

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

CABINET

TUESDAY, 03 OCTOBER 2017 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 Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.birminghamnewsroom.com) 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.

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3 WASTE STRATEGY 2017 - 2040 PUBLIC

Report of Corporate Director - Place

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4 BIRMINGHAM CITY COUNCIL'S VISION AND STRATEGY FOR ADULT SOCIAL CARE SERVICES

Report of Interim Corporate Director - Adult Social Care & Health

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5 SUPPLY AND DISTRIBUTION OF GROCERY AND FROZEN FOOD - PUBLIC

Report of the Director of Commissioning and Procurement.

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6 PLANNED PROCUREMENT ACTIVITIES (NOVEMBER 2017 - JANUARY 2018) - PUBLIC

Report of Director of Commissioning and Procurement

7 **APPOINTMENTS TO OUTSIDE BODIES**

Report of the City Solicitor.

8 **OTHER URGENT BUSINESS**

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

9 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

P R I V A T E A G E N D A

10 **SUPPLY AND DISTRIBUTION OF GROCERY AND FROZEN FOOD - PRIVATE**

Item Description

11 **PLANNED PROCUREMENT ACTIVITIES (NOVEMBER 2017 - JANUARY 2018) - PRIVATE**

Item Description

12 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to: **CABINET**

Report of: **Corporate Director - Place**

Date of Decision: **3rd October 2017**

SUBJECT: **WASTE STRATEGY 2017 - 2040**

Key Decision: **Yes** **Relevant Forward Plan Ref: 004105/2017**

If not in the Forward Plan: **Chief Executive approved** ☐

(please "X" box) **O&S Chairman approved** ☐

Relevant Cabinet Member(s) **Councillor Lisa Trickett, Cabinet Member for Clean Streets, Recycling & Environment**

Councillor Majid Mahmood, Cabinet Member for Value for Money & Efficiency

Relevant O&S Chairman: **Councillor Victoria Quinn, Chair of Housing and Homes O&S Committee**

Councillor Mohammed Aikhlaq, Chair of Corporate Resources and Governance O & S Committee

Wards affected: **All Wards**

1. Purpose of report:

- 1.1 The report explains the work undertaken to identify future arrangements for the treatment and disposal of waste, identifies the future capital / investment needed to support the arrangements, and a procurement strategy to support its delivery.
- 1.2 The report also provides the framework against which the Council will continue to determine the most appropriate ways to manage waste sustainably for the period of the new Waste Strategy(2017-2040). It includes details of a proposed Waste Prevention Plan that will demonstrate how the Council will encourage and facilitate the required behavioural change needed to support the aims and objectives of the Waste Strategy.

2.0 Decision(s) recommended:

That Cabinet:

- 2.1 Notes the purpose and proposed content of the final draft Waste Strategy 2017-2040 and delegates approval of the final strategy to the Cabinet Member for Clean Streets, Recycling and the Environment, the Cabinet Member for Value for Money and Efficiency, and the Deputy Leader of the Council jointly with the Corporate Director – Place and the Corporate Director – Finance and Governance.

- 2.2 Notes the purpose and proposed content of the Waste Prevention Plan and delegates approval of the final plan to the Cabinet Member for Clean Streets, Recycling and the Environment, the Cabinet Member for Value for Money and Efficiency, and the Deputy Leader of the Council jointly with the Corporate Director – Place and the Corporate Director – Finance and Governance.
- 2.3 Notes the investment that has been identified relating to the Waste Services infrastructure and the options for financing this investment that will be considered as part of the re-procurement of the waste disposal contract in order to optimise the Council's financial position.
- 2.4 Notes the overview of the Procurement Strategy covering the re-procurement of the Council's waste treatment and disposal services, and notes that a detailed procurement strategy report will be presented at the November meeting of Cabinet.

