation for these families will improve the life chances of women with those families.
How will you mitigate against any negative impact to the sex characteristic?	No Negative Impact

#### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	No
Please describe the impact to the gender reassignment characteristic	





How will you mitigate against any negative impact to the gender reassignment characteristic?

#### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?

No

What legal marital or registered civil partnership status will be impacted by this proposal?

Please describe the impact to the marriage and civil partnership characteristic

How will you mitigate against any negative impact to the marriage and civil partnership characteristic?

#### Protected Characteristic - Pregnancy and Maternity

Does this proposal impact people covered by the Equality Act 2010 under the protected characteristic of pregnancy and maternity?

No

Please describe the impact to the pregnancy and maternity characteristic

How will you mitigate against any negative impact to the pregnancy and maternity characteristic?

#### Protected Characteristic - Ethnicity and Race

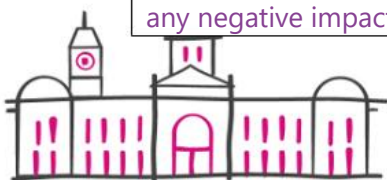
Does this proposal impact people due to their race as per the Equality Act 2010?

No

What ethnic groups would be impacted by this proposal?

Please describe the impact to the ethnicity and race characteristic

How will you mitigate against any negative impact to the





ethnicity and race characteristic?	
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#### Protected Characteristic - Religion or Beliefs

Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	No
What religions could be impacted by this proposal?	
Please describe the impact to the religion or beliefs characteristic	
How will you mitigate against any negative impact to the religion or beliefs characteristic?	

#### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	No
What sexual orientations may be impacted by this proposal?	
Please describe the impact to the sexual orientation characteristic	
How will you mitigate against any negative impact to the sexual orientation characteristic?	

#### Monitoring

How will you ensure any adverse impact and mitigation measures are monitored?	No adverse impact
Please enter the email address for the officer responsible for monitoring impact and mitigation	jennifer.tennant-foster@birmingham.gov.uk







## Appendix C

### Environment and Sustainability Assessment

<b>Project Title:</b> Local Authority Housing Fund Round 3				
<b>Department:</b> City Housing		<b>Team:</b> Housing Solutions		<b>Person Responsible for assessment:</b> Ryan Ward
<b>Date of assessment:</b> 07/02/2024		<b>Is it a new or existing proposal?</b> New, but relates to existing homelessness property acquisition scheme		
<b>Brief description of the proposal:</b> DLUHC Capital Grant to subsidise acquisition of street properties to provide temporary accommodation for homeless households in Birmingham				
<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			x	
Energy use and CO <sub>2</sub> emissions	x			Some acquired properties will have works done to improve energy efficiency prior to letting. All properties will be brought up to at least an EPC C rating. Works to achieve this may include replacement of single glazed windows with double glazed, replacement UPVC windows, replacement of old boilers with ASHP or AAA boilers, replacement of radiators, roof repairs.
Impact on local green and open spaces and biodiversity			x	
Use of sustainable products and equipment			x	
Minimising waste			x	

Council plan priority: a city that takes a leading role in tackling climate change			x	
Overall conclusion on the environmental and sustainability impacts of the proposal	The proposal involves purchase and, if necessary, renovation and repair of existing properties, which will then be let as temporary accommodation. Environmental impact will either be neutral or positive where the energy efficiency of properties is improved.			

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

**Subject:** Local Authority Housing Fund Round 3 - Allocations letter

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OFFICIAL

**From:** LAHF <[LAHF@levellingup.gov.uk](mailto:LAHF@levellingup.gov.uk)>

**Sent:** Thursday, March 7, 2024 4:51 PM

**To:** Deborah Cadman <[Deborah.Cadman@birmingham.gov.uk](mailto:Deborah.Cadman@birmingham.gov.uk)>

**Subject:** Local Authority Housing Fund Round 3 - Allocations letter

You don't often get email from [lahf@levellingup.gov.uk](mailto:lahf@levellingup.gov.uk). [Learn why this is important](#)

Dear Chief Executive,

Autumn Statement 2023 announced that the **Department for Levelling Up, Housing, and Communities** would be launching a **third round of the Local Authority Housing Fund, to the value of £450 million, to run over the financial years 2024-25 and 2025-26. There will also be revenue funding to support delivery of the fund.**

**Birmingham has received an initial funding allocation and we would like to invite you to submit a validation form.**

The third round of the Local Authority Housing Fund (LAHF R3) will:

- support local authorities to acquire good quality, and better value for money Temporary Accommodation (TA) for families owed a homelessness duty. This will reduce the usage of B&B accommodation and will enable local authorities to grow their housing stock, creating sustainable assets to help manage local housing pressures.
- continue to provide resettlement housing for those on the Afghan Citizens Resettlement Scheme (ACRS). We expect these homes to become available to support wider local authority general housing and homelessness responsibilities after the resettlement needs of the eligible cohort have been addressed.
- Support local housing markets by assisting the delivery of new housing stock or new developments to grow overall housing supply.

The government remains committed to welcoming and supporting Afghans who worked alongside the government and risked their lives alongside our Armed Forces, as well as people

who assisted British efforts in Afghanistan. Local authorities play a vital role in integrating recent arrivals to the UK and it is thanks to the hard work of so many in local government and the wider public sector across all parts of our country that we have been able to welcome over 24,000 people to safety.

We are grateful to those councils and representative organisations who have helped to deliver the first two rounds and shape this third round of the fund. We have listened to feedback and have worked closely with stakeholders to evolve the design of the third round and have made the following key changes:

- **Removed the requirement for local authorities to match fund a specific percentage on each home, with full fungibility across the fund elements (TA & resettlement)** – a local authority agrees to deliver a minimum number of TA homes and resettlement homes in exchange for their funding allocation, providing maximum flexibility and simplifying delivery.
- **Increased the programme timeframe to a full two years**, increasing scope for a wider range of delivery options, including new supply.
- **Introduced a 10% new supply uplift** to support the growth of overall housing supply.
- **Providing revenue funding** to local authorities to support programme delivery.

The prospectus for the third round of funding, setting out more detail on what it is for and how it works, can be found here:

<https://www.gov.uk/government/publications/local-authority-housing-fund-round-3>

## **Your Allocation**

**Birmingham has provisionally been identified as eligible for capital grant funding (under section 31 of the Local Government Act 2003), with an indicative allocation of £6,616,500 in funding.**

TA element: we expect you to provide a minimum of **46** homes for the TA element.

Resettlement element: we expect you to provide a minimum of **10** homes for the resettlement element.

Large resettlement element (4+ bed): we expect you to provide a minimum of **3** homes for the large resettlement element.

**The median property price in your area is £225,000**

**The base grant rate per property for your local authority is £90,000 (based on 40% of the median property price in your area).**

**For the large resettlement element (4+ bed), 50% of the median property price is provided.**

**To facilitate delivery of new housing, an additional 10% uplift to the grant rate will be added for each unit which you agree will be delivered as a new home. Please indicate through the validation form how many units you wish to deliver as a new home.**

**There is an additional £21,000 per property to account for any other costs, for example refurbishment and conveyancing costs.**

### **Example**

Median property price	£400,000
Base grant rate	£160,000
Large resettlement unit grant	£200,000

Additional per property grant	£21,000
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In the example, the median property price is £400,000. The local authority receives £160,000 for every TA and resettlement unit the local authority is being asked to deliver and £200,000 for every large (4+ bed) resettlement unit.

The local authority will receive an additional 10% uplift on the grant rate for every unit it indicates that it will deliver via new supply.

Each TA unit delivered as new supply would attract a grant of £176,000 (44% of the median property price).

Each large resettlement unit delivered as new supply would attract a grant of £220,000 (55% of the median property price).

The additional £21,000 per property grant is unaffected by the new supply uplift.

## **Revenue Funding**

**To support delivery, you are being provided with an indicative allocation of £51,625 of revenue funding.**

Revenue funding is based on the relative funding the local authority has been allocated and is then adjusted to reflect local labour costs.

## **Scheme objectives**

We are inviting you to submit your proposals to use the capital funding in line with the scheme's objectives, namely to:

- Reduce local housing pressures by providing better quality temporary accommodation to those owed homelessness duties by local authorities.
- Reduce emergency and temporary accommodation costs.
- Provide sustainable housing to those on the Afghan Citizens Resettlement Scheme (ACRS) at risk of homelessness, so that they can build new lives in the UK, find employment and integrate into communities.
- Reduce impacts on the existing housing and homelessness systems and those waiting for social housing.
- Support local housing markets by assisting the delivery of new housing stock or new developments to grow overall housing supply.

While local authorities will take the lead in their areas, we would like you to work closely with your partners, particularly housing associations, who stand ready to assist and, in some cases may be the most appropriate delivery vehicle.

## **Validation Process**

With increasing pressures on homelessness services, action is needed now. Accordingly, we have sought to make the process for taking part in this programme as simple as possible.

**You are requested to complete a validation form** to provide basic details on your proposal. We will expect your proposal to be supported by your Section 151 officer. Please see link to the

[online validation form](#) and the following link to download the [validation form guidance](#).

You can use this form to let us know if you are not able to deliver the full number of units set out or whether you could deliver more. Proposals will need to use the grant funding as set out above. We will redistribute any residual funding from within the £450m programme as appropriate.

## Next Steps

The accompanying prospectus outlines the fund in more detail and the process for **completing your validation form by 17:00 on 28 March 2023**. We encourage you to return your validation form as soon as you are able to as we may be able to work faster with those who agree to the terms of the programme and return their validation forms earlier.

Once we confirm the outcome of the validation review process, we will invite local authorities to sign a memorandum of Understanding (MOU) to confirm their final allocation. This will include any new or additional funding agreed as part of the reallocations process.

Please use the following link to download a template of the [LAHF R3 MOU](#). We strongly encourage all local authorities to begin seeking necessary clearances to enter into an MOU (based on the standard terms of the MOU template and the information they provided in the validation form) to ensure timely agreement of the completed MOU once we have completed our review of the validation form.

We will be hosting online webinars to provide local authorities with an opportunity to ask any questions about the fund. **The webinars will take place on 14 March 2024 and 19 March 2024 and will be held via MS Teams. You can sign up via [Ticketsource](#).**

If you have questions which were not answered by the prospectus or webinar, you can contact the team on [LAHF@levellingup.gov.uk](mailto:LAHF@levellingup.gov.uk). Thank you for everything your local authority is doing to support those at risk of homelessness and for helping those on the Afghan resettlement schemes find settled accommodation. We look forward to continuing to work with you in the coming weeks and months.

Yours sincerely,

**Emma Fraser and Melanie Montanari**

Directors, Housing Supply and Markets

Department for Levelling Up, Housing and Communities

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# Birmingham City Council

## Report to Cabinet

23 July 2024



<b>Title:</b>	<b>CITY HOUSING ANNUAL COMPLAINT HANDLING CODE ANNUAL SUBMISSION</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Jayne Francis, Cabinet Member for Housing and Homelessness
<b>Relevant Overview and Scrutiny Committee:</b>	Councillor Jamie Tennant – Homes Overview and Scrutiny Committee
<b>Report Author:</b>	Guy Chaundy Assistant Director for Strategic Enabling <a href="mailto:Guy.Chaundy@birmingham.gov.uk">Guy.Chaundy@birmingham.gov.uk</a>
<b>Authorised by:</b>	Paul Langford Strategic Director for City Housing
<b>Is this a Key Decision?</b>	Yes – 013089/2024
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for ‘call in?’</b>	No
<b>If not eligible, please provide reason(s):</b>	Not Applicable
<b>Wards:</b>	All

Does this report contain exempt or confidential information?

No

## **1 EXECUTIVE SUMMARY**

- 1.1 The Council are a mandatory member of the Housing Ombudsman. This is a requirement set out by the Regulator of Social Housing for all social housing providers.
- 1.2 The Housing Ombudsman investigates complaints and resolves disputes involving the tenants and leaseholders of social landlords.
- 1.3 The Housing Ombudsman updated their Complaint Handling Code in February 2024, implemented in April 2024.
- 1.4 The Complaint Handling Code became statutory on 1 April 2024, meaning that landlords are obliged by law to follow the requirements set out in the Code.
- 1.5 The Social Housing (Regulation) Act 2023 places a duty on the Housing Ombudsman to monitor compliance with the statutory Complaint Handling Code.
- 1.6 This means that the Housing Ombudsman is required to ensure that all landlords meet the standards set out in the Code for complaint handling, regardless of their size and operating model.
- 1.7 One of the new requirements of the Housing Ombudsman, is that the Council must make an annual submission to the Housing Ombudsman every year, including the publication of four key elements:
  - The Council's annual self-assessment against the Complaint Handling Code
  - The Council's Annual Complaint Performance and Service Improvement Report
  - The governing body's response to the report
  - The Council's Complaints Policy.
- 1.8 The relevant documents are appended to this report as follows:
  - The Council's annual self-assessment against the Complaint Handling Code – Appendix 1
  - The Council's Annual Housing Complaint Performance and Service Improvement Report – Appendix 1
- 1.9 Submission of the relevant documents to the Housing Ombudsman is via an electronic submission, sharing links to the relevant documents. The documents referenced above must also be published.
- 1.10 Prior to any formal submission, or these documents being published, the Council's governing body (Cabinet) must provide a formal comment on the content of Appendix 1.
- 1.11 In the event that the Council fails to make the submission, the Housing Ombudsman has the power to issue a Complaint Handling Failure Order (CHFO).

- 1.12 Where a Council is threatened with a CHFO, they are provided with a short timescale to evidence compliance, failing this, a formal order is issued and published.
- 1.13 Under the revised regulatory framework, the Housing Ombudsman also has the power to make a referral to the Regulator of Social Housing based on non-compliance, which may trigger an inspection under the new inspection regime also effective from 1 April 2024.
- 1.14 Therefore, the purpose of this report is to ensure Cabinet have sight of Appendix 1 and provide the formal comment required to make a submission.
- 1.15 Initially, the Housing Ombudsman gave a deadline of the 30 June 2024 to enable this submission. Many Councils raised concerns about this and how this might interact with their Cabinet process.
- 1.16 The Housing Ombudsman have allowed the Council to have an extension to the end of July 2024 to enable this to be achieved.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendations and welcome the actions set out in the report addressing the complaints' themes and issues identified from root cause analysis. All actions must be reviewed and timescales for completion and the names of the responsible officer added to the report. Progress against target must be monitored regularly and included in the annual review.

The Council needs to keep the complaints policy under review to ensure that it aligns with the updated Housing Ombudsman's Complaint Handling Code.

## **3 RECOMMENDATIONS**

### **That Cabinet:**

- 3.1 Note the contents of the Annual Self-Assessment against the Complaint Handling Code.
- 3.2 Note the Annual Complaint Performance and Service Improvement Report.
- 3.3 Note the Council's Complaints Policy.
- 3.4 Provide a written response to 3.1 and 3.2 for submission to the Housing Ombudsman by the end of July 2024.

## **4 KEY INFORMATION**

### **Context**

- 4.1 The Social Housing (Regulation) Act 2023 introduced a new regulatory framework for social landlords and local authorities.

- 4.2 Under this revised framework, the RSH has greater powers to inspect landlords as part of a proactive inspection regime on a four-year rolling programme, against the revised Consumer Standards, effective from 1 April 2024.
- 4.3 These standards are, in brief:
1. **The Safety and Quality Standard** – assessing compliance against statutory requirements to ensure that homes are safe and that appropriate data is held around our housing stock.
  2. **The Tenancy Standard** – assessing compliance against statutory requirements in terms of the types of tenancies issued to our tenants and the management and ending of tenancies (by way of eviction or transfer/mutual exchange etc).
  3. **The Transparency, Influence and Accountability Standard** – assessing compliance against the need to keep tenants informed of issues relevant to their tenancies and neighbourhoods, to engage and involve tenants in the management of their tenancies and neighbourhoods and ensure that tenants have a role in the decision-making process.
  4. **The Neighbourhood and Community Standard** – assessing compliance against the landlord's requirement to consider the wider needs of our neighbourhoods and communities.
- 4.3.1 The Social Housing (Regulation) Act also embedded closer links between the RSH and the Housing Ombudsman, including a referral mechanism from the Housing Ombudsman where there are areas of concern.
- 4.3.2 The Council has experience of this process – in January 2023 the Housing Ombudsman published a Special Report into the Council's handling of repairs, complaints, record-keeping, and compensation (Paragraph 49 report).
- 4.3.3 A referral was then made to the RSH and, following a separate investigation it was determined that the Council had breached the consumer standards in place at that time in two areas:
- i. The Home Standard
  - ii. The Tenant Involvement and Empowerment Standard.
- 4.3.4 The RSH issued a breach notice against these elements in May 2023; since this date the Council has been formally engaged with the RSH, including monthly monitoring meetings, to achieve compliance.
- 4.3.5 Between January 2023 and February 2024, the Council were also formally engaged with the Housing Ombudsman to evidence progress against the failures found in the Paragraph 49 report, and in February 2024 the Housing Ombudsman confirmed that they were satisfied with the progress made and formal engagement ended.

- 4.3.6 In late 2023 the Housing Ombudsman and the Local Government and Social Care Ombudsman (LGSCO) consulted on a revised joint complaint handling code.
- 4.3.7 In February 2024 it was confirmed that the Ombudsmen had determined that they would continue with separate Complaint Handling Codes, effective April 2024.
- 4.3.8 As part of the new Complaint Handling Code, the Council is required to make an annual submission as highlighted in section 1 of this report.
- 4.3.9 The Council has been working to ensure compliance with the statutory requirements and to ensure a submission ahead of this deadline, to prevent further action from the Housing Ombudsman or referral to the RSH based on non-compliance.
- 4.3.10 It is therefore essential that the Council is able to publish a response to the report and self-assessment as soon as possible after the deadline to evidence compliance.
- 4.3.11 Going forward, the annual submission will be added to the forward plan each year in time to allow Cabinet to review and comment ahead of the 30 June deadline.

#### **Proposal and Reasons for Recommendations**

- 4.4 The proposal in this report is for Cabinet to review the submitted documents and to provide a written response to be shared on the Council's website and with the Housing Ombudsman.

#### **Other Options Considered**

- 4.5 Other options in this case are limited to:
- i. Not making an annual submission until such time as Cabinet have had a chance to review and comment. This approach is likely to result in a Complaint Handling Failure Order (CHFO) and negative publicity for the Council as a result.
  - ii. Whilst the Housing Ombudsman has indicated acceptance of our proposal to publish the necessary documents ahead of the 30 June deadline and to follow this with a response from the governing body as soon as possible, they have also indicated that a failure to publish those documents the directorate has committed to publish ahead the deadline will result in further regulatory action.
  - iii. Not making an annual submission at all. The submission is a statutory requirement for all members of the Housing Ombudsman scheme. Failure to comply will result in a Complaint Handling Failure Order (CHFO) and a likely referral to the RSH.

- iv. This option is not appropriate given the ongoing RSH intervention and the impact this would have both on this and the overall relationship with the Housing Ombudsman.

## **5 RISK MANAGEMENT**

- 5.1 There is a notable risk that the Council fails to comply with the statutory requirements as set out in this report.
- 5.2 This will result in the issuing of a Complaint Handling Failure Order (CHFO) and wider national publication of this failure via the Housing Ombudsman.
- 5.3 The Council has significantly improved their engagement with the Housing Ombudsman over the 2023/2024 period, failure to action the statutory requirements set out in this report could dismantle the relationship that has been built over the last year.

### **Overview and Scrutiny**

- 5.4 Overview & Scrutiny Committee receive quarterly updates on the Council's progress against complaint handling to ensure visibility. This includes Housing Ombudsman determinations and compensation payments.

## **6 IMPACT AND IMPLICATIONS**

### **Finance**

- 6.1 The Housing Ombudsman's statutory powers, enables them to make determinations that result in compensation being paid to tenants and leaseholders. The Council's forecast for compensation payments for 2023/2024 was £500,000 for the financial year.
- 6.2 The £500,000 figure was made given the Council's current challenges around stock quality, in particular compliance with Decent Homes Standards. It was anticipated that this would and will continue to cause high levels of dissatisfaction.
- 6.3 The Council's Compensation Policy was approved at Cabinet in January 2024 and governs the way in which compensation is applied. Compensation varies in value but is based on the Financial Redress Guidance set out by the Housing Ombudsman.
- 6.4 The Council remained in budget for 2023/2024, spending just under 30% of the forecasted sum.
- 6.5 Failure to comply with the new requirements of the Housing Ombudsman, set out in this report is likely to result in a Complaints Handling Failure Order (CHFO). It is likely that there will be a financial consequence if this is the case, the amount would be determined by the Housing Ombudsman.

### **Legal**

- 6.6 This Council is a mandatory member of the Housing Ombudsman. This is because the Council directly provides social housing, and it is a requirement as

ordered by the Regulator of Social Housing for all social housing providers to be a member of the Housing Ombudsman.

- 6.7 This obligation requires the Council to adhere to the Housing Ombudsman Complaint Handling Code and therefore the requirements set out in this report.

### **Equalities**

- 6.8 There are no direct equality implications present in this report. However, it should be noted that the Housing Ombudsman governs all social housing providers. Social housing is allocated based on an income threshold and it is likely that those on a lower income will be the complainant in cases that are determined by the Housing Ombudsman.
- 6.9 Whilst financial status is not a characteristic, it should be noted that service failure in this aspect is likely to disproportionately affect households on a low-income because of the way social housing is allocated.

### **Procurement**

- 6.10 There are no direct procurement implications are part of this report.
- 6.11 Recommendations from the Housing Ombudsman's special report have been built into the Interim Housing Repairs & Maintenance contract approved by Cabinet in January 2024 and will be incorporated into the procurement arrangements for the 2026 Repairs & Maintenance contracts.

### **People Services**

- 6.12 There are no HR implications present in this report.

### **Climate Change, Nature and Net Zero**

- 6.13 There is no climate change, net zero or nature implication present in this report.

### **Corporate Parenting**

- 6.14 There are no direct corporate parenting implications present in this report. However, it should be noted that Housing Ombudsman determinations are made where there are children present in the household.
- 6.15 The Housing Ombudsman will highlight any concerns whereby dependent children have been put at risk because of either poor service delivery or complaint handling. This is reflected in the recommendations made, including financial recommendations regarding compensation.

## **7 APPENDICES**

- 7.1 Appendix 1- Annual Housing Complaint Performance and Service Improvement Report (inclusive of annual self-assessment against the Complaint Handling Code).
- 7.2 Appendix 2 – Equality Impact Assessment.



## **8 BACKGROUND PAPERS**

8.1 There are no further background papers to be considered as part of this report.





Title: Annual Complaints and Service  
Improvement Report – 2023-24

Date: 30<sup>th</sup> June 2024

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## **1. Executive Summary**

- 1.1 The Housing Ombudsman updated their Complaint Handling Code in February 2024, implemented in April 2024.
- 1.2 One of the new requirements of the Housing Ombudsman, is that Council must make an Annual Submission to the Housing Ombudsman by 30th June every year, including the publication of four key elements:
- i. The Council's self-assessment against the Complaint Handling Code
  - ii. The annual Complaint Performance and Service Improvement Report
  - iii. The governing body's (Cabinet) response to the Service Improvement Report
  - iv. The Council's Complaints Policy.
- 1.3 Publication of the Complaint Performance and Service Improvement Report is both a requirement of the new Complaint Handling Code (element 8.1 of the Complaint Handling Code (Appendix 5)) as well as the evidentiary submission to the Housing Ombudsman.
- 1.4 This report includes the necessary information required by the Housing Ombudsman to fulfil requirement 1.1(ii) above, as confirmed in the Complaint Handling Code:
- i. The annual self-assessment against the Complaint Handling Code.
  - ii. A qualitative and quantitative analysis of complaint handling performance, including a summary of complaints the Council has refused to accept.
  - iii. Any findings of non-compliance with the Code by the Housing Ombudsman.
  - iv. The service improvements made as a result of learning from complaints.
  - v. The Housing Ombudsman's annual performance report.
  - vi. Any other relevant reports or publications from the Housing Ombudsman.
- 1.5 In order to evidence compliance with 1.1(iii) above, this report will be shared with the Council's Cabinet for review and comment.
- 1.6 A copy of the formal response, and any necessary changes to this report as a result of the formal response, will be submitted to the Housing Ombudsman and shared on the Council's website.

## **2. Background**

- 2.1 The Council welcomes feedback from citizens as an opportunity to review and improve the services we provide. As the largest "retained stock" landlord in the UK, we recognise that things will go wrong from time to time.
- 2.2 It is important that tenants and leaseholders are able to hold us to account and that complaints are reviewed independently and impartially.
- 2.3 The Council are a member of the Housing Ombudsman and welcome the implementation of the new Complaints Handling Code. The Council recognise that adherence to the Code

is a vital aspect of achieving compliance with the Housing Ombudsman's expectations around complaint handling.

2.4 The Council also recognise that the Housing Ombudsman's approach to Complaints Handling is endorsed by the Regulator of Social Housing, in terms of the Council's overall compliance against the Consumer Standards.

2.5 The Social Housing (Regulation) Act, which became legislation in 2023, aims to strengthen landlord performance and resident involvement within social housing via the four new consumer standards, effective from April 2024:

- i. The Safety and Quality Standard
- ii. The Tenancy Standard
- iii. The Neighbourhood and Community Standard
- iv. The Transparency, Influence and Accountability Standard

2.6 The Council are currently in a formal engagement process with the Regulator of Social Housing (since May 2023) following recognised breaches against the Home Standard (now Safety & Quality Standard) and Tenant Involvement & Empowerment Standard (now Transparency, Influence and Accountability Standard).

2.7 Between January 2023-February 2024, the Council were also in a formal engagement with the Housing Ombudsman. This followed the publication of their Paragraph 49 report on the Council in January 2023. Formal engagement ceased in February 2024 following confirmation from the Housing Ombudsman that all relevant recommendations had been actioned to a satisfactory standard.

2.8 The Social Housing (Regulation) Act strengthened the powers of both the Regulator of Social Housing (RSH) and the Housing Ombudsman, including powers of referral from the Housing Ombudsman to the RSH and a proactive inspection regime replacing the previous reactive approach.

2.9 This report sets out the Council's performance in relation to complaints. The report focuses specifically on complaints that the Housing Ombudsman governs (Housing Management and Asset Management) through 2023-24.

2.10 The report also sets out service improvements delivered following learning from complaints and through engagement with the Housing Ombudsman and Regulator of Social Housing.

2.11 All compliments, comments and complaints received by the Council are managed via the corporate complaints team, in line with the Council's Compliments, Complaints and Comments Policy [BCC Compliments, Comments and Complaints Policy | Birmingham City Council](#).

2.12 In line with the Housing Ombudsman's Complaint Handling Code, the Council operates a two-stage complaint process; following the investigation and review of complaints

under this process the Council signposts tenants who remain dissatisfied with the outcome to either the Housing Ombudsman or the Local Government and Social Care Ombudsman.

### 3. Summary of Complaints Received in 2023-24

3.1 The below table provides a summary of the volume of complaints received across the two relevant City Housing service areas – Asset Management and Housing Management, in 2023-24.

Service Area	Stage 1	Stage 2	Total
Housing Management	784	145	929
Asset Management	4685	429	5114
Total	5469	574	6043

3.2 The majority of complaints sit with Asset Management, and these are predominately linked to the delivery of the Repairs & Maintenance service.

3.3 To put this into context, the Repairs & Maintenance service deliver in excess of 250,000 repairs per year and complaints make up circa 3% of the total volume of repairs undertaken.

3.4 The Council seeks to use Stage 1 complaints as an opportunity to resolve tenants' issues and to offer early and effective remedy in line with the Complaint Handling Code.

3.5 As such, we closely monitor the number of complaints escalated from Stage 1 to Stage 2 as evidence of our success in resolving issues as soon as possible. The table below summarises those complaints escalated from Stage 1 to Stage 2 both as a volume and as a percentage of Stage 1 complaints received.

Service Area	Stage 2	Stage 2 as % of Stage 1
Asset Management	429	8.39%
Housing Management	145	15.61%

3.6 Whilst we are satisfied that in most cases complaints are resolved satisfactorily at Stage 1, we would like to see a reduction in the number of cases being escalated to Stage 2 where possible.

3.7 **Section 6** outlines the work undertaken over the last 12 months to improve service delivery and prevent complaints from escalating through an early intervention approach.

3.8 As part of the complaint handling process, complaints are categorised at the point of resolution based on whether they were in the opinion of the complaint handler justified, partially justified or not justified.

3.9 The table below sets out the four most common reasons for determination of cases:

Service Area	Justified	Partly Justified	Not Justified	Resolved on receipt
Asset Management	27%	25%	28%	17%
Housing Management	16%	16%	56%	10%

3.10 The Council seeks to respond to all complaints received within the timescales set out by the Housing Ombudsman in the Complaint Handling Code, however there are cases where it is not possible to meet these timescales.

3.11 The Council has been operating with a historic backlog of complaints for several years, in February 2023 the backlog sat at 1598 whilst in April 2024, the backlog sat at 267. This shows considerable progress in managing complaints more efficiently and within appropriate timescales.

3.12 Where the Council is unable to meet the timescale for response, we will communicate this to the complainant and/or their representatives and negotiate an extension in time with the complainant.

3.13 The table below sets out the Council's compliance against the Housing Ombudsman's timescales of 10 days to respond to a Stage 1 complaint and 20 days to respond to a Stage 2 complaint (after completion of the 5-day triage timescale as per the Complaint Handling Code).

Month	Stage 1	Stage 2
April 2023	62%	56%
May 2023	65%	41%
June 2023	61%	66%
July 2023	66%	69%
August 2023	69%	60%
September 2023	74%	62%
October 2023	60%	57%
November 2023	71%	48%
December 2023	71%	39%
January 2024	70%	60%
February 2024	70%	74%
March 2024	72%	64%
April 2024	70%	65%
Average	68%	59%

3.14 Responding to complaints within policy timescales has been a considerable challenge over the 2023/2024 period. This is because the service has been focusing on reducing the historic backlog, affecting the number of resources available to respond to new complaints being made.

3.15 The table below shows the reduction in the backlog over the same period, which does provide some explanation around the speed in which the Council is able to respond to new complaints.



Month	Number of overdue complaints
April 2023	1864
May 2023	1684
June 2023	1520
July 2023	1321
August 2023	966
September 2023	908
October 2023	857
November 2023	849
December 2023	882
January 2024	913
February 2024	773
March 2024	462
April 2024	267
May 2024	237

3.16 It is anticipated once the backlog reaches a business as usual position, that management of the complaint response times will significantly improve as the resources within the service can focus on new cases only instead of having to manage the flow of both.

3.17 Complaints are categorised on receipt according to the relevant service area and type of issue reported by the complainant. The table below sets out the top complaint reasons across the relevant service areas in 2023-24.

Service Area	Reason 1		Reason 2		Reason 3	
Asset Management	Service Quality	53%	Service Failure	16%	Appointments	5%
Housing Management	Service Quality	37%	Service Failure	20%	Staff Conduct	9%

3.18 To ensure services are addressing the reasons for complaints and are learning from them, each service area has a root cause analysis session once a month whereby the themes from complaints and potential learning points are presented and cascaded.

3.19 From a repair's perspective, learning from complaints is fed directly into quarterly Service Improvement Groups (SIGs) with repairs and maintenance contractors. This means that they have a direct opportunity to learn from service failure and cascade this down to their operational teams.

3.20 The Council sets out within the Compliments, Comments and Complaints Policy (Appendix 1, pages 5-6) those exceptions to the policy where a complaint will not be accepted. The below table shows where these exceptions were applied in 2023-24.

Exception Reason	Housing Management	Asset Management	Total
Appeal not a complaint – Housing, Parking, School Admissions, Social Care etc.	0	4	4
Complaint regarding issue more than 12 months old.	0	5	5
Complaint about Council policy.	1	4	5
Complaint not for BCC.	27	35	62
Complaint subject to legal proceedings.	0	9	9
Duplicate complaint.	124	472	596
Enquiry not a complaint.	15	19	34
Further information not received from complainant.	9	6	15
Insurance Claim.	0	3	3
Name/address not provided.	173	69	242
Refer to statutory process.	7	5	12
Representative not authorised to act on behalf of complainant.	8	17	25
Same complaint already dealt with.	3	12	15
Same complaint already investigated by Ombudsman.	0	1	1
Service request not a complaint.	788	176	964
Total	1155	837	1992

#### 4. Engagement with the Housing Ombudsman

- 4.1 In January 2023, the Housing Ombudsman published a special report (Paragraph 49) into the Council's handling of repairs, complaints, compensation, and record keeping. There followed a period of formal engagement with the Housing Ombudsman from January 2023-February 2024.
- 4.2 The Council have improved performance across these service areas and evidenced these improvements to the Housing Ombudsman throughout. In February 2024, the Housing Ombudsman confirmed the end of any formal engagement due to improved performance within the Council.
- 4.3 The Housing Ombudsman supported the Council through the improvements required which has strengthened the relationship and engagement across both organisations. This was demonstrated by the jointly hosted 'Meet the Ombudsman' event that took place in August 2023.
- 4.4 The contents of the special report was very disappointing and highlighted aspects of service failure that undoubtedly damaged the relationship between residents and the Council. As a result, the Council have implemented regular 'tenant talk' sessions across local ward areas where residents are able to come and express their concerns to service leads who are able to make decisions and deal with them accordingly.
- 4.5 Section 6 breaks down the operational improvements the Council have made following the special report.

- 4.6 In October 2023, the Housing Ombudsman published its Annual Complaints Review for 2022-23. This report confirmed that for the first time the Housing Ombudsman handled in excess of 5000 complaints, up from 28% in the previous year. The Housing Ombudsman also highlighted a “sharp increase of severe maladministration findings” across all landlords in the previous year. The overall “maladministration” rate nationally rose from 43% to 55% however this rate was significantly higher for local authorities at 62%, compared to 50% for housing associations. The number of “no maladministration” findings nationally dropped by 20% over the same period. The Housing Ombudsman highlighted the resource pressures on local authorities as a contributory factor to this disparity – in particular the inability for some landlords to offer financial redress in resolution of complaints.
- 4.7 The Housing Ombudsman also noted that complaints relating to property condition accounted for over a third of all Ombudsman findings, with “maladministration” findings rising from 39% to 54% nationally. Complaint handling, the second largest area of complaint to the Ombudsman, had a “maladministration” rate of 76% nationally, with “Knowledge and Information Management” (record-keeping) having the highest “maladministration” rate overall of 79% nationally.
- 4.8 The increase in Ombudsman cases has been a national challenge and has been a rising trend following the Grenfell disaster in 2017 where the Housing Ombudsman have worked hard to raise awareness of what they do, encouraging residents to utilise their services where required. The Council hosted a “Meet the Ombudsman” event in August 2023 and continues to host “Tenant Talks” along a similar format each quarter.
- 4.9 From a Birmingham perspective, the Housing Ombudsman completed a total of 34 determinations, with 54 total findings throughout 2022/2023. 46 determinations found maladministration which can relate to severe maladministration, maladministration, or service failure.
- 4.10 Following the national trend, Birmingham’s maladministration rate went up from 54% in 2021/2022 to 85% in 2022/2023; the Council was one of 91 landlords nationally with maladministration rates over 50%, and one of 25 landlords nationally with a maladministration rate over 75%. The overall maladministration rate for landlords in the Midlands was 51%.
- 4.11 The service has explored why this level of maladministration was identified. It is important to understand the history to make sure we can prevent this continuing moving forward and a summary of contributing factors are set out below:
- 4.12 **Decent Homes Standards-** the Council’s HRA Business Plan, approved at Cabinet in January 2024 documents the high-levels of non-decent homes within the Council stock portfolio and the investment required over the next 8 years. Whilst this is ongoing, the Council expects to see high-levels of complaints related to the physical quality of resident’s homes and will accelerate investment as quickly as possible, ensuring residents live in safe, warm and sustainable homes.

