

Birmingham City Council

Report to Cabinet

10 November 2020



Subject: Local Authority Compliance and Enforcement Grant
Report of: Report of the Acting Director of Neighbourhoods
Relevant Cabinet Member: Councillor Ian Ward – Leader of the Council
Relevant O &S Chair(s): Councillor Penny Holbrook- Housing and Neighbourhoods Overview and Scrutiny Committee
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| Are specific wards affected? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No – All wards affected |
| If yes, name(s) of ward(s): | | |
| Is this a key decision? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If relevant, add Forward Plan Reference: Not applicable as grant allocation happened four weeks ago and requires expenditure within four months. | | |
| Is the decision eligible for call-in? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does the report contain confidential or exempt information? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If relevant, provide exempt information paragraph number or reason if confidential : | | |

1 Executive Summary

- 1.1 The Government has 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.

- 1.2 This round of monies is available for 4 months. It is not certain if it will be renewed after this period.
- 1.3 As the grant exceeds the revenue spend amount of £500,000, the decision to spend and allocate these monies is a key decision. Key decisions require publication on the Forward Plan. As the decision cannot be published on the Forward Plan with the requisite notice period of four months- this would require the grant to be returned to Government- consideration of this report must be approved by the Chief Executive and the chair of the relevant Overview and Scrutiny Committee, Councillor Holbrook.

2 Recommendations

- 2.1 That Cabinet notes the appointment of Covid Marshalls.
- 2.2 That Cabinet endorse the plan for the spend of the grant monies as laid out in the appendix and authorises the Acting Director of Neighbourhoods to vary the plan to maximise impact if an underspend is anticipated in any of the thematic projects.

3 Background

- 3.1 On 22 September the Prime Minister announced that £60 million will be made available across the police and local authorities for compliance and enforcement activities. Of this £60 million, £30 million is being allocated to spend on COVID-19 related compliance and enforcement activities. The Allocation for Birmingham has been confirmed at £889,747. The money is to be drawn down and spent within 4 months and is ringfenced for compliance and enforcement. Failure to spend the money will require it to be returned to MHCLG.
- 3.2 The West Midlands Police have received circa £1.8m for enforcement and compliance. This money covers the entire force area.

4 Options considered and Recommended Proposal

- 4.1 The appendix attached to this report details of the proposed projects that meet the brief for these grant monies.

5 Consultation

- 5.1 The monies are only available for 4 months and are ring fenced to Compliance and Enforcement. Consultation has not occurred as it would result in the failure to spend the money in the time period of four months as is required. However officers are working with faith sectors and the universities to ensure money is spent appropriately to maximise compliance with the Covid 19 legislation.

6 Risk Management

- 6.1 None identified, apart from failure to use urgency procedures will mean the money cannot be spent in the four months as required.

7 Compliance Issues:

Increasing enforcement and compliance on Covid Control matters will assist in supporting businesses and protecting residents and visitors to Birmingham.

7.1 Legal Implications

- 7.1.1 The grant funding has been allocated through the COVID-19 Relative Needs Formula, in line with the third tranche of COVID-19 Emergency Funding for Local Government.
- 7.1.2 The guidance sets out the types of eligible compliance and enforcement activity which local authorities can choose to use the funding for. This list is illustrative, recognising the wide range of compliance activity local authorities already undertake. There is flexibility over how the funding is used, provided it is for the purposes of compliance and enforcement of measures to control the spread of COVID-19.
- 7.1.3 Where appropriate, local authorities are encouraged to consider using this funding for the deployment of COVID-19 secure marshals, or their equivalents, to support compliance. The guidance therefore focuses on supporting local authorities who are deploying marshals, wardens, stewards, ambassadors or similar roles to support compliance social distancing in public places.
- 7.1.4 The role of COVID-19 secure marshals or equivalents is not to enforce COVID-19 regulations, or have any enforcement powers, which should remain the remit of the police and designated local authority compliance and enforcement officers. COVID-19 secure marshals or equivalents should instead engage, explain and encourage best practice and national COVID-19 secure guidance.

7.2 Financial Implications

The City Council has been allocated £889,747 in the form of a grant to support compliance with Covid rules and enforcement to be utilised in 2020/21. Current spend projections have been prepared based on estimations, however, all spend will need to be contained within the grant allocation. The grant will be claimed retrospectively and require Section 151 officer sign off to certify that spend was used for the purposes of compliance and enforcement activity.

7.3 Procurement Implications (if required)

None

7.4 Human Resources Implications (if required)

This will require the use of Agency staff to deliver these increased workloads.

7.5 Public Sector Equality Duty

These monies are to increase the effectiveness, scope and number of interventions already occurring for compliance and enforcement. This work is already occurring therefore an equality assessment is not required.

8 Background Documents

None

9. List of appendices accompanying this report:

Appendix 1 - Briefing note attached