Lead Contact Officer(s): Alan Bowley, Programme Director: Waste Strategy

Telephone No: 0121 303 3454

E-mail address: alan.bowley@birmingham.gov.uk

3.0 Consultation

Internal

- 3.1 The Waste Strategy Programme Director has continued to meet weekly with the Cabinet Member for Clean Streets, Recycling & Environment, and the Cabinet Member for Value for Money & Efficiency to review the development and drafting of the final Waste Strategy, Waste Prevention Plan and the associated Procurement Strategy. The process included a number of cross-party member workshops to inform the outcome of the options appraisal assessment.
- 3.2 Furthermore, regular progress updates have been considered at two meetings of EMT and the Chief Executive's CLT.
- 3.3 A formal progress report to the Health, Well-Being and Environment Overview and Scrutiny Committee was considered in May 2017.

External

- 3.4 The draft waste strategy was issued for public consultation in June 2016. The timetable allowed for a 4-week public consultation, via the Council's Be Heard consultation portal and was supported by a number of related events including:
- A Cabinet Member public webcast
 - Webcast presentation to Health, Well-Being and Environment Overview and Scrutiny Committee by 3Rs Programme Manager
 - Presentation to Birmingham Housing Partnership Board by the Corporate Director, Place, and
 - A number of linked social media campaigns.
- 3.5 Nearly 500 members of the public and wider stakeholders took part in the consultation either directly, by responding via Be Heard, or as part of a series of 6 focus groups – where the key objectives were explained and discussed in more detail. The outcomes of the public consultation were used to directly inform and validate the outcome of the strategy options appraisal process.
- 3.6 **Appendix 1** summarises the key feedback received against each of the key objectives of the draft waste strategy.

4.0 Compliance Issues:

Are the recommended decisions consistent with the Council's policies, plans and strategies?

- 4.1 The proposals in this report contribute to the Council's Vision and Forward Plan as agreed by the Council in May 2017. The strategy is designed to support the Council's Vision and Priorities covering:
Children – a great City to grow up in,
Housing – a great City to live in,
Jobs and Skills – a great City to succeed in,
Health – a great City to grow old in.
- 4.2 In particular the outcomes of the waste strategy address a number of the issues defined as cross-cutting including:
- **Reduction in percentage of households in fuel poverty:** In recommending the option to retain Tyseley ERF and to invest in that asset to achieve residual life to 2034, the waste strategy provides a direct means to generate power (heat and electricity) that could be utilised within the Council's ambition of establishing a directly-owned energy company.
 - **Improved cleanliness** - streets and public spaces: The Waste Strategy, and in particular the procurement / contracting strategy provides the means for the Council to deliver the cost effective treatment and disposal of all waste streams. This ensures that waste collected by street cleansing and the parks services can be treated at lowest cost, and therefore ensures that service budgets can be targeted at frontline delivery.
 - **Improved air quality:** By investing in existing waste infrastructure across the city, and where possible, locating any new facilities e.g. a potentially new council-owned MRF, within the footprint of the Tyseley Environmental Enterprise Zone, the Council is seeking to minimise 'waste miles' i.e. the distances covered in transporting waste to its final destination for treatment.

Financial Implications

(Will decisions be carried out within existing finance and resources?)

- 4.3 The current Long Term Financial Plans of the Council includes £32.4m in 2017/18 for the current waste disposal contract. This allocation will reduce to £30.9m in 2018/19 (reflecting the part year effect of the expiry of the current contract in January 2019) and to £22.2m per annum on an on-going basis from 2019/20. This reduction reflects the fall out of the financing costs of the initial build of the Energy from Waste facility.