- 4.13 **Capability and Capacity-** services in the Asset Management side of the business lack the capacity to appropriately manage the performance of repairs & maintenance contractors. Within the Council's HRA Business Plan, provision has been made for an Asset Management service re-design, enabling the increase in resources needed to effectively manage contractor performance and improve resident satisfaction.
- 4.14 **Historic Backlogs-** as highlighted in previous sections of this report, the service had been carrying a historic backlog of complaints for several years. Residents were facing long delays for complaints responses, and this increased the number of maladministration determinations made by the Ombudsman. Significant progress has been made in reducing backlogs throughout 2023/2024 to enable the service to be more sustainable.
- 4.15 **Our Procurement Approach-** the Council's re-procurement of repairs & maintenance service was due to commence in April 2024. The procurement approach did not attract sufficient competition and impacted the ability for the service to deliver a model that was value for money for our residents. The decision was made to pause the procurement and appoint contractors for an interim period, enabling a full re-procurement process for April 2026, taking in to account the Housing Ombudsman's recommendations within the special report.
- 4.16 **Publicity-** following the Grenfell tragedy, the Housing Ombudsman have reinvigorated their communications approach, raising awareness of their services, making sure that residents know how to approach them when required. This has been amplified even further following the death of Awaab Ishak, understandably reducing resident's confidence in social housing providers as sector.
- 4.17 The Council's overall relationship with the Housing Ombudsman is transparent, collaborative and has been instrumental in supporting the service to progress some of the improvements made within the service.

## **5. Oversight of Complaints**

- 5.1 The Council operates a corporate complaints function that sits outside of the Directorate, and all complaints are dealt with by this team, making sure responses are objective and impartial. This enables the Council to have robust and consistent oversight of complaints received, themes and root causes and quality and consistency of responses, in line with the Complaint Handling Code.
- 5.2 Complaints performance within the City Housing directorate is reported on a monthly basis to the Directorate Management Team (DMT) as well as to the Cabinet Member(s) with responsibility for Housing and Complaints.
- 5.3 Complaints performance is also reported quarterly to the Council's Overview & Scrutiny Committee who oversee the Directorate's regulatory engagement.
- 5.4 Additionally, complaints performance is reported to the Corporate Leadership Team, ensuring that senior management have a current and comprehensive picture of complaints performance at a service and Council level.

5.5 Following the Council's decision to issue a s.114 notice and subsequent intervention from Commissioners, complaints are reported monthly as part of the Housing Commissioner's Sub-Board process and form part of the Council's overall Improvement & Recovery Plan (IRP), regularly monitored and published for transparency.

5.6 Given that the Council is currently in formal engagement with the Regulator of Social Housing, complaints performance is also reported monthly as part of the formal monitoring process that exists between both parties.

## 6. Using Complaints Data to Improve Services

6.1 The Council welcomes complaints both as an opportunity to put things right where we have not acted in accordance with our policies and procedures, and in order to drive improvements to prevent repeat failures.

6.2 We value feedback from our tenants and leaseholders and use this to inform service improvements. The table below details some of the lessons learned from complaints in the last year and includes operational activities that have been undertaken following the release of the special report in January 2023.

Complaint theme/trend	Actions taken to improve services
<b>Record Keeping</b> -we have identified that often complaint handlers are unable to respond to complaints in time/appropriately due to being unable to access records.	<ul style="list-style-type: none"> <li>The Council has implemented a new record keeping framework to ensure that all contacts with tenants are recorded and that complaint handlers are able to access these records.</li> <li>The Council has agreed a new interim repairs and maintenance contract with contractors for 2024-26, in which the Council's record keeping standards are embedded.</li> <li>The Council is now quality-checking information provided by contractors regarding visits and repairs and is carrying out quality assurance reviews of data provided.</li> <li>The Council has carried out a self-assessment against the Housing Ombudsman's Spotlight Report on Knowledge and Information Management and will use this to inform future improvements around record keeping and data quality.</li> </ul>
<b>Compensation</b> – we are aware that previously complaint handlers were unable to offer financial redress as part of Stage 1/Stage 2 resolution.	<ul style="list-style-type: none"> <li>The Council implemented a new City Housing Compensation Policy in January 2024 in line with the Housing Ombudsman's code and Remedies Guidance.</li> <li>A specific team have been recruited to ensure compensation is administered quickly, fairly and consistently in line with the Compensation Policy adopted in January 2024.</li> <li>Complaint handlers have been trained to identify cases where financial redress may be relevant based on the details of the complaint, and to forward these</li> </ul>

	<p>for consideration of a compensation award in line with the code and the Housing Ombudsman's Remedies Guidance.</p> <ul style="list-style-type: none"> <li>• Compensation is now being awarded as part of the resolution of Stage 1/Stage 2 complaints in order to be compliant with the code and to offer effective redress for complaints in the first instance.</li> </ul>
<p><b>Repairs</b> - we are aware that a large volume of complaints relate to repairs performance, in particular missed appointments, repeat repairs and issues not being resolved on the first visit.</p>	<ul style="list-style-type: none"> <li>• The Council has implemented a data team, who have developed live intelligence reports picking up areas of concern such as repeat repairs, failed visits, repeat complaint, follow-on jobs etc. These reports are shared on a daily basis with the Head of Service and Senior Service Managers to escalate properties of concern.</li> <li>• Data is being used to produce bespoke reports to target repairs issues where they have not been reported (for instance where no repairs have been reported over several years or where intelligence elsewhere suggests that the property archetype may be prone to damp and mould/disrepair) in order to target proactive works.</li> <li>• The Council is now recording all contacts between tenants and operatives in relation to repairs and is monitoring the performance of contractors in doing the same.</li> <li>• The Council is in the early stages of procuring a long-term repairs contract from 2026 onwards; strict KPI's and performance measures will be implemented alongside minimum expectations for record keeping and contact with tenants around appointments etc.</li> </ul>
<p><b>Complaint Handling</b> – we are aware that our performance in responding to repairs within timescale has been unacceptable and that the quality has not always been at the level we would expect.</p>	<ul style="list-style-type: none"> <li>• Additional officers have been recruited to the corporate complaints team to bolster the housing complaints element.</li> <li>• A target team has reduced the backlog of overdue complaints from a high of 1400 to around 200.</li> <li>• The Council is committed to improving its performance against the Stage 1/Stage 2 target times; whilst this has not improved at the pace we would like, additional resources can be targeted to this team now that the complaints backlog has been reduced.</li> <li>• Effective and consistent quality assurance processes are in place, including “dip samples” of decision letters and investigations to ensure that all elements of the complaint are addressed and that decision letters are of good quality and compliant with the code.</li> </ul>
<p><b>Housing Management</b> – tenants tell us that they find it hard to speak to their Housing Officer or to know</p>	<ul style="list-style-type: none"> <li>• The Council is currently redesigning the Housing Management function to deliver a locality-based model, placing local teams within communities, reducing patch sizes and ensuring that tenants know</li> </ul>

who to go to with issues, so feel they have to complain to get answers.	who their local team(s) are and who to contact to resolve issues.
<b>Housing Management</b> - Tenants tell us that they do not feel that the Council listens to their views or involves them in our service delivery.	<ul style="list-style-type: none"> <li>• The Council is currently redesigning the Housing Management function to deliver a locality-based model, placing local teams within communities, reducing patch sizes and ensuring that tenants know who their local team(s) are and who to contact to resolve issues.</li> <li>• The Council has commissioned an independent report from TPAS on our tenant engagement structure and is implementing the changes recommended.</li> <li>• We have restructured our tenant engagement framework, ensuring that tenants across the city are able to get involved in both local and city-wide engagement groups to enable consultation and feedback on proposed changes to service delivery, and to invite suggestions for service improvements.</li> <li>• The Council's new Resident Involvement structure has been rolled out, with new pools of tenants recruited to replace the previous limited ward-based structure, ensuring that the tenant voice throughout Birmingham is at the heart of what we do and that this voice is representative of the city as a whole.</li> <li>• We actively seek tenant involvement in both proposed changes via the Resident Involvement structure and on a more targeted basis where specific concerns need to be addressed at a locality level, for example in planned regeneration areas.</li> <li>• We have commenced, and will continue, Tenant Talk events, bringing together our tenants and senior operational and strategic leads to discuss particular issues, take away specific concerns to progress and resolve, and to update our tenants on the work going on across the directorate. These events are conducted across the city on a quarterly basis, at different geographical locations within the community such as community centres.</li> </ul>
<b>ASB</b> – tenants tell us that ASB is on ongoing issue and that often we do not keep them informed on the progress of their case.	<ul style="list-style-type: none"> <li>• The Council is currently implementing new ASB and Hate Crime Policies.</li> <li>• Performance across ASB KPI's has improved as a result of better monitoring of milestones via Power BI, ensuring that cases are progressed swiftly and that opportunities to engage with tenants around their case are met.</li> <li>• The Council is consulting on a CCTV pilot programme to reinstall CCTV in high-rise blocks where complaints data tells us there are particular issues.</li> </ul>

## **7. The Housing Ombudsman's New Complaint Handling Code**

- 7.1 The Housing Ombudsman's new Complaint Handling Code was published in February 2024 following consultation on a joint code with the Local Government and Social Care Ombudsman (LGSCO) in 2023. The new code, which was confirmed as a separate code to that to be implemented by the LGSCO, became effective in April 2024.
- 7.2 The Council has benefitted from the previous intervention from the Housing Ombudsman between January 2023 and February 2024, in that many of the elements contained within the new Complaint Handling Code were suggested in the service improvements proposed in response to the Special Report.
- 7.3 The Council has, as required within the new Complaint Handling Code, carried out a self-assessment (Appendix 2) against the new requirements of the code, which differed, in some regards significantly, from the previous version of the code.
- 7.4 This self-assessment acts as the Council's evidentiary base for compliance with the code and the steps the Council will take to demonstrate compliance with those elements where at present we are unable to confirm compliance or where compliance is considered to be partial.
- 7.5 The self-assessment will be published separately on the Council's website as required by the code. Additionally, the Council will review the self-assessment at such time as required by the Housing Ombudsman (such as in response to significant changes in operating environment or as ordered by the Housing Ombudsman) and publish a revised version of the self-assessment, alongside re-submission to the Housing Ombudsman in line with the code.
- 7.6 It is anticipated that the existing Compliments, Comments and Complaints Policy will be reviewed during 2024-25 as part of the Council's work to evidence compliance with the code; any review of the policy will trigger a re-publication and re-submission of the self-assessment.

## **8. Ensuring Compliance with the Complaint Handling Code**

- 8.1 This report will pass through the City Housing Directorate's usual approval process via Directorate Management Team and Cabinet Member Briefing, alongside the self-assessment against the Complaint Handling Code. The Council's revised Complaints Policy and Compensation Policy have already been through the relevant approval process.
- 8.2 In order to ensure full compliance with the Complaint Handling Code, the following action is required:  
*"The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the section of its website relating to complaints. The governing body's response to the report must be published alongside this."*



8.3 In order to achieve compliance with this element of the code, this report will be presented to Cabinet for approval on 23 July 2024. Cabinet will be requested to provide a formal response to this report, which will be published on the Council's website alongside the other required documents.

**9. Appendices**

**Birmingham City Council**

**Comments, Compliments and Complaints Policy**

## Why do we need this policy?

We are committed to providing an excellent service to our citizens; however, we accept that we do not always get it right and that citizens have a right to raise any concerns they may have with the standard of services we provide.

We aim to achieve:

- **A consistent procedure** – We want to ensure that our citizens have a fair, consistent, and structured process for addressing the concerns they have with a service we provide.
- **A positive and informative procedure** – We want the outcomes from citizen contact with the council to help the monitoring of our performance and assist to improve services.
- **A quality procedure** – We want the procedure to improve relationships with citizens and encourage best practice by our employees.

We believe that all citizens of Birmingham should be able to share their experiences with us to enable us to improve our services going forward.

We will ensure that our contact is clear, avoids jargon and is in plain English.

We are committed to treating everyone fairly and consider equality and diversity positively. Any reasonable adjustments to support a citizen throughout this process will be executed in line with the Equalities Act.

## What is a Comment, Compliment, or Complaint?

**Comments** -share ideas and opinions about improving our services to better serve citizens. Inform us if there is a fault or issue with something that the council may be able to take action to resolve, such as a comment relating to the layout of the Birmingham City Council's website.

**Compliments** – let us know when we are doing things well. It is good for our staff to know that our citizens appreciate the work they do. It also enables us to identify areas of best practice and share them across the council with other teams.

**Complaints** - tell us when there is dissatisfaction with a service. It allows us the opportunity to improve, put things right, and where necessary, adjust the way we work.

We want to ensure that we are consistent in the way we deal with, and respond to, comments, compliments, and complaints.

## Comments

We are always looking for ways to improve our services and you as a citizen may have ideas about how we can do this. A comment can be a suggestion, idea, or observation about an area of our service.

If we receive a comment, we will.

- Acknowledge receipt of the comment.

- Investigate and action any issues that have been raised (There may be some comments that do not require an investigation, if this is the case, we will inform of this within the acknowledgement).
- Consider how we can use the comment to improve the way we deliver our services in the future.
- Respond within 20 working days if it is appropriate to do so to advise on the action we have taken.

## **Compliments**

If we do something well, we would like to know. If you consider praise is merited for an individual, team or service, then please tell us. When a compliment is received, we will:

- Acknowledge the compliment.
- Feedback the compliment to the relevant service area.
- Consider how we can use the compliment to improve the way we deliver our services across the council.

## **Complaints**

This policy explains what to do if citizens and individuals are unhappy with any of the services we provide. It explains the timescales for addressing complaints and who to contacted if the citizen is unhappy with our response.

The complaints procedure is a two-stage process. This procedure does not address complaints made in respect of Adult Social Care or Children's Social Care as these are covered by statutory complaints regulations, nor does it cover services where there is an appeal process in place. Details of these processes are provided later within this policy.

### **What is a complaint?**

A complaint is an expression of dissatisfaction. It can be about the standard of a service provided, or actions the council have or have not taken, which affect someone using council services or those services provided on behalf of the council.

We receive complaints in relation to all council services and those services that are delivered on the council's behalf by other organisations and third parties. In some instances, citizens may be unhappy with the handling or response we provide to their complaint. In this case we will provide advice in relation to which of the two Ombudsman organisations they can contact.

We are usually only able to investigate a complaint at both stages within 12 months of the time the citizen became aware of the issue. A complaint received outside of this timeframe will be assessed to see if we are able to provide an informed response.

The Housing Ombudsman receives all council housing tenant's and leaseholder complaints and the Local Government and Social Care Ombudsman for all other services.

Citizens have a right to access the Ombudsman Service throughout their complaint, not only when the complaint process is exhausted.

### **Complaint types**

The following complaint types are in scope of the policy:

Complaint Type	Description
General Complaints	General complaints managed under the council's complaints process
Adult Social Care Statutory Complaints	Complaints received regarding services provided by, or commissioned by, Adult Social Care. These complaints are processed in accordance with the statutory complaint regulations
Education Statutory Complaints	Complaints received regarding services provided by, or commissioned by, the Education and Skills team. These complaints are processed in accordance with the statutory complaint's regulations
Members of the council and MP Complaints and Enquiries	Citizens can complain directly to MPs and elected Members. These complaints upon receipt into the council will require a written response to be made directly to the MP or Councillor
Complaints from the Ombudsman	Complaints escalated by citizens to the Ombudsman. Where a complaint is received by the Ombudsman the council will co-operate fully
Chief Executive Complaints	Complaints which have been submitted to the Chief Executive and may be from citizens or members of the council or MP's
Complaints from or about contracted companies	Third party agencies, this can include any individual, body or contractor who represents the council e.g., Housing repairs contractor, Council Tax Enforcement Agents
Complaints against professionals made by other professionals.	If made using the council's complaint process. If raised via a professional body these will follow a separate process.

## Exceptions

There are some further exceptions which are not included in the complaint's policy. They are provided below:

Complaint Type	Description
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Whistleblowing Complaints	Members of staff reporting an issue/problem
HR Recruitment Complaints	Candidates making a complaint about the recruitment process
Complaints against professionals made by other professionals.	Not actioned within this policy
Children's Trust Complaints	Complaints made against the Children's Trust to make a complaint to the Children's Trust please use the following link <a href="https://www.birminghamchildrenstrust.co.uk/info/6/contact_us/41/give_feedback_or_complain_about_birmingham_childrens_trust">https://www.birminghamchildrenstrust.co.uk/info/6/contact_us/41/give_feedback_or_complain_about_birmingham_childrens_trust</a>
MP and Councillor Complaints	Complaints made against MPs and Councillors - To make a complaint against a MP or Councillor please use the following link <a href="https://www.birmingham.gov.uk/info/50069/councillors/284/complain_about_a_councillor">https://www.birmingham.gov.uk/info/50069/councillors/284/complain_about_a_councillor</a>
Funding Complaints	Organisations that receive funding from the City Council cannot complain about their funding or associated matters. The procedure they should use will be provided in their contract documents or agreements
Employee complaints	Employees cannot use this procedure to complain about terms and conditions of employment. They should follow the grievance procedure
Appeal	An appeal against a decision to refuse planning permission, an appeal against a school admission or exclusion decision, complaints where legal proceedings have already begun, or complaints covered by the council's insurance procedures
Complaints using different routes	A complaint that has been settled in another way, for example by the courts, a tribunal, one of the Ombudsman organisations or the Information Commissioner's Office
Children's Complaints	Complaints being investigated under legal procedures for children and families

Parking and Traffic Complaints	Appeals against parking and traffic offences should be made via the City Council's website at: <a href="https://www.birmingham.gov.uk/parkingenforcement">https://www.birmingham.gov.uk/parkingenforcement</a>
Blue Badge Complaints	Complaints against a decision to refuse a disabled parking badge are made via the City Council's website at: <a href="https://www.birmingham.gov.uk/info/20062/disabled_parking_blue_badges/122/appeal_against_a_blue_badge_application_decision">https://www.birmingham.gov.uk/info/20062/disabled_parking_blue_badges/122/appeal_against_a_blue_badge_application_decision</a>
Statutory homeless reviews requested under section 202 of the Housing Act 1996	These reviews are not complaints and follow a separate process
Homeless application review requested under part 6 of the Housing Act 1996	These reviews are not complaints and follow a separate process
Planning Enforcement Breaches	There is a dedicated form to complete when contacting the council in relation to Planning Enforcement Breach's. This includes breaches about development taking place without planning permission, or properties used for business or other uses where permission has not been received.  <a href="#">Report a planning breach   Birmingham City Council</a>

## How to register a comment, compliment, or complaint?

**Brum Account** <https://www.birmingham.gov.uk/myaccountpage>

**Online** <https://www.birmingham.gov.uk/yourviews>

**Phone** 0121 464 9995

**Letter:** BCC, Complaints, Contact us PO Box 16616, BIRMINGHAM B2 2HN

## Stages of our complaints process

We recognise and value everyone who lives, works, or visits Birmingham. We aim to ensure that the complaints procedure is accessible to everyone if they require it. We offer various ways to contact us, via the website, leaflets, forms or by telephone.



We will make all efforts to resolve a citizen's concerns whilst not obstructing access to the complaints procedure or creating any unreasonable delay. When a concern is made, we will acknowledge and log the concern if relevant at stage one of the complaints procedure within five working days of receipt.

If we can resolve the issue as soon as it's brought to our attention, we will do so. However, we know that this will not always be possible, in which case the complaint will proceed to Stage 1 – formal complaint and the citizen advised accordingly by the member of staff receiving the complaint.

## **Stage 1 Formal Complaint**

Upon receipt of a complaint from the citizen the Complaint teams will triage the complaint. This involves reviewing the correspondence to see if the actions required would be a service request, comment, complaint, or something that requires progressing through an alternative method such as an appeals process. Complaints will be accepted unless there is a valid reason which will be explained. We will also investigate if there are any actions that can be taken to resolve the issue to the citizens satisfaction within this five-day period.

A complaint which is not able to be resolved upon receipt within the first five days of review and triage will be assigned to the relevant complaints team to investigate. We will contact the citizen to acknowledge the receipt of the complaint and set out what will be investigated, and the understanding of the resolution sought. This is an opportunity to clarify any elements of the complaint. The council will investigate the complaint with the relevant service and respond within 10 working days.

When investigating the complaint, the independent Complaints Champion will.

- Deal with all complaints on their merits
- Act independently and have an open mind.
- Take measures to address any actual or perceived conflict of interest.
- Consider all information and evidence carefully.
- Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.

As part of the investigation the complaints champion will consider.

- Length of time that the situation has been ongoing.
- Frequency and severity of the issue
- Number of different failures
- Impact of the failures and individual circumstances
- What appropriate remedy can be achieved such as practical or financial remedy. (If you are a tenant or live in a Council owned property financial remedy will be awarded in line with the City Housing Compensation Policy)

## **Stage 2 – Review the complaint.**

If a citizen is unhappy with our decision at Stage 1, they can ask us to review it. This is called a Stage 2 complaint. The citizen will need to explain why they feel our decision is incorrect. The complaint will then be reviewed by a complaint champion who has not been involved in the original stage 1 response to ensure independence from the service area. We will respond within 20 working

days of the Council receiving the stage 2 complaint with their decision. We would ask a citizen to escalate their complaint within two months from receipt of their stage one response, however upon each request to escalate we will assess the individual circumstances as to the reason for escalation outside of this timeframe.

If the citizen is still dissatisfied after the complaint has been reviewed this will have exhausted the council's complaints procedure. The citizen may wish to refer the complaint to the relevant Ombudsman organisations. We will always provide these contact details within our response to a stage 2 complaint.

The Ombudsman will consider early access to their service by the complainant on a case-by-case basis. If the complaint is regarding any council service, except council housing, the web address for the Local Government and Social Care Ombudsman is: <https://www.lgo.org.uk/make-a-complaint>

If the citizen is a council housing tenant or leaseholder and the complaint is about the council as a landlord, they should contact the Housing Ombudsman Service. The web address for the Housing Ombudsman is: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

### **The Adult Social Care Statutory Complaints Procedure**

This procedure only covers those services provided by, or commissioned by, Birmingham Adult Social Care.

The procedure for the Adult's Social Care Statutory complaints only begins after we have checked that the person making the complaint has permission and consent of person who is subject of the complaint. This is particularly important when someone is making a complaint on behalf of someone else.

### **Stage 1 Formal Complaints**

If we can resolve the issue as soon as it is brought to our attention, we will do so. If the complaint can be resolved within 48 hours, it will not need to be progressed as part of the formal Adult Social Care statutory complaints Procedure.

We know that this will not always be possible, in which case the complaint will proceed to Stage 1 – Formal complaint. The citizen will be advised accordingly by the member of staff managing their case.

### **Full Investigation**

All Stage 1 complaints will be acknowledged within 2 working days. A full written response providing the complaint outcome will be sent to the citizen within 20 working days from the date the complaint was sent for investigation. It is hoped that this response will resolve all the elements of the complaint for the citizen.

There will be occasions where statutory complaints due to their complexity exceed the service level agreement of 20 working days. In these cases as per the complaints regulations <https://www.legislation.gov.uk/uksi/2009/309/regulation/14/made>, we will aim to respond as soon as possible and within a maximum period of six months. We will keep the citizen informed about the progress of their complaint throughout the investigation.

## **Stage 2 - Review the Complaint**

If there is dissatisfaction with the outcome of the Stage1 investigation, then the citizen can request that the council arranges for the complaint to be reviewed by an independent Complaints Champion.

We will aim to ensure all reviewed complaints are responded to within 20 working days from the date of the request to review the complaint is received.

Should a citizen wish to escalate their complaint during the service level agreement timeframe, prior to receiving their complaint response, for reasons such as being unhappy with the way the complaint is being handled by the allocated Complaint Champion, they can ask that the handling of the complaint be assessed by the Senior Manager within the complaint service. This will not affect their complaint response in any way.

### **Next steps for Adult Social Care Statutory Complaints Procedure**

Should the citizen remain dissatisfied upon receipt of the outcome of the complaint, they may wish to refer the complaint to the Local Government and Social Care Ombudsman for consideration. They can be contacted by visiting the [Local Government and Social Care Ombudsman website](http://www.lgo.org.uk/make-a-complaint): [www.lgo.org.uk/make-a-complaint](http://www.lgo.org.uk/make-a-complaint).

Alternatively, if they are complaining as a council housing tenant, they can visit the website of the Housing Ombudsman:

[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk).

### **The Children's Social Care Statutory Complaints Procedure**

The Children's Social Care Statutory Procedure is managed by Birmingham Children's Trust and can be found here:

[https://www.birminghamchildrenstrust.co.uk/info/6/contact\\_us/41/give\\_feedback\\_or\\_complain\\_about\\_birmingham\\_childrens\\_trust](https://www.birminghamchildrenstrust.co.uk/info/6/contact_us/41/give_feedback_or_complain_about_birmingham_childrens_trust)

Should citizens remain dissatisfied with the outcome of the complaint from the Children's Trust, they may wish to progress it with the Local Government and Social Care Ombudsman. They can be contacted by visiting the [Local Government and Social Care Ombudsman website](http://www.lgo.org.uk/make-a-complaint): [www.lgo.org.uk/make-a-complaint](http://www.lgo.org.uk/make-a-complaint)

### **Advocacy - getting someone else to complain on your behalf.**

Citizens can ask someone to help make their complaint and represent them during the investigation. They will need to give written consent for the individual to act on their behalf and we will need to receive it before we can respond to them directly about the complaint. If we do not have this authorisation, then we will respond directly to the citizen.

### **Anonymous complaints**

We will accept anonymous complaints; however, we cannot respond to them. These complaints will be recorded and investigated as far as possible, and a record kept.

You can use the following link to send a complaint to the council.

<https://www.birmingham.gov.uk/yourviews>

### **Unreasonable/Unreasonably Persistent complaints and unreasonable behaviour from complainants**

The council consider unreasonable and unreasonably persistent complainants are those citizens who, because of the frequency or nature of their contact with us hinder our consideration of their or other people's needs.

In addition, we also consider physical and verbal abuse directed towards our staff as unreasonable behaviour.

The city council has an Unreasonable/Unreasonably Persistent Policy which will be implemented to address situations as they arise. To find out more about this policy please visit:

<https://www.birmingham.gov.uk/downloads/file/19422/unreasonable-unreasonably-persistent-complainer>

### **Birmingham City Council Privacy Policy**

We collect, hold, and process information, including personal data about the citizens of Birmingham. This allows us to provide our services more effectively. To find out more about our policy please visit:

[https://www.birmingham.gov.uk/info/20154/foi\\_and\\_data\\_protection/384/privacy\\_statement](https://www.birmingham.gov.uk/info/20154/foi_and_data_protection/384/privacy_statement)



## Self-Assessment Against the Complaint Handling Code 2023-24

### Section 1: Definition of a Complaint

Code provision	Code requirement	Comply: Yes/No	Evidence	Commentary/explanation
1.2	A complaint must be defined as:  <i>“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.”</i>	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	“A complaint is an expression of dissatisfaction. It can be about the standard of a service provided, or actions the council have or have not taken, which affect someone using council services or those services provided on behalf of the council.”
1.3	A resident does not have to use the word ‘complaint’ for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make a complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord’s complaints policy.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	“A complaint is an expression of dissatisfaction. It can be about the standard of a service provided, or actions the council have or have not taken, which affect someone using council services or those services provided on behalf of the council.”
1.4	Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	“Upon receipt of a complaint from the citizen the Complaint teams will triage the complaint. This involves reviewing the correspondence to see if the actions required would be a service request, comment, complaint, or something that requires progressing through an alternative method such as an appeals process. Complaints will be accepted unless there is a valid reason which will be explained. We will also investigate if there are any actions that can be taken

				to resolve the issue to the citizens satisfaction within this five-day period.”
1.5	A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.	Yes		The Council treats expressions of dissatisfaction following a service request as a complaint and this is dealt with in accordance with the Code. Where actions have been raised in relation to a service request, these will be progressed whilst the complaint is investigated.
1.6	An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they must also provide details of how residents can complain.	No		The directorate currently carries out transactional surveys with citizens following some housing management interactions. At the present time the automated survey mechanism does not make reference to complaints however this will be reviewed and amended during 2024-25. Where survey results indicate particular dissatisfaction, officers make contact with citizens and will be reminded of the need to make tenants aware of the ways in which they can complain.

## Section 2: Exclusions

Code provision	Code requirement	Comply: Yes/No	Evidence	Commentary/explanation
2.1	Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	“Complaints will be accepted unless there is a valid reason which will be explained. We will also investigate if there are any actions that can be taken

				to resolve the issue to the citizens satisfaction within this five-day period.”
2.2	<p>A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:</p> <ul style="list-style-type: none"> <li>• The issue giving rise to the complaint occurred over twelve months ago.</li> <li>• Legal proceedings have started. This is defined as details of claim, such as the Claim Form and Particulars of Claim, having been filed at court.</li> <li>• Matters that have previously been considered under the complaints policy.</li> </ul>	Partial	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	<p>The Complaints Policy sets out exceptions to the policy, such as where a statutory right or review/appeal exists, HR/Recruitment complaints, complaints against elected members.</p> <p>The Council will not consider a complaint where legal proceedings have started, or where the complaints process has previously been exhausted.</p> <p>Where the issue giving rise to the complaint occurred over twelve months ago, the Council will consider the facts of the case before determining whether the complaint will be considered.</p>
2.3	Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	“We are usually only able to investigate a complaint at both stages within 12 months of the time the citizen became aware of the issue. A complaint received outside of this timeframe will be assessed to see if we are able to provide an informed response.”
2.4	If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	Where a complaint is received for a matter outside of the Complaints Policy, this will wherever possible be forwarded to the relevant department. Where this is not possible, the Council will advise the resident of this and where the complaint should be directed to.



	has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.			The Council does not routinely refuse complaint requests except where the circumstances at 2.2 are met. In these cases, correspondence refusing to accept the complaint will confirm the resident's rights to take the decision to the Ombudsman, and the relevant Ombudsman depending on the circumstances of the case.
2.5	Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	Each complaint received is assessed to determine whether it is within scope and if not, where the complaint should be directed (if possible).

### Section 3: Accessibility and Awareness

Code provision	Code requirement	Comply: Yes/No	Evidence	Commentary/explanation
3.1	Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.	Yes	Residents can complain in various formats: <ul style="list-style-type: none"> <li>BRUM Account – <a href="https://www.birmingham.gov.uk/myaccountpage">https://www.birmingham.gov.uk/myaccountpage</a></li> <li>Online – <a href="https://www.birmingham.gov.uk/yourviews">https://www.birmingham.gov.uk/yourviews</a></li> <li>Phone – 0121 464 9995</li> <li>Post – BCC Complaints PO BOX 16616, Birmingham, B2 2HN</li> </ul>	We accommodate individual needs by giving residents various channels through which they can make a complaint. Complaint Handlers are appropriately trained, and residents are asked how they would prefer to receive a response i.e. phone/post/online/email/face-to-face. The Complaints Procedure Easy Read leaflet confirms the ways in

			Complaints Easy-Read version - <a href="#">Complaints procedure easy read leaflet   Birmingham City Council</a>	which residents with access issues can make a complaint.
3.2	Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.	Yes		The Council provides all staff with an overview of the complaints policy and process. Staff within the City Housing directorate are aware of access channels for complaints and there is literature available for staff confirming how to accept and forward a complaint.
3.3	High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.	Yes		The Council receives a high volume of complaints each year, evidencing that residents are aware of, and can access, the complaints process.  The Corporate Complaints Lead carries out benchmarking against peer local authorities to measure the volume of complaints received and the effectiveness of the complaints process.
3.4	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the two-stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>  Complaints Easy-Read version - <a href="#">Complaints procedure easy read leaflet   Birmingham City Council</a>	The current policy is publicised on the Council's website - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a> .  The Complaints Procedure easy read document is accessible via the website.

3.5	The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.	No	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	Both Ombudsman are referenced with contact details in the current policy. The current policy does not make reference to the Complaint Handling Code(s) and does not refer to how the Council will publicise the policy
3.6	Landlords must give residents the opportunity to have a representative deal with the complaint on their behalf, and to be represented or accompanied at any meeting with the landlord.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	<p>“Citizens can ask someone to help make their complaint and represent them during the investigation. They will need to give written consent for the individual to act on their behalf and we will need to receive it before we can respond to them directly about the complaint. If we do not have this authorisation, then we will respond directly to the citizen.”</p> <p>Residents are able to nominate a representative to deal with their complaint. In line with the Council’s GDPR guidelines, where a resident has identified a representative, a signed “Authority to Act” is required. The complaint will still be investigated without this authority and a response will be sent directly to the resident to share with their representative.</p>

3.7	Landlords must provide residents with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	Both Ombudsman are referenced with contact details in the current policy; this information is also confirmed on the BCC website. Residents are provided with details of the relevant Ombudsman in complaint responses.
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#### Section 4: Complaint Handling Staff

Code provision	Code requirement	Comply: Yes/No	Evidence	Commentary/explanation
4.1	Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.	Yes		The Council has a dedicated City Housing Complaints Team within the Corporate Complaints Service; this team is independent of the service areas.
4.2	The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.	Yes		Complaint handlers are able to contact staff within the relevant service areas of City Housing to investigate and resolve complaints. An escalation process is in place for complaints requiring senior management involvement.
4.3	Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively.	Yes		The Corporate Complaints Team record the specific training complaint handlers have received and attended; training matrices are held within the service area confirming the training needs of individual officers.

				<p>Following the Housing Ombudsman's Special Report in January 2023, complaint handlers have received training on letter writing, soft skills and case management.</p> <p>Each service area within the City Housing directorate receive root cause analysis of their complaints broken into themes for review and action. The complaints service also supply "7 minute briefings" where quick changes can be implemented to reduce repeated complaints. There are also storyboards in progress for complaints journeys to look for lessons learned as to where we could have resolved a complaint more quickly.</p>
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#### Section 5: The Complaint Handling Process

Code provision	Code requirement	Comply: Yes/No	Evidence	Commentary/explanation
5.1	Landlords must have a single policy in place for dealing with complaints covered by this Code. Residents must not be treated differently if they complain.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	The current policy covers all complaints within the Code.
5.2	The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra names stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	The current policy includes a five-day "triage" for complaints which is in line with the Code. The complaints process consists of two stages in line with the Code.

