

Birmingham City Council

Council Business Management Committee

07 June 2021



Subject: Annual Report: Late Reports not on the Forward Plan and Those Authorised for Immediate Implementation

Report of: Suzanne Dodd, City Solicitor

Report author: Emma Williamson, Head of Scrutiny Services

Does the report contain confidential or exempt information? ☐ Yes ☒ No

1 Executive Summary

1.1 The Constitution¹ states that a report will be submitted to Council on an annual basis detailing:

- those decisions not on the Forward Plan, i.e. notification published the required 28 days ahead of consideration, and thus requiring the agreement of the Chair of a relevant Overview and Scrutiny Committee of the matter to which the decision relate;
- those reports authorised for immediate implementation: i.e. where "... the interests of the Council are jeopardised unless an executive decision is implemented immediately then the Chief Executive in consultation with the Leader (or Deputy Leader in his/her absence) may designate such executive decision as so urgent that its implementation cannot wait until the expiry of the call-in period";

1.2 This report sets out that information for the 2020/21 municipal year.

2 Recommendations

2.1 That the Council's Business Management Committee:

- Notes the report;
- Confirms that Members wish to submit the report to the next full City Council meeting.

¹ Part B6.2 and B6.9; as agreed by City Council September 2019

3 Reports Not on the Forward Plan

- 3.1 Key decisions are made by Cabinet and must first be published in the Cabinet's Forward Plan in so far as they can be anticipated, and at least 28 days before the meeting. If a key decision is not on the Forward Plan, then it may still be taken by Cabinet provided it meets the requirements set out in the Constitution (Part B6.2).
- 3.2 There were nine key decisions not on the Forward Plan in the 2020/21 municipal year and these are set out in the table below. This compares to one in 2019/20 and 11 in 2018/19.
- 3.3 In summary, four were not on the Forward Plan within the timescale because of the need to accept Government funding in a short time frame; two because of administrative errors; another two were initially conceived as a non-key decisions and had to be amended, and one decision was required quickly because of slippage in Delivery Plan timescales.

Date	Title	Reason
23 June 2020	E-Scooters Trial (Inclusive Growth)	Report in relation to the delivery of the Birmingham e-Scooter trial, which the Department for Transport is commencing more rapidly and in more areas across the country than initially planned to help mitigate reduced public transport capacity. The delivery of the e-Scooter trial will aid the recovery of the city as COVID-19 lockdown begins to be lifted. It is impracticable to defer the decision due to the fact that the trial is expected to start in July at the earliest.
23 June 2020	Emergency Active Travel Fund (Inclusive Growth)	Report in relation to the acceptance of time critical government funding. The delivery of emergency active travel measures to aid the recovery of the city as COVID-19 lockdown begins to be lifted, must be taken because it is impracticable to defer the decision due to the fact that the first tranche of funding must be spent within 8 weeks of its receipt
13 October 2020	Highbury Estate – Heritage Lottery Fund Bid Support and Accountable Body Request (Finance & Governance)	<p>The administration process for adding the item to the forward plan was not fully completed. The request for it to be added to the Cabinet timetable was made in July and a forward plan reference provided. However, a check box for inclusion on the forward plan had not been ticked.</p> <p>The key decision relating to Highbury Hall and the council's support to their Heritage Lottery Fund bid by underwriting their fund raising up to £1m, must be taken because it is impracticable to defer the decision due to the Highbury Trust wishing to make their bid in November 2020.</p>

Date	Title	Reason
13 October 2020	Bid to Ministry of Housing Communities and Local Government (MHCLG) Re. Supported Housing Oversight Pilots 2020/2021 (Neighbourhoods)	The Council was invited to bid for MHCLG funding via a prospectus issued to the council on 24th September with a closing date for bid proposals of 6th October 2020. The prospectus invites Birmingham to submit proposals in regard to improving standards in the supported Exempt accommodation sector specifically in regard to improving quality through an inspection and enforcement, undertaking strategic needs assessment and evaluation and monitoring of outcomes. This is a short term pilot until the end of March and therefore urgent approval was sought to accept this funding now in order to put in place interventions that will deliver outcomes within that timescale.
13 November 2020	Local Authority Compliance and Enforcement Grant (Neighbourhoods)	<p>The Government made available £60m nationally for increased enforcement and compliance work by Local Authorities. Birmingham City Council's allocation is £889,747 in the form of a grant that can be drawn down by the Council for any works that supports compliance with Covid rules and enforcement. The Government is recommending that this will include the appointment of Covid Marshalls which will be advisors with no regulatory powers.</p> <p>As the decision cannot be published on the Forward Plan with the requisite notice period - this would require the grant to be returned to Government- consideration of this report was approved by the Chief Executive and the chair of the relevant Overview and Scrutiny Committee, Councillor Holbrook</p>
19 January 2021	Investing in our Future (Chief Executive)	The report was initially conceived as a non-key decision but as more details emerged of the financial implications, it was agreed to put forward the report as a key decision
16 March 2021	Home to School Transport Procurement Strategy (Education & Skills)	To delay until April Cabinet would have had a detrimental effect on the planned procurement timetable. The item was missed off the forward plan due to administrative error.

Date	Title	Reason
20 April 2021	Delivery Plan Reserve (Finance & Governance)	This matter was not included in the Forward Plan because the it has only recently become clear that Delivery Plan timescales have slipped which leads to the need to take key enabling decisions. The key decision is relating to a drawdown of £5m from the Delivery Plan Reserve, with allocations delegated to the Chief Executive in consultation with the Leader and Chief Finance Officer. This reserve decision must be taken by Cabinet under the Constitution. It is impracticable to defer the decision due to need to commit to project expenditure to enable Delivery Plan business cases to be produced by the revised June 2021 deadline.
18 May 2021	Adoption of Sutton Coldfield Town Centre Masterplan Supplementary Planning Document (Inclusive Growth)	This report was not included in the Forward Plan because Sutton Coldfield Town Centre Masterplan boundary covers one single ward. However, it has now been agreed that due to the role Sutton Coldfield Town Centre plays in serving Sutton Coldfield and indeed Birmingham as a whole, adopting the masterplan will have an impact on more than one ward and should be considered a key decision. The key decision relating to adopting Sutton Coldfield Town Centre Masterplan must be taken because it is impracticable to defer the decision due to the need to use the masterplan for active funding applications to deliver the bold vision and projects but also to support the planning management process for imminent planning applications within the town centre. Having the masterplan adopted will provide an up-to-date planning framework, supporting the delivery of high-quality schemes within the town centre.

4 Reports authorised for Immediate Implementation

- 4.1 No reports were authorised for immediate implementation and so were not subject to call-in in 2020/21. This compares to six in 2019/20 and five in 2018/19.

5 Next Steps

- 5.1 Decisions not the Forward Plan will be taken to the Corporate Leadership Team in June as part of the City Solicitor Assurance and Performance Report; it will contain the information in this report and relevant guidance.