- 4.4 It is proposed that capital investment of £44.2m is undertaken over the next 5 years to upgrade the Energy from Waste facility (ERF) at Tyseley (to ensure a continued operational life of at least 15 years), the potential building of a new Materials Recycling Facility (MRF) – subject to a full and final business case, to modernise the Household Recycling Centres (HRCs), to facilitate greater partnership working with organisations working to promote the reduction and reuse of waste, and Waste Transfer Stations (WTSSs) (both to provide a further 30 year operational life). The options for securing value for money from this investment will be considered in the re-procurement of the Waste Disposal Contract (this could be undertaken by the potential service providers with the financing cost reflected in the tender submissions or the investment could be undertaken directly by the Council through prudential borrowing). This strategy is suggested in order to maintain flexibility for the Council and to optimise the Council's medium and long term financial position.
- 4.5 The Waste Strategy and the Waste Prevention Plan are both designed to minimise the volume of waste and this will have a consequential financial benefit for both the cost of processing waste and disposal at landfill.
- 4.6 The approved budgets for the Waste Services include £0.830m in 2017/18 and £0.340m in 2018/19 to complete the development of the Waste Strategy and the re-procurement of the Waste Disposal Contract. This has been funded from corporate resources.
- 4.7 The financial implications of the re-procurement of the Waste Disposal Contract will be affected by a number of factors including the Council's preferred options for the funding of the capital investment and the ownership of the income from the generation of electricity. The full financial implications on the current cash limits for the Waste Disposal Contract and long term financial plans of the Council will be reported in detail in the future executive reports on the award of the new contract. In addition, the procurement process will need to ensure that there is a full evaluation of all options and that there is due regard to current approved cash limits and recognise the continuing pressures on the Council's finances over the medium term.

Legal Implications

- 4.8 The Council has a statutory duty to act as both a Waste Collection Authority and Waste Disposal Authority under the Environmental Protection Act 1990.
- 4.9 Under S.111 of the Local Government Act 1972 the Council is entitled to do any thing which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions
- 4.10 The Council has a best value duty under the Local Government Act 1999 to improve the efficiency, economy and effectiveness of the services it delivers

Public Sector Equality Duty

- 4.11 An Equalities Impact Analysis has not been completed to date but will be undertaken and reported to Cabinet in November as part of the formal procurement report. Furthermore, compliance with equalities legislation will form part of the mandatory selection criteria used at selection stage of the proposed procurement strategy.

5.0 Relevant background/chronology of key events:

5.1 Purpose of the Waste Strategy

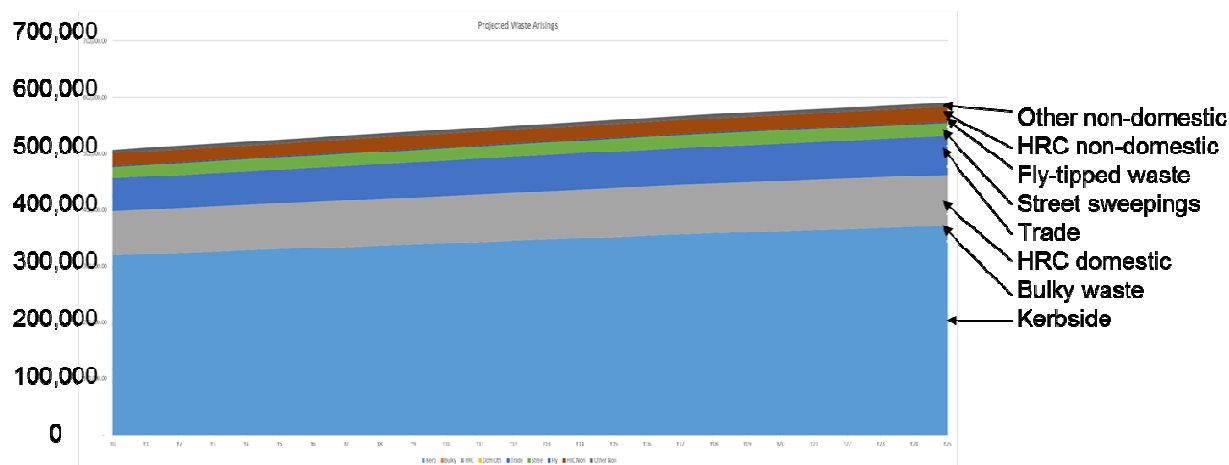
- 5.1.1 The Council has the ambition, working in partnership with its householders to reduce, reuse and recycle and to develop a more sustainable Birmingham. This means increased recycling and reduced waste arisings.
- 5.1.2 Respondents to the City's Birmingham 2026 survey identified one of their top priorities as being 'recycling and waste' and subsequently, a goal of the Sustainable Community Strategy, 'Birmingham 2026 – Our Vision for the Future', is 'to recycle a high percentage of household waste'. For this to be possible, a Waste Strategy is vital.
- 5.1.3 The relevant outcomes identified in the Sustainable Community Strategy, 'Birmingham 2026 – Our Vision for the Future' are listed below:

Birmingham people will be enabled to:

1. Succeed economically
2. Stay safe in a clean, green city
3. Be healthy
4. Enjoy a high quality of life
5. Make a contribution

- 5.1.4 The Council currently collects around 500,000 tonnes of municipal waste (including 50,000 tonnes of garden waste) from residents and businesses each year. The city is expected to grow by a further 50,000 households by 2031, adding a further 60,000 tonnes to the amount managed by the Council based on current trends. This is illustrated below:

Projected Waste Growth 2015 - 2040



- 5.1.5 In 2016/17 Birmingham had a kerbside recycling rate of 26.8%. Birmingham's yield for all main dry recycling materials collected is low compared to other cities. Birmingham also has high residual waste levels compared to other authorities and together this influences the relatively low recycling performance.
- 5.1.6 A composition study of the total waste collected in Birmingham shows that there are significant quantities of food waste (48%), paper and card (16%), garden waste (10%) and dense plastic (9%) within Birmingham's waste stream. This demonstrates the potential there is to increase Birmingham's recycling rate, by diverting more recyclable material from the residual waste into the recycling bin or paper pod. The Waste Prevention Plan (see section 5.3 of this report for further details) will prioritise a programme to tackle the amount of food waste thrown away each week by working with individual households as well local community organisations to promote best practice in this area.
- 5.1.7 There are also a number of different key drivers that inform the strategy covering:
- Environmental issues including the waste hierarchy, development of a circular economy (where goods are made, used and returned, rather than disposed), and a low carbon agenda;
 - Socio-economic, given that by 2031 the city will grow by a further 50,000 households;
 - Financial constraints requiring new ways of running important local services so that waste as a resource can help deliver wider outcomes such as cleaner air;
 - Technological change requiring us to manage our waste differently; and
 - Legal compliance.

5.2 Future Waste Strategy 2017-2040 Highlights

- 5.2.1 Our vision is for Birmingham to be a city where in 2040;
- waste is reduced wherever possible,
 - recycling and re-use is maximised and the value of waste is realised,
 - where we cannot prevent, reuse or recycle waste we will maximise recovery through generating energy;
 - eliminate waste going to landfill, and
 - the people who live here play their part in sharing the environmental, economic and social benefits of viewing waste and utilising as a resource.

5.2.2 In order to deliver the outcomes of reduce, reuse and recycle through waste reduction and the improvement of the levels of recycling, eight objectives have been developed that underpin the strategy and will inform all the design principles of waste services throughout the lifetime of the strategy and will be used to inform the Council's financial plans going forward. The objectives are set out below:

Birmingham City Council will seek to:

1. Reduce the amount of waste that is created, reusing and recycling what we can and recovering energy from any remaining waste.
2. Recycle 70% of all our household and municipal waste (e.g. from litter bins and street sweepings) by 2040
3. Reduce the amount of waste generated per person by 10% (compared to a 2014/15 baseline of 345kg per person) by 2025.
4. Eliminate waste sent to landfill by 2040.
5. Manage our waste in a more sustainable way to make a positive contribution to climate change and help reduce carbon emissions. (This will include identifying different ways to collect waste that provide better outcomes in respect of carbon reduction).
6. Develop ways of prioritising the collection of recycling as the composition and type of waste we collect changes over time.
7. Improve our services, reduce costs and use the most appropriate technologies, now and in the future, to manage our waste.
8. Increase the range of materials we (and our partner organisations) collect separately from other waste, for example food waste and/or textiles to achieve our recycling target and to eliminate waste sent to landfill.