5.3	A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	The current policy has two stages in line with the Code.
5.4	Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	The Council operates a two-stage internal Corporate Complaints function; residents' complaints are not dealt with by a third party.
5.5	Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	The Council operates a two-stage internal Corporate Complaints function; residents' complaints are not dealt with by a third party.
5.6	When a complaint is logged at Stage 1 or escalated Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as the "complaint definition". If any aspect of the complaint is unclear, the resident must be asked for clarification.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	<p>"We will contact the citizen to acknowledge the receipt of the complaint and set out what will be investigated, and the understanding of the resolution sought. This is an opportunity to clarify any elements of the complaint."</p> <p>Where a Stage 2 complaint is received, the resident will be asked to confirm the elements of the Stage 1 complaint that they wish the Council to review. Where a resident does not give an indication, all elements of the Stage 1 complaint will be reviewed. The elements of the Stage 1 complaint to be reviewed at Stage 2</p>

				<p>are confirmed in the Stage 2 acknowledgement letter.</p> <p>Audits undertaken are used by the Corporate Complaints Leads as a quality assurance measure. The lessons learned feedback to Directorate Management Team is based on root cause analysis which informs the Service Improvement Plans tracked through the Housing Sub Board.</p> <p>Complaint acknowledgements are quality checked by Complaints Leads/Managers to monitor compliance. A dip sample of 3-8% of the total acknowledgements sent each month is scored against a clearly defined criteria and additional training is provided where necessary.</p>
5.7	When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	<p>Acknowledgement letters at both Stage 1 and Stage 2 clearly set out the aspects of the complaint that the Council is responsible for and provide clarification for areas that will not be considered.</p> <p>Complaint acknowledgements are quality checked by Complaints Leads/Managers to monitor compliance. A dip sample of 3-8% of the total acknowledgements sent each month is scored against a clearly defined criteria</p>

				and additional training is provided where necessary.
5.8	<p>At each stage of the complaints process, complaint handlers must:</p> <ol style="list-style-type: none"> <li>Deal with complaints on their merits, act independently, and have an open mind.</li> <li>Give the resident a fair chance to set out their position.</li> <li>Take measures to address any actual or perceived conflict of interest; and</li> <li>Consider all relevant information and evidence carefully.</li> </ol>	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	<p>“When investigating the complaint, the independent Complaints Champion will.</p> <ul style="list-style-type: none"> <li>Deal with all complaints on their merits</li> <li>Act independently and have an open mind.</li> <li>Take measures to address any actual or perceived conflict of interest.</li> <li>Consider all information and evidence carefully.</li> <li>Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.”</li> </ul> <p>Training is delivered to all complaint handling staff on good practice and refresher training provided as and when necessary.</p> <p>Complaint responses are quality checked by Complaints Leads/Managers to monitor compliance. A dip sample is reviewed and scored against a set criteria each month and additional training is provided where necessary.</p>
5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the	Partial		Complaint handlers contact residents where a complaint response will fall



	landlord must agree with the resident suitable intervals for keeping them informed about their complaint.			<p>outside of the Code, to agree an extension and to confirm contact preferences and frequency until the response is issued. The frequency and nature of contact will be determined by the facts of the case and the anticipated duration of any delay to the complaint response.</p> <p>The Council is currently carrying a backlog of historical complaints and it is possible that for cases within this backlog some extensions will not have been pre-agreed or communicated however this is the procedure for all new complaints.</p>
5.10	Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.	Yes		Where residents notify the Council of protected characteristics, or where the Council is aware of existing protected characteristics, any requested reasonable adjustments and contact preferences will be noted and adhered to by the complaint handler. Where a safeguarding issue is identified, this will also be flagged and reported to the appropriate service.
5.11	Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. Landlords must clearly set out these reasons, and they must comply with provisions set out in section 2 of this Code.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	Residents are advised of their right to escalate a complaint to Stage 2 in the Council's response to Stage 1 complaints.
5.12	A full record must be kept of the complaint, and the outcomes at each stage. This must include	Yes		All correspondence between the Council and the resident relating to the

	the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.			complaint is stored in icasework, including any information or supporting evidence received or obtained during investigation of the complaint.
5.13	Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	<p>As part of the complaint handling process, complaint handlers will progress actions to resolve the complaint (raising repairs, requesting financial redress etc).</p> <p>The completion of repairs or the awarding of financial redress whilst the complaint is being investigated does not preclude the complaint from being resolved or escalation of the complaint if the resident remains dissatisfied with the outcome.</p> <p>Where there are outstanding actions the complaints service will add “to do actions” within the case with the agreement of the citizen and provide responses to these actions as and when they happen.</p>
5.14	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting and restrictions in place and must keep restrictions under regular review.	Yes	Unreasonable/Unreasonably Persistent Complainer Policy 2021 - <a href="#">Unreasonable-unreasonably persistent complainer   Birmingham City Council</a>	<p>The Unreasonable/Unreasonably Persistent Complainer Policy sets out the ways in which the Council identifies and manages unreasonable or persistent complainers.</p> <p>This policy also sets out the ways in which any restrictions will be reviewed:</p>

				<p>“The Central Complaints Team in collaboration with the Directorate teams will review any initial restrictions imposed upon the complainant after three months and at the end of every subsequent three months during which time the policy is to apply.</p> <p>Should there be a need to extend a period of restriction the complainant will be advised in writing by the council with the reason for the extension of the restriction and the period of extension.</p> <p>If at the end of a restriction period, it is considered that the complainant’s behaviour is no longer deemed to be unreasonable the council will confirm this in writing advising the complainant.</p> <p>At each of the above stages, the complaint will be advised of their right to refer the matter to the relevant Ombudsman.”</p>
5.15	Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.	Yes	Unreasonable/Unreasonably Persistent Complainer Policy 2021 - <a href="#">Unreasonable-unreasonably persistent complainer   Birmingham City Council</a>	<p>“Before implementing these restrictions in relation to someone who is considered vulnerable (people who may be in need of care and support or with a disability) the council will consider whether or not, adjustments to this policy could be made or whether there are other appropriate means of support and contact outside of this policy which</p>

				can be used to assist them. In order to do this full consent from the complainant must be sought in relation to their relevant circumstances with the consent not being unreasonably refused.”
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## Section 6: Complaints Stages

Code provision	Code requirement	Comply: Yes/No	Evidence	Commentary/explanation
6.1	Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most Stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	““Upon receipt of a complaint from the citizen the Complaint teams will triage the complaint. This involves reviewing the correspondence to see if the actions required would be a service request, comment, complaint, or something that requires progressing through an alternative method such as an appeals process. Complaints will be accepted unless there is a valid reason which will be explained. We will also investigate if there are any actions that can be taken to resolve the issue to the citizens satisfaction within this five-day period.”
6.2	Complaints must be acknowledged, defined and logged at Stage 1 of the complaints procedure <b><u>within five working days of the complaint being received.</u></b>	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	“Upon receipt of a complaint from the citizen the Complaint teams will triage the complaint. This involves reviewing the correspondence to see if the actions required would be a service request, comment, complaint, or something that requires progressing through an

				<p>alternative method such as an appeals process. Complaints will be accepted unless there is a valid reason which will be explained. We will also investigate if there are any actions that can be taken to resolve the issue to the citizens satisfaction within this five-day period.</p> <p>A complaint which is not able to be resolved upon receipt within the first five days of review and triage will be assigned to the relevant complaints team to investigate. We will contact the citizen to acknowledge the receipt of the complaint and set out what will be investigated, and the understanding of the resolution sought. This is an opportunity to clarify any elements of the complaint.”</p>
6.3	Landlords must issue a full response to Stage 1 complaints <b><u>within 10 working days</u></b> of the complaint being acknowledged.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	“The council will investigate the complaint with the relevant service and respond within 10 working days.”
6.4	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.	Yes		Where an extension is required in order to fully respond to the complaint, residents are notified of the duration of the requested extension and the reasons for it; this confirmation is issued to the resident in writing.
6.5	When an organisation informs a resident about an extension to these timescales, they must be	Yes		Where an extension is required in order to fully respond to the complaint,

	provided with the contact details of the Ombudsman.			residents are notified of the duration of the requested extension and the reasons for it; this confirmation is issued to the resident in writing. In response to the revised Code(s), complaint handling officers have been trained to provide the contact details for the relevant Ombudsman service within extension confirmations; compliance is monitored via the existing audit processes.
6.6	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	Yes		The service issues responses for elements of the complaint where the response is known and will add a “to do” action to track the outstanding elements onto the case where further actions are in progress.
6.7	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes		Each element of the complaint is listed in the acknowledgement and response with an outcome for each element; this is monitored via quality assurance checks.
6.8	Where residents raise additional complaints during the investigation, these must be incorporated into the Stage 1 response if they are related and the Stage 1 response has not been issued. Where the Stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.	Yes		All issues raised are investigated. Where further issues are raised whilst a Stage 1 complaint is being investigated, these are incorporated into the Stage 1 response if appropriate. Where this is not possible due to the complaints being unrelated, the Stage 1 response has been issued or investigation of the new issues would delay the Stage 1 response, we will treat the issues raised as a new Stage 1 complaint.

6.9	Landlords must confirm the following in writing to the resident at the completion of Stage 1 in clear, plain language: a) The complaint stage; b) The complaint definition; c) The decision on the complaint; d) The reasons for any decisions made; e) The details of any remedy offered to put things right; f) Details of any outstanding actions; and g) Details of how to escalate the matter to Stage 2 if the individual is not satisfied with the response.	Yes		The quality of responses and compliance with the relevant requirements has been added to the quality assurance procedures within the complaint handling service since May 2023. Where issues are identified, officers are provided with appropriate training and support to ensure that responses are of the required quality and compliant.
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## Stage 2

Code provision	Code requirement	Comply: Yes/No	Evidence	Commentary/explanation
6.10	If all or part of the complaint is not resolved to the resident's satisfaction at Stage 1, it must be progressed to Stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	"If a citizen is unhappy with our decision at Stage 1, they can ask us to review it. This is called a Stage 2 complaint."
6.11	Requests for Stage 2 must be acknowledged, defined and logged at Stage 2 of the complaints procedure within five working days of the escalation request being received.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	Stage 2 complaints are logged, defined and acknowledged within five working days of receipt.  The Council is currently carrying a backlog of historical complaints and it is possible that in some of these cases this process has not been followed; this process applies to all new cases.

6.12	Residents must not be required to explain their reasons for requesting a Stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its Stage 2 response.	Partial	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	The current Complaints Policy states "the citizen will need to explain why they feel our decision is incorrect."  Where residents escalate a complaint to Stage 2 without providing reasons, complaint handlers will contact residents to understand the reasons they are unhappy with the decision. If the resident does not provide reasons, the entirety of the Stage 1 response is reviewed at Stage 2.
6.13	The person considering the complaint at Stage 2 must not be the same person that considered the complaint at Stage 1.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	"The complaint will then be reviewed by a complaint champion who has not been involved in the original stage 1 response to ensure independence from the service area."
6.14	Landlords must issue a final response to the Stage 2 <b>within 20 working days</b> of the complaint being acknowledged.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	"We will respond within 20 working days of the Council receiving the stage 2 complaint with their decision."
6.15	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.	Yes		Where an extension is required in order to fully respond to the complaint, residents are notified of the duration of the requested extension and the reasons for it; this confirmation is issued to the resident in writing.
6.16	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	No		The current complaints policy requires review following publication of the new Code(s). All complaint handling staff have been briefed on the need to ensure that where an extension is agreed, the



				citizen is advised of the details of the relevant Ombudsman.
6.17	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding issues required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	Yes		The complaint handler will provide a holding response and complaint a follow up action on the system to provide a final response whilst the actions required for the complaint to be fully resolved are being progressed.
6.18	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes		The quality of responses and compliance with the relevant requirements has been added to the quality assurance procedures within the complaint handling service since May 2023. Where issues are identified, officers are provided with appropriate training and support to ensure that responses are of the required quality and compliant.
6.19	Landlords must confirm the following in writing to the resident at the completion of Stage 2 in clear, plain language: <ul style="list-style-type: none"> <li>a) The complaint stage;</li> <li>b) The complaint definition;</li> <li>c) The decision on the complaint;</li> <li>d) The reasons for any decision made;</li> <li>e) The details of any remedy offered to put things right;</li> <li>f) Details of any outstanding actions; and</li> <li>g) Details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.</li> </ul>	Yes		The quality of responses and compliance with the relevant requirements has been added to the quality assurance procedures within the complaint handling service since May 2023. Where issues are identified, officers are provided with appropriate training and support to ensure that responses are of the required quality and compliant.
6.20	Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.	Yes	BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and</a>	Complaint handlers make enquiries of all service areas and officers necessary to

			<a href="#">Complaints Policy   Birmingham City Council</a>	ensure that the Stage 2 response is accurate, informed and compliant.
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## Section 7: Putting things right

Code provision	Code requirement	Comply: Yes/No	Evidence	Commentary/explanation
7.1	<p>Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, to put things right. These can include:</p> <ul style="list-style-type: none"> <li>• Apologising;</li> <li>• Acknowledging where things have gone wrong;</li> <li>• Providing an explanation, assistance or reasons;</li> <li>• Taking action if there has been delay;</li> <li>• Reconsidering or changing a decision;</li> <li>• Amending a record or adding a correction or addendum;</li> <li>• Providing a financial remedy;</li> <li>• Changing policies, procedures or practices.</li> </ul>	Yes	<p>BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a></p> <p>Compensation Policy</p>	<p>Complaint responses are quality checked by Complaints Leads/Managers to monitor compliance. A dip sample is reviewed and scored against a set criteria each month and additional training is provided where necessary.</p> <p>Where financial redress is appropriate, this is offered as part of the complaint resolution process in line with the Council's Compensation Policy.</p> <p>Where possible service improvements are identified as part of the complaint handling process, these are escalated to the relevant service area and Senior Manager.</p>
7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.	Yes	Compensation Policy	The Compensation Policy ensures that consideration is given to non-quantifiable loss, stress and inconvenience, time and trouble etc rather than only quantifiable losses for damage etc.
7.3	The remedy must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy	Yes	<p>BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and</a></p>	<p>Stage 1 and Stage 2 decision letters confirm the actions that the Council will take in order to remedy any failure. Complaint handlers continue to progress</p>

	proposed must be followed through to completion.		<a href="#">Complaints Policy   Birmingham City Council</a>	remedial works and contact residents to update on the progress until any agreed remedy is delivered.
7.4	Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.	Yes	Compensation Policy  BCC Comments, Complaints and Compliments Policy 2023 - <a href="#">BCC Compliments, Comments and Complaints Policy   Birmingham City Council</a>	Complaint handlers are trained on the Code and the factors to consider when determining appropriate remedies.  The Compensation Policy confirms that due regard should be given to the relevant Ombudsman Code when assessing financial redress as part of complaint resolution.

#### Section 8: Putting things right

Code provision	Code requirement	Comply: Yes/No	Evidence	Commentary/explanation
8.1	Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include: <ul style="list-style-type: none"> <li>a) The annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements.</li> <li>b) A qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept.</li> <li>c) Any findings of non-compliance with this Code by the Ombudsman;</li> <li>d) The service improvements made as a result of the learning from complaints;</li> </ul>	Yes	CCC Annual Report 2022-23	The annual report will be published on the Council's website and submitted to the Housing Ombudsman ahead of the 30 June 2024 submission deadline.

	<p>e) Any annual report about the landlord's performance from the Ombudsman; and</p> <p>f) Any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.</p>			
8.2	The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the section of its website relating to complaints. The governing body's response to this report must be published alongside this.	Yes	<a href="#">Complaints annual report - 2022 to 2023   Birmingham City Council</a>	The annual complaint report is shared with the Directorate Management Team, Cabinet Member and Corporate Leadership Team.
8.3	Landlords must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.	Yes		This is not applicable at the present time however the Council will be compliant with this requirement in the event of any future restructure, merger or change in procedures.
8.4	Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.	Yes		The Council is committed to reviewing and updating the current self-assessment following any order/recommendation from the Housing Ombudsman.
8.5	If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website. Landlords must provide a timescale for returning to compliance with the Code.	Yes		The Council is committed to complying with this requirement in the event of any exceptional circumstance and will publish the required information at this time.

#### Section 9: Scrutiny and oversight: continuous learning and improvement

Code provision	Code requirement	Comply: Yes/No	Evidence	Commentary/explanation
9.1	Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.	Yes		The complaint service triages all complaints to ensure that each is dealt with on merit. The service provides feedback via root cause analysis and delivers 7 minute briefings to provide learning from individual complaints outside of overall trend analysis.
9.2	A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.	Yes		The complaint service carries out comprehensive and detailed analysis of trends arising from complaints, themes and issues and feeds these back via the governance structure to the relevant Directors/Heads of Service. Root cause and trend analysis inform service improvement across the directorate.
9.3	Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.	Yes		Lessons learned from complaints and determinations are shared with the relevant services and staff. Where appropriate, findings and actions taken by the directorate in response to complaints are shared via City Housing Liaison Board and via Tenant Talks.
9.4	Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.	Yes	Policy	All divisions have complaints leads that provide root cause analysis to the services to identify themes and potential improvements. The service also produced 7 minute briefings to assist with learning from complaints. Any themes, risks or policy revisions identified are raised with the relevant Director for resolution within the service area.

9.5	In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').	Yes		We have a Member of the Corporate Leadership Team and a Cabinet Member who have oversight and responsibility for the complaints service.
9.6	The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.	Yes		Annual reports, Monthly and Quarterly updates relating to volumes, processes and performance inclusive of root cause are all provided to the relevant senior leadership board on a monthly basis. Senior officers within the complaints service provide detailed analysis to the MRC to enable this information to be communicated at an appropriate level.
9.7	As a minimum, the MRC and the governing body (or equivalent) must receive: <ul style="list-style-type: none"> <li>a) Regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;</li> <li>b) Regular reviews of issues and trends arising from complaint handling;</li> <li>c) Regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and</li> <li>d) Annual complaints performance and service improvement report.</li> </ul>	Yes		Complaints performance is a standard agenda item at Directorate Management Team, Cabinet Member Briefings and Corporate Leadership Team. Senior management receive updates on volumes, trends and performance against Service Level Agreements. Root cause analysis is fed back to the service areas on a monthly basis to highlight areas of high complaints and dissatisfaction.  The Housing Ombudsman Case Management Team provide feedback to service areas on determinations, orders and recommendations. This data is used to highlight areas of non-compliance with policies and identify wider service improvements. Monthly lessons learned

				meetings take place with senior managers from Asset Management to discuss recent cases and to escalate learning to staff and contractors. The annual report is shared with Directorate Management Team, Cabinet Members and Corporate Leadership Team.
9.8	Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflect the need to: <ul style="list-style-type: none"> <li>a) Have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;</li> <li>b) Take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and</li> <li>c) Act within the professional standards for engaging with complaints as set by any relevant professional body.</li> </ul>	Partial		All complaint handling staff have a standard objective around complaint handling. This objective will be amended to reflect these specific requirements following consultation with HR.



**Housing Ombudsman  
Special Report on  
Birmingham City Council**



Published January 2023

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## Introduction

The Housing Ombudsman makes the final decision on disputes between residents and member landlords. Our decisions are independent, impartial and fair. We also support effective landlord-tenant dispute resolution by others, including landlords themselves, and promote positive change in the housing sector.

This special report follows an investigation carried out under paragraph 49 of the Housing Ombudsman Scheme<sup>1</sup>, which allows the Ombudsman to conduct further investigation into whether there is a systemic failure:

*‘The Ombudsman may conduct further investigation beyond the initial complaint or landlord to establish whether any presenting evidence of service failure is indicative of a systemic failing. Where this is the case it will be referred to the appropriate regulatory body.’*

Factors that may be indicative of a wider service failure may include, but are not limited to the following:

- a policy weakness
- repeated service failure
- service failures across multiple service areas, and
- lack of oversight and governance to identify and act on repeated issues.

The Ombudsman’s wider investigation was prompted by the landlord’s response to an individual complaint (202109631) which identified concerns with the landlord’s complaint handling and its approach to compensation.

This report provides insight to help the landlord strengthen its complaint handling and address the substantive issues giving rise to complaints, to help extend fairness to other residents and prevent complaints in future. Our findings are limited to the individual investigations considered and do not seek to be a comprehensive assessment of the entirety of the landlord’s performance.

We also publish the report to help other landlords identify potential learning to improve their own services. This is part of our wider work to monitor landlord performance and promote learning from complaints.

## Scope and methodology

We monitored complaints made to Birmingham City Council that were brought to the Ombudsman for investigation over a six-month period from 15 March 2022. The cases represent all of the relevant cases allocated during this period, and not a selection of them. We assessed the findings from our investigations of these cases and whether or

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<sup>1</sup> Para. 49 of ‘*The Housing Ombudsman Scheme*’, October 2022. This replaced para. 50 of the September 2020 version of the Scheme.

not they highlighted any systemic issues that went beyond the circumstances of those individual cases.

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# Investigation Findings

We identified 14 cases that fell within the scope of this investigation during the six-month monitoring period. All of these complaints concerned the landlord's handling of repairs and the subsequent complaint and compensation process.

The Ombudsman's findings from the 14 investigations are set out in the table below.

The Ombudsman made 25 findings across these cases and found maladministration in 24 of them, including five findings of severe maladministration. Overall, this represents a maladministration rate of 96%.

Findings <sup>2</sup>	Severe maladministration	Maladministration	Service failure	No maladministration
<b>202109631</b>	• Repair handling	• Complaint Handling		
<a href="#"><u>202107243</u></a>		• Complaint Handling • Repairs (leak)		
<a href="#"><u>202011501</u></a>		• Complaint Handling • Repairs kitchen*		
<b>202011666</b>		• Complaint Handling • Repairs (flood)		
<a href="#"><u>202103060</u></a>		• Complaint Handling		

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<sup>2</sup> Reference numbers are hyperlinked to the published decision, where published. In some cases we may decide not to publish a decision if it is not in the resident's or landlord's interest or the resident's anonymity may be compromised. Full details of what and when we publish are set out in our [publication policy](#).

<a href="#"><u>202108749</u></a>		• Complaint Handling		
<b>202012972</b>		• Complaint Handling • Repairs (roof)		

<a href="#"><u>202109066</u></a>		• Complaint Handling		
<a href="#"><u>202011026</u></a>		• Repairs (leak)	• Complaint Handling	
<a href="#"><u>202106713</u></a>			• Repairs (infestation)	
<a href="#"><u>202011461</u></a>		• Repairs		
<a href="#"><u>202107400</u></a>			• Complaint Handling	• Repairs (leak)
<a href="#"><u>202101431</u></a>	• Complaint Handling • Repair handling	• Record keeping		
<b>202106521</b>	• Damp and mould • Compensation handling	• Complaint Handling		



# Themes Identified

When deciding if a failing is systemic, we look at whether the impact of maladministration and service failure is limited to a single area or cuts across different services and resident experiences. The themes identified below cover every aspect of residents' interaction with the landlord. From reporting an issue, raising a complaint about the repair, seeking remedy for the impact of what went wrong to the governance the landlord has in place to learn from the complaint. At every point in this process residents are met with increasing challenge to get the landlord to put things right, while the lack of adequate policies, procedures and governance combined with limited learning from these issues means the landlord repeats the same mistakes.

## Repairs

Repair requests and complaints about repairs make up the majority of resident contact with landlords. How a landlord responds to these will go a long way to setting its relationship with residents. For many residents it will be their only contact with the landlord and represents an opportunity for the landlord to be proactive, addressing problems early.

The landlord is responsible for maintaining its housing stock. The landlord's repairs service standards confirm that urgent repairs should be dealt with between one and seven working days, and routine repairs should be dealt with within 30 working days. The landlord responds to repairs through third party repairs contractors but remains responsible for the timeliness and quality of repairs.

Our review of the 14 cases found the aims of the landlord's repairs policy were not met in practice, 90% of our findings on repairs were upheld with nine findings of maladministration (including two findings of severe maladministration). Residents had to make multiple attempts to get repairs resolved, often over a prolonged period of time. While the landlord's policy sets out timescales depending on the severity of the issue, in practice these timescales were meaningless. From the 14 cases it is not clear how the landlord assigned categories of repair and considered resident vulnerability. Once the landlord began a repair there was also little checking of progress and resolution, leading to poor communication with the landlord believing repairs were resolved despite reports and evidence to the contrary. Repairs were often met with delay, and minor repairs were de-prioritised.

In two of the three findings where the repair required relates to a leak, it should have been treated as an emergency under the policy but the response did not follow that procedure.

This led to a collapse in trust between residents and the landlord. Some residents faced living for years in homes that required repair, making repeated attempts to get the landlord and its contractors to act decisively. In one case the resident made repeated disrepair claims for over 10 years.

### **Case Study – Repairs (202109631)**

Miss M is a single mother to a young child, she began to complain to Birmingham City Council as the freeholder and landlord of her property in early February 2021. The landlord was responsible for repairs to the external part of the building which Miss M paid a service fee for. She complained following a leak outside her property.

The landlord raised various repair orders both routine and urgent but failed to complete the work needed to fix what it suspected was a burst underground pipe and blocked drain. It raised a further repair job at the end of April 2021 but the landlord's contractors did not complete the repairs and they were instead completed by Miss M's water supplier at a cost to her in June 2021.

Miss M had made the landlord aware of the impact the situation was having on her and her child, she reported over 25 litres of water being wasted every hour. She also reported having to walk through water to access her house every day not knowing if it contained raw sewage with a terrible smell starting inside her property. Most concerning was her report of damp and mould appearing inside the property and her child developing coughs and respiratory issues.

Miss M raised a formal complaint with the landlord in April 2021 which was escalated through its complaint's process. Miss M was assured at Stage 1 of the complaints process that the leak would be repaired. She was dissatisfied with the length of time it had taken the landlord to address the leak, the internal damage to her property, health impacts to her family and costs she had incurred. In its Stage 2 response the landlord responded to acknowledged it had failed to repair the leak despite attending on several occasions but advised Miss M she would need to claim for any internal damage to her property via her insurers.

Miss M raised a liability claim to the landlord who did agree to pay for the costs of the work carried out by her water supplier. The landlord offered an apology for the delay in repairing the leak but did not offer any compensation.

Our findings showed severe maladministration by the landlord taking into account the extent of the water leak and how long it was ongoing, the impact this was potentially having on the building and living conditions of the property. We found that they were incorrect not to offer compensation due to the time and trouble Miss M had invested in fixing the issue. We also found that as the leak had caused damage to the structure of the property, any cost for fixing the damage would fall under the landlords building insurance policy. Any internal damage that Miss M had to pay for or anything she had to pay towards her insurers excess should have been covered by the landlord due to the delay in the leak being fixed.

We ordered the landlord to pay Miss M £800 compensation for the distress and inconvenience of its handling of the repair and the handling of the complaint. In addition we ordered it to arrange for the internal damage to be repaired and to carry out a review of its handling of Miss M's repair and formal complaint to see what it can learn to prevent this being repeated.

## Record keeping

Good record keeping provides landlords with firm foundations. With good record keeping comes certainty over who has done what, and when. If a resident complains a landlord can be certain in its actions and response. Without good record keeping a landlord cannot identify where things are going wrong and act quickly. It cannot identify themes and trends, and it cannot evidence its actions.



As a local authority, the landlord is also bound by the Freedom of Information Act 2000. This provides the public with access to information held by public authorities, ensuring local authority landlords are more open with residents.

Throughout the monitoring period the landlord's response to repair requests and complaints showed the impact of poor record keeping. The landlord has no framework in place for the record keeping it expects of its staff and contractors. This is a significant weakness in the landlord's approach and the cause of repeated service failure.

There are poor records of repairs and their progress meaning the landlord has limited information about what needs doing and then whether it has been done. This leads to delays in responding to repairs and then poor diagnosis of the issue meaning it is difficult for the landlord to address issues correctly the first time. The landlord's contractors often keep poor records of appointments or attend without an appointment giving residents little chance of being home to discuss the issue.

In one case a resident made repeated repair requests for over four years. The landlord told a resident its contractor had carried out repairs to the resident's satisfaction, despite the resident complaining about the delay in repairs and all evidence showing the repairs remained incomplete. The repairs remained incomplete by the time the resident came to the Ombudsman.

The landlord's inadequate record keeping inevitably leads to delays and incomplete responses to service requests, forcing residents to complain. The impact is then compounded as the lack of information makes any substantive complaint response difficult.

#### **Case Study – Record Keeping (202109066)**

Miss T is a leaseholder of a top floor flat with Birmingham City Council being the freeholder and landlord and therefore responsible for any repairs to the structure of the building.

In December 2020 the roof was damaged and water began to leak into Miss T's property causing damage internally, with damp and mould occurring as a result.

The landlord had not repaired the roof or made further contact with Miss T who then made a complaint in February 2021. The landlord responded to the complaint advising it would begin the work in March 2021.

However, Miss T notes that between December 2020 and February 2021 she had made approximately 20 telephone calls to the landlord. Noting that every time she called about the repair she had to explain herself and the situation to each person she spoke to. The landlord acknowledged within its internal notes that their system had changed and as a result was not keeping a record of her calls or requests.

As of May 2021 the work had not been carried out and Miss T contacted the landlord again to question the delay and progress the complaint. Due to the lack of records being kept, the landlord failed to class the repair as an emergency and had not provided necessary information to Miss T about a shed blocking its roof access, which further delayed the repair.

The lack of thorough record keeping and communication had led to a ten month delay in repairing the roof. It was unclear why there had been an initial delay carrying out the repair between December 2020 and February 2021 and why there was a delay informing Miss T about the need to remove a shed between February 2021 and May 2021. Due to the lack of records provided to explain these delays it would appear the landlord was not proactive, taking until August 2021 to remove the shed and begin work. By this time damage had occurred inside Miss T's property which the landlord was ordered to put right, including treating any damp and mould.

The Housing Ombudsman found the landlord's handling of the records were not as expected and recommended they carry out a review of their record keeping practices for repairs. Ensuring that detailed and accurate records are kept of any repair requests and appointments and that this information can be accessed by all staff. The landlord were also ordered to provide a payment of £500 to recognise its poor complaint handling and the inconvenience due to poor communication.

## Complaint handling

When a repair has not been resolved, and poor records kept over what has been done, this leads to complaints. Our Complaint Handling Code, launched in 2020, and revised in 2022, sets out good practice that allows landlords to respond to complaints effectively and fairly, supporting a positive complaint handling culture. Landlords are expected to self-assess their performance annually against the Code so it can identify any failings and act on them.

The landlord's complaints policy that was in effect during the monitoring period fails to comply with many of the requirements of the Code, meaning there is little chance of individual complaints being handled appropriately. The policy has a "pre-complaint" stage which attempts to resolve "informal" complaints without logging them. This is a serious failing as it delays access for residents to the formal procedure and the absence of clear records means the landlord is unable to respond effectively when the complaint does enter the formal process. The landlord also allows 15 working days for its stage 1 response when it should be 10 working days.

Since 2020 the landlord has only completed one self-assessment. The assessment identifies the areas which need improving but the landlord has failed to act on these or carry out subsequent self-assessments since. When asked in the self-assessment whether the Code had made a difference to the how the landlord responds to complaints, the landlord answered no.

The impact of not complying with the Code and acting on identified failings in its policy can be seen in the cases we monitored. We found maladministration for the way in which the landlord handled the complaint in 11 of the 14 cases – this is every case where complaint handling formed part of the investigation. This included:

- Delayed complaint responses
- Incomplete and inaccurate responses
- Missed opportunities to put things right early on in the complaint process

- Poor liaison with third party contractors, often taking a contractor response at face value rather than reviewing and challenging where necessary
- Failure to ensure third parties handle complaints in line with the complaints policy
- The same officer considering the complaint at stage 1 and stage 2 of the complaints procedure

The landlord continues to operate an informal complaint stage and 15 working days for stage one. In the last twelve months 2022 we have issued six complaint handling failure orders against the landlord for unreasonable delays in its complaint process.

### **Case Study – Complaint handling (202170243)**

Ms M is the leaseholder of her property and Birmingham City Council is the freeholder and landlord. They are responsible for the communal water pipes servicing the building.

Ms M reported to the landlord about a leak into her property in March 2021 but little action was taken. The landlord's policy outlined that emergency repairs would be attended to within 2 hours, urgent repairs within one to seven days and routine repairs completed within 30 days.

As a result of a lack of action, Ms M raised a complaint in April 2021 again reporting the leak and where she thought it was coming from. The landlord did not respond within its own timescales of 15 days and instead provided a response to Ms M in June 2021. It apologised and explained scaffolding was needed and would be erected later that month with work beginning shortly after.

Ms M escalated her complaint due to the lack of continued action from the landlord. While it had carried out initial checks and erected the scaffolding it had not found the issue and reported it was a drainage issue rather than an issue impacting the roof. At this point Ms M was unhappy that the landlord had left her with an uncontained leak in her property since March 2021. Ms M continued to complain and the source of the leak was identified and corrected in September 2021, this completed repair was well outside of the 30 days listed for routine repairs in the landlord's policy.

We found that as the leak was uncontrollable, the landlord should have made every attempt to repair the leak as soon as possible with the expectation that it would provide full communication with Ms M throughout. We found that after raising the complaint, the landlord carried out minor repairs which did not fix the leak. However, at this point it closed Ms M's complaint and she had to begin the complaint again, this time seeking the help of her local MP.

A closer look at the landlord's complaint policy outlines that initial responses will be sent within 15 working days with any escalated stage 2 complaints expecting a response within 20 working days. The policy also confirms that two separate people will respond to each complaint stage to ensure non bias. This did not happen with Ms M's complaint, she experienced long delays receiving her complaint responses and both were handled by the same member of staff. There was no evidence provided to explain why there was a delay in the complaint handling, with no apology or acknowledgement of the delay in the complaint response.

We determined that the landlord's complaint handling on this case was poor, they failed to demonstrate adequate investigation. The landlord did not take the opportunity of the formal complaints process to fully investigate the reports, formally confirm its position, and adequately redress any identified service failings. It has also not demonstrated compliance with the Ombudsman's Complaint Handling Code. We ordered the landlord to provide £400 in compensation, £150 of which related directly to the poor complaint handling. We also recommended that staff were trained on complaint handling to ensure the correct processes are followed.



## Compensation

When a resident complains and something has gone wrong we expect the landlord to put it right and remedy any impact on the resident. Our Complaint Handling Code says any remedy must reflect the level of detriment caused to the resident as a result of what has gone wrong, considering factors such as:

- length of time that a situation has been ongoing
- frequency with which something has occurred
- severity of any service failure or omission
- number of different failures
- cumulative impact on the resident
- resident's particular circumstances or vulnerabilities.

Where a resident has a legal entitlement to redress, the landlord should still offer a resolution where possible.

The landlord's complaints policy makes no reference to how it will put things right following a complaint. In addition to its complaints policy, the landlord has a selfcontained compensation claims policy with its own appeal and re-appeal stages. At the time of the monitoring period the policy did not allow for compensation to be paid for distress, inconvenience, time and trouble. It also said it could not make payments where the landlord decided there was no liability, which is entirely false. Once completed the policy said a resident cannot pursue compensation or a complaint against the landlord. If any claim for personal injury is likely to be over £750 the landlord will refer the claim to its insurers.

The landlord should be able to remedy any unfairness through its complaint process. A resident should not have to go through any other processes. The landlord's approach of operating both a complaints and compensation policy leads to confusion and delay in putting things right and makes residents go through two processes when they should only have to use one. While the compensation policy itself meant residents could never achieve an appropriate remedy when the landlord got something wrong.

In the cases we monitored residents were often refused a rightful remedy and were signposted to the compensation policy or insurers when the issue should have been resolved through the complaints process. The landlord:

- refused to remedy distress and inconvenience from property damage
- advised residents to claim on their own insurance
- refused to remedy property damage due to negligence identified through the complaints process.

In one case the landlord initially refused to pay a financial remedy direct to the resident, instead wishing to offset it against rent arrears. The Ombudsman's guidance on remedies is clear that compensation awarded by this Service should not be offset against arrears. Such an approach only exacerbated the landlord's adversarial approach to repairs, complaint handling and paying compensation when something has gone wrong.

While the landlord has improved its complaints policy following orders from the Ombudsman, its approach still falls short of a fair and effective approach to compensation, placing the onus on the resident to 'claim' compensation when it should be routinely considered by the landlord where there has been a service failure.

### **Case Study – Compensation (202106521)**

Mr M is a resident of a property owned and managed by Birmingham City Council (the landlord) and lives with his vulnerable wife and daughter.

The landlord's records show that Mr M reported issues with damp and mould in his property 14 times between 2010 and 2021 with all repair reports showing as completed. The notes from the repairs show that Mr M was concerned about the impact to his families health as far back as 2010 and noted that just painting over the mould was not removing it.

In September 2020 a new housing officer visited the property and arranged a landlord inspection who raised a repair job for extensive mould due to structural disrepair. The landlord's notes show that all repairs were completed in October 2020 but Mr M was reporting outstanding work in the following months.

The following month saw Mr M raising a compensation claim of £6,093.37 against the landlord for damages to his property as a result of the damp and mould. It also included the impact to the families health who were reporting breathing, eye and throat issues. The landlord acknowledged the claim on 24 November 2020 and promised a reply within 15 working days.

The landlord did not provide a response to the claim until 16 July 2021 despite Mr M asking for updates six times and him approaching the Housing Ombudsman who asked the landlord twice for a complaint response. This was well outside of the promised timescales set by the landlord. The landlord said the compensation claim was being investigated by its insurers due to the level of the claim. Some time after it made a good will payment of £500.

The Housing Ombudsman found severe maladministration around the landlord's handling of the damp and mould and Mr M's request for compensation. We also found maladministration in the landlords handling of the complaint, failure to inspect the property sooner and not keeping him updated throughout.

The landlord was ordered to pay an additional £2,050 to Mr M in acknowledgement of the above. It was also ordered to progress with the compensation claim, inspect the property and provide a full schedule of any works needed.

## **Governance and learning**

Effective learning from complaints is a core element of effective governance. Those at the very top of an organisation should have sight of the learning from complaints. Without

appropriate arrangements in place to facilitate learning, as with poor record keeping, the landlord has little idea what the problems are and what it needs to do to put things right.

Unfortunately, there was limited evidence of learning from complaints and suitable governance in the cases we monitored, with the same issues repeated. Until residents complained to the Ombudsman, policies and procedures remained unchanged, the impact on residents was compounded, with no systems in place to channel the learning from complaints into service improvement.

There are extensive and reoccurring service failures that the landlord has to understand and address. Embedding change across a large organisation will be challenging. In particular this requires effective communication across different departments and with third parties, including external contractors.

It is also critical for the landlord to be able to sustain and embed change during period of organisational and staffing change.

Strong and effective leadership and governance is required to oversee service improvement. The Ombudsman has serious concerns about the adequacy of the landlord's plans to deliver this successfully.

## Compliance

In the 14 cases we monitored we ordered the landlord to pay over £7500 in compensation to residents. We also ordered reimbursement of costs and repairs to be carried out to remedy the impact on residents. More significantly we made several orders and recommendations to try and prevent the same problems happening again.

### Repair handling

Following a senior management review the landlord's contractor acknowledged improvements were needed in its response to repairs and communication. The landlord implemented an improvement action plan including:

- Further staff training
- Contractor presence at service delivery meetings
- Site visits by landlord staff where contractors version of events contradicts residents.

### Complaint handling

The Landlord carried out an internal review of complaint handling resulting in:

- Complaint handling presence at service delivery meetings
- Changes to its compensation policy and ability for complaint handlers to award up to £250 without approval.



- Creation of a central complaints team with the aim of responding to complaints within 10 working days at stage 1
- A quality audit check of a proportion of complaint responses
- Workshops and training for complaint handlers.

## Record keeping

We recommended the landlord review:

- Its record keeping processes to ensure that it has adequate records of repairs and communication
- Why it could not provide appropriate repair records to the Ombudsman.

## Compensation policy

Since the monitoring period the landlord has drafted a separate compensation policy dealing with housing. The proposed wording allows compensation for distress, inconvenience, time and trouble. It also no longer says it is illegal to make payments where there is no liability.

However, we still have concerns with the wording of the new policy. In particular:

- There is no provision for routinely paying compensation as redress when service failure has been identified as part of the landlord's internal complaints process.
- Before making any decision on a claim for compensation every decision maker must consider the question of liability i.e. compensation payments will only be made when there is liability.
- The landlord will only consider paying compensation where compensation has been claimed or requested.

# Engagement with Birmingham City Council

Since the start of the monitoring period the landlord has engaged with the Ombudsman. The landlord accepts it has got things wrong and there is a need to improve. The landlord says it has already taken steps toward this by acting on orders from the Ombudsman.

Since the monitoring period and orders made the landlord has commissioned an independent report into its complaint handling. The report focuses on the 14 cases identified in this report, complaint handling trends and learning. The report was completed in November 2022. It acknowledged the progress already made since the monitoring period and recommended:

- Expanded root cause analysis of issues with service areas
- Dedicated service improvement action plans
- Lead contacts for contractors
- Further work to address quality and timeliness of complaint responses
- Further work to identify the underlying cause of complaints as part of business as usual.

The landlord is currently developing an action plan based on the findings.

## Conclusions

The weakness in policies, repeated failings and common points of service failure, has led the Ombudsman to conclude its findings are indicative of wider failure in repairs, record keeping, complaint handling and compensation. Whether wider service failures constitute a 'systemic failing' by a landlord is a matter for the Regulator of Social Housing to determine.

The failings identified cut across every aspect of a residents interaction with the landlord. From asking for a repair to receiving appropriate compensation when something has gone wrong the cases we have monitored show residents facing an uphill battle with the landlord. The landlord's inability to channel the learning from complaints and put in place appropriate governance and learning meant the same mistakes were repeated and there was little chance of service improvement.

The landlord has accepted responsibility and already taken steps to address the issues identified. The Ombudsman continues to see cases that show poor repair handling, record keeping and complaint handling. How the landlord responds to this report and its own independent review will demonstrate whether it is capable of fundamentally addressing these issues once and for all.

# Recommendations

The landlord is developing an action plan based on its own independent review. It should incorporate the below recommendations into that work.

Within three months of this report, the landlord should publish and provide the Ombudsman with:

## Repairs

1. An action plan of how it intends to act on the failings identified with its response to repairs. In particular, how it intends to:
  - Triage repair requests, accurately classifying them by severity and acting on requests within the period specified in its policy.
  - Monitor and review repair progress with its contractors to ensure residents do not have to make repeated requests for repairs.
  - Escalate problem and recurring repairs to someone of appropriate seniority.
  - Take a pro-active approach to repairs, making best use of void periods and intelligence to tackle problems before they arise.

## Record keeping

2. A framework for its record keeping standards, including the standards expected of contractors acting on its behalf.
3. An action plan for how it intends to embed the use of the framework throughout the landlord and its contractors to ensure people have access to relevant information when needed. In particular, that its complaint handling staff have access to appropriate and relevant records when responding to complaints.
4. An action plan for cross departmental communication and information sharing to ensure a joined up coherent response to issues.

## Complaint handling

5. An updated complaints policy that is compliant with the Complaint Handling Code. In particular outlining how the landlord will routinely consider and offer financial redress where failures have been identified.
6. A new self-assessment against the Code explaining the actions it intends to take to address areas of non-compliance.
7. Identify a lead member on its governing body who will be responsible for monitoring complaint handling performance. This should be communicated across the organisation (including contractors) and publicised to residents.
8. An action plan to ensure its governance receives the following:
  - regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance.
  - regular reviews of issues and trends arising from complaint handling and the Ombudsman

- an annual complaints performance report, for scrutiny and challenge which must include:
  - analysis of the organisation's complaint handling performance;
  - the annual self-assessment against the Complaint Handling Code;
  - the Ombudsman's annual report about the organisation's performance; and
  - any other relevant reports or publications produced by the relevant Ombudsman in relation to the work of the organisation.

## Compensation

9. A new compensation policy which aligns with the approach to redress set out in the new complaints policy, addressing the concerns highlighted in this report to ensure it can remedy any injustice to a resident as a result of the landlord's failings without having to pursue a separate compensation claim.

# Statement by Birmingham City Council

Birmingham City Council is the largest local authority social housing landlord in England with over 60,000 homes and carries out over 250,000 repairs per year.

Following the historical cases highlighted in the report, we have progressed in terms of improving the service for tenants and this will continue through our Transformation Programme and the new Housing Strategy.

The findings of a recent independent review and the recommendations made by the Housing Ombudsman in the Special Report have been incorporated into a detailed action plan which focusses on addressing process inefficiencies in its response to repairs, record keeping and complaint handling.

A new corporate complaints process was introduced in May 2021 which preceded the date of the cases included in the Paragraph 49 investigation. This included bringing in additional dedicated resources with the objective of delivering a consistently high standard of service, reducing delays and improving the quality of responses.

As a result of performance issues, we terminated a failing repairs contractor in March 2022. We are working with our Repairs Contractors to develop process improvements which will help mitigate against future service failure.

We welcome the opportunity to work with the Housing Ombudsman during the implementation of their recommendations and we are fully committed to delivering service improvements for the benefit of all Birmingham City Council tenants.

**Housing**  
Ombudsman Service

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# **LANDLORD PERFORMANCE REPORT**

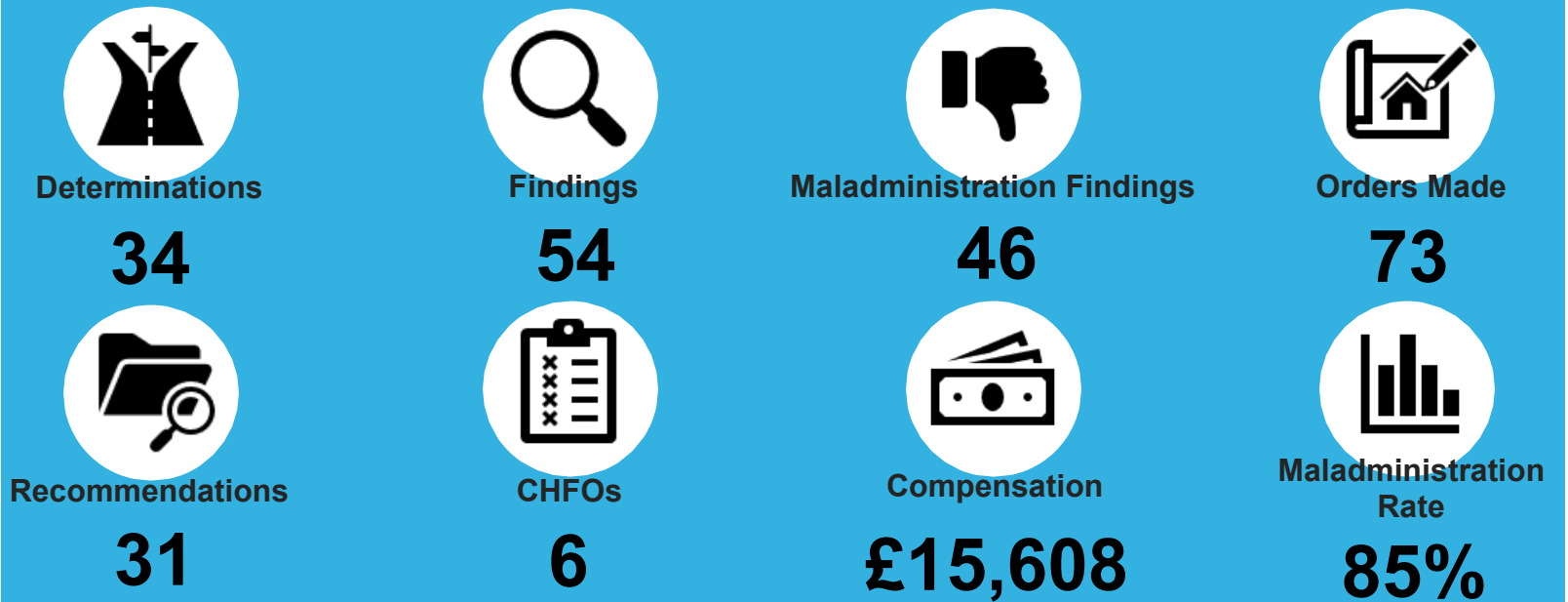
**2022/2023**

Birmingham City Council

Landlord:

Landlord Homes: 59,004 Landlord Type: Local Authority / ALMO or TMO

**PERFORMANCE AT A GLANCE**



**PERFORMANCE 2021-2022**



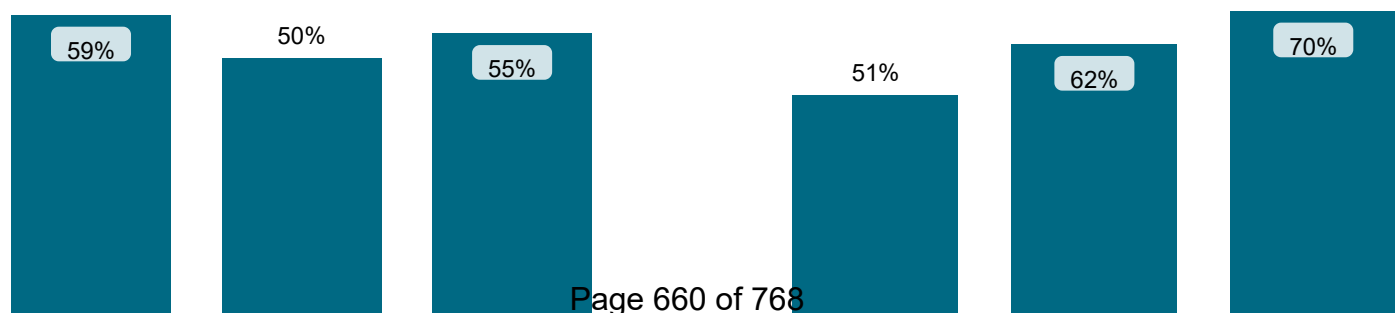
**Maladministration Rate Comparison** | Cases determined between April 2022 - March 2023

**NATIONAL MALADMINISTRATION RATE: 55%**

The landlord performed poorly when compared to similar landlords by size and type.

National Mal Rate by Landlord Size: Table 1.1

by Landlord Type: Table 1.2





## Findings Comparison | Cases determined between April 2022 - March 2023

### National Performance by Landlord Size: Table 2.1

Outcome	Less than 1,000 units	Between 1,000 and 10,000 units	More than 10,000 units	Total
Severe Maladministration	5%	2%	3%	3%
Maladministration	29%	21%	27%	26%
Service failure	19%	25%	22%	23%
Mediation	0%	1%	2%	2%
Redress	8%	12%	17%	16%
No maladministration	30%	34%	23%	25%
Outside Jurisdiction	9%	6%	5%	5%
Withdrawn	0%	0%	0%	0%

Birmingham City Council	
Outcome	% Findings
Severe Maladministration	9%
Maladministration	56%
Service failure	20%
Mediation	0%
Redress	2%
No maladministration	13%
Outside Jurisdiction	0%
Withdrawn	0%

### National Performance by Landlord Type: Table 2.2

Outcome	Housing Association	Local Authority / ALMO or TMO	Other	Total
Severe Maladministration	2%	4%	6%	3%
Maladministration	24%	30%	35%	26%
Service failure	22%	24%	26%	23%
Mediation	2%	1%	3%	2%
Redress	20%	9%	3%	16%
No maladministration	25%	26%	23%	25%
Outside Jurisdiction	5%	6%	3%	6%
Withdrawn	0%	0%	0%	0%

Outcome	% Findings
Severe Maladministration	9%
Maladministration	56%
Service failure	20%
Mediation	0%
Redress	2%
No maladministration	13%
Outside Jurisdiction	0%
Withdrawn	0%

## Landlord Findings by Category | Cases determined between April 2022 - March 2023

Table 2.3

Category	Severe Maladministration	Maladministration	Service failure	Mediation	Redress	No maladministration	Outside Jurisdiction	Withdrawn	Total
Property Condition	3	13	1	0	1	4	0	0	22
Complaints Handling	1	11	9	0	0	0	0	0	21
Anti-Social Behaviour	0	2	1	0	0	1	0	0	4
Staff	0	1	0	0	0	2	0	0	3
Information and data management	0	2	0	0	0	0	0	0	2
Health and Safety (inc. building safety)	0	1	0	0	0	0	0	0	1
Reimbursement and Payments	1	0	0	0	0	0	0	0	1
<b>Total</b>	<b>5</b>	<b>30</b>	<b>11</b>	<b>0</b>	<b>1</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>54</b>

**Findings by Category Comparison** | Cases determined between April 2022 - March 2023

**Top Categories for Birmingham City Council**

Table 3.1

Category	# Landlord Findings	% Landlord Maladministration	% National Maladministration
Property Condition	22	77%	54%
Complaints Handling	21	100%	76%
Anti-Social Behaviour	4	75%	41%

**National Maladministration Rate by Landlord Size:**

Table 3.2

Category	Less than 1,000 units	Between 1,000 and 10,000 units	More than 10,000 units	% Landlord Maladministration
Anti-Social Behaviour	33%	38%	41%	75%
Complaints Handling	96%	75%	76%	100%
Property Condition	48%	54%	54%	77%

**National Maladministration Rate by Landlord Type:**

Table 3.3

Category	Housing Association	Local Authority / ALMO or TMO	Other	% Landlord Maladministration
Anti-Social Behaviour	39%	43%	0%	75%
Complaints Handling	71%	87%	100%	100%
Property Condition	50%	64%	63%	77%

**Findings by Sub-Category** | Cases Determined between April 2022 - March 2023

Table 3.4

Highlighted Service Delivery Sub-Categories only:

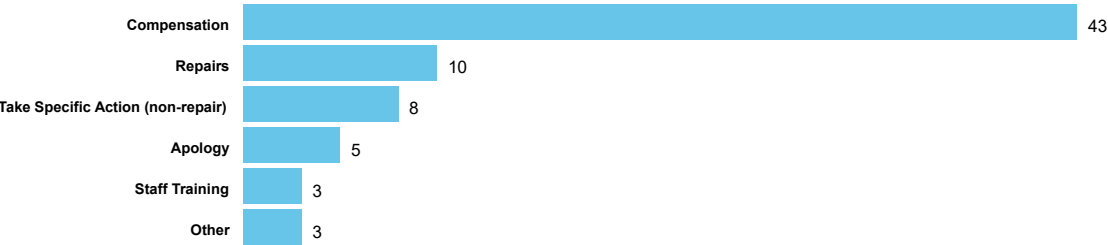
Sub-Category	Severe Maladministration	Maladministration	Service failure	Mediation	Redress	No maladministration	Outside Jurisdiction	Withdrawn	Total
Responsive repairs - general	0	4	1	0	1	3	0	0	9
Responsive repairs – leaks / damp / mould	3	5	0	0	0	1	0	0	9
Staff conduct	0	1	0	0	0	2	0	0	3
Responsive repairs – heating and hot water	0	2	0	0	0	0	0	0	2
Gas inspections and safety	0	1	0	0	0	0	0	0	1
Noise	0	1	0	0	0	0	0	0	1
Pest control (within property)	0	1	0	0	0	0	0	0	1
<b>Total</b>	3	15	1	0	1	6	0	0	26

**Top Sub-Categories** | *Cases determined between April 2022 - March 2023* Table 3.5



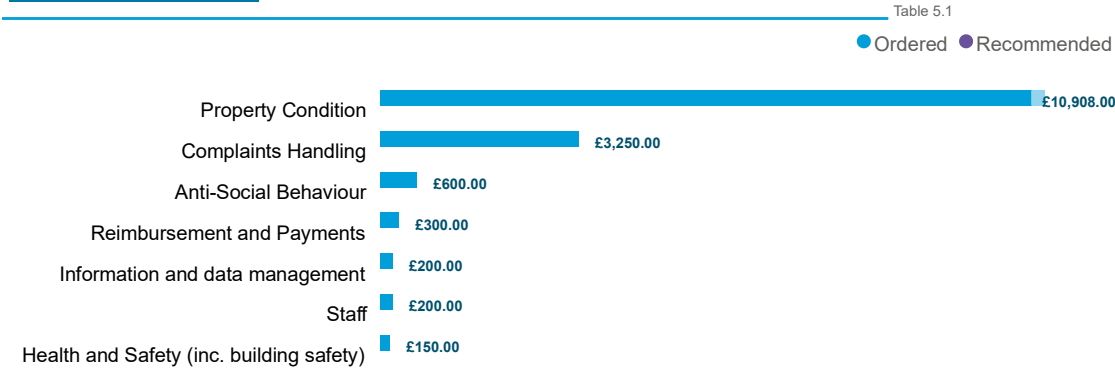
12	9	9
Other poor handling of complaint	Responsive repairs - general	Responsive repairs – leaks / damp / mould

### Orders Made by Type | *Orders on cases determined between April 2022 - March 2023* Table 4.1



### Order Compliance | *Order target dates between April 2022 - March 2023* Table 4.2

Order	Within 3 Months	
Complete?	Count	%
Complied	63	100%
<b>Total</b>	<b>63</b>	<b>100%</b>



### Compensation Ordered | *Cases*

*Determined between April 2022 - March 2023*



# Housing

## Ombudsman Service

# Complaint Handling Code

**Date published: 08 February 2024**

**Date applicable: 01 April 2024**

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## Foreword

The heartbeat of this Code is enabling a positive complaints culture across the social housing sector.

This positive culture matters regardless of size or type of landlord. It supports strong resident-landlord relationships. It means things can be put right for residents when they have gone wrong. It helps organisations to develop and improve services. And, perhaps above all, it supports the values of justice and fairness that embodies so much of the sector's social purpose.

This Code considers complaints to be more than transactions. Nonetheless, good complaint handling requires effective procedures and well-trained staff alongside a positive complaints culture that enables those procedures to achieve maximum impact. This Code sets out what landlords must do procedurally to handle complaints. Compliance with the Code is most effective within landlords that operate within established dispute resolution principles: to be fair, puts things right, and learn from outcomes.

Landlords must embrace complaints through increased transparency, accessibility, and complaint handling governance, demonstrating that residents are core to its service delivery and good complaint handling is central to that.

This Code aims to support the earliest resolution of complaints while the matters are still within the landlord's own procedure. This can avoid issues escalating with potentially prolonged detriment to the resident, as well as requiring significantly more time and resource by the landlord to remedy.

This Code provides a guide to residents of what to expect if they make a complaint, as well as improving access and awareness to the procedure when they need it. The adoption of this statutory Code and associated duties ensures residents do not experience a postcode lottery in complaint handling.

Embracing the Code can also empower staff. Involvement in complaint resolution develops staff ownership, decision-making and engagement, and should ensure appropriate resources and tools are deployed to handle complaints. It provides senior staff with essential insight into day-to-day operations, allowing them to assess effectiveness and identify any organisational risks or issues. Lastly, data collected about complaints can be analysed and used to inform key business decisions to drive improvement in service provision.

Landlords are expected to annually self-assess against the Code, to engage its governance in that exercise and to publish the outcome. We also encourage landlords to see this exercise as an opportunity to engage residents in setting their approach to complaints to drive a positive complaints and learning culture. This approach must be captured by the landlord in a single policy for handling complaints.

The positive engagement of landlords in the Code and its principles has brought focus on the importance of complaints and the advent of this statutory Code will drive further change to the benefit of both residents and landlords.



## Introduction

### Statutory powers

The Social Housing (Regulation) Act 2023 (the Act) empowered the Housing Ombudsman to issue a code of practice about the procedures members of the Scheme should have in place for considering complaints.

It also placed a duty on the Ombudsman to monitor compliance with a code of practice that it has issued.

The Ombudsman consulted on the Complaint Handling Code (the Code) and our intended approach to the duty to monitor in late 2023. The statutory Code will take effect from 1 April 2024 and our duty to monitor compliance will commence at the same time.

### Compliance with the Code

The Ombudsman believes all members must comply with all provisions in the Code as this represents best practice in complaint handling.

Where the Housing Ombudsman finds an organisation has deviated from the Code in policy or practice, it may use its powers to put matters right and ensure compliance with the Code. Where a landlord's policy does not comply with the Code, it must provide a detailed explanation for non-compliance in its self-assessment and the date by which it intends to comply.

Where there are exceptional circumstances which mean a landlord cannot meet specific requirements of Code, for example a small provider does not have a website, the Ombudsman will take a proportionate approach. In these circumstances, landlords must undertake all reasonable endeavours to deliver the intentions of the Code in an alternative way, for example by publishing information in a public area so that it is easily accessible.

Where a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, it must inform the Ombudsman of its reasons, provide information to residents who may be affected and publish this on their website. The landlord must provide all parties with a timescale for returning to compliance with the Code and the reasonableness of exemptions to the Code during this period may be assessed by the Ombudsman.

### Monitoring compliance with the Code

The Ombudsman would like all landlords to have strong local complaint handling and a positive complaint handling culture – resolving complaints earlier and potentially without referral to the Ombudsman extends fairness to the benefit of all residents. This also leads to better services and strengthens relationships with residents.

We will use the duty to monitor compliance to further these aims by supporting better practice and providing opportunities for landlords to demonstrate complaint handling improvements.

Support for improvement will be provided through the Centre for Learning, accessible via our website, which hosts an ever-growing range of tools targeted at complaints handlers, senior managers and governing bodies.

We will monitor compliance in three ways. This will involve ensuring that the landlord:

- has scrutinised and challenged its compliance with the Code at its governing body through review of its self-assessment against the Code, its complaints handling performance and its learning from complaints, and published the outcome on its website annually; •
- complies with the Code in policy; and
- complies with the Code in practice.

Where a landlord does not meet the requirements in any of the areas and does not move into compliance within a reasonable timescale, the Ombudsman may issue a Complaint Handling Failure Order (CHFO). The Ombudsman provides separate guidance on CHFOs on its website.

# The Complaint Handling Code

## 1. Definition of a complaint

1.1 Effective complaint handling enables residents to be heard and understood. The starting point for this is a shared understanding of what constitutes a complaint.

1.2 A complaint must be defined as:

*‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.’*

1.3 A resident does not have to use the word ‘complaint’ for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord’s complaints policy.

1.4 Landlords must recognise the difference between a **service request** and a **complaint**. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.

1.5 A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.

1.6 An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.

## 2. Exclusions

2.1 Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits.

2.2 A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:

- The issue giving rise to the complaint occurred over twelve months ago.
- Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Matters that have previously been considered under the complaints policy.

- 2.3 Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.
- 2.4 If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.
- 2.5 Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.

### 3. Accessibility and awareness

- 3.1 Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.
- 3.2 Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.
- 3.3 High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.
- 3.4 Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the two stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.
- 3.5 The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.
- 3.6 Landlords must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord.
- 3.7 Landlords must provide residents with information on their right to access the Ombudsman Service and how the individual can engage with the Ombudsman about their complaint.

### 4. Complaint handling staff

- 4.1 Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will

refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.

- 4.2 The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.
- 4.3 Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively.

## 5. The complaint handling process

- 5.1 Landlords must have a single policy in place for dealing with complaints covered by this Code. Residents must not be treated differently if they complain.
- 5.2 The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.
- 5.3 A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.
- 5.4 Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.
- 5.5 Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.
- 5.6 When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as "the complaint definition". If any aspect of the complaint is unclear, the resident must be asked for clarification.
- 5.7 When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.
- 5.8 At each stage of the complaints process, complaint handlers must:
  - a) deal with complaints on their merits, act independently, and have an open mind;
  - b) give the resident a fair chance to set out their position;
  - c) take measures to address any actual or perceived conflict of interest; and
  - d) consider all relevant information and evidence carefully.

- 5.9 Where a response to a complaint will fall outside the timescales set out in this Code the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.
- 5.10 Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.
- 5.11 Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.
- 5.12 A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.
- 5.13 Landlords must have processes in place to ensure that a complaint can be remedied at any stage of its complaints process. Landlords must ensure that appropriate remedies can be provided at any stage of the complaints process without the need for escalation.
- 5.14 Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.
- 5.15 Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.

## 6. Complaints stages

### Stage 1

- 6.1 Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.
- 6.2 Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure **within five working days of the complaint being received**.

- 6.3 Landlords must issue a full response to stage 1 complaints **within 10 working days** of the complaint being acknowledged.
- 6.4 Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.
- 6.5 When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.
- 6.6 A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.
- 6.7 Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 6.8 Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.
- 6.9 Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language:
- a) the complaint stage;
  - b) the complaint definition;
  - c) the decision on the complaint;
  - d) the reasons for any decisions made;
  - e) the details of any remedy offered to put things right;
  - f) details of any outstanding actions; and
  - g) details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

## Stage 2

- 6.10 If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.

- 6.11 Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within **five working days of the escalation request being received**.
- 6.12 Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.
- 6.13 The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.
- 6.14 Landlords must issue a final response to the stage 2 **within 20 working days** of the complaint being acknowledged.
- 6.15 Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.
- 6.16 When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.
- 6.17 A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.
- 6.18 Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 6.19 Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language:
- a) the complaint stage;
  - b) the complaint definition;
  - c) the decision on the complaint;
  - d) the reasons for any decisions made;
  - e) the details of any remedy offered to put things right;
  - f) details of any outstanding actions; and
  - g) details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.
- 6.20 Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.



## 7. Putting things right

7.1 Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:

- Apologising;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Changing policies, procedures or practices.

7.2 Any remedy offered must reflect the impact on the resident as a result of any fault identified.

7.3 The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.

7.4 Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.

## 8. Self-assessment, reporting and compliance

8.1 Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:

- a) the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements.
- b) a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept;
- c) any findings of non-compliance with this Code by the Ombudsman;
- d) the service improvements made as a result of the learning from complaints;
- e) any annual report about the landlord's performance from the Ombudsman; and
- f) any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.

8.2 The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the on the section of its website relating to complaints. The

governing body's response to the report must be published alongside this.

- 8.3 Landlords must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.
- 8.4 Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.
- 8.5 If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website. Landlords must provide a timescale for returning to compliance with the Code.

## 9. Scrutiny & oversight: continuous learning and improvement

- 9.1 Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.
- 9.2 A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.
- 9.3 Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.
- 9.4 Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.
- 9.5 In addition to this, a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').
- 9.6 The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.
- 9.7 As a minimum, the MRC and the governing body (or equivalent) must receive:
  - a) regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;
  - b) regular reviews of issues and trends arising from complaint handling;

- c) regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and
- d) the annual complaints performance and service improvement report.

9.8 Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:

- a) have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;
- b) take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- c) act within the professional standards for engaging with complaints as set by any relevant professional body.

## Findings of non-compliance with the code by the Housing Ombudsman 2023-24

Complaint Summary	Determination	Received	
The tenant was unhappy with the management of a repair to their floor.	Maladministration Maladministration	May 2023	The HO determined that the Council failed to appropriately deal with the repair and our complaint handling was not in line with our published timescales and standards.
The tenant was unhappy with repairs to their kitchen.	Maladministration Maladministration	June 2023	The HO determined that we had missed repeated repair appointments and our complaint handling was not in line with our published timescales and standards.
The tenant complained about our provision of CCTV and issues with antisocial behaviour	No Maladministration No Maladministration Service Failure	June 2023	The HO found no issues with our handling of the CCTV or ASB issues, however there was an avoidable delay in responding to her complaints.
The tenant complained about repairs to their ceiling and floorboards.	No Maladministration	July 2023	The HO found no issues with our handling of the repairs or the subsequent complaint.
The tenant complained regarding multiple repairs.	Service Failure No Maladministration Maladministration	July 2023	The HO found fault with our handling of repairs to a disabled shower, no fault with our handling of other repairs and maladministration with our late handling of the complaints.
The tenant endured repeated visits to repair a faulty central heating system over a long period.	Severe Maladministration Severe Maladministration Maladministration	July 2023	The HO found severe maladministration with our handling of the central heating repairs and our handling of the tenant's complaints, and maladministration with our record keeping throughout the process.
The tenant complained about the condition of a property following a mutual exchange.	No Maladministration Service Failure Service Failure	August 2023	The HO found no maladministration with the mutual exchange, but found service failure with our handling of the tenant's complaints and the time taken to carry out repairs following occupation of the property.

The tenant was left without a gas supply to her cooker for over three years.	Severe Maladministration Maladministration Maladministration	August 2023	The HO found severe maladministration with our handling of the repairs to the tenant's kitchen and bathroom, and maladministration with our handling of the complaint and record keeping relating to the repairs being carried out.
The Council failed to resolve issues with fly-tipping for over two years.	Maladministration Maladministration	August 2023	The HO found fault with our handling of the fly-tipping and our response to the tenant's complaints.
The Council failed to identify repeat repairs as an underlying issue and this resulted in a worsening of the property condition.	Maladministration Maladministration	August 2023	The HO found maladministration with our repairs handling and our response to the tenant's complaints.
The tenant complained about delays in dealing with repairs and the Council sending the wrong contractors.	Maladministration No Maladministration Service Failure	August 2023	The HO found maladministration with our repairs handling, no maladministration with our management of the tenancy and service failure with our record keeping relating to the tenancy.
The tenant complained about our handling of a heating repair.	Maladministration	August 2023	The HO found maladministration with our record keeping meaning that we could not evidence the works carried out.
The tenant complained about our handling of repairs to their kitchen cupboards.	Maladministration No Maladministration Service Failure	August 2023	The HO found maladministration with our handling of the repairs, no maladministration with our handling of capital works and service failure with our late response to the complaint.
The tenant complained about a mice infestation, a leak from above and damp and mould.	Service Failure No Maladministration Maladministration No Maladministration	August 2023	The HO found service failure with our response to the mice infestation, no maladministration with our handling of the leak from above, maladministration with our handling of damp and mould and no maladministration with our handling of the tenant's complaint.
The tenant complained about our handling of a blocked	Maladministration Maladministration	August 2023	The HO found maladministration with our record keeping relating to previous works carried out, and

drain and leak at their property.			maladministration with our handling of the complaint.
The tenant complained regarding a leak that had been ongoing for four years.	Maladministration Maladministration	August 2023	The HO found maladministration with our handling of the leak, and maladministration with our late handling of the associated complaint.
The tenant complained about the type of paint used on a kitchen repair and our response to his request for a decant.	Service Failure No Maladministration	August 2023	The HO found maladministration with our record keeping relating to the type of paint, and no maladministration with our handling of his request for a decant.
The tenant complained about our handling of ongoing repairs and our complaint handling.	Severe Maladministration Severe Maladministration Maladministration	September 2023	The HO found severe maladministration with our handling of the repairs, which were outstanding for several years, severe maladministration with our complaint handling which was consistently late, and maladministration with our record keeping.
The tenant complained about our handling of a leak from above.	Severe Maladministration Severe Maladministration	September 2023	The HO found severe maladministration with our handling of the repair, which had been ongoing for over three years, and severe maladministration with our complaint handling which was significantly overdue.
The tenant complained about ongoing antisocial behaviour.	Service Failure Maladministration	September 2023	The HO found service failure with our handling of the antisocial behaviour as we had failed to apply our policy correctly, and maladministration with our complaint handling which was overdue.
The tenant complained about our handling of an ongoing leak.	Maladministration Maladministration	September 2023	The HO found maladministration with our handling of the leak and maladministration with our complaint handling which was overdue.
The tenant complained about our handling of issues of subsidence and damp and mould.	Maladministration Maladministration Maladministration	September 2023	The HO found maladministration with our handling of the issues of subsidence and damp and mould, which had been ongoing and unresolved, and maladministration with our

			handling of the complaint, which was overdue.
The tenant complained about repairs to a stop tap and potential asbestos within the property.	Maladministration Maladministration	September 2023	The HO found maladministration with our response to the request for an asbestos inspection/survey and our complaint handling, which was late.
The tenant complained about our handling of issues with damp and mould and decanting to an alternative property.	Severe Maladministration Maladministration Maladministration	September 2023	The HO found severe maladministration with our handling of the repairs and decant which were significantly delayed due to Covid 19, maladministration with our failure to identify the mobility needs of the household and maladministration with our complaint handling, which was late.
The tenant complained about issues with damp and mould, a mice infestation and various repairs.	Maladministration Severe Maladministration Maladministration Maladministration	September 2023	The HO found maladministration with our handling of the damp and mould due to the condition of the property at the time of letting, severe maladministration with our handling of the mice infestation, maladministration with our handling of various repairs and maladministration with our handling of the complaint, which was overdue.
The tenant complained about our handling of repairs to a fence.	Maladministration Maladministration	October 2023	The HO found maladministration with our handling of the repairs to the fence, which took over three years, and with our handling of the complaint, which was overdue.
The tenant complained about our handling of issues with noise from heating pipes.	Maladministration Service Failure	October 2023	The HO found maladministration with our handling of the heating pipes, which required repeat visits to resolve, and service failure with our late handling of the complaint.
The tenant complained about our handling of repairs which had been ongoing for four years.	Severe Maladministration Severe Maladministration	October 2023	The HO found severe maladministration with our response to the repairs over several years and our complaint handling, as responses to complaints were not accurate.

The tenant complained about our handling or repairs to an outbuilding.	Maladministration Maladministration	October 2023	The HO found maladministration with our handling of the repairs, which had been ongoing for several years, and out complaint handling which was overdue.
The tenant complained about our handling of a roof leak.	Maladministration Maladministration	October 2023	The HO found maladministration with our handling of the roof leak, which included avoidable delays in identifying and resolving, and with our complaint handling, which was late.
The tenant complained about the condition of the property at the time of letting.	Maladministration Service Failure	October 2023	The HO found maladministration with our compliance with our Empty Property Repairs Standard, and service failure with our handling of the complaint which was late.
The tenant complained about our handling of antisocial behaviour.	Maladministration Maladministration	November 2023	The HO found maladministration with our application of our antisocial behaviour policy and our communication with the tenant, and with our complaint handling which was late.
The tenant complained about our handling of a leak.	Maladministration	November 2023	The HO found maladministration with our repeated visits and failure to identify and address the root cause of the leak, or damp and mould issues arising from the ongoing leak.
The tenant complained about our handling of antisocial behaviour.	Maladministration Service Failure	November 2023	The HO found maladministration with our application of our antisocial behaviour policy and service failure with our complaint handling, which was late.
The tenant complained about our failure to resolve an issue with an ongoing leak and resultant damage to their property.	Maladministration Maladministration	November 2023	The HO found maladministration with our handling of the repair, which included avoidable delays in identifying and resolving the issue, and with our complaint handling, which was late.
The tenant complained about our handling of leaks to an extension.	Severe Maladministration Maladministration	November 2023	The HO found severe maladministration with our handling of the repairs for a long period of time following installation of the extension, and maladministration with our



			handling of the complaint, which was late.
The tenant complained about our handling of antisocial behaviour.	Maladministration Maladministration	November 2023	The HO found maladministration with our application of our antisocial behaviour policy and with our complaint handling, which was late.
The tenant complained about ongoing electrical repairs.	Maladministration Severe Maladministration	November 2023	The HO found maladministration with our complaint handling, which was late, and severe maladministration with our response to the repairs due to confusion over the responsibility between the Council and its TMO.
The tenant complained about our handling of ongoing issues with damp and mould.	Severe Maladministration Maladministration	December 2023	The HO found severe maladministration with our handling of the repairs and our approach to accessing a neighbouring property, and maladministration with our handling of the complaint, which was late.
The tenant complained about our handling of noise nuisance and transference.	Maladministration Maladministration Maladministration	January 2024	The HO found maladministration with our application of our antisocial behaviour, our handling of the complaint, which was late, and our record keeping, which was incomplete and inaccessible.
The tenant complained about issues with damp and mould.	Maladministration Maladministration	January 2024	The HO found maladministration with our handling of the damp and mould inspection and remedial works, and with our complaint handling which was late.
The tenant complained about our handling of an ongoing leak.	Maladministration Service Failure Service Failure Service Failure	January 2024	The HO found maladministration with our handling of the repair due to jobs being cancelled without rescheduling, service failure to comply with our repairs policy timescales regarding repairs to the kitchen and windows, and service failure with our handling of the complaint, which was late.
The tenant complained about our handling of a kitchen replacement.	Service Failure Maladministration	February 2024	The HO found service failure with our handling of the repair and replacement of the kitchen which was repeatedly delayed, and maladministration with our

			complaint handling which was late and of poor quality.
The tenant complained about the condition of the property on letting, and our handling of repairs following occupation including an ongoing leak.	Severe Maladministration Maladministration Maladministration	February 2024	The HO found severe maladministration with our handling of the repairs, with repeated visits and repairs failing to address the issues. The HO found maladministration with our record keeping of repairs at the tenant's property and with our complaint handling, which was late.
The tenant complained about our handling of antisocial behaviour.	Service Failure Maladministration	February 2024	The HO found service failure with our handling of a complaint against the tenant from a neighbour, and maladministration with our complaint handling, which was late and of poor quality.
The tenant complained about our handling of repairs to a boiler.	Service Failure Maladministration Maladministration	February 2024	The HO found service failure with our handling of a boiler repair which was delayed, and maladministration with our handling of the conduct of an operative and our complaint handling, which was late and of poor quality.
The tenant complained about our handling of an external waste leak.	Severe Maladministration Maladministration	February 2024	The HO found severe maladministration with our handling of a waste leak, which was incorrectly repaired, records were not accurate and follow-on works were significantly delayed. The HO found maladministration with our complaint handling which was late with no consideration of financial redress.
The tenant complained about our handling of a mutual exchange and subsequent repairs including an ongoing leak.	Maladministration Severe Maladministration Severe Maladministration	February 2024	The HO found maladministration with our handling of the mutual exchange which was not in line with our policy. The HO found severe maladministration with our handling of the repairs due to repeated visits and our treatment of vulnerabilities within the household, and our complaint handling at both stages which was significantly delayed.

The tenant complained about our handling of issues with damp and mould.	Maladministration Maladministration	March 2024	The HO found maladministration with our handling of damp and mould, with the tenant being advised to report repeat jobs rather than the Council pursuing them, and with our handling of the complaint which was late at both stages.
The tenant complained about our handling of damp and mould.	Maladministration Maladministration	March 2024	The HO found maladministration with our handling of ongoing damp and mould issues over repeated visits, and with our complaint handling which was of poor quality.
The tenant complained about our handling of damp and mould and repairs to an outbuilding causing water ingress.	Maladministration Maladministration Maladministration	March 2024	The HO found maladministration with our handling of the damp and mould repairs which were delayed, maladministration with our delays to repairing the outbuilding, and maladministration with our handling of the complaint, which was late and poor.
The tenant complained about our handling of damp and mould and a leak.	Maladministration Maladministration	March 2024	The HO found maladministration with our handling of damp and mould which was not in line with our repairs policy, and with our handling of the complaint which was late and did not consider financial redress.
The tenant complained about our handling of issues with damp and mould, delays to adaptation works, and various ad-hoc repairs.	Maladministration Maladministration Maladministration Maladministration	March 2024	The HO found maladministration with our handling of damp and mould due to delays with access, with our handling of adaptations due to confusion between departments over responsibility, with our handling of ad-hoc repairs which were cancelled without reasons and with our complaint handling which was late and of poor quality.



# EQUALITY IMPACT ASSESSMENT

City Housing Annual Complaint Review 2023-24

Reference: EIA000457

Date: 25/06/2024

Submitted by: Grant Kennelly



### EIA Form – About your EIA

Reference number	EIA000457
Date Submitted	25/06/2024
Subject of the EIA	City Housing Annual Complaint Review 2023-24
Brief description of the policy, service or function covered by the EIA	The Council is required to make an annual submission to the Housing Ombudsman in line with their Complaint Handling Code. In order to be compliant, the Council is required to provide a report on complaints received and responded to in 2023-24, a self-assessment against the Complaint Handling Code, copies of Housing Ombudsman reports relating to the Council and other relevant documents. A requirement for this submission is for the report to be provided to the Council's governing body and for a response from the governing body to be provided to the Housing Ombudsman. This EIA is required in order to support the submission of the Annual Complaint Report to the Housing Ombudsman in line with our statutory requirements.
Equality Assessment is in support of...	["New function"]
How frequently will you review impact and mitigation measures identified in this EIA?	Annually
Due date of the first review	2025-07-01

### Directorate, Division & Service Area

Which directorate(s) are responsible for this EIA?	["City Housing"]
Division	Strategic Enabling
Service area	Strategic Enabling
Budget Saving	No

### Officers

What is the responsible officer's name?	Click or tap here to enter text.
What is the responsible officer's email address?	grant.kennelly@birmingham.gov.uk
What is the accountable officer's name?	Guy Chaundy
What is the accountable officer's email address?	guy.chaundy@birmingham.gov.uk

### Data Sources



Data sources	["Birmingham City Observatory data and insight", "Relevant reports/strategies"]
Data source details	The complaints data used to produce the report is taken from the Corporate Complaints Service, and from the City Observatory Data and Power BI data relating to complaints.

### Protected Characteristics

Protected Characteristic – Age	
Does this proposal impact people due to their age as per the Equality Act 2010?	No
What age groups are impacted by your proposal?	
Please describe any potential impact to the age characteristic	
How could you mitigate against any negative impact to the age characteristic?	
Please describe how this proposal does not impact people due to their age	This report relates to all complaints received by tenants and leaseholders in 2023-24; there is no particular group impacted by the publication of this report which anonymises tenants/leaseholders and relates only to complaints received/determined.

Protected Characteristic – Disability	
Does this proposal impact those people with a disability as per the Equality Act 2010?	No
Please describe any potential impact to the disability characteristic	
How could you mitigate against any negative impact to the disability characteristic?	
Please describe how this proposal does not impact people due to their disability	This report relates to all complaints received by tenants and leaseholders in 2023-24; there is no particular group impacted by the publication of this report which anonymises tenants/leaseholders and relates only to complaints received/determined.

### Protected Characteristic – Sex



Does this proposal impact citizens based on their sex as per the Equality Act 2010?	No
What sexes will be impacted by this proposal?	
Please describe any potential impact to the sex characteristic	
How could you mitigate against any negative impact to the sex characteristic?	
Please describe how this proposal does not impact people due to their sex	This report relates to all complaints received by tenants and leaseholders in 2023-24; there is no particular group impacted by the publication of this report which anonymises tenants/leaseholders and relates only to complaints received/determined.

#### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	No
Please describe any potential impact to the gender reassignment characteristic	
How could you mitigate against any negative impact to the gender reassignment characteristic?	
Please describe how this proposal does not impact people due to gender reassignment	This report relates to all complaints received by tenants and leaseholders in 2023-24; there is no particular group impacted by the publication of this report which anonymises tenants/leaseholders and relates only to complaints received/determined.

#### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?	No
What legal marital or registered civil partnership status will be impacted by this proposal?	





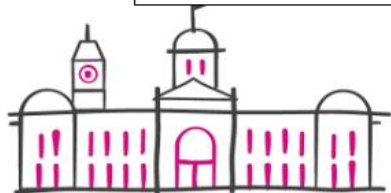
Please describe any potential impact to the marriage and civil partnership characteristic	
How could you mitigate against any negative impact to the marriage and civil partnership characteristic?	
Please describe how this proposal does not impact people who are married or in a civil partnership	This report relates to all complaints received by tenants and leaseholders in 2023-24; there is no particular group impacted by the publication of this report which anonymises tenants/leaseholders and relates only to complaints received/determined.

### Protected Characteristic - Pregnancy and Maternity

Does this proposal impact people covered by the Equality Act 2010 under the protected characteristic of pregnancy and maternity?	No
Please describe any potential impact to the pregnancy and maternity characteristic	
How could you mitigate against any negative impact to the pregnancy and maternity characteristic?	
Please describe how this proposal does not impact people who are covered by the pregnancy and maternity characteristic	This report relates to all complaints received by tenants and leaseholders in 2023-24; there is no particular group impacted by the publication of this report which anonymises tenants/leaseholders and relates only to complaints received/determined.

### Protected Characteristic - Ethnicity and Race

Does this proposal impact people due to their race as per the Equality Act 2010?	No
What ethnic groups would be impacted by this proposal?	
Please describe any potential impact to the ethnicity and race characteristic	
How could you mitigate against any negative impact to the ethnicity and race characteristic?	



Please describe how this proposal does not impact people due to their race	This report relates to all complaints received by tenants and leaseholders in 2023-24; there is no particular group impacted by the publication of this report which anonymises tenants/leaseholders and relates only to complaints received/determined.
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### Protected Characteristic - Religion or Beliefs

Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	No
What religions could be impacted by this proposal?	
Please describe any potential impact to the religion or beliefs characteristic	
How could you mitigate against any negative impact to the religion or beliefs characteristic?	
Please describe how this proposal does not impact people due to their religion or beliefs	This report relates to all complaints received by tenants and leaseholders in 2023-24; there is no particular group impacted by the publication of this report which anonymises tenants/leaseholders and relates only to complaints received/determined.

### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	No
What sexual orientations may be impacted by this proposal?	
Please describe any potential impact to the sexual orientation characteristic	
How could you mitigate against any negative impact to the sexual orientation characteristic?	
Please describe how this proposal does not impact people due to their sexual orientation	This report relates to all complaints received by tenants and leaseholders in 2023-24; there is no particular group impacted by the publication of this report which anonymises tenants/leaseholders and relates only to complaints received/determined.

### Monitoring



How will you ensure any adverse impact and mitigation measures are monitored?

There are no anticipated adverse impacts and no mitigation required as a result.

Please enter the email address for the officer responsible for monitoring impact and mitigation

grant.kennelly@birmingham.gov.uk





# Birmingham City Council

## Report to Cabinet

23<sup>rd</sup> July 2024



<b>Title:</b>	<b>KEY DECISION PLANNED PROCUREMENT ACTIVITIES (AUGUST 2024 – OCTOBER 2024)</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Karen McCarthy, Cabinet Member for Finance
<b>Relevant Overview and Scrutiny Committee:</b>	Councillor Albert Bore, Chair of the Corporate and Finance Overview and Scrutiny Committee
<b>Report Author:</b>	Maria Huggon, Interim Director – Commercial and Procurement, Chief Operating Officer Directorate <a href="mailto:Maria.huggon@birmingham.gov.uk">Maria.huggon@birmingham.gov.uk</a>
<b>Authorised by:</b>	John Quinn, Interim Chief Operating Officer, Chief Operating Officer Directorate <a href="mailto:John.quinn@birmingham.gov.uk">John.quinn@birmingham.gov.uk</a>
<b>Is this a Key Decision?</b>	Yes
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Yes – Reference / 013081/2024
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable.
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	
<b>Is this decision eligible for ‘call in?’</b>	Yes
<b>If not eligible, please provide reason(s):</b>	Not Applicable.

**Wards:**

All

**Does this report contain exempt or confidential information?**

No

**Has this decision been included on the Notification of Intention to consider Matters in Private?**

Not Applicable

**Reasons why not included on the Notification:**

Not Applicable

## **1 EXECUTIVE SUMMARY**

- 1.1 This report provides details of the planned procurement activity for the period July 2024 – September 2024 which are key decisions made under Chief Officers' delegation during the previous quarter. Planned procurement activities reported previously are not repeated in this report.
- 1.2 The report enables Cabinet to identify whether any reports for procurement activities should be brought to this meeting for specific executive decision, otherwise they will be dealt with under Chief Officer delegations up to the value of £10m, unless TUPE applies to current Council staff.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendations.

## **3 RECOMMENDATIONS**

### **That Cabinet:**

- 3.1 To approve the planned procurement activities and approve Chief Officer delegations, set out in the Constitution for the subsequent decisions around the procurement strategy for the following:
- Technical Professional Services for Transportation and Infrastructure
  - Provision of the Statutory Education Support Application
  - Stock Condition & Energy Performance Surveys – Phase 3
  - Asbestos Re-Inspection Programme
  - Digital Platform to Support Disrepair and Litigation Repairs
  - Fire Risk Assessment Programme for Low Rise Blocks
  - Tyres for Vehicles, Plant & Related Services
  - Vehicle Repair and Maintenance
  - Technical Professional Services for Moseley Road Baths
  - Transformation Partner Children and Families Services
  - Community Engagement Partners - Amendment

## **4 KEY INFORMATION**

### **Context**

- 4.1 In line with the Procurement and Contract Governance Rules that form part of the Council's Constitution, this report acts as the process to consult with and take soundings from Cabinet and the Corporate and Finance Overview and Scrutiny Chair.
- 4.2 This report sets out the planned procurement activity over the next few months where the contract value is between the procurement threshold £179,086.67

(excluding VAT) and £10m (excluding VAT) for non-key decisions. 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.

- 4.3 It should be noted that the procurement threshold has changed from £177,897.50 to £179,086.67 (excluding VAT) and applies from 1st January 2024 for a period of 2 years.
- 4.4 Individual procurements may be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Corporate and Finance Overview and Scrutiny Chair where there are sensitivities or requirements that necessitate a decision being made by Cabinet.
- 4.5 Details of how the contracts support relevant Council policies, plans or strategies, Community Cohesion will be set out in the individual reports.

#### **Proposal and Reasons for Recommendations**

- 4.6 To approve the planned procurement activities for all the projects listed in Appendix 1 and approve Chief Officer delegations as set out in the Constitution for the subsequent decisions around procurement strategy and contract awards. This will enable the commencement of the procurement activity for the award for of contracts which support the delivery of the Council's services.

#### **Other Options Considered**

- 4.7 No other option was considered as the meeting of the Council on 12<sup>th</sup> July 2022 approved changes to the procurement governance which delegated authority to Chief Officers to approve award contracts up to the value of £10m for key decisions.

### **5 RISK MANAGEMENT**

- 5.1 Members should note that in respect of any procurement projects which are sought to be referred back to Cabinet for further considerations these may impact on timescales around the delivery of those projects.
- 5.2 Details of risk management for the procurement activity will be set out in the individual reports.

### **6 CONSULTATION**

- 6.1 This report to Cabinet is copied to Cabinet Members and Cabinet Support Officers and therefore is the process for consulting with relevant cabinet and scrutiny members. At the point of submitting this report Cabinet Members have



not indicated that any of the planned procurement activity needs to be brought back to Cabinet for executive decision.

- 6.2 Approval has been sought from the relevant Spend Control Board prior to inclusion on the PPAR.

## **7 MEMBER ENGAGEMENT**

### **Ward Councillor(s)**

- 7.1 Not applicable

### **Overview and Scrutiny**

- 7.2 The Corporate and Finance Overview & Scrutiny Committee Chair has been consulted on the contents of this report and has not indicated that any of the planned procurement activity needs to be brought back to Cabinet for executive decision.

### **Other**

- 7.3 Not applicable.

## **8 IMPACT AND IMPLICATIONS**

### **Finance**

- 8.1 Specific details of how decisions will be carried out within existing finances and resources are set out in the Appendix 2.
- 8.2 Any cashable savings generated as a result of the procurement exercises are detailed in Appendix 2 to the delivery of procurement related savings and be removed from Directorate where identified in addition to the existing service area savings target as set out in the Medium-Term Financial Plan (MTFP) in line with the principles to treatment of identified savings against third party contracts as agreed by CLT on 24th January 2022.

### **Legal**

- 8.3 Members are reminded that as a Local Authority the Council has specific duties under public sector procurement, specifically the Public Contract Regulations 2015.
- 8.4 Section 1 of the Localism Act 2011 contains the City 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.

### **Equalities**

- 8.5 Details of the Equality Act requirements will be set out in the individual reports which should also give consideration to application of Equality Impact Assessments in line with Council Policy.

#### **Procurement**

- 8.6 As noted under the Legal Implications the Council has a duty to ensure that public sector procurement activity is in line with public sector legislation, specifically the Public Contracts Regulations 2015.
- 8.7 For each of the individual projects the specific procurement implications are set out and detailed in Appendix 2.

#### **People Services**

- 8.8 There are no specific staffing implications with the recommendations of this report.

#### **Climate Change, Nature and Net Zero**

- 8.9 For each of the individual projects the climate change, nature and net zero implications are set out and detailed in Appendix 2.

#### **Corporate Parenting**

- 8.10 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

#### **Other**

- 8.11 There are no other implications arising from the recommendations in this report.

### **9 APPENDICES**

- 9.1 Appendix 1 - Planned Procurement Activity August 2024 – October 2024.
- 9.2 Appendix 2 – Background Briefing Paper
- 9.3 Appendix 3 - Notification of Minor Amendments

### **10 BACKGROUND PAPERS**

- 10.1 Not applicable.

## APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (AUGUST 2024 – OCTOBER 2024)

No.	Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio	Finance Officer	Contact Name	Planned CO Decision Date
1	Strategy / Award	Technical Professional Services for Transportation and Infrastructure	TBC	There is a requirement for technical professional services to support the Transportation and Highways Delivery Programme and other areas of the Council requiring similar services. The services include but not limited to the following: •Highway Engineering & Design •Programme and Project Management •Commercial Management •Site Supervision •Transport Planning	1 year, 3 months	Place, Prosperity, and Sustainability	Environment and Transport	Azhar Rafiq	Claire Steiner / Stuart Follows	19/08/2024
2	Strategy / Award	Provision of the Statutory Education Support Application	TBC	Provision of the core education application (Impulse) used by the Children & Families directorate to record and track a child's path through all stages of educational support and to meet statutory requirements.  The proprietary system (Impulse) is a key digital case management tool (storing data relating to a child / school / care provider / parents / guardians / professional, etc) to enable the Children and Families Directorate to carry out their statutory duties including providing children with primary and secondary school places and identifying and supporting children and young people with special education needs and/or in vulnerable situations. In addition, the system provides key data to support operational, statutory and performance related reporting and analysis.	3 years with an option to extend for a further 2 years	Digital Information & Technology Services	Digital, Culture, Heritage and Tourism	Ravinder Dhaliwal	Chris Holt / Jake Smith	09/09/2024
3	Strategy / Award	Stock Condition & Energy Performance Surveys – Phase 3	P2220	The Council needs to re-appoint the services of surveying contractors Savills to carry out 6,000 Stock Condition Surveys (SCS's) and/or Energy Performance Certificates (EPCs) per annum over the next 4 years as part of the survey programme agreed between the Regulator of Social Housing (RSH) and the Council.	4 years	City Housing	Housing & Homelessness	Andrew Healey	Adele Livesey / Dean Billingham	12/08/2024
4	Strategy / Award	Asbestos Re-Inspection Programme	TBC	The Council has a statutory obligation to manage Asbestos, under the Control of Asbestos Regulations 2012, within the shared areas of all its housing stock. All properties, built prior to 2000, must have a management survey undertaken. Once completed, and where any materials are proven to contain asbestos an Asbestos Management Plan (AMP) is produced. The Council needs to ensure there is an ongoing programme of re-inspection. Low Rise: - approximately 2100 low rise require a re-inspection survey to meet the requirements set out above.  High Rise: -approximately 204 high and medium properties will require a re-inspection survey to meet the requirements set out above.	3 years with the option to extend for a further 2 years	City Housing	Housing & Homelessness	Andrew Healey	Brian Clifton / Lucy Ford	09/09/2024
5	Strategy / Award	Digital Platform to Support Disrepair and Litigation Repairs	TBC	The Disrepair and Litigation team deals with all claims relating to Section 11 of the Landlord and Tenant Act 1985 and the Section 82 of the Environmental Protection Act. The team is responsible for the inception of all new claims against the Council, disclosure of our repair records and assessment of liability to establish quantum (whether the Council is liable to pay compensation and costs). As part of this process works orders are raised following our inspection of the property and we are obligated under the aforementioned law/legislation to complete those works as a responsible Landlord within a reasonable period of time, where we fail to do this, we are liable to pay the tenant and their legal representatives costs and compensation.	6 months	City Housing	Housing & Homelessness	Andrew Healey	Kully Gill / Jamie Parris / Lucy Ford	12/08/2024

No.	Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio	Finance Officer	Contact Name	Planned CO Decision Date
6	Strategy / Award	Fire Risk Assessment Programme for Low Rise Blocks	TBC	Birmingham City Council (the Council) has a statutory duty under the Regulatory Reform (Fire Safety) Order 2005 to carry out Fire Risk Assessments (FRA's) in all its housing stock which contain a communal area. BCC policy is that FRA's for all low-rise properties are inspected on a risk based cycle of 1- 3 years, dependant on previously identified risk. BCC currently has 2100 communal spaces within low rise residential blocks across the city.	3 years with the option to extend for a further 2 years .	City Housing	Housing & Homelessness	Andrew Healey	Brian Clifton / Lucy Ford	09/09/2024
7	Strategy / Award	Tyres for Vehicles, Plant & Related Services	P2234	For the supply, delivery, fitting, puncture repair and disposal of tyres for vehicle and plant providing all associated services:  •supply, fit, puncture repair (and associated services), disposal of tyres for cars, vans; •disposal of tyres for trucks; and disposal of tyres for agricultural/plant.	4 years	City Operations	Environment and Transport	Carl Tomlinson	Robert Bowdler / Dawn Harding / Meena Chuhan	07/10/2024
8	Strategy / Award	Vehicle Repair and Maintenance	TBC	The Council needs a contract in place to carry out maintenance of the Councils fleet including waste, streetscene, parks & nurseries and bereavement services. To maintain a high standard and quality of maintenance services and shall be responsible for the provision of all the necessary staff, materials, consumables, and equipment to perform these services.	4 years	City Operations	Environment and Transport	Carl Tomlinson	Ian Rowe / Meena Chuhan	07/10/2024
9	Strategy / Award	Technical Professional Services for Moseley Road Baths	TBC	Technical professional services to support phase 2 of the Moseley Road Baths refurbishment programme for RIBA stages 4-7. The services are as follows: •Project Management •Cost Control •Design Services •Mechanical and Engineering Services •Structural Engineering •Landscape Architecture •Heritage Consultancy	up to 4 years	City Operations	Health and Social Care	Carl Tomlinson	Helen Corrigan / Charlie Short	12/08/2024
10	Strategy / Award	Transformation Partner Children and Families Services	TBC	Procurement of transformation partner to enable the next round of children and families' savings to be delivered. Children and Families are currently supported by a transformation partner to deliver a number of transformational activities to identify potential areas for savings in 2025/26.	up to 2 years	Digital and Technology Services / Children and Families	Children, Young People and Families	Paul Durrant	Adrian Weissenbruch / Sandra Asiedu	09/09/2024
11	Approval to Tender Strategy - Amendment	Community Engagement Partners	P0942	To commission community engagement partners to identify local health need, map community assets, and co-produce solutions.  These community organisations will be called deep engagement partners. The partners will be supported by an academic partner. The programme will feature 17 deep engagement partners each held under Lots that will work with the following communities: 1.9x ethnic communities 2.3x faith communities 3.2x LGBTQ+ communities 4.3x communities with a disability	2 years with an option to extend for a further 2 years	Partnerships Insight and Prevention	Health and Social Care	Ravinder Dhaliwal	Joseph Merriman / Manjit Samrai / Sandra Asiedu	09/09/2024

## **APPENDIX 2**

### **BRIEFING NOTE ON PLANNED PROCUREMENT ACTIVITIES** **CABINET – 23rd JULY 2024**

<b>Title of Contract</b>	<b>Technical Professional Services for Transportation and Infrastructure</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Philip Nell, Acting Strategic Director Place, Prosperity, and Sustainability <b>Client Officer:</b> Claire Steiner, Head of Transport Projects (Contracts and Resources), Transport and Connectivity <b>Procurement Officer:</b> Stuart Follows, Interim Procurement Manager
<b>Relevant Portfolio</b>	<b>Councillor Majid Mahmood - Cabinet Member for Environment and Transport</b>
Briefly describe the service required.	There is a requirement for technical professional services to support the Transportation and Highways Delivery Programme and other areas of the Council requiring similar services. The services include but not limited to the following: <ul style="list-style-type: none"><li>• Highway Engineering &amp; Design</li><li>• Programme and Project Management</li><li>• Commercial Management</li><li>• Site Supervision</li><li>• Transport Planning</li></ul>
What is the proposed procurement route?	A compliant public sector framework agreement identified as being the most suitable that demonstrates value for money will be used in accordance with its protocol. Corporate Procurement will work with the team to determine the most suitable framework available to provide Best Value to the Council for this contract.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The current framework agreement for these services expires on 31 <sup>st</sup> August 2024. There is a requirement for a longer-term agreement which will be tendered in line with the Procurement Regulations 2024 coming into effect.
Will any savings be generated?	No cashable savings will be generated from these services which support capital projects. However, there will be robust contract management in place to ensure value for money is demonstrated in service delivery and projects delivered within approved budgets.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house. However, the services supplement the in-house resource to enable peaks in workload and to plug gaps where there is not the capacity, skills or capability in the Council.
How will this service assist with the Council's commitments to Route to Zero?	These services support the contribution of projects to achieving the priorities and targets to Route to Zero.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	These services support the contribution of projects to achieving the priorities and targets which are inclusive to all sections of the community.
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 these services. However, this supports the Council, in carrying out transportation, highway and infrastructure related work, will do so under the relevant primary legislation comprising the Highways Act 1980; Road Traffic Act 1974; Road Traffic Regulation Act 1984; Local Government Act 1972; Traffic Management Act 2004; and Transport Act 2000 and other related regulations, instructions, directives and general guidance.

Approval via Spend Control Board.	Spend Control Board approval is in place for the individual highways and infrastructure schemes for which these services support.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value for this project will be up to £9,500,000.
What budget is the funding from for this service?	Funding will be from individual approved project budgets.
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> September 2024 for a period of up to 1 year, 3 months.

<b>Title of Contract</b>	<b>Provision of the Statutory Education Support Application</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> John Gladman, Interim Director of Digital Information & Technology Services <b>Client Officers:</b> Chris Holt, Head of Technology Practice Applications <b>Procurement Officer :</b> Jake Smith, IT Category Manager
<b>Relevant Portfolio</b>	<b>Councillor Saima Suleman - Cabinet Member for Digital, Culture, Heritage and Tourism</b>
Briefly describe the service required.	<p>Provision of the core education application (Impulse) used by the Children &amp; Families directorate to record and track a child's path through all stages of educational support and to meet statutory requirements.</p> <p>The proprietary system (Impulse) is a key digital case management tool (storing data relating to a child / school / care provider / parents / guardians / professional, etc) to enable the Children and Families Directorate to carry out their statutory duties including providing children with primary and secondary school places and identifying and supporting children and young people with special education needs and/or in vulnerable situations. In addition, the system provides key data to support operational, statutory and performance related reporting and analysis.</p> <p>A robust strategic review within Children and Families recommended that a new contract for the incumbent platform (Impulse) is now required to facilitate, support, maintain, and enhance the current service and complex infrastructure. Implications in respect of cost, transition (approx. 2-3 years) and the associated risk(s) of change would not make a switch to a new provider a viable proposition (at this juncture).</p>
What is the proposed procurement route?	It's proposed a direct award to the proprietary licensor (CACI Ltd) be placed via the Crown Commercial Services Framework (RM6259) - Vertical Application Solutions (Lot 2 – Education, Community Health and Social Care Solutions).
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There is an existing contract with CACI Ltd for provision of licenses, annual support and maintenance and project costs for development and upgrade implementations. This contract expires on the 30 <sup>th</sup> September 2024.
Will any savings be generated?	Savings are not anticipated.
Has the In-House Preferred Test been carried out?	Yes – this service cannot be delivered in-house as this is a third-party technology / software solution that the Council cannot deliver.

How will this service assist with the Council's commitments to Route to Zero?	By utilising the system, it removes manual working, thus reducing the Council's carbon footprint.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	The required activities support tackling inequalities as per BCCs Equality Strategy and Action Plan documented <a href="#">here</a> . The activities i.e. providing services to children and young people are critical in underpinning 'Equality', 'Diversity', 'Equity', 'Inclusion' and 'Belonging'.
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 this service. This supports the education service for approx. 450 schools within Birmingham, pupils who live within the Birmingham boundary and early years providers.
Approval via Spend Control Board.	S151 was granted on the 13/6/2024 for the initial period (Years 1, 2 & 3) of the new contract. Should the extension option (Years 4 & 5) be required, a further S151 application will be sought at the necessary time.
What budget is the funding from for this service?	Funding was approved from the following sources: <ul style="list-style-type: none"> <li>• Digital &amp; Technology Services - £365,000 (per annum)</li> <li>• Children &amp; Families - £26,000 (per annum)</li> </ul>
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	<p>The estimated value for the proposed committed period (Years 1, 2 &amp; 3) is £1,1730,000 which consists of:</p> <ul style="list-style-type: none"> <li>• Year 1 - £391,000</li> <li>• Year 2 - £391,000</li> <li>• Year 3 - £391,000</li> <li>• Year 4 - £391,000 + RPI (extension option)</li> <li>• Year 5 - £391,000 + RPI (extension option)</li> </ul> <p>If the extension option is used (subject to agreement between all Parties), this could result in an overall contract cost of £1,955,000 over a 5-year period.</p> <p>For transparency purposes, in addition to the contract cost (outlined above), it's likely that there will be annual upgrade costs in the region of £76,000 (based on current trends). If the annual upgrades are required, this will be funded from the Children &amp; Families Directorate (subject to the necessary approvals).</p>
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> October 2024 for an initial period of 3 years, with option to extend for a further 2 years. During the first year, a robust review is to be undertaken to inform the strategy around future systems, this could potentially lead to a re-procurement of this requirement, prior to the extension period.

<b>Title of Contract</b>	<b>Stock Condition &amp; Energy Performance Surveys – Phase 3</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Wayne Davies, Director of Asset Management <b>Client Officer:</b> Adele Livesey, Lead Consultant (Capital Programme) <b>Procurement Officer:</b> Dean Billingham, Procurement Specialist – Strategic Projects (Interim)
<b>Relevant Portfolio</b>	<b>Councillor Jayne Francis - Cabinet Member for Housing and Homelessness</b>
Briefly describe the service required.	<p>The Council needs to re-appoint the services of surveying contractors Savills to carry out 6,000 Stock Condition Surveys (SCS's) and/or Energy Performance Certificates (EPCs) per annum over the next 4 years as part of the survey programme agreed between the Regulator of Social Housing (RSH) and the Council.</p> <p>Savills have already successfully delivered approximately 7,000 SCS &amp; EPC surveys during Phases 1&amp;2 of the programme and the re-appointment of their services, along with the continued support of Acivico will ensure the seamless delivery of Phase 3 of the programme through to August 2028.</p> <p>These renegotiated reduced rates will be fixed for this 4-year contract. This equates to a total combined saving of £1.92m across Phases 1,2 &amp; 3 versus the original tendered framework rate which demonstrates better value for money.</p>
What is the proposed procurement route?	Direct Award to Savills via Lot 6 of the PCR15 compliant Procurement Hub Strategic Asset Management Services Framework as per Phases 1&2. Savills have successfully demonstrated as having the required resource capacity and necessary skill sets to complete both SCS and EPC at the same time therefore reducing occupier/tenant disruption. The framework rate card has been competitively competed with the wider market prior to the appointment of Savills to this framework and the agreed combined survey rate is also comparable with the reduced rate charged by Acivico.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The Council is currently utilising the services of both Savills and Acivico. Phase 2 of the Savills call-off agreement is due to expire on 31 <sup>st</sup> July 2024. The Acivico arrangements will remain in place alongside Phase 3 of the Savills contract arrangements until the required number of surveys advised by the RSH under this phased programme have been completed. The Council needs to maintain its asset data and therefore, will need to complete a rolling survey programme of circa 12,000 properties each year to meet statutory compliance unless RSH requirements change.
Will any savings be generated?	Yes - Cashable savings will be generated by this project.
Has the In-House Preferred Test been carried out?	The Council does currently have a team of 4 x in-house surveyors with the necessary skill sets to deliver this service, but the team does not have sufficient resources to deliver the number of surveys required within the programme timescales.
How will this service assist with the Council's commitments to Route to Zero?	The EPC data we collect as part of this programme will help develop future retrofit programmes and identify any energy inefficient properties within the Councils current housing stock.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	These services will support the Councils Levelling Up Strategy (November 2021) and ensure its housing stock meets the minimum statutory requirements to provide a safe, clean, dry and warm environment for its residents.



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 this service. The RSH expects the Council to hold on record accurate up to date data on its housing stock and this will support this process.
Approval via Spend Control Board.	Spend control and S151 was approved as follows: ID: 4513 – 5 <sup>th</sup> February 24 - Amount requested: £1.56m (FY 24/25). ID: 8110 – 10 <sup>th</sup> June 24 – Amount Requested: £4.86m (FY 25/26 through to 27/28) Please Note: Approved values also includes Acivico element.
What budget is the funding from for this service?	This programme is funded from the HRA Business Plan approved by Cabinet on 16 <sup>th</sup> January 2024 and will be delivered within the agreed HRA budget allocation for these services.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The value for the 4-year contract (Aug 24 – July 28) is £3.39m. The Council will leverage this commitment length/quantity to achieve best value pricing.
Proposed start date and duration of the new contract	The proposed contract start date is August 2024 for a period of up to 4 years.

<b>Title of Contract</b>	<b>Asbestos Re-Inspection Programme</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Wayne Davies, Director Asset Management <b>Client Officer:</b> Brian Clifton, Compliance Manager <b>Procurement Officer:</b> Lucy Ford, Sub Category Manager
<b>Relevant Portfolio</b>	<b>Councillor Jayne Francis - Cabinet Member for Housing and Homelessness</b>
Briefly describe the service required.	The Council has a statutory obligation to manage Asbestos, under the Control of Asbestos Regulations 2012, within the shared areas of all its housing stock. All properties, built prior to 2000, must have a management survey undertaken. Once completed, and where any materials are proven to contain asbestos an Asbestos Management Plan (AMP) is produced. The Council needs to ensure there is an ongoing programme of re-inspection. <b>Low Rise:</b> - approximately 2100 low rise require a re-inspection survey to meet the requirements set out above.  <b>High Rise:</b> -approximately 204 high and medium properties will require a re-inspection survey to meet the requirements set out above.
What is the proposed procurement route?	A procurement process will be undertaken by way of a National Framework in accordance with its protocol.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	Current in-house arrangements through Birmingham City Laboratories (BCL) do not have capacity to meet the requirements of the Programme to ensure Regulatory Compliance. Current provision of low-rise properties inspection was via a one-off contract in 2023 to meet our basic requirements of management surveys being in place.
Will any savings be generated?	We expect some savings particularly around the current high-rise pricing in the region of £50k against existing cost.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house due to insufficient resources and required technical skills. The current use of BCL, given the time constraints provided to the Regulator of Social Housing will provide insufficient capacity.
How will this service assist with the Council's commitments to Route to Zero?	The required provision will provide Regulatory compliance and assists with relating information required for Repair and Capital Works Programmes. All work programmes are aligned to the draft Asset Management Strategy and City Housings commitment to Net Zero ambitions.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	The contractor will be required to respect the householder where the works are installed in accordance with the Council's policy.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	The Council have a statutory obligation to manage Asbestos, under the Control of Asbestos Regulations 2012.
Approval via Spend Control Board.	Approval was sought and obtained for spend via City Housing Spend Control Board on the 18 June 2024. S151 officer authorisation was obtained on the 20 June 2024.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	£1,650,000 over the contract period including extensions, (£330,000 per annum).
What budget is the funding from for this service?	This is funded from HRA budget.

Proposed start date and duration of the new contract	The proposed start date is October 2024 for a period of 3 years, with the option to extend for a further 2 years in yearly increments subject to satisfactory performance.
<b>Title of Contract</b>	<b>Digital Platform to Support Disrepair and Litigation Repairs</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Wayne Davies, Director Asset Management <b>Client Officer:</b> Kully Gill, Service Coordinator <b>Procurement Officer:</b> Jamie Parris, IT Lead Commissioning Manager / Lucy Ford, Sub Category Manager
<b>Relevant Portfolio</b>	<b>Councillor Jayne Francis - Cabinet Member for Housing and Homelessness</b>
Briefly describe the service required.	<p>The Disrepair and Litigation team deals with all claims relating to Section 11 of the Landlord and Tenant Act 1985 and the Section 82 of the Environmental Protection Act. The team is responsible for the inception of all new claims against the Council, disclosure of our repair records and assessment of liability to establish quantum (whether the Council is liable to pay compensation and costs). As part of this process works orders are raised following our inspection of the property and we are obligated under the aforementioned law/legislation to complete those works as a responsible Landlord within a reasonable period of time, where we fail to do this, we are liable to pay the tenant and their legal representatives costs and compensation.</p> <p>The HRA Business Plan approved at Cabinet in January 2024 covers the funding for disrepair related works which are currently delivered through the Repairs and Maintenance contracts.</p> <p>We are seeing an influx of breach applications being received which has necessitated the expediting of this request. Whilst there is scope to increase contractor capacity in the existing arrangements, timescales to mobilise and increase delivery models have proven challenging and this opportunity enables access to an immediate supply chain to provide a quicker response.</p> <p>The Council are intending to engage a delivery partner who will give us access to a platform of approved supply chain providers, allowing jobs and works orders to be completed quicker, clearing a backlog of cases.</p>
What is the proposed procurement route?	The provider will be secured through the nationally available G-Cloud 13 framework agreement.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	Current arrangements for disrepair and litigation repairs are through the two repairs and maintenance contractors who complete approximately 150 jobs per month between them across the entire City. Incoming cases have continued to increase significantly since contract arrangements were put in place.
Will any savings be generated?	The solution will contribute to the cost avoidance for legal costs and compensation of £1.4M through reducing breach claims against the Council by completing the repairs in the legislated timeframe.
Has the In-House Preferred Test been carried out?	Due to the specialist nature of these repairs works, BCC does not have the necessary skills, knowledge, technical infrastructure and resources to undertake this type of work in-house.

How will this service assist with the Council's commitments to Route to Zero?	It assists with repairs which are aligned to City Housing's commitment to Net Zero ambitions.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	Engaging with the provider will ensure that repairs are carried out within the prescribed period thus improving the customer/tenant experience and reducing the amount of costs and compensation we are paying out. The contractors will be required to respect the householder where the works are installed in accordance with the Council's policy.
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 this service. Under the Housing Conditions Protocol we as a responsible Landlord must complete repairs within a reasonable period of time to avoid adverse risk to the tenant.
Approval via Spend Control Board.	Spend approval for the platform was sought and obtained via S151 officer authorisation on the 20 <sup>th</sup> March 2024 and for the value of works orders spend approval was obtained via S151 officer authorisation on the 7 <sup>th</sup> December 2023.
What budget is the funding from for this service?	This is funded from the HRA budget.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value of spend will be £1,512,000. Based on the average order cost this equates to approximately 300 works orders being raised through the platform.
Proposed start date and duration of the new contract	The proposed start date is August 2024 for a period of 6 months (pilot/proof on concept period).

<b>Title of Contract</b>	<b>Fire Risk Assessment Programme for Low Rise Blocks</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Wayne Davies, Director Asset Management <b>Client Officer:</b> Brian Clifton, Building Safety <b>Procurement Officer:</b> Lucy Ford, Sub Category Manager
<b>Relevant Portfolio</b>	<b>Councillor Jayne Francis - Cabinet Member for Housing and Homelessness</b>
Briefly describe the service required.	Birmingham City Council (the Council) has a statutory duty under the Regulatory Reform (Fire Safety) Order 2005 to carry out Fire Risk Assessments (FRA's) in all its housing stock which contain a communal area. BCC policy is that FRA's for all low-rise properties are inspected on a risk-based cycle of 1- 3 years, dependant on previously identified risk. The Council currently has 2100 communal spaces within low rise residential blocks across the city. In addition to the low-rise blocks the Council has 90 community rooms which also require an FRA to be undertaken on a risk-based frequency, based on the user type and previous risk rating. The Council intends to appoint two providers to carry out a programme of FRAs across residential property blocks and community rooms. This could include, where required, a more intrusive Type 4 Fire Risk Assessment
What is the proposed procurement route?	A procurement process will be undertaken by way of a National Framework in accordance with its protocol.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	A short-term solution was put into place for the South area earlier this year, whilst arrangements have been in place to deliver FRA's in the North, East and West/Central quadrant, but those arrangements will be replaced with this new contract.
Will any savings be generated?	The Council would expect to see an improvement over current pricing due to the nature of the long-term programme to be implemented. At the time of tendering we will require bidders to provide fixed and firm prices for the FRAs which will be held for the duration of the contract period.
Has the In-House Preferred Test been carried out?	Yes, and the test demonstrated this is not suitable to be carried out in-house as there is not the resources with the technical skills required to perform the services required as highlighted above.
How will this service assist with the Council's commitments to Route to Zero?	The required provision will provide Regulatory compliance and assists with relating information required for Repair and Capital Works Programmes. All work programmes are aligned to the draft Asset Management Strategy and City Housings commitment to Net Zero ambitions.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	The contractor will be required to respect the householder where the works are installed in accordance with the Council's policy.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	The Council has a statutory obligation to manage Fire Safety, primarily under the Regulatory Reform (Fire Safety) Order 2005.
Approval via Spend Control Board.	Approval was sought and obtained for spend via City Housing Spend Control Board on the 18th June 2024. S151 officer authorisation was obtained on the 20th June 2024.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value for the period of the contract is expected to be £1,627,500 (£325,500 pa), It is not possible to give a definite cost as the reinspection is based on the risk rating from the previous inspection and could therefore be 1, 2 or 3 year cycle. The workings for the estimated cost are based on 15% on a 1-

	year cycle, 35% on a 2-year cycle and 50% on a 3-year cycle. This total includes an 8% contingency in case the reinspection's are required more frequently than the estimates above. Included within this cost is £25,500 per annum for up to 20 Type 4 FRA's.
What budget is the funding from for this service?	This is funded from HRA budget.
Proposed start date and duration of the new contract	The proposed start date is October 2024 for a period of 3 years, with the option to extend for a further 2 years in yearly increments.

<b>Title of Contract</b>	<b>Tyres for Vehicles, Plant &amp; Related Services</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Andy Vaughan, Interim Director Street Scene; and Sajeela Naseer, Director of Regulation & Enforcement <b>Client Officer:</b> Robert Bowdler, Interim Transformation Lead Fleet Manager / Dawn Harding, Registrar (North) <b>Procurement Officer:</b> Meena Chuhan, Interim Procurement Manager
<b>Relevant Portfolio</b>	<b>Councillor Majid Mahmood - Cabinet Member for Environment and Transport</b>
Briefly describe the service required.	For the supply, delivery, fitting, puncture repair and disposal of tyres for vehicle and plant providing all associated services: <ul style="list-style-type: none"> <li>• supply, fit, puncture repair (and associated services), disposal of tyres for cars, vans;</li> <li>• disposal of tyres for trucks; and disposal of tyres for agricultural/plant.</li> </ul> <p>The Council currently owns and operates its own in-house fleet of vehicles ranging from 32-ton compaction vehicles through to small cars, agricultural plant and mopeds located at different sites and maintained.</p>
What is the proposed procurement route?	A compliant public sector framework agreement identified as being the most suitable that demonstrates value for money will be used in accordance with its protocol.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing contract expired March 2023 and is currently non-compliant, there is extensive work by the Head of Category with City Operations to identify and reduce non-compliance with suppliers. The incumbent provider has agreed to freeze prices whilst the procurement takes place.
Will any savings be generated?	Will encourage suppliers via competition to offer value for money bids and may produce savings / saving initiatives to current rates. This procurement will be combined with waste management / fleet, parks and nurseries and bereavement services which will leverage better value for money.
Has the In-House Preferred Test been carried out?	Yes, there is not the internal resource availability or capability to deliver this specialist service in-house.
How will this service assist with the Council's commitments to Route to Zero?	It assists with repairs which are aligned to the Council's commitment to Net Zero ambitions.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	Bidders will be asked to respond to various relevant social value themes. The recommended decisions contribute to the Council Plan objectives / outcomes: <ul style="list-style-type: none"> <li>• Create opportunities for local people to develop skills and make the best of economic growth;</li> <li>• Strive to maximise the investment in the city and engage local employer to create quality jobs and opportunities for citizens, especially for those in the most deprived circumstances; and</li> <li>• to work with our residents and businesses to improve the cleanliness of our city.</li> </ul>

Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	The Council has a duty to act as both a Waste Collection Authority and Waste Disposal Authority under the Environmental Protection Act 1990. This role will support the Council in discharging this responsibility, in particular to act as a Waste Disposal Authority. To meet the Council's contractual obligations to tenants and citizens of Birmingham and to comply with Health and Safety Legislation and Environmental Act.
Approval via Spend Control Board.	Approval was sought and obtained for spend via City Operations Spend Control Board on the 15 April 2024 and Section 151 Spend Board on 15 April 2024. No.8248 - No.5852.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated total contract value is £2,525,600.
What budget is the funding from for this service?	This is funded from the Vehicle Repairs Budget of £2.01m per annum.
Proposed start date and duration of the new contract	The proposed start date is November 2024 for a period of 4 years.

<b>Title of Contract</b>	<b>Vehicle Repair and Maintenance</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Andy Vaughan, Interim Director Street Scene; and Sajeela Naseer, Director of Regulation & Enforcement <b>Client Officer:</b> Ian Rowe, Interim Contracts Manager Fleet / Francesca Haines, Bereavement Officer <b>Procurement Officer:</b> Meena Chuhan, Interim Procurement Manager
<b>Relevant Portfolio</b>	<b>Councillor Majid Mahmood - Cabinet Member for Environment and Transport</b>
Briefly describe the service required.	The Council needs a contract in place to carry out maintenance of the Councils fleet including waste, streetscene, parks & nurseries and bereavement services. To maintain a high standard and quality of maintenance services and shall be responsible for the provision of all the necessary staff, materials, consumables, and equipment to perform these services. Whilst City Operations work through their strategy including which vehicles to procure i.e. type, size, commercial structure, in-house / external maintenance / hybrid etc. This submission is a short-term requirement while the strategy is completed and implemented.
What is the proposed procurement route?	A compliant public sector framework agreement identified as being the most suitable that demonstrates value for money will be used in accordance with its protocol.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	The existing contract expires October 2024 and is currently non-compliant, there is extensive work by the Head of Category with City Operations to identify and reduce non-compliance with suppliers, with the objective to ensure 100% compliance by the end of this financial year across Street Scenes.
Will any savings be generated?	Will encourage suppliers to offer value for money bids and may produce savings to current rates.
Has the In-House Preferred Test been carried out?	Yes, there is not the internal resource availability or capability to deliver this specialist service in-house.
How will this service assist with the Council's commitments to Route to Zero?	It assists with repairs which are aligned to the Council's commitment to Net Zero ambitions.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	Bidders will be asked to respond to various relevant social value themes. The recommended decisions contribute to the Council Plan objectives / outcomes:

	<ul style="list-style-type: none"> <li>• Create opportunities for local people to develop skills and make the best of economic growth;</li> <li>• Strive to maximise the investment in the city and engage local employer to create quality jobs and opportunities for citizens, especially for those in the most deprived circumstances; and</li> <li>• to work with our residents and businesses to improve the cleanliness of our city.</li> </ul>
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	The Council has a duty to act as both a Waste Collection Authority and Waste Disposal Authority under the Environmental Protection Act 1990. This role will support the Council in discharging this responsibility, in particular to act as a Waste Disposal Authority. To meet the Council's contractual obligations to tenants and citizens of Birmingham and to comply with Health and Safety Legislation and Environmental Act.
Approval via Spend Control Board.	Approval was sought and obtained for spend via City Operations Spend Control Board and Section 151 Spend Board. References: 6305, 5852 and 8326.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The total contract value is £3,453,200.
What budget is the funding from for this service?	This is funded from the vehicle repairs budget.
Proposed start date and duration of the new contract	The proposed start date is 2 <sup>nd</sup> January 2024 for a period of 2 years with option to extend up to a further 2 years.



<b>Title of Contract</b>	<b>Technical Professional Services for Moseley Road Baths</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Chris Jordan, Assistant Director, Neighbourhoods <b>Client Officer:</b> Helen Corrigan, Senior Sports Manager <b>Procurement Officer:</b> Charlie Short, Procurement Manager
<b>Relevant Portfolio</b>	<b>Councillor Mariam Khan – Cabinet Member for Health and Social Care</b>
Briefly describe the service required.	Technical professional services to support phase 2 of the Moseley Road Baths refurbishment programme for RIBA stages 4-7. The services are as follows: <ul style="list-style-type: none"> <li>• Project Management</li> <li>• Cost Control</li> <li>• Design Services</li> <li>• Mechanical and Engineering Services</li> <li>• Structural Engineering</li> <li>• Landscape Architecture</li> <li>• Heritage Consultancy</li> </ul>
What is the proposed procurement route?	A direct award using the Crown Commercial Services, Construction Professional Services Framework Agreement.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	This is a one-off requirement.
Will any savings be generated?	No savings will be generated from this procurement process for a one-off works project.
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 a construction project.
How will this service assist with the Council's commitments to Route to Zero?	The works will be undertaken using the most up-to-date sustainable materials.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	The phase 2 refurbishment of Moseley Road Baths and Balsall Heath Library will enable inclusive and available access to all the community.
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 works support the Council's commitment to delivering sporting facilities and infrastructure that encourage all citizens to engage in sport, wellbeing, and physical activities.
Approval via Spend Control Board.	Approval was sought and obtained by Section 151 Spend Board on 16 <sup>th</sup> May 2024 - ID: 7627.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value is £880,000 based on a pre-tender estimate for the resourcing required.
What budget is the funding from for this service?	This is funded from the Moseley Road Baths capital budget.
Proposed start date and duration of the new contract	The proposed start date is August 2024 for a duration of up to 4 years.

<b>Title of Contract</b>	<b>Transformation Partner Children and Families Services</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Adrian Weissenbruch, Assistant Director, Children and Young People's Travel Service <b>Client Officer:</b> Adrian Weissenbruch <b>Procurement Officer:</b> Sandra Asiedu, Interim Assistant Category Manager
<b>Relevant Portfolio</b>	<b>Councillor Mick Brown - Cabinet Member for Children and Families</b>
Briefly describe the service required.	Procurement of transformation partner to enable the next round of children and families' savings to be delivered. Children and Families are currently supported by a transformation partner to deliver a number of transformational activities to identify potential areas for savings in 2025/26. This partner has been secured through 3 separate procurements - to complete baselining work, support Birmingham Childrens Trust (BCT)'s change and savings programme, analyse potential required efficiencies in the 0 to 10 health child programme and the review of young peoples' service. The benefits of this approach are evident, with a degree of independence and rigour being applied to the savings work to date. Going forwards it is proposed that a single Transformation partner is sought to work with children and families, BCT and Birmingham Community Health Care Trust (BCHC) to drive out sufficient savings that will be required. These saving are likely to be difficult to achieve and will require a similar level of rigour, expertise and independence.
What is the proposed procurement route?	A compliant public sector framework agreement identified as being the most suitable that demonstrates value for money will be used in accordance with its protocol.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	A number of small contracts With Newton Europe that will expire in the next 2 month. All let through compliant framework arrangements.  BCT - £475,000 and £195,000 (Completes in June 2024) BCC – £345,000 To deliver the 0 to 19 diagnostic (completed) BCC – £160,000 To deliver the Young people's Services review (Completes June 2024)
Will any savings be generated?	This support is fundamental to the successful delivery of savings 2025 -2027. It is anticipated that there will be savings of £5m a year generated from 25/26 and a further £10m a year generated from 26/27. Culminating in a year on year saving of £15m.  Whilst presently there is no agreed payment profile, and the initial estimate is £2m in 24/25, £4m in 25/26 and £4m in 26/27. The scope of the programme covers Trust 25 Transformation, 0-19 Transformation and all service areas in Children and Families.
Has the In-House Preferred Test been carried out?	Expertise is not available to support this work in house. A degree of independence and rigour is required as well as expertise in making significant savings within children and families services.
How will this service assist with the Council's commitments to Route to Zero?	Will not contribute
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	Not directly impacted, all savings proposals resulting from this work will be supported by and EIA.
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 produce a balanced budget and adhere to delivery of statutory duties for children and families' services. This work will enable children and families to deliver its

	share of required savings whilst protecting as much as possible the delivery of statutory duties.
Approval via Spend Control Board.	This will be a one off spend from the corporate transformation fund to deliver savings 2025 to 2027. The proposal has passed through the directorate Spend Control Board (Ref: 8580).
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	This procurement will be for a contract not exceeding £10,000,000.
What budget is the funding from for this service?	This is funded from the corporate transformation budget.
Proposed start date and duration of the new contract	The proposed start date is 30 <sup>th</sup> August 2024 for a period of up to 2 years.

### APPENDIX 3 - NOTIFICATION OF MINOR AMENDMENTS

This appendix provides the rationale for minor amendments to the financial envelope for PPAR previously agreed by Cabinet on 13th February 2024 which highlights the changes made to the original and revised PPAR items below for reference.

<b>Title of Contract</b>	<b>Community Engagement Partners</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Dr Justin Varney, Director of Public Health <b>Main Client Officer:</b> Jordan Francis, Public Health Senior Officer <b>Other Client Officers:</b> Alice Spearing, Public Health Senior Officer and Joe Merriman, Public Health Senior Officer <b>Procurement Officer:</b> Manjit Samrai, Sub Category Officer
<b>Relevant Portfolio</b>	<b>Councillor Rob Pocock - Cabinet Member for Health and Social Care</b>
Briefly describe the service required	<p>To commission community engagement partners to identify local health need, map community assets, and co-produce solutions. This will be achieved through a variety of methods, including:</p> <ul style="list-style-type: none"> <li>• Dissemination of Public Health key information through existing or new networks</li> <li>• Delivery of four focus groups per year</li> <li>• Delivery of one project to reduce health inequalities per year</li> <li>• Delivery of four training sessions for health professionals on cultural intelligence</li> <li>• Produce annual summary reports</li> </ul> <p>These community organisations will be called deep engagement partners. The partners will be supported by an academic partner. The programme will feature 13 deep engagement partners each held under Lots that will work with the following communities:</p> <ol style="list-style-type: none"> <li>1. 5x ethnic communities and 3x faith communities</li> <li>2. 2x LGBTQ+ communities</li> <li>3. 3x communities with a disability</li> </ol>
What is the proposed procurement route?	An open procurement process will be advertised on Find a Tender Service, 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?	This is a new requirement.
Will any savings be generated?	No cashable savings will be generated by this project. However, Public Health preventative interventions provide a whole system cost savings via increased health and wellbeing of the local population. It is estimated that local authority public health interventions cost approximately £3,800 per additional year of good health; this is 3-4 times lower than the cost resulting from NHS interventions of £13,500. This service will save approximately £3,136,500 primary healthcare interventions.
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 capability to undertake the requirements of the deep engagement partner. It is essential that the partners are well connected to the community, including seldom heard voices.
How will this service assist with the Council's commitments to Route to Zero?	This service will not assist with the commitments to 'Route to Zero'

How do these activities assist the Council with Everybody's Battle; Everybody's Business?	<p>The opportunity fulfils objectives identified in the Everyone's Battle, Everyone's Business Strategy such as:</p> <ol style="list-style-type: none"> <li>1. Understand our diverse communities and embed that understanding in how we shape policy and practice across the Council – by facilitating focus groups with seldom-heard populations on health topics prevalent within the community. Findings from the focus groups will be shared with Public Health teams and wider system partners.</li> <li>2. Involve and enable our diverse communities to play an active role in civic society and put the citizens' voice at the heart of decision making – by including the community engagement partners in Health and Wellbeing subforums, such as the Creating a City without Inequality.</li> </ol>
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	<p>There is not a statutory duty to provide this service. However, the service is in line with the statutory function of Public Health, in accordance with the Health and Social Care Act 2012, to :</p> <ul style="list-style-type: none"> <li>• Protect the health of the local population.</li> <li>• Carry out research into health improvement, and provide information and advice (Section 12 of the Act)</li> </ul> <p>Subsection 12(4) of the 2012 Act provides local authorities with the power to make grants or lend money to organisations or individuals in order to improve public health.</p>
Approval via Spend Control Board.	Approval for this requirement was obtained from the Public Health spend Control Board on the 15 <sup>th</sup> November 2023 and approved at Section 151 Board on 22 <sup>nd</sup> December 2023.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value for the period of the contract is £410,000 per annum, with a maximum spend of £1,230,000 over 3 years.
What budget is the funding from for this service?	This is funded from the Public Health Grant (budget code AV0KR).
Proposed start date and duration of the new contract	The proposed start date is 1 <sup>st</sup> June 2024 for a period of 2 years with an option to extend for a further 1 year subject to funding availability and performance.

<b>Title of Contract</b>	<b>Community Engagement Partners</b>
<b>Contact Officers</b>	<p><b>Director / Assistant Director:</b> Dr Justin Varney, Director of Public Health</p> <p><b>Main Client Officer:</b> Joe Merriman, Public Health Senior Officer</p> <p><b>Other Client Officers:</b> Alice Spearing, Public Health Senior Officer and Jordan Francis, Public Health Senior Officer</p> <p><b>Procurement Officer:</b> Manjit Samrai, Sub Category Officer</p>
<b>Relevant Portfolio</b>	<b>Councillor Nicky Brennan - Cabinet Member for Health and Social Care</b>
Briefly describe the service required.	<p>To commission community engagement partners to identify local health need, map community assets, and co-produce solutions. This will be achieved through a variety of methods, including:</p> <ul style="list-style-type: none"> <li>• Dissemination of Public Health key information through existing or new networks</li> <li>• Delivery of four focus groups per year</li> <li>• Delivery of one project to reduce health inequalities per year</li> <li>• Delivery of four training sessions for health professionals on cultural intelligence</li> <li>• Produce annual summary reports</li> </ul>

	<p>These community organisations will be called deep engagement partners. The partners will be supported by an academic partner. The programme will feature 17 deep engagement partners each held under Lots that will work with the following communities:</p> <ol style="list-style-type: none"> <li>1. 9x ethnic communities</li> <li>2. 3x faith communities</li> <li>3. 2x LGBTQ+ communities</li> <li>4. 3x communities with a disability</li> </ol> <p>This has been updated from a previously approved PPAR which outlined the programme having 13 deep engagement partners.</p>
What is the proposed procurement route?	<p>An open procurement process will be advertised on Find a Tender Service, Contracts Finder and <a href="http://www.finditinbirmingham.com">www.finditinbirmingham.com</a></p>
What are the existing arrangements? Is there an existing contract? If so when does that expire?	<p>This is a new requirement.</p>
Will any savings be generated?	<p>No cashable savings will be generated by this project. However, Public Health preventative interventions provide a whole system cost savings via increased health and wellbeing of the local population. It is estimated that local authority public health interventions cost approximately £3,800 per additional year of good health; this is 3-4 times lower than the cost resulting from NHS interventions of £13,500. This service will save approximately £3,136,500 primary healthcare interventions.</p>
Has the In-House Preferred Test been carried out?	<p>Yes, and the test demonstrated this is not suitable to be carried out in-house as the Council does not have the capability to undertake the requirements of the deep engagement partner. It is essential that the partners are well connected to the community, including seldom heard voices.</p>
How will this service assist with the Council's commitments to Route to Zero?	<p>This service will not assist with the commitments to Route to Zero.</p>
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	<p>The opportunity fulfils objectives identified in the Everyone's Battle, Everyone's Business Strategy such as:</p> <ul style="list-style-type: none"> <li>• Understand our diverse communities and embed that understanding in how we shape policy and practice across the Council – by facilitating focus groups with seldom-heard populations on health topics prevalent within the community. Findings from the focus groups will be shared with Public Health teams and wider system partners.</li> <li>• Involve and enable our diverse communities to play an active role in civic society and put the citizens' voice at the heart of decision making – by including the community engagement partners in Health and Wellbeing subforums, such as the Creating a City without Inequality.</li> </ul>
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	<p>There is not a statutory duty to provide this service. However, the service is in line with the statutory function of Public Health, in accordance with the Health and Social Care Act 2012, to :</p> <ul style="list-style-type: none"> <li>• Protect the health of the local population.</li> <li>• Carry out research into health improvement, and provide information and advice (Section 12 of the Act)</li> </ul> <p>Subsection 12(4) of the 2012 Act provides local authorities with the power to make grants or lend money to organisations or individuals in order to improve public health.</p>
Approval via Spend Control Board.	<p>Approval for this requirement was obtained by Section 151 Board on 20th June 2024.</p>

Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The updated value for this programme is £1,570,000 over a 3-year period.
What budget is the funding from for this service?	This is funded from the Public Health Grant (budget code AV0KR).
Proposed start date and duration of the new contract	The proposed start date for the majority of partners is 1 <sup>st</sup> July 2024. The contract for the additional providers is anticipated start date is the 1 <sup>st</sup> October 2024. The partners will all be in place for a period of 2 years with an option to extend for a further 1 year subject to funding availability and performance.





# Birmingham City Council

## Report to Cabinet

23<sup>rd</sup> July 2024



<b>Title:</b>	<b>NON-KEY DECISION PLANNED PROCUREMENT ACTIVITIES (AUGUST 2024 – OCTOBER 2024)</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Karen McCarthy, Cabinet Member for Finance
<b>Relevant Overview and Scrutiny Committee:</b>	Councillor Albert Bore, Chair of the Corporate and Finance Overview and Scrutiny Committee
<b>Report Author:</b>	Maria Huggon, Interim Director – Commercial and Procurement, Chief Operating Officer Directorate <a href="mailto:Maria.huggon@birmingham.gov.uk">Maria.huggon@birmingham.gov.uk</a>
<b>Authorised by:</b>	John Quinn, Interim Chief Operating Officer, Chief Operating Officer Directorate <a href="mailto:John.quinn@birmingham.gov.uk">John.quinn@birmingham.gov.uk</a>
<b>Is this a Key Decision?</b>	No
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Not Applicable
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	
<b>Is this decision eligible for 'call in?'</b>	Yes
<b>If not eligible, please provide reason(s):</b>	Not Applicable.

**Wards:**

All

**Does this report contain exempt or confidential information?**

No

**Has this decision been included on the Notification of Intention to consider Matters in Private?**

Not Applicable

**Reasons why not included on the Notification:**

Not Applicable

## **1 EXECUTIVE SUMMARY**

- 1.1 This report provides details of the planned procurement activity for the period July 2024 – September 2024 which are not key decisions made under Chief Officers' delegation during the previous quarter. Planned procurement activities reported previously are not repeated in this report.
- 1.2 The report enables Cabinet to identify whether any reports for procurement activities should be brought to this meeting for specific executive decision, otherwise they will be dealt with under Chief Officer delegations up to the value of £500,000, unless TUPE applies to current Council staff.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendations.

## **3 RECOMMENDATIONS**

### **That Cabinet:**

- 3.1 To approve the planned procurement activities and approve Chief Officer delegations, set out in the Constitution for the subsequent decisions around the procurement strategy for the following:
- City Housing Legionella Risk Assessments
  - Roofing Repairs at Kings Heath Primary School

## **4 KEY INFORMATION**

### **Context**

- 4.1 In line with the Procurement and Contract Governance Rules that form part of the Council's Constitution, this report acts as the process to consult with and take soundings from Cabinet and the Corporate and Finance Overview and Scrutiny Chair.
- 4.2 This report sets out the planned procurement activity over the next few months where the contract value is between the procurement threshold £179,086.67 (excluding VAT) and £500,000 (excluding VAT) for non-key decisions. 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.
- 4.3 It should be noted that the procurement threshold has changed from £177,897.50 to £179,086.67 (excluding VAT) and applies from 1st January 2024 for a period of 2 years.
- 4.4 Individual procurements may be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Corporate and Finance

Overview and Scrutiny Chair e where there are sensitivities or requirements that necessitate a decision being made by Cabinet.

- 4.5 Details of how the contracts support relevant Council policies, plans or strategies, Community Cohesion will be set out in the individual reports.

### **Proposal and Reasons for Recommendations**

- 4.6 To approve the planned procurement activities for all the projects listed in Appendix 1 and approve Chief Officer delegations as set out in the Constitution for the subsequent decisions around procurement strategy and contract awards. This will enable the commencement of the procurement activity for the award for of contracts which support the delivery of the Council's services.

### **Other Options Considered**

- 4.7 No other option was considered as the meeting of the Council on 12<sup>th</sup> July 2022 approved changes to the procurement governance which delegated authority to Chief Officers to approve award contracts up to the value of £500,000 for non-key decisions.

## **5 RISK MANAGEMENT**

- 5.1 Members should note that in respect of any procurement projects which are sought to be referred back to Cabinet for further considerations these may impact on timescales around the delivery of those projects.
- 5.2 Details of risk management for the procurement activity will be set out in the individual reports.

## **6 CONSULTATION**

- 6.1 This report to Cabinet is copied to Cabinet Members and Cabinet Support Officers and therefore is the process for consulting with relevant cabinet and scrutiny members. At the point of submitting this report Cabinet Members have not indicated that any of the planned procurement activity needs to be brought back to Cabinet for executive decision.
- 6.2 Approval has been sought from the relevant Spend Control Board prior to inclusion on the PPAR.

## **7 MEMBER ENGAGEMENT**

### **Ward Councillor(s)**

- 7.1 Not applicable

### **Overview and Scrutiny**

- 7.2 The Corporate and Finance Overview & Scrutiny Committee Chair has been consulted on the contents of this report and has not indicated that any of the

planned procurement activity needs to be brought back to Cabinet for executive decision.

### **Other**

- 7.3 Not applicable.

## **8 IMPACT AND IMPLICATIONS**

### **Finance**

- 8.1 Specific details of how decisions will be carried out within existing finances and resources are set out in the Appendix 2.
- 8.2 Any cashable savings generated as a result of the procurement exercises are detailed in Appendix 2 to the delivery of procurement related savings and be removed from Directorate where identified in addition to the existing service area savings target as set out in the Medium-Term Financial Plan (MTFP) in line with the principles to treatment of identified savings against third party contracts as agreed by CLT on 24th January 2022.

### **Legal**

- 8.3 Members are reminded that as a Local Authority the Council has specific duties under public sector procurement, specifically the Public Contract Regulations 2015.
- 8.4 Section 1 of the Localism Act 2011 contains the City 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.

### **Equalities**

- 8.5 Details of the Equality Act requirements will be set out in the individual reports which should also give consideration to application of Equality Impact Assessments in line with Council Policy.

### **Procurement**

- 8.6 As noted under the Legal Implications the Council has a duty to ensure that public sector procurement activity is in line with public sector legislation, specifically the Public Contracts Regulations 2015.
- 8.7 For each of the individual projects the specific procurement implications are set out and detailed in Appendix 2.

### **People Services**

- 8.8 There are no specific staffing implications with the recommendations of this report.

### **Climate Change, Nature and Net Zero**

- 8.9 For each of the individual projects the climate change, nature and net zero implications are set out and detailed in Appendix 2.

**Corporate Parenting**

- 8.10 There are no implications or opportunities in relation to the Corporate Parenting responsibility arising from the recommendations in this report.

**Other**

- 8.11 There are no other implications arising from the recommendations in this report.

**9 APPENDICES**

- 9.1 Appendix 1 - Planned Procurement Activity August 2024 – October 2024.  
9.2 Appendix 2 – Background Briefing Paper

**10 BACKGROUND PAPERS**

- 10.1 Not applicable.

**APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (AUGUST 2024 – OCTOBER 2024)**

No.	Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio	Finance Officer	Contact Name	Planned CO Decision Date
1	Strategy / Award	City Housing Legionella Risk Assessments	P2207	The Council has a statutory obligation to effectively manage water hygiene and the control of Legionella bacteria within the water systems of all residential blocks. To further support this service, the Council needs to appoint two experienced Legionella contractors to carry out 2,500 Legionella Risk Assessments (LRAs) of its low-rise blocks over the next 6 months to demonstrate compliance by having 'suitable and sufficient' LRAs in place with a programme of re-inspection to ensure they remain up to date. The specialist data produced from these LRAs will be used to support the overall strategy and re-procurement of the Council's long-term Legionella Management Contract.	6 months	City Housing	Housing & Homelessness	Andrew Healey	David Stevens / Lucy Podraza / Dean Billingham	12/08/2024
2	Strategy / Award	Roofing Repairs at Kings Heath Primary School	TBC	Roofing upgrade and repairs at Kings Heath Primary School.	5 months	Children & Families	Children Young People and Families	Paul Durrant	Baljeet Uppal / Charlie Short	12/08/2024

## **APPENDIX 2**

### **BRIEFING NOTE ON PLANNED PROCUREMENT ACTIVITIES** **CABINET – 23rd JULY 2024**

<b>Title of Contract</b>	<b>City Housing Legionella Risk Assessments</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Wayne Davies Director of Asset Management <b>Client Officers:</b> David Stevens, Building Safety Manager / Lucy Podraza, Water Hygiene Compliance Manager <b>Procurement Officer:</b> Dean Billingham, Procurement Specialist
<b>Relevant Portfolio</b>	<b>Councillor Jayne Francis - Cabinet Member for Housing and Homelessness</b>
Briefly describe the service required.	The Council has a statutory obligation to effectively manage water hygiene and the control of Legionella bacteria within the water systems of all residential blocks. To further support this service, the Council needs to appoint two experienced Legionella contractors to carry out 2,500 Legionella Risk Assessments (LRAs) of its low-rise blocks over the next 6 months to demonstrate compliance by having 'suitable and sufficient' LRAs in place with a programme of re-inspection to ensure they remain up to date. The specialist data produced from these LRAs will be used to support the overall strategy and re-procurement of the Council's long-term Legionella Management Contract.
What is the proposed procurement route?	Following Expressions of Interest, Direct Award to both number 1&2 ranked providers via Lot 3: Legionella & Water Hygiene Consultancy of the PCR15 compliant Fusion21 Building Safety & Compliance Framework. The framework has been competitively competed with the wider market prior to the appointment and ranking of both contractors to this framework.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	In relation to the Council's low-rise blocks, there is currently no contract in place to assist in the delivery of this specialist data within the required timescales.
Will any savings be generated?	No Cashable savings will be generated by this project as this service is a one-off programme to gather specialist Legionella related data on its low-rise blocks.
Has the In-House Preferred Test been carried out?	The Council does not have the in-house surveyors with the necessary knowledge, skill sets or resources to deliver this specialist service within the timescales required.
How will this service assist with the Council's commitments to Route to Zero?	The required provision will provide regulatory compliance and assist with relating information for Repair and Capital Works Programmes. All work programmes are aligned to the draft Asset Management Strategy and City Housings commitment to Net Zero ambitions.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	These services will support the Councils Levelling Up Strategy (November 2021) and ensure its housing stock meets the minimum statutory requirements to provide a safe environment for its residents.
Is the Council under a statutory duty to provide this service? If not, what is the justification for providing it?	Yes - There is a statutory duty to provide this service. under the Health and Safety at Work Act, Control of Substances Hazardous to Health Regulations, The Water Supply (Water Quality) Regulations HSG274 (Part 2), ACOP L8 Control of Substances Hazardous to Health Regulations 2002 and the Water Supply (Water Quality) Regulations 2018.
Approval via Spend Control Board.	Approval was obtained via Section 151 Spend Board on 14th June 24 - ID: 8299.
What budget is the funding from for this service?	This programme is funded from the HRA Business Plan approved by Cabinet on 16 <sup>th</sup> January 2024 and will be delivered within the agreed HRA budget allocation for these services.



Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The value for the 6-month contract is £400,000.
Proposed start date and duration of the new contract	The proposed contract start date is August 2024 for a period of up to 6 months.

<b>Title of Contract</b>	<b>Roofing Repairs at Kings Heath Primary School</b>
<b>Contact Officers</b>	<b>Director / Assistant Director:</b> Sue Harrison, Strategic Director, Children & Families <b>Client Officer:</b> Zahid Mahmood, Acting Head of Service, <b>Procurement Officer:</b> Charlie Short, Procurement Manager
<b>Relevant Portfolio</b>	<b>Councillor Mick Brown - Children Young People and Families</b>
Briefly describe the service required.	Roofing upgrade and repairs at Kings Heath Primary School.
What is the proposed procurement route?	A direct award using the NHS SBS Facilities Management Framework Agreement.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	This is a one-off requirement.
Will any savings be generated?	No savings will be generated from this procurement process for a one-off works project.
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 a construction project.
How will this service assist with the Council's commitments to Route to Zero?	The works will be undertaken using the most up-to-date sustainable materials.
How do these activities assist the Council with Everybody's Battle; Everybody's Business?	The works will ensure the buildings are up to date for continuity of use to all sections of the community.
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 works supports the statutory duty, by virtue of section 542(2) of the Education Act 1996, in respect of schools that it maintains, to secure that the school premises conform to the prescribed standards.
Approval via Spend Control Board.	Authorisation was obtained from the Section S151 Spend Board on 30 <sup>th</sup> May 2024 for the schools' works.
Estimated value of project (note: value estimated at time of submission of PPAR, this may change at time of advancing any related procurement activity)	The estimated value of the contract is £485,000.
What budget is the funding from for this service?	The works are funded from the School Condition Allocation Funding.
Proposed start date and duration of the new contract	The proposed start date is August 2024 for a period of 5 months.



# Birmingham City Council

## Report to Cabinet

23 July 2024



<b>Title:</b>	<b>ANNUAL APPOINTMENTS TO OUTSIDE BODIES 2024/2025</b>
<b>Lead Cabinet Portfolio:</b>	<b>The Leader - Councillor John Cotton</b>
<b>Relevant Overview and Scrutiny Committee:</b>	<b>Councillor Sir Albert Bore, Chair of Corporate and Finance Overview and Scrutiny Committee</b>
<b>Report Author:</b>	Errol Wilson Committee Team Leader Committee Services 0121 675 0955 Email <a href="mailto:errol.wilson@birmingham.gov.uk">errol.wilson@birmingham.gov.uk</a>
<b>Authorised by:</b>	Marie Rosenthal, Interim City Solicitor and Monitoring Officer, Legal and Governance, Council Management Directorate
<b>Is this a Key Decision?</b>	No
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Not Applicable
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable.
<b>Is this decision eligible for 'call in'?</b>	Yes
<b>If not eligible, please provide reason(s):</b>	If yes, list reason(s). If no, insert 'Not Applicable'.
<b>Wards:</b>	All

**Does this report contain exempt or confidential information?** No

**Has this decision been included on the Notification of Intention to consider Matters in Private?** Not Applicable

**Reasons why not included on the Notification:** Not Applicable

## **1 EXECUTIVE SUMMARY**

- 1.1 The report seeks the approval of the Cabinet to the appointment/re-appointment of representatives to serve on Outside Bodies. At the Cabinet meeting on the 25 June 2024 it was noted that a further report, concerning all representatives to be appointed/re-appointed to serve on Outside Bodies, be considered by Cabinet on 23 July 2024 and that current appointments to Outside Bodies remain in place until this time.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support the recommendations.

## **3 RECOMMENDATIONS**

- 3.1 That representatives be appointed/re-appointed to serve on the Outside Bodies until the appropriate meeting of the Cabinet in the next Municipal Year which considers appointments (See Appendix A) and that those appointments which are continuing be noted.
- 3.2 That it be noted that any updates to Appendix A reflecting the final appointments made at today's meeting will be posted on the CMIS database.
- 3.3 That it be noted that officer appointments to Outside Bodies is paused whilst consideration is given to appointing independent non-executive directors to these positions. Member appointments will continue to be made.

## **4 KEY INFORMATION**

### **Context**

- 4.1 At the Annual General Meeting on 21 May 2024, the City Council approved changes to the Constitution and re-affirmed those appointments that are reserved to the full City Council to determine (Part B4.4). All other appointments of Members and officers to outside bodies shall be within the remit of Cabinet to determine and the proportionality rules will not automatically apply.
- 4.2 A fundamental review of appointments to Outside Bodies was carried out in 2010 with the level of Council representation on those bodies detailed in Appendix A being agreed. (Report to Cabinet on 28 June 2010).
- 4.3 It should be noted that a full review of the Council's representation on Outside Bodies, including guidance to members and officers appointed to such positions, will be undertaken by the Council's Legal and Governance team and a further report be presented to Cabinet on the findings of such review and proposals on dealing with appointments to outside bodies going forward.

- 4.4 It is proposed that officer appointments to Outside Bodies is paused whilst consideration is given to appointing independent non-executive directors to these positions. Member appointments will continue to be made.
- 4.5 The lists of annual appointments in Appendix A to this report have been updated in accordance with the amendments to the Constitution approved by City Council on 11 September 2018 and to reflect appointments made by the Cabinet (and other developments which have occurred) during the course of the 2023/24 Municipal Year. The relevant lead officers in respect of the bodies detailed in Appendix A have been consulted.
- 4.6 At its meeting on 28 June 2010, the Cabinet agreed that the Corporate Director of Governance (now City Solicitor) in consultation with appropriate Members be authorised to deal with any urgent appointments and related issues which might arise between meetings of the Cabinet in July and September of every year with any action taken being reported to Cabinet for noting.
- 4.7 Appendix A provides details of the nominations that were made to Outside Bodies for the 2023/2024 period and the new nominations that are made for approval by Cabinet for 2024/2025.
- 4.8 It is recommended that the appointments referred to in this report (except those which are continuing) be made for the period until the appropriate meeting of the Cabinet, in the next Municipal Year which considers such appointments. This has been provisionally set for 24 June 2025.

### **Proposal and Reasons for Recommendations**

- 4.9 Not applicable, as these appointments are a matter for the Cabinet to determine.

## **5 RISK MANAGEMENT**

- 5.1 Failure to appoint to a body would result in loss of influence on and involvement in matters considered by that body.

## **6 CONSULTATION**

- 6.1 All Cabinet Members (via Cabinet Support Officers).
- 6.2 The relevant lead officers in respect of the bodies detailed in Appendix A.

## **7 IMPACT AND IMPLICATIONS**

- 7.1 The Constitution sets out those appointments that are reserved to the full City Council to determine. All other appointments of Members and officers to outside bodies are within the remit of Cabinet to determine.

### **Finance**

- 7.2 There are no additional resource implications.

### **Legal**

- 7.3.1 The appointments are consistent with the legal and constitutional requirements of the City Council.
- 7.3.2 The full Code of Conduct can be found in the Council's Constitution, available online. When acting as the Council's representative Members must comply with the Code of Conduct (unless it conflicts with the legal obligations of the other body). Members must declare a new interest within 28 days, including membership of Outside Bodies. You must also declare interests at a committee meeting if an item of business relates to, or affects, an Outside Body to which you have been appointed. If you are unsure as to whether you need to declare an interest, please contact the Monitoring Officer. There may also be occasions where, while you do not have a pecuniary interest, your membership of another body may give rise to the appearance of bias. If you find yourself in this position, please speak to the Monitoring Officer who will be able to advise you.

### **Equalities**

- 7.4 Not applicable.

### **Procurement**

- 7.5 Not applicable.

### **People Services**

- 7.6 Not applicable.

## **8 APPENDICES**

- 8.1 Appendix A - Annual Appointments to Outside Bodies.

## **9 BACKGROUND PAPERS**

- 9.1 Report of the Council Business Management Committee to City Council on 11 June 2013 – “Annual Review of the City Council’s Constitution”.
- 9.2 Report of the Corporate Director of Governance to Cabinet on 28 June 2010 – “Dates of Meetings, Appointment of Cabinet Committees, Other Bodies and Appointments to Outside Bodies etc. 2010/2011”.





## ANNUAL APPOINTMENTS TO OUTSIDE BODIES

**INCORPORATED LIMITED COMPANIES:** (Organisations formally registered at Companies House with a Company Registered Number)

<u>Organisation Name</u>	<u>Organisation Type</u>	<u>Brief explanation of what the organisation does/its main business</u>	<u>Details of Time Commitment of Nominee (i.e. frequency of meetings, timings, day/evening commitments, location of meetings)</u>	<u>Skills Audit (any desirable skills or experience which would be helpful for a Nominee)</u>	<u>2023/2024 Nominations</u>	<u>No. of Representatives to be Nominated formally appointed Directors, Trustees, Observer, Board Members etc)</u>	<u>Provisions of Constitution/Articles/Comments</u>	<u>2024/2025 Nominations</u>	<u>Officer Contact</u>
Paradise Circus Ltd Partnership and Paradise Circus General Partnership Ltd	Limited Company (LP015704) & (08686238)	The purpose of the Joint Venture is to bring forward the Paradise Circus development scheme	Quarterly boards which last 2 + hours and occur during working hours. Also Ad hoc meetings		Guy Olivant, Business Partner Development Comms (Director)  Kathryn James Assistant Director Investment and valuation (Director)	2	See Appointments to Outside Bodies report to Cabinet 02/09/13	Officer Appointment to be made at a future date.	
Paradise Circus Management Company Ltd	Limited Company (09346047)	The purpose of the Joint Venture is to bring forward the Paradise Circus development scheme	Quarterly boards which last 2 + hours and occur during working hours. Also Ad hoc meetings		Guy Olivant, Business Partner Development Comms (Director)  Kathryn James Assistant Director Investment and valuation (Director)	2	Private company limited by guarantee without share capital. Outside body – sole member of the company is Paradise Circus General Partner Ltd (as confirmed in incorporation docs 8 Dec 2014)	Officer Appointment to be made at a future date.	
Paradise Circus Nominee 1 Ltd	Limited Company (09290749)	The purpose of the Joint Venture is to bring forward the Paradise Circus	Quarterly boards which last 2 + hours and occur during working		Guy Olivant, Business Partner Development & Commercial (Director)	2	Outside Body – BCC has no shareholdings in the company	Officer Appointment to be made at a future date.	

# ANNUAL APPOINTMENTS TO OUTSIDE BODIES

		development scheme	hours. Also Ad hoc meetings		Kathryn James Assistant Director Investment and valuation (Director)				
Birmingham Wholesale Market Management Company	Limited Company (09621110)	Joint Venture management of the WSM between BCC and WSM	Monthly 2 hour meetings plus subgroups	Business development – health and safety	Paul Kitson, Paul Kitson, Strategic Director, Place, Prosperity and Sustainability (Director)  Kathryn James Assistant Director Investment and valuation (Director)  Ian Chaplin Head of Service, Inclusive Growth (Director)	3	Appointment to the Board of 3 BCC 'A' Directors	Officer Appointment to be made at a future date.	
Arden Cross UK Central Ltd	Limited Company (099484143)	To promote the redevelopment of the land owned by BCC and 2 private landowners as part of the HS2 Interchange	Monthly 2/2.5 hour meetings during work time, also ad hoc meetings as needed		Kathryn James Assistant Director Investment and valuation (Director)	2	Appointment to the Board of 1 BCC 'A' Directors	Officer Appointment to be made at a future date.	
Birmingham Children's Trust (CIC)	Limited Company (1076204)	Commissioned by the Council to deliver children's early help and social care	Quarterly 3 hour Boards; quarterly 1.5 hour Short Boards; quarterly committee meeting of 2.5 hours; occasional development sessions and visits to services	Ensuring that the Council's best interests are being pursued in the work undertaken by Birmingham Children's Trust  Understanding of the work of the Trust, knowledge of local communities and the challenges they face, and driving through change with respect to equalities and diversity	Richard Brooks Director of Strategy, Equality and Partnerships	1 formally appointed non-executive director	Company number 10762047 Non-executive Director Company wholly owned by BCC Formed April 2018	Helen Ellis Director of SEND and Inclusion	<a href="mailto:Kathryn.jones@birmingham.gov.uk">Kathryn.jones@birmingham.gov.uk</a>
Unique Venues Birmingham Limited	Private Limited				Chris Jordan, Assistant Director	2	Company number 10661257 Incorporated 9 March 2017.		

# ANNUAL APPOINTMENTS TO OUTSIDE BODIES

	Company (10661257)				Neighbourhoods (Director)  Guy Olivant, Business Partner Development & Commercial (Director)		Company is a subsidiary company of Birmingham Repertory Theatre Limited and is engaged in:  Licensed restaurants Event catering activities Operation of arts facilities Library activities		
Westside Partnership Ltd BID	Limited Company	This is a Business Improvement District, with a remit to improve the trading environment of the relevant area, funded through a levy on local businesses.			Cllr Jayne Francis (Director) as Board Member  Cllr Sir Albert Bore (Director)	2	2 Board Members, 1 Observer See reports to Cabinet 10/1/2005, 27/9/2009 & 18/5/2015.  This appointment referred to Ladywood District Committee to appoint 1 representative as a Board Member. <b>Email received from Chris Hurst 21/06/2024 advising that Westside BID enter ballot in October 2024. Should this fail, the company will cease in July 2025 and therefore no Cllr appointment will be needed.</b>	Cllr Jayne Francis (Director) as Board Member  Cllr Sir Albert Bore (Director)	<a href="mailto:Chris.Hurst@birmingham.gov.uk">Chris.Hurst@birmingham.gov.uk</a>
Retail Birmingham Ltd (Trading as Central BID)	Limited company	This is a Business Improvement District, with a remit to improve the trading environment of the relevant area, funded through a levy on local businesses.			Cllr Mariam Khan (Stakeholder)	1	Body established on 1/4/2007 for a 5 year period. Second BID term ended on 31/3/17. City Council entitled to appoint 2 Directors to the Board. See reports to Cabinet on 26 June 2006 and 25 July 2011. Retail Bid Constitution has changed. Now 1 elected member to be appointed to their board	Cllr Jayne Francis (Director)	<a href="mailto:Chris.Hurst@birmingham.gov.uk">Chris.Hurst@birmingham.gov.uk</a>
Colmore Business District Ltd		This is a Business Improvement District, with a remit to improve the trading environment of the relevant area, funded through a levy on local businesses.			Cllr Brigid Jones (Director) in place of the Leader  Cllr Sir Albert Bore (Director)	2		Cllr Miranda Perks (Lab) (Director) in place of the Leader  Cllr Sir Albert Bore (Lab) (Director)	<a href="mailto:Chris.Hurst@birmingham.gov.uk">Chris.Hurst@birmingham.gov.uk</a>
Erdington Town Centre Partnership Ltd	Limited Company (04428948)	This is a Business Improvement District, with a remit to improve the trading environment of the relevant area, funded through a levy on local businesses.			Cllr Robert Alden (Director)	1	Body formally commenced on 1 July 2007 for an initial 5-year period until 30 March 2012. Renewed through successful renewal ballot up to 31 March 2017.  City Council appoint 2 Directors to the Board. See report to Cabinet on 26 March 2007.  In reviewing appointments in April 2011, the Development Directorate advised that BCC to reduce representation to 1 Director to avoid the company being deemed as being under the control or subject to the influence of the local authority.	Cllr Robert Alden (Con) (Director)	<a href="mailto:Chris.Hurst@birmingham.gov.uk">Chris.Hurst@birmingham.gov.uk</a>

# ANNUAL APPOINTMENTS TO OUTSIDE BODIES

Southside Business District Ltd	Limited Company (07508452)	This is a Business Improvement District, with a remit to improve the trading environment of the relevant area, funded through a levy on local businesses.			Cllr Nicky Brennan (Representatives)  Cllr Yvonne Mosquito (Representatives)	2	See report to Cabinet on 26 July 2010 – City Council appoints – 2 reps as Stakeholder Directors on the Board	Cllr Nicky Brennan (Representatives)  Cllr Yvonne Mosquito (Representatives)	<a href="mailto:Chris.Hurst@birmingham.gov.uk">Chris.Hurst@birmingham.gov.uk</a>
The Jewellery Quarter BID Limited	Limited Company (14124151)	This is a Business Improvement District, with a remit to improve the trading environment of the relevant area, funded through a levy on local businesses.			Cllr Brigid Jones  Cllr Chaman Lal (Second representative)	2	The JQDT and JQBID actually operate as one and have one Board of Directors  This is a Community Interest Company that has evolved from the former Jewellery Quarter Regeneration Partnership.  There is provision on the Board of Directors for 2 City Council representatives: a Cabinet Member and a Ladywood Ward Councillor	Cllr Saima Suleman (Lab)  Cllr Chaman Lal (Lab) (Second representative)	<a href="mailto:Chris.Hurst@birmingham.gov.uk">Chris.Hurst@birmingham.gov.uk</a>
Northfield Town Centre BID Limited	Limited Company (07889072)	This is a Business Improvement District, with a remit to improve the trading environment of the relevant area, funded through a levy on local businesses.			Cllr Jack Deakin (Director)	2	New BID report to Cabinet on 25/7/11 Provision for 2 City Council representatives to be 1 Northfield Ward Councillor and 1 Weoley Ward Councillor	Cllr Jamie Tennant (Lab) (Director) holding position	<a href="mailto:Chris.Hurst@birmingham.gov.uk">Chris.Hurst@birmingham.gov.uk</a>
Sutton Coldfield Town Centre BID Limited	Limited Company (07846722)	This is a Business Improvement District, with a remit to improve the trading environment of the relevant area, funded through a levy on local			1.Cllr Rob Pocock (Observer)  2.Cllr David Barrie (Director & Stakeholder)	2	Provision for 1 City Council representatives as Director and 1 observer. See appointments to Outside Bodies report to Cabinet on 13/12/2022.	Cllr Rob Pocock (Lab) (Observer)  Cllr David Barrie (Con) (Director Representatives)	<a href="mailto:Chris.Hurst@birmingham.gov.uk">Chris.Hurst@birmingham.gov.uk</a>
Kings Heath BID	Limited Company (05785211)	This is a Business Improvement District, with a remit to improve the trading environment of the relevant area, funded through a levy on local businesses.			Cllr Lisa Trickett (Director & Stakeholder)	1	Email received from Chris Hurst 21/06/2024 advising that Kings Heath BID can be appointed to again. They were successful at ballot and will continue until 6/4/2028.		<a href="mailto:Chris.Hurst@birmingham.gov.uk">Chris.Hurst@birmingham.gov.uk</a>

# ANNUAL APPOINTMENTS TO OUTSIDE BODIES

Harborne Village BID	Limited Company (11123874)	This is a Business Improvement District, with a remit to improve the trading environment of the relevant area, funded through a levy on local businesses.			Cllr Jayne Francis (Director & Stakeholder)	1	Permission for Cllr Francis to sit on BID until 31/12/22 and for this to continue as BCC representative – to be a Harborne Ward Councillor.	Cllr Jayne Francis (Lab) (Director & Stakeholder)	<a href="mailto:Chris.Hurst@birmingham.gov.uk">Chris.Hurst@birmingham.gov.uk</a>
Soho Road BID	Limited Company	This is a Business Improvement District, with a remit to improve the trading environment of the relevant area, funded through a levy on local businesses.			Cllr Chaman Lal	1	At its meeting on 20/5/13, the Cabinet approved outline proposals for a new BID. Report Appendix 4 said at least 2 board Members will be invited, one each from Birmingham City Council and WM Police. <b>Email received from Chris Hurst 21/06/2024 advising that Soho Road BID is in appeal, and we will not find the result out until after the election. If they continue, there is one space for an appointed Cllr.</b>	Cllr Chaman Lal (Lab) (Representatives)	<a href="mailto:Chris.Hurst@birmingham.gov.uk">Chris.Hurst@birmingham.gov.uk</a>
Greater Birmingham & Solihull Local Enterprise Partnership Ltd Board	Limited Company				1. Cllr John Cotton (Lab) Leader, as Director 2. Cllr Sharon Thompson (Lab), Deputy Leader, as Alternate Director	2	1 Director appointed – must be an Executive Member. 1 Alternate Director appointed – must be an Executive Member.	<b>Company in Liquidation</b>	
Finance Birmingham	Limited Company				1. Cllr Brigid Jones Cabinet Member for Finance & Resources (as nominee) (Observer) 2. Cllr Robert Alden (Observer) 3. Alison Jarrett, Assistant Director, Development and Commercial (Director)	2	This is a company limited by guarantee created on 1 November 2010 following Cabinet decision on 18 October 2010 "Continuation of the Birmingham Business Loan Fund".	Cllr Karen McCarthy Cabinet Member for Finance (as nominee) (Observer)  2. Cllr Robert Alden (Observer) 3.	
Frontier Development Holdings Ltd	Limited Company				Alison Jarrett - Director Group & Capital Finance (Director)		Company number 09970140 Incorporated 26 January 2016 Private Limited Company  Wholly Owned Company (WOC) of BCC.		
Acivico Ltd	Limited Company				<u>Directors</u>  Cllr ..... (Lab)		At its meeting on 28 April 2014, Cabinet approved changes to the structure of the Board of Acivico Ltd:-	<u>Directors</u>	

# ANNUAL APPOINTMENTS TO OUTSIDE BODIES

					<p>Cllr .... (Lab)</p> <p>Cllr ..... (Con)</p> <p><u>External, Non-Executive Directors</u></p> <p>Mr Ian Briggs (Chair)</p> <p>2 vacancies</p>		<p>Removal of the Council Strategic Directors</p> <p>Appointment to the board of 2 elected Members nominated by the Controlling Group to serve as Directors</p> <p>Appointment to the board of 1 elected Member nominated by the opposition parties to serve as Director the appointment of 3 external non-executive directors the appointment of 1 of the above 6 as Chair of Acivico all of the above appointments are to be made by the Council</p>	<p>Cllr Miranda Perks (Lab)</p> <p>Cllr Mahmood Hussain (Lab)</p> <p>Cllr ..... (Con)</p> <p><u>External, Non-Executive Directors</u></p> <p><b>Chair - Vacancy</b></p> <p>Mark Evans</p> <p>David Powell</p>	
Acivico (Building Consultancy Service) Ltd	Limited Company								
Acivico (Design, Construction and Facilities Management) Ltd	Limited Company				Operational Director, Acivico, as a Director				
Birmingham Venture Capital Ltd	Limited Company				<p>1. Karen Price, Digital and Customer Service Directorate</p> <p>2. Davinda Deluca</p> <p>3. Sandeep Singh</p>		<p>In 2005, 1 Director was appointed. In 2006, the Development Directorate recommended that 2 additional officers be appointed as Directors, making 3 in total. In 2010, the Development Directorate recommended that 2 further officers be appointed as Directors, making 5 in total, but in 2012 this was revised to 4 Directors. In 2015, the Economy Directorate advised that 5 Directors to be appointed. From May 2016, the Economy Directorate has advised that 3 Directors are to be appointed.</p>	<p>1.</p> <p>2.</p> <p>3.</p>	
West Midlands Rail Ltd (W M R Ltd) Board	Limited Company (08991160)	A company limited by guarantee with a Board of Directors appointed from each of the constituent partner authorities for the purpose of providing local democratic strategic guidance for specification of the West	Quarterly Board meetings typically 2-3 hours in length, held during the working day, and other occasional meetings on specific rail topics as appropriate.	Director role, interest/experience in rail transport matters	<p>Cllr Liz Clements (Principal Director)</p> <p>Cllr John Cotton (Substitute Director)</p>	2	<p>On 17<sup>th</sup> November 2015 Cabinet approved the governance arrangements for WMR, approved that the Council would become a member of WMR, and approved the appointment of Directors to the WMR Board.</p> <p>WMR is governed by its Articles of Association.</p>	<p>Cllr Majid Mahmood (Lab) (Principal Director)</p> <p>Cllr John Cotton (Lab) (Substitute Director)</p>	<a href="mailto:Martin.rowe@birmingham.gov.uk">Martin.rowe@birmingham.gov.uk</a>

**ANNUAL APPOINTMENTS TO OUTSIDE BODIES**

		Midlands rail contract as let by Department for Transport (DfT)							
Birmingham Municipal Housing Ltd	Limited Company (07021056)	The company is a dormant company which was set up to protect the brand identity of Birmingham Municipal Housing Trust which is the brand name used for the Council's new build properties, both for rent and resale. The company has never traded.			Colette McCann Head of Housing Development (Director)  Guy Olivant, Business Partner Development & Commercial (Director)	3	Wholly owned company (WOC) of BCC (non-trading)	Officer Appointment to be made at a future date.	
INReach (Birmingham) Ltd	Limited Company (09352102)	InReach (Birmingham) Limited is a wholly owned company of Birmingham City Council (BCC). The company was incorporated in December 2014 to provide a further tenancy option for city residents, offering high quality accommodation in the Private Rented Sector (PRS). The overall strategy for InReach was to develop a			Colette McCann Head of Housing Development (Director)  Guy Olivant, Business Partner Development Comms (Director)	2	New Appointment.in 2015/16	Officer Appointment to be made at a future date.	



# ANNUAL APPOINTMENTS TO OUTSIDE BODIES

		portfolio of assets for the PRS that will generate a healthy yield and set the standard for tenant and facilities management.							
Birmingham Schools SPC Phase 1B Ltd	Limited Company (07598247)	This is a PFI special purpose vehicle company	Via MS Teams, Termly	An understanding of PFI and school estate	Head of Education infrastructure (Jaswinder Didiially) (Director)	1	Incorporated 8 April 2011 Private Limited Company Outside Body – no BCC direct shareholding in this company. This is replicated below and we are a shareholder.	Officer Appointment to be made at a future date.	<a href="mailto:Zahid.Mahmood@birmingham.gov.uk">Zahid.Mahmood@birmingham.gov.uk</a>
Birmingham Schools SPC Holdings Phase 1B Ltd	Limited Company (07597941)	This is a PFI special purpose vehicle company	Via MS Teams, Termly	An understanding of PFI and school estate	Head of Education Infrastructure (Jaswinder Didiially) (Director)	1		Officer Appointment to be made at a future date.	<a href="mailto:Zahid.Mahmood@birmingham.gov.uk">Zahid.Mahmood@birmingham.gov.uk</a>
Birmingham Schools Holdings Phase 1A Ltd	Limited Company (06915570)	This is a PFI special purpose vehicle company	Via MS Teams, Termly	An understanding of PFI and school estate	Head of Education infrastructure (Jaswinder Didiially) (Director)	1		Officer Appointment to be made at a future date.	<a href="mailto:Zahid.Mahmood@birmingham.gov.uk">Zahid.Mahmood@birmingham.gov.uk</a>
Birmingham Schools Phase 1A Ltd	Limited Company (06915837)	This is a PFI special purpose vehicle company	Via MS Teams, Termly	An understanding of PFI and school estate	Head of Education infrastructure (Jaswinder Didiially) (Director)	1	Company number 06915837. No Shareholding in this company. (as confirmed in annual return made up to 30 April 2016).		<a href="mailto:Zahid.Mahmood@birmingham.gov.uk">Zahid.Mahmood@birmingham.gov.uk</a>
Birmingham Airport Holdings Ltd	Limited Company	Operation and management of Birmingham Airport and the provision of facilities and services associated with those operations.	Meetings are held at least six times each financial year at Birmingham Airport.	The Board requires an appropriate combination of skills, background s, expertise and knowledge to provide constructive challenge to executive management and to support effective decision making.	Cllr Brigid Jones (Director)  Cllr Paul Tilsley (Director)	2	City Council entitled to nominate 2persons to the West Midlands Shareholders Airport Committee for appointment to the Board.  Directors may but need not be Members of the City Council.  <b><u>Directors are appointed for a period of 2 years where practicable, with an annual review by Cabinet if necessary.</u></b>	Cllr Sharon Thompson (Lab) (Director)  Cllr Paul Tilsley (Lib Dem) (Director)	<a href="mailto:Elaine.Peach@birmingham.gov.uk">Elaine.Peach@birmingham.gov.uk</a>
The National Exhibition (Developments) Plc	Public Limited Company (03301940)	Servicing of finance originally raised to fund the construction of	The Board meets a minimum of once a year	The activities are limited	Alison Jarrett, Director Group & Capital Finance (Director)	2	See reports to Outside Bodies report to Cabinet 18/10/10  See reports to Outside	Officer Appointment to be made at a future date.	<a href="mailto:Elaine.Peach@birmingham.gov.uk">Elaine.Peach@birmingham.gov.uk</a>

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# ANNUAL APPOINTMENTS TO OUTSIDE BODIES

		Halls 17-20 at the National Exhibition Centre			Mohammed Sajid Interim Head of Financial Strategy (Director)		Bodies report to Cabinet 29/11/10		
PETPS (Birmingham) Capital Ltd	Limited Company (10836221)	Part of an asset backed funding structure in order to allow the City Council to finance payments to the NEC Limited Pension Fund	Not a significant amount of time	Knowledge of the operation of workplace pension schemes	Clare Sandland Finance Business Partner  Guy Olivant  Officer appointment	2 (both directors)	As per email from Elaine Peach dated 24 June 2024 Azhar Rafiq has replaced Clare Sandland as Director of PETPS Cos	Officer Appointment to be made at a future date.	<a href="mailto:Elaine.Peach@birmingham.gov.uk">Elaine.Peach@birmingham.gov.uk</a>
PETPS (Birmingham) General Partner Limited	Limited Company (SC569640)	Part of an asset backed funding structure in order to allow the City Council to finance payments to the NEC Limited Pension Fund	Not a significant amount of time	Knowledge of the operation of workplace pension schemes	Clare Sandland Finance Business Partner  Guy Olivant  Officer appointment	2 (both directors)	As per email from Elaine Peach dated 24 June 2024 Azhar Rafiq has replaced Clare Sandland as Director of PETPS Cos	Officer Appointment to be made at a future date.	<a href="mailto:Elaine.Peach@birmingham.gov.uk">Elaine.Peach@birmingham.gov.uk</a>
PETPS (Birmingham) Limited	Limited Company (09312177)	Principal employer of NEC Limited Pension Fund and Scheme	Not a significant amount of time	Knowledge of the operation of workplace pension schemes	Clare Sandland Finance Business Partner  Guy Olivant  Officer appointment	2 (both directors)	As per email from Elaine Peach dated 24 June 2024 Azhar Rafiq has replaced Clare Sandland as Director of PETPS Cos	Officer Appointment to be made at a future date.	<a href="mailto:Elaine.Peach@birmingham.gov.uk">Elaine.Peach@birmingham.gov.uk</a>
Birmingham Propco Limited	Limited company (10989837)	Management and Leasing of Commercial Property portfolio which at present consists of two significant hotels within the Birmingham Area.	Board meetings every month via Teams for approximately one hour during the working day	Commercial Property, Finance experience desirable	Simon Delahunty-Forrest – Assistant Director   Alison Jarrett, Director Group & Capital Finance	2	Company Number 10989837 Incorporated 2 October 2017 Private Limited Company  Wholly Owned Company (WOC) of BCC	Officer Appointment to be made at a future date.	<a href="mailto:Rob.Pace@birmingham.gov.uk">Rob.Pace@birmingham.gov.uk</a> <a href="mailto:Georgina.dean@birmingham.gov.uk">Georgina.dean@birmingham.gov.uk</a>
Birmingham Curzon Regeneration Ltd	Limited Company				James Betjemann Head of EZ and Curzon Delivery		Wholly Owned Company (WOC) of BCC (non –trading)	Officer Appointment to be made at a future date.	<a href="mailto:James.Betjemann@birmingham.gov.uk">James.Betjemann@birmingham.gov.uk</a>
Port Loop Estate Management	Limited Company (11453022)	Under Option Agreement 8 <sup>th</sup> June 2016. To manage communal or estate parts of the property	Further to BCC's withdrawal from the LLP no Board Paper / detail provided	Budgetary control	Kathryn James, Assistant Director of Property	1	Company number 11453022 Port Loop Quarterly Landowner Meetings Done: 27 <sup>th</sup> March 23	Officer Appointment to be made at a future date.	<a href="mailto:Ashley.Skinner@birmingham.gov.uk">Ashley.Skinner@birmingham.gov.uk</a>
Millennium Point Property Ltd	Limited Company				Philip Andrews, Representative		1 Representative (was 1 Director) appointed by the City Council	Officer Appointment to	<a href="mailto:Philip.Andrews@birmingham.gov.uk">Philip.Andrews@birmingham.gov.uk</a>

## ANNUAL APPOINTMENTS TO OUTSIDE BODIES

								be made at a future date.	
Birmingham Global Limited	Limited Company (01884230)				(Vacancy) (Head of Business Enterprise and Innovation) to continue as an observer for current 2024/25 period	1	Councillor appointment not appropriate given the sale of BCC's interest in the company. Appoint Mohammed Zahir (Head of Business Enterprise and Innovation) to continue as an observer	Officer Appointment to be made at a future date.	<a href="mailto:Mohammed.Zahir@birmingham.gov.uk">Mohammed.Zahir@birmingham.gov.uk</a>
CTC Kingshurst Academy	Limited Company (02268092)				Cllr Mariam Khan	1		Cllr Mariam Khan (Lab) (Representatives)	
Workers Education Association (Local Management Committee)					Cllr TBC (Lab)			Cllr Shehla Moledina (Lab)	
YMCA Board					Cllr Diane Donaldson Cllr ...	2 (Representatives)		Cllr Jamie Scott	

## REGISTERED CHARITIES: (Organisations that are formally incorporated as a Charity and registered at the Charities Commission)

<u>Organisation Name</u>	<u>Organisation Type</u>	<u>Brief explanation of what the organisation does/its main business</u>	<u>Details of Time Commitment of Nominee (i.e. frequency of meetings, timings, day/evening commitments, location of meetings)</u>	<u>Skills Audit (any desirable skills or experience which would be helpful for a Nominee)</u>	<u>2023/2024 Nominations</u>	<u>No. of Representatives to be Nominated (formally appointed Directors, Trustees, Observer, Board Members etc)</u>	<u>Provisions of Constitution/Articles/Comments</u>	<u>2024/2025 Nominations</u>	<u>Officer Contact</u>
Friends of Birmingham Museum and Art Gallery	Registered Charity (528895)				Cllr Kath Hartley (Representative)  Cllr Darius Sandhu (Representative)	2	2 City Council appointees to the Friends Committee	Cllr Kath Hartley (Representative)	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>
Birmingham Airport Community Trust Fund	Registered Charity (1071176)	Enables Birmingham Airport to invest in a range of local projects which	Meets twice a year at Birmingham Airport	Knowledge of communities in east Birmingham located close to Birmingham	Cllr Marje Bridle (Trustee)  Cllr Colin Green (Trustee)	2	Appointments made by Cabinet on 10 June 2013	Cllr Marje Bridle (Lab) (Trustee)  Cllr Colin Green (Lib Dem) (Trustee)	<a href="mailto:Elaine.Peach@birmingham.gov.uk">Elaine.Peach@birmingham.gov.uk</a>

# ANNUAL APPOINTMENTS TO OUTSIDE BODIES

		reflect the local community and environment		Airport and its flight paths.					
West Midlands Ambulance Service Trust NHS					Cllr Rob Pocock (Lab)	1	1 BCC representative appointed – see Appointments to Outside Bodies report to Cabinet on 17/9/12. Must be an elected Member. Appointment is for a 3 year period but review annually in line with established practice.	Cllr Fred Grindrod (Lab) (Governor)	
Birmingham & Solihull Mental Health NHS Foundation Trust					Cllr Mick Brown (Lab)		City Council appoint 1 stakeholder governor – appointment made by Cabinet on 10/6/13	Cllr Kath Scott (Lab)	
Sir Barry Jackson Trust	Registered Charity (2116919)				Cllr Des Hughes (Trustee)	1	1 City Council appointee	Cllr Kerry Jenkins (Lab) (Trustee)	<a href="mailto:sbjt@outlook.com">sbjt@outlook.com</a>
Birmingham Trees for Life Tree Committee	Registered Charity (1123806)				Cllr Diane Donaldson (Representative)	1	See report to Cabinet on 12 February 2007.	Cllr ? (Lab) (Representative)	<a href="mailto:bhamtreesforlife@gmail.com">bhamtreesforlife@gmail.com</a>
The Birmingham and Midlands Institute	Registered Charity (522852)				Cllr Mary Locke Cllr Rob Pocock Cllr Adam Higgs Cllr Jon Hunt	5 City Governor/Trustee City Governor/Trustee City Governor City Governor	City Governors - Lord Mayor of Birmingham (ex-officio) together with <u>four Members of the City Council</u> subject to the proportionality 2 Labour, 1 Conservative, 1 Liberal Democrat	Cllr Mary Locke (Lab) Cllr Rob Pocock (Lab) Cllr Adam Higgs (Con) Cllr Jon Hunt (Lib Dem)	<a href="mailto:enquiries@bmi.org.uk">enquiries@bmi.org.uk</a>
Birmingham Retirement Council	Registered Charity (241670)				Cllr Kerry Jenkins (Trustee)  Cllr Penny Wagg (Trustee)  Hon Ald Sue Anderson	2		Cllr Kerry Jenkins (Lab) (Trustee)  Cllr Penny Wagg (Lib Dem) (Trustee)	<a href="mailto:info@brcseminars.org.uk">info@brcseminars.org.uk</a>
The Scout Association	Royal Charter Company				Mike Leddy Non-Labour member (Lab)  Cllr Adrian Delaney	2		Mike Leddy (Lab) (Lab)  Cllr Adrian Delaney Adrian Delaney (Con)	<a href="mailto:Gerry.russell@birminghamscouts.org.uk">Gerry.russell@birminghamscouts.org.uk</a>
The Lord Mayor of Birmingham's Charity	Registered Charity (103698)	Raises funds for local good causes.	Ten meetings of Trustees per year		Cllr Diane Donaldson (Lab) Trustee	1	One co-opted appointee from the City Council. Councillor Diane Donaldson has agreed to continue to serve for the period ending June 2025.	Cllr Diane Donaldson (Lab) Trustee	<a href="mailto:Anne.kennedy@birmingham.gov.uk">Anne.kennedy@birmingham.gov.uk</a>

**BOTH A COMPANY & CHARITY:** (Organisations that are Charitable Companies who are registered as both a formal limited Company at Companies House and a Charity at the Charity Commission)

<b>Organisation Name</b>	<b>Organisation Type</b>	<b>Brief explanation of what the organisation does/its main business</b>	<b>Details of Time Commitment of Nominee (i.e. frequency of meetings, timings, day/evening commitments, location of meetings)</b>	<b>Skills Audit (any desirable skills or experience which would be helpful for a Nominee)</b>	<b>2023/2024 Nominations</b>	<b>No. of Representatives to be Nominated (formally appointed Directors, Trustees, Observer, Board Members etc)</b>	<b>Provisions of Constitution/Articles/Comments</b>	<b>2024/2025 Nominations</b>	<b>Officer Contact</b>
Birmingham Opera Company	Limited Company (01850467) & Registered Charity (291130)	Professional Opera Company working with communities			Cllr Liz Clements	1	BCC as revenue funder.  As per email from Symon Easton dated 24/06/2024 appointment to this body will ceased on the 31 March 2025	Cllr Liz Clements (Lab)	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>
Millennium Point Trust	Limited Company (03227575) & Registered Charity (1059451)	Management Company for Millennium Point including Thinktank and BCU tenants			Cllr Karen McCarthy (Trustee & Director)  Cllr Paul Tilsley (Trustee & Director)	2	City Council, as Corporate Member, has the right to appoint 2 Trustees	Cllr Karen McCarthy (Lab) (Trustee & Director)  Cllr Lee Marsham (Lab) (Trustee & Director).	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>
FABRIC	Limited Company (02784677) & Registered Charity (1196368)	Regional Dance Agency for East and West Midlands			Cllr Mariam Khan	1	BCC as revenue funder.  As per email from Symon Easton dated 24/06/2024 appointment to this body will ceased on the 31 March 2025	Cllr Mariam Khan (Lab)	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>
Ikon Gallery	Limited Company (009022136) & Registered Charity (528892)	Contemporary Art Gallery			Cllr Jayne Francis	1	BCC as revenue funder.  As per email from Symon Easton dated 24/06/2024 appointment to this body will ceased on the 31 March 2025	Cllr Saima Suleman (Lab)	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>
Ex Cathedra	Limited Company (02396173) & Registered Charity (1004086)	Early Music Choir			Cllr Liz Clements	1	BCC as revenue funder. The Subscribers to the Memorandum of Association and such other persons as the Committee shall admit shall be members of the Company.  As per email from Symon Easton dated 24/06/2024 appointment to this body will ceased on the 31 March 2025	Cllr Liz Clements (Lab)	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>

**ANNUAL APPOINTMENTS TO OUTSIDE BODIES**

Birmingham Royal Ballet	Limited Company (03320538) & Registered Charity (1061012)	National Lyric Ballet Company based at Hippodrome Theatre			Cllr Des Hughes	1	BCC as revenue funder. Following reduction of grant, only 1 Representative to be appointed to the Board.  As per email from Symon Easton dated 24/06/2024 appointment to this body will ceased on the 31 March 2025	Cllr Jamie Tennant (Lab) (Representative)	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>
Birmingham Repertory Theatre (Board)	Limited Company (00295910) & Registered Charity (223660)	Producing Theatre Company			Cllr Jayne Francis(Lab) Trustee)  Cllr Ken Wood	2	BCC as revenue funder. City Council appointees.  As per email from Symon Easton dated 24/06/2024 appointment to this body will ceased on the 31 March 2025	Cllr Saima Suleman (Lab) (Director & Trustee)  Cllr Ken Wood (Con)	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>
City of Birmingham Symphony Orchestra	Limited Company (01262018) & Registered Charity (506276)	National Symphony Orchestra			Cllr Liz Clements  Cllr Darius Sandhu	2	BCC as revenue funder  As per email from Symon Easton dated 24/06/2024 appointment to this body will ceased on the 31 March 2025	Cllr Liz Clements (Lab)  Cllr Darius Sandhu (Con)	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>
Midlands Art Centre	Limited Company (00718349) & Registered Charity (528979)	Multi-Arts Centre in Cannon Hill Park			Cllr Shabina Bano (Director & Trustee))  Cllr Matt Bennett (Director & Trustee)	2	City Council entitled to appoint 2 nominated Board Members.	Cllr Mary Locke (Lab) (Director & Trustee))  Cllr Matt Bennett (Con) (Director & Trustee)	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>
B: Music Ltd	Limited Company (03169600) & Registered Charity (1053937)	Management Company for Town Hall and Symphony Hall receiving houses.			Cllr Sir Albert Bore (Director & Trustee)  Cllr Ewan Mackey (Director & Trustee)	2	BCC as revenue funder	Cllr Sir Albert Bore (Lab) (Director & Trustee)  Cllr Ewan Mackey (Con) (Director & Trustee)	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>
Birmingham Museums Trust	Limited Company (07737797) & Registered Charity (1140714)	Management Trust for Birmingham Museums Service across nine sites			Cllr Phil Davis (Director & Trustee)  Cllr Robert Alden (Director & Trustee)	2	25-year lease on premises to 2043. 25-year management contract to 2043 reviewed every four years Company No. 07737797 New appointment in 2012/13 – see Appointments to Outside Bodies report to Cabinet on 12/12/11. BCC has right to appoint 2 Directors to be elected Members or officers.	Cllr Phil Davis (Lab) (Director & Trustee)  Cllr Robert Alden (Con) (Director & Trustee)	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>
West Midlands Art Trust Ltd	Limited Company (01974210) & Registered Charity (517916)	Arts Trust			Cllr Jayne Francis (Director & Trustee)	1	Company no.01974210 Charity no. 517916 Formerly appointed through West Midlands Joint Committee 1 Representative	Cllr Jayne Francis (Lab) (Director & Trustee)	<a href="mailto:symon.easton@birmingham.gov.uk">symon.easton@birmingham.gov.uk</a>
Witton Lodge Community Association	Limited Company (02903760)	Registered	Board meets typically 1 <sup>st</sup> Wednesday		Cllr (Local Ward Member) (Director / Trustee)	2	1 Member and 1 Officer to be appointed.	Cllr (Local Ward Member) (Director / Trustee)	<a href="mailto:Mike.Davis@birmingham.gov.uk">Mike.Davis@birmingham.gov.uk</a>

# ANNUAL APPOINTMENTS TO OUTSIDE BODIES

	Registered Charity: 1039005	Housing provider with broader community service offer	monthly 7pm to 9pm.  Also an expectation board members support a sub-group (housing, finance etc) bi-monthly for 2 hours		Cllr Jilly Birmingham (Director & Trustee)  1 Officer to be appointed as Director / Trustee (Mike Davis since 2015)			Cllr Jilly Birmingham (Lab) (Director & Trustee)  1 Officer to be appointed as Director / Trustee (Mike Davis since 2015)	
Stockfield Community Association	Limited Company (02588109)  Registered Charity: 1003108				Cllr Penny Wagg (Director)	2	The Association has expressed a preference for an Acocks Green Ward Councillor to be appointed.  1 Member and 1 Officer to be appointed.	Cllr Penny Wagg  1 Officer to be appointed.	<a href="mailto:Rachel.Fulwell@birmingham.gov.uk">Rachel.Fulwell@birmingham.gov.uk</a>
Chamberlain Highbury Trust	Registered Company (10157307)  Registered Charity (1169845)				Martin Straker Welds (Lab)  Cllr Phil Davis (Lab)	2	2 City Council appointees		<b><u>THIS IS A NON-ANNUAL APPOINTMENT. APPOINTMENT TO THIS BODY IS DONE EVERY 3 YEARS</u></b>
Castle Bromwich Hall Gardens Trust	Limited Company (01944650)  Registered Charity (516855)				Cllr Diane Donaldson (Director & Trustee)  Cllr Marje Bridle (Director & Trustee)	2	Appointment reinstated at the request of the organisation. BCC entitled to appoint 2 Governors.	Cllr Majid Mahmood (Lab) (Director & Trustee)  Cllr Marje Bridle (Lab) (Director & Trustee)	
Birmingham Voluntary Service Council (Board of Management)	Limited Company (00421688)  Registered Charity (218795)				Cllr Ken Wood (Director)  Cllr Mohammed Idrees (Director & Trustee)	2	Company No. 07737797 New appointment in 2012/13 – see Appointments to Outside Bodies report to Cabinet on 12/12/11. BCC has right to appoint 2 Directors to be elected Members or officers.	Cllr Ken Wood (Con)  Cllr Mohammed Idrees (Lab)	
Apna Char 1995 Ltd	Limited Company (03279108)  Registered Charity (1059353)				Cllr ..... (Lab)	1 (Representative)		Cllr Amar Khan (Lab)	
Age Concern Birmingham	Limited Company (02104152)  Registered Charity (518610)				Cllr Jane Jones  Cllr	2 (Representatives)		Cllr Jane Jones (Lab)  Cllr ..... (Con)	
Birmingham Disability Resource Centre	Limited Company (02897250)  Registered Charity (1034581)				Cllr Kath Scott	1 (Representative)		Cllr Kath Scott (Lab)	



**ANNUAL APPOINTMENTS TO OUTSIDE BODIES**

SIFA Fireside (Supporting Independence from Alcohol)	Company Number (03094905)  Registered Charity (1049728)				Cllr Jayne Francis	1 (Representative)		Cllr Jayne Francis (Lab)	
Mind Birmingham	Limited Company (02024372)  Registered Charity (1003906)				Cllr Alex Aitken	1 (Representative)		Cllr ? (Lab)	
NICE – Centre for Movement Disorders	Limited Company (02083754)  Registered Charity (295873)				Martin Straker Welds (Director & Nominated Trustee)  Cllr Diane Donaldson (Director & Nominated Trustee)	2	1 Appointment Social Care, Health and Wellbeing and Support of Vulnerable Adults  1 Appointment Education and Care for Children, Young People And Families. See appointments to Outside Bodies report to Cabinet on 29/11/10 for both appointments.	Martin Straker Welds (Director & Nominated Trustee)  Cllr ? (Lab) (Director & Nominated Trustee)	
Birmingham Crisis Centre	Limited Company (02230876)  Registered Charity (700138)				Cllr Mariam Khan (Director)  Andrew Hardie (Director)	2		Cllr Mariam Khan (Lab) (Director)  Andrew Hardie (Director)	
Birmingham Asian Resources Centre	Limited Company (04351686)  Registered Charity (1093110)				Cllr Mahmood Hussain	1 (Observer)		Cllr Mahmood Hussain (Lab)	
Association of Retained Council Housing Ltd	Limited Company (07970258)  Registered Charity (1039005)				Cllr Jayne Francis (Director)  Managing Director City Housing	2	2 BCC representatives to be appointed as Directors – see Appointments to Outside Bodies report to Cabinet 28/11/13.	Cllr Jayne Francis (Lab) (Director)  Managing Director City Housing	
Priority Area Play Groups	Limited Company (01626517)  Registered Charity (519939)				Cllr Mick Brown (Director)	1		Cllr Mick Brown (Lab) (Director)	

**UNINCORPORATED BODIES:** (Organisations that are not formally incorporated as Companies or Charities but take the form of Committees, Forums, Informal Boards etc)

# ANNUAL APPOINTMENTS TO OUTSIDE BODIES

<u>Organisation Name</u>	<u>Organisation Type</u>	<u>Brief explanation of what the organisation does/its main business</u>	<u>Details of Time Commitment of Nominee (i.e. frequency of meetings, timings, day/evening commitments, location of meetings)</u>	<u>Skills Audit (any desirable skills or experience which would be helpful for a Nominee)</u>	<u>2023/2024 Nominations</u>	<u>No. of Representatives to be Nominated (formally appointed Directors, Trustees, Observer, Board Members etc)</u>	<u>Provisions of Constitution/Articles/Comments</u>	<u>2024/2025 Nominations</u>	<u>Officer Contact</u>
Warwickshire County Cricket Club (General Committee)	Unincorporated Body				Cllr John Cotton (Lab) Cllr Deirdre Alden (Con)		See report to Cabinet on 29 03 2010. At present Director of Inclusive Growth and Chief Finance Officer are also part of this Committee	Cllr Majid Mahmood (Lab) Cllr Deirdre Alden (Con)	<a href="mailto:Alison.Jarrett@birmingham.gov.uk">Alison.Jarrett@birmingham.gov.uk</a>
Veterans Champion	Unincorporated Body				Anita Ward (Lab) Non-Labour member			Anita Ward (Lab)	<a href="mailto:Anne.Kennedy@birmingham.gov.uk">Anne.Kennedy@birmingham.gov.uk</a>
Corporate Parent Ambassador	Unincorporated Body				Cllr Jane Jones (Lab)	1		Cllr Jane Jones (Lab)	<a href="mailto:Andrea.Foster@birmingham.gov.uk">Andrea.Foster@birmingham.gov.uk</a>
The Regional Employers Organisation	Unincorporated Body				Cllr John Cotton (Lab) Representative		New Body considered by Cabinet on the 29 June 2015	Cllr Rob Pocock (Lab)	<a href="mailto:Craig.Scirven@birmingham.gov.uk">Craig.Scirven@birmingham.gov.uk</a>
Sutton Park Advisory Committee	Unincorporated Body				Cllr Rob Pocock Cllr Maureen Cornish Cllr David Pears	3		Cllr Rob Pocock (Lab) Cllr Maureen Cornish (Con) Cllr David Pears (Con)	<a href="mailto:John.Porter@birmingham.gov.uk">John.Porter@birmingham.gov.uk</a>
Cycling Advisory Group	Unincorporated Body				Cllr Lisa Trickett	1		Cllr Lisa Trickett (Lab)	<a href="mailto:Graham.Lennard@birmingham.gov.uk">Graham.Lennard@birmingham.gov.uk</a>
Birmingham Gun Barrell Proof House	Unincorporated Body				Cllr Martin Brooks (Guardian) Cllr Robert Alden (Guardian)	3	2 Members of the City Council as Guardians of Birmingham Proof House. Must be Members. 1 year period of office <b>Email received from Mr Sam Perry Proof Master, Birmingham Proof House on the 10 May 2023 advising of reduction in Councillor Guardians from 3 to 2 Councillors</b>	Cllr Martin Brooks (Lab) Cllr Robert Alden (Con)	<a href="mailto:S.Perry@gunproof.com">S.Perry@gunproof.com</a> <a href="mailto:acvoke@aol.com">acvoke@aol.com</a>
West Midlands Strategic Migration Board	Unincorporated Body? Partnership?				Cllr Nicky Brennan (Observer)	1		Cllr Nicky Brennan (Lab) (Observer)	<a href="mailto:keith.ireland@wolverhampton.gov.uk">keith.ireland@wolverhampton.gov.uk</a>



# ANNUAL APPOINTMENTS TO OUTSIDE BODIES

Pensions Committee	Unincorporated Body				<p>Cllr Ray Goodwin (Co-Opted Member)</p> <p>Cllr Rob Pocock (Substitute Co-Opted Member)</p> <p>Cllr Brigid Jones (Deputy Substitute Co-Opted Member)</p>	3	<p>Bodies comprise 1 Member from each of the 7 constituent authorities. <a href="#">Email from Hayley Reid Regulatory Governance Manager dated 29 June 2023</a> advising that: Please note that in accordance with the Terms of Reference for the Pensions Committee we do not allow substitute members. This is due to the knowledge and skills requirements for our Committee members.</p>	<p>Cllr Mary Locke (Lab) (Co-Opted Member)</p> <p>Cllr .Rob Pocock (Lab) (Substitute Co-Opted Member)</p> <p>Cllr Karen McCarthy (Lab) (Deputy Substitute Co-Opted Member)</p>	<a href="mailto:Fabrica.Hastings2@wolverhampton.gov.uk">Fabrica.Hastings2@wolverhampton.gov.uk</a>
Golden Hillock Community Care Centre	Unincorporated Body				Cllr Shabina Bano (Representative)	1		Cllr Shabina Bano (Lab) (Representative)	<a href="mailto:goldenhillockdaycentre@msn.com">goldenhillockdaycentre@msn.com</a>
St Anne's Accommodation	Unincorporated Body				Cllr Jayne Francis	1		Cllr Jayne Francis (Lab)	<a href="mailto:Amanda.trappett@stannesbirmingham.org.uk">Amanda.trappett@stannesbirmingham.org.uk</a>
Convocation of the University of Aston	Unincorporated Body				Cllr Brigid Jones	1		Cllr Lee Marsham (Lab)	<a href="mailto:c.noakes@aston.ac.uk">c.noakes@aston.ac.uk</a>
Birmingham Local Education Partnership Board	Unincorporated Body				Director Education and Skills		Appointment made by Cabinet on 8/6/09	Director Education and Skills	<a href="mailto:Ailison.Mitchell@catalystlendlease.com">Ailison.Mitchell@catalystlendlease.com</a>
City Centre Strategic Board	Unincorporated Body				<p>Cllr John Cotton</p> <p>Cllr Ewan Mackey</p>	2	<p>In May 2012, the Head of City Centre Management advised that the City Council had on the City Centre Partnership: -</p> <ol style="list-style-type: none"> <li>3 "full" members but not specified who these should be.</li> <li>Terms of Reference provide for "proxy" to attend when representatives cannot attend.</li> <li>1 Co-opted representative for the Council's events/arts. portfolio</li> <li>A no. of officers regularly attend in a support capacity (Director of Regulation and Enforcement (Acting) or delegate and Assistant Director Planning and Development).</li> </ol> <p>Now known as City Centre Strategic Board, with the Deputy Leader as an appointee and the City Council also invited to appoint 1 opposition Member.</p>	<p>Cllr John Cotton (Lab)</p> <p>Cllr Ewan Mackey (Con)</p>	<a href="mailto:Michele.wilby@colmore.bid">Michele.wilby@colmore.bid</a>
PATROL Adjudication Joint Committee	Unincorporated Body				<p><u>Voting Member</u> Cllr Liz Clements</p> <p><u>Substitute Member</u> Cllr Phil Davis</p>	2	1 representative of each of the Parking Authorities appointed in accordance with law and their own Constitutional arrangements. Substitute Members permitted.	<p><u>Voting Member</u> Cllr Majid Mahmood (Lab)</p>	<p><a href="mailto:Collette.Brown@birmingham.gov.uk">Collette.Brown@birmingham.gov.uk</a></p> <p><a href="mailto:Stacey.Ryans@birmingham.gov.uk">Stacey.Ryans@birmingham.gov.uk</a></p>

**ANNUAL APPOINTMENTS TO OUTSIDE BODIES**

								<u>Substitute Member</u> Cllr Phil Davis (Lab)	
Bus Lane Adjudication Services Joint Committee	Unincorporated Body				<u>Voting Member</u> Cllr Liz Clements <u>Substitute Member</u> Cllr Phil Davis	2	To be the same Members as PATROL Committee at 2 above New appointment 10 June 2013	<u>Voting Member</u> Cllr Majid Mahmood (Lab) <u>Substitute Member</u> Cllr Phil Davis (Lab)	<a href="mailto:Collette.Brown@birmingham.gov.uk">Collette.Brown@birmingham.gov.uk</a>  <a href="mailto:Stacey.Ryans@birmingham.gov.uk">Stacey.Ryans@birmingham.gov.uk</a>
City of Birmingham Local Access Forum	Unincorporated Body				Cllr Liz Clements Cllr Timothy Huxtable	2	See Cabinet (14/11/05)	Cllr Majid Mahmood (Lab)  Cllr Timothy Huxtable (Con)	<a href="mailto:Mahroof.malik@birmingham.gov.uk">Mahroof.malik@birmingham.gov.uk</a>
River Trent Regional Flood and Coastal Committee	Unincorporated Body				Cllr Liz Clements (Committee Member)	1		Cllr Majid Mahmood (Lab) (Committee Member)	<a href="mailto:dhiren.katwa@environment-agency.gov.uk">dhiren.katwa@environment-agency.gov.uk</a>
Surface Access Group – formerly Birmingham International Airport's' Air Transport Forum	Unincorporated Body	The group considers and monitors the measures the airport takes to achieve its transport model share targets.	Meets four times a year at Birmingham Airport	Experience of public transport services.	Cllr Liz Clements (Representative)	1	Must be a member. 1 year period of office.	Cllr Majid Mahmood (Lab) (Representative)	<a href="mailto:Elaine.Peach@birmingham.gov.uk">Elaine.Peach@birmingham.gov.uk</a>
Birmingham Airport Consultative Committee	Unincorporated Body	Represents the interests of local authorities, resident groups, industry bodies and Airport users. Acts as a communications channel between the Airport and its stakeholders.	Meets four times a year at Birmingham Airport	Knowledge of airport impacts and contribution to local communities and economy	Cllr Diane Donaldson (Representative)  Cllr Timothy Huxtable (Representative)  Cllr Colin Green (Representative)	3	Members may recall that this body's composition has been revised twice. Cabinet most recently revised the City Council representation at its meeting on 15/9/14 – See Appointments to Outside Bodies report and Cabinet record of decision for 15/9/14 meeting. NB: This is now an Annual Appointment – see report to Cabinet July 2015.	<b>Cllr Bushra Bi or Zafar Iqbal or Saddak Miah (Lab) (Representative)</b>  Cllr Timothy Huxtable (Con) (Representative)  Cllr Colin Green (Lib Dem) (Representative)	<a href="mailto:Elaine.Peach@birmingham.gov.uk">Elaine.Peach@birmingham.gov.uk</a>
University Hospitals Birmingham NHS Foundation Trust (Board of Governors)	Unincorporated Body				Martin Straker-Welds (non-elected member) (Lab)		City Council appoints 1 Stakeholder Governor Merged with HEFT April 2018	Martin Straker-Welds (non-elected member) (Lab)	<a href="mailto:Justin.Varney@birmingham.gov.uk">Justin.Varney@birmingham.gov.uk</a> <a href="mailto:Graeme.Betts@birmingham.gov.uk">Graeme.Betts@birmingham.gov.uk</a>
Birmingham Women's and Children's NHS	Unincorporated Body				Cllr Kath Scott (Lab)		This body was formed in February 2017 This body was formerly Birmingham Women's Health Care NHS Trust – Members Council and Birmingham Children's Hospital NHS	Cllr Kath Scott (Lab) Stakeholder Governor	<a href="mailto:Justin.Varney@birmingham.gov.uk">Justin.Varney@birmingham.gov.uk</a> <a href="mailto:Graeme.Betts@birmingham.gov.uk">Graeme.Betts@birmingham.gov.uk</a>

**ANNUAL APPOINTMENTS TO OUTSIDE BODIES**

Foundation Trust							Foundation Trust – Council of Governors.		
Birmingham Community Healthcare NHS Trust (Council of Governors)	Unincorporated Body				Cllr Mick Brown (Lab)		See Appointments to Outside Bodies record of decision at Cabinet on 14/1/13.	Cllr Lee Marsham (Lab) Stakeholder Governor	<a href="mailto:Justin.Varney@birmingham.gov.uk">Justin.Varney@birmingham.gov.uk</a> <a href="mailto:Graeme.Betts@birmingham.gov.uk">Graeme.Betts@birmingham.gov.uk</a>
Royal Orthopaedic Hospital Board of Governors	Unincorporated Body				Cllr Kirsten Kurt-Elli (Lab)		Appointment is for a 3 year period but review annually in line with established practice. See Appointments to Outside Bodies report to Cabinet on 16/2/15 for background.	Cllr Jamie Tennant (Lab) Stakeholder Governor	<a href="mailto:Justin.Varney@birmingham.gov.uk">Justin.Varney@birmingham.gov.uk</a> <a href="mailto:Graeme.Betts@birmingham.gov.uk">Graeme.Betts@birmingham.gov.uk</a>



# Birmingham City Council

## Report to Cabinet

23 July 2024



<b>Title:</b>	<b>CABINET COMMITTEE GROUP COMPANY GOVERNANCE - TERMS OF REFERENCE</b>
<b>Lead Cabinet Portfolio:</b>	Councillor Rob Pocock, Cabinet Member for Transformation, Governance and HR
<b>Relevant Overview and Scrutiny Committee:</b>	Corporate and Finance
<b>Report Author:</b>	Alison Jarrett, Director Group & Capital Finance, Deputy s151 Officer Finance & Governance 07548 123287 Alison.jarrett@birmingham.gov.uk
<b>Authorised by:</b>	Fiona Greenway, Interim Director of Finance, s151 Officer Finance & Governance
<b>Is this a Key Decision?</b>	No
<b>If this is a Key Decision, is this decision listed on the Forward Plan?</b>	Not Applicable
<b>Reason(s) why not included on the Forward Plan:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late:</b>	Not Applicable
<b>Is this decision eligible for 'call in?'</b>	Not Applicable
<b>If not eligible, please provide reason(s):</b>	Not Applicable

**Wards:** All

**Does this report contain exempt or confidential information?** No

**Has this decision been included on the Notification of Intention to consider Matters in Private?** Not Applicable

**Reasons why not included on the Notification:** Not Applicable

## **1 EXECUTIVE SUMMARY**

- 1.1 The Cabinet Committee – Group Company Governance (CC-GCG) has been established by Cabinet to provide a formal reporting structure for overseeing and influencing the shareholder relationship with Council owned companies and to provide a route for engagement in relation to appropriate governance and accountability in line with the Local Authority Company Review Guidance.
- 1.2 This report sets out in Appendix 1 a copy of the Terms of Reference for the Committee, updated to take into account current structures and operational practices.
- 1.3 The revised and updated Terms of Reference were presented to CC-GCG on 11 July 2024 and approved for presentation to Cabinet on the 23 July 2024 for formal adoption with no amendments required for 2024/25.

## **2 COMMISSIONERS' REVIEW**

- 2.1 Commissioners support these recommendations.

## **3 RECOMMENDATIONS**

### **That Cabinet:**

- 3.1 Formally adopts the Group Company Governance Committee Terms of Reference as given in Appendix 1.

## **4 KEY INFORMATION**

### **Context**

- 4.1 Appendix 1 sets out the Terms of Reference (ToR) for the Committee as updated by officers to take into account new structures and practices. These were reviewed by the Cabinet Committee Group Company Governance at its meeting on 11 July 2024 and the decision approved to recommend them to Cabinet for adoption.

### **Proposal and Reasons for Recommendations**

- 4.2 Cabinet are formally adopt the revised and updated CC-GCG ToR for 2024/25. The structure and purpose of the CC-GCG was set out at its inauguration. The original ToR are reviewed regularly, at full change of Committee membership, to confirm that they are fit for purpose, reflect current structure and recommended practices.

### **Other Options Considered**

- 4.3 The CC-GCG was invited to consider amendments at its meeting, none were proposed for 2024/25 however it was noted that the number of member observers may change in future if the number of political groups were itself to change. This amendment may be required in the future.

## **5 RISK MANAGEMENT**

- 5.1 In itself the CC-GCG forms part of the risk management environment for the council's group entities. This report sets out the ToR for the Committee and the way in which it will oversee and contribute to the risk management of the group.

## **6 MEMBER ENGAGEMENT**

### **Overview and Scrutiny**

- 6.1 This report sets out the ToR for the Cabinet Committee and as such no decisions are contained within it.

### **Other**

- 6.2 The ToRs were presented to the CC-GCG at its meeting on the 11 July 2024, no further amendments were required for 2024/25.

## **7 IMPACT AND IMPLICATIONS**

### **Finance**

- 7.1 There are no direct financial implications arising from consideration of this report and the recommendations contained within it.

### **Legal**

- 7.2 Section 151 of the Local Government Act requires the Chief Finance Officer (as responsible officer) to ensure proper administration of the Council's financial affairs. The Accounts and Audit Regulations 2015, requires the Council to have effective arrangements for the management of risk.

### **Equalities**

- 7.3 There are no equality duty or equality analysis issues relating to the proposals set out in this report.

### **People Services**

- 7.4 There are no staffing implications or issues arising from this report.

### **Corporate Parenting**

- 7.5 There are no Corporate Parenting issues arising from this report.

## **8 APPENDICES**

- 8.1 Appendix 1 – Cabinet Committee Group Company Governance Terms of Reference July 2024.

## **9 BACKGROUND PAPERS**

- 9.1 CIPFA Code of Practice on Local Authority Accounting
- 9.2 11 July 2024 Cabinet Committee Group Company Governance – item 9a Terms of Reference



## **Cabinet Committee – Group Company Governance**

Cabinet have delegated to the Chief Executive and Director of Finance (and s.151 Officer) the authority to exercise voting rights at general meetings or by written resolutions for companies in which the Council is a member. The authority permits these senior officers to take any necessary action to protect, safeguard and effectively manage the Council's interest in such companies.

The Cabinet Committee – Group Company Governance has been established by Cabinet to provide a formal reporting structure for overseeing and influencing the shareholder relationship with Council owned companies and to provide a route for engagement in relation to appropriate governance and accountability in line with Local Authority Company Review Guidance.

## **Role of Cabinet Committee – Group Company Governance**

### **Definitions:**

**Subsidiary Companies:** means entities where the Council has a controlling or significant influence by way of a majority shareholding, investment or ownership;

**Associate Companies:** means entities where the Council has a minority shareholding/ownership or has minority influence through other arrangements such as a collaboration agreement;

**Related Parties:** means entities whereby the Council may appoint a member or officer to the board of that entity however has no day-to-day ownership or influence. These are outside the scope of this Committee in terms of accountability and influence, however remain important in terms of relationship with the Council

i. The role of the Committee is to provide oversight and ensure accountability of the Subsidiary Companies and, where appropriate, the Associate Companies and to support the development of these entities in line with the Council's regulations and ambitions.

## **Functions of Cabinet Committee – Group Company Governance**

ii. The Committee's responsibilities include (subject to regulations imposed by the Charity Commission, regarding the independence of charitable entities):

a) Holding Boards of Subsidiary Companies to account for their performance, highlighting and facilitating the need for immediate change through the Boards where necessary. Providing a clear line of communication between the Company and the Council as shareholder/member;

b) Supporting the development of Subsidiary Companies and where necessary of Associate Companies, making recommendations to the Council's shareholder representatives on matters reserved to the shareholder such as varying Articles of Association, varying ownership and structure, varying share rights, the disposal/dissolution of entities and their assets/land (below Cabinet limit on value), entering into or varying leases or material financial commitments

c) Consideration of companies business support requirements;

d) Providing the Council with support in its role as shareholder/member, including guidance and training to board members and other Council representatives where necessary;

e) Evaluating the effectiveness of company board governance structure, processes and to recommend changes as required;

f) Reviewing and ensuring performance against annual business plans and strategies of the Subsidiary Companies (and where required, to ensure compliance with the Council's strategic direction and interests and to communicate changing priorities);

g) Provide a clearance role for the creation of any new company in line with Council financial regulations with particular regard to the goals and objectives for the new company within the scope of the proposed memorandum and articles of association. To consider performance against these goals and objectives as part of paragraph (f) above.

h) Ensuring compliance of the entities with the Council's interests including where necessary compliance with the Council's commercial approach, procurement rules and managing conflicts of interest

i) Oversight of compliance to ensure that taxation, legal and financial interests of the Council together with the Council's Constitution are considered and protected;

j) Receiving regular updates for each of the Subsidiary Companies along with a shareholder consideration of the matters arising, which will allow the Committee to review performance management, strategic development, financial performance (both short and long term) and a holistic view of risk and risk management for each of the Subsidiary Companies;

k) Advising Cabinet/City Council/Shareholder representatives of issues as appropriate, including on appointments to outside bodies, creation of new companies, shareholder agreements, shareholder decisions (including appointment of auditors) and any matters reserved to the Council.

### **Membership**

iii. The Cabinet Committee – Group Company Governance has been established by Cabinet with the following membership:

- The portfolio holder covering governance of Council-owned companies who will chair the meeting;
- Another 2 Cabinet Members as deemed appropriate by the Leader;

iv. Cabinet Committee Members (and any nominated substitute) shall not be permitted to be appointed as a Director or alternate Directors on the board of any of the Subsidiary Companies.

v. The quorum for a meeting of a Cabinet Committee shall be two Cabinet Members.

vi. A substitute member shall be entitled to attend in place of a regular Member provided:

- That a Cabinet Member may only be substituted by another Cabinet Member;
- That Committee Services has been notified of any substitution before the meeting begins.

vii. Once an agenda item has begun with a substitute member attending, the regular Member in respect of whom notification has been received, shall not be entitled to vote on the agenda item as a Member of the Cabinet Committee.

viii. A substitute member will be able to vote during the meeting only when s/he is acting as a substitute for a regular Member.

viii. Every member of the Cabinet Committee and any nominated substitute must consider in advance any potential conflict of interest that may occur with any of the Subsidiary Companies and where necessary the Associate Companies which are to be reported on at each meeting. Should there be a potential conflict of interest, that member must immediately alert the other Members of the Committee and remove themselves from the discussion relating to that item.

**Attendance by Members of the Opposition**

viii. One Councillor from each of the two main Opposition Groups may attend meetings of the Group Company Governance Committee.

ix. Members of the two main Opposition Groups will attend as observers only. They will be entitled to a copy of the agenda (for the sake of clarity this is both the public and private sections) and will be able to participate in the debate but are not allowed to vote on any item. Members of the Opposition sitting as observers will also be subject to the requirements relating to potential conflict of interests as mentioned above.

**Rules of Procedure – Cabinet Committee: Group Company Governance**

x. Cabinet Committee meetings shall be held no less than 4 times per annum

xi. Cabinet Committee decisions shall only be taken based on written report(s) from Chief Officers and after any appropriate advice from the Head of Paid Service, City Solicitor and Monitoring Officer And the Council's Director of Finance (and s.151 officer) or their delegates. Additional advisors or client officers may be invited to attend a Committee meeting as required All reports are to be presented in the template prescribed by the City Solicitor and Monitoring Officer.

xii. Cabinet Committee decisions are only effective and actionable provided they are taken in accordance with this Constitution, and when posted on the Council's website by Committee Services and following the call-in process