5.2.3 The Council has adopted four key principles relating to how we will translate the aims and objectives into a programme of action to change the way waste is managed across the city. The principles include:

Principle 1. A focus on prevention

Principle 2. Creating a circular economy

Principle 3. Working in partnership to reduce and reuse waste

Principle 4. Recycling and Reuse is maximised first

5.2.4 The majority of our waste will be recycled, composted, or used for energy from waste (EfW), with only minimal amounts sent to landfill. Landfill is the least preferable option for dealing with waste in terms of both the waste hierarchy and financial cost. Over the lifetime of the strategy, the quantities of waste being sent to landfill will be reduced, with the ultimate aim of there being no waste sent to landfill by 2040. We currently dispose of around 7.5% (35,000 tonnes) of our waste to landfill, and aim to eliminate this waste being sent to landfill by 2040 through prevention, reuse, recycling and recovery.

- 5.2.5 The strategy also sets out a number of mechanisms for ensuring that sustainable waste management becomes embedded in the behaviour of individuals, businesses and community partners. These are described in summary below:
- **Community Involvement:** The Council has already consulted on the draft waste strategy and the objectives received high levels of support from consultees. The strategy will identify how initiatives such as “Zero Heroes’ will be used to support the behavioural change required to deliver those objectives. In particular, a waste prevention plan will be a key tool for evidencing how local communities can directly inform best practice, with a programme to target a reduction in food waste a key priority going forward.
 - **Partnership Working:** Strong partnership already exists and recent examples include:
 - Working with large retail and manufacturing companies to address the issue of over-packaging,
 - Building stronger relationships with the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) to ensure that local companies and organisations can play a greater, more direct role in how we manage our waste.
 - Talking to local community groups to help share the messages about how to make the small changes that will help us reduce, reuse and recycle more of our waste
 - **Urban Design:** The Council will use Planning Policy to encourage more sustainable management of waste at the planning stage of new builds and redevelopments. For example, working directly with developers to identify innovative underground waste storage solutions. This will help to ensure that sufficient space is provided for waste and recycling bins (individual bins within homes and for communal facilities within flats), and that adequate access is provided for waste and recycling vehicles.
- 5.2.6 The Council will continue to work with external partners to maximise public awareness of waste issues and to increase public participation in waste minimisation, reuse and recycling initiatives. This will include new and existing partnerships with local community groups, social enterprises, charities, schools, and organisations such as WRAP (Waste Resource Action Programme).
- 5.2.7 The final ‘for publication’ version of the Waste Strategy will be completed in time to be included in the suite of documents required to support the proposed procurement process.

5.3 Waste Prevention Plan (WPP)

- 5.3.1 The waste strategy prioritises waste reduction as its prime objective and includes an ambition to reduce the amount of waste, under management by the Council by 10% by 2025. This is made more pressing by the fact that the city is expected to grow by a further 50,000 households by 2031, adding a further 60,000 tonnes to the amount managed by the City. However, the Council does not currently have a framework or strategy for delivering waste prevention.
- 5.3.2 In developing the Waste Strategy, a draft Waste Prevention Plan (WPP) has been prepared based on the following aims and objectives:

Overall Aim	Encourage the circular economy and efficient use of resources; reduce resource consumption.
Objective 1	Help householders and individuals to reduce and manage their waste by providing appropriate advice and services
Objective 2	Encourage the reuse, repair and reclamation of items by providing relevant advice and services
Objective 3	Seek to reduce the amount of municipal waste per household by 10% by 2025 compared to the baseline of 2015/16.
Objective 4	Lobby central government and other relevant bodies, such as the West Midlands Combined Authority, to focus on waste as an integral part of sustainable resource management

5.3.3 The structure of the WPP is built around the case for waste prevention and contains the following:

- Details of waste arisings by material
- Target materials e.g. food waste, textiles, etc, and target audiences
- Barriers and opportunities to waste prevention
- Examples of waste prevention across the city
- An action plan for priority materials

5.3.4 The draft plan focuses waste prevention and reuse around a number of priority waste streams as follows:

- Food waste
- Paper and card
- Plastics
- Textiles

It also identifies a range of additional interventions designed to ensure that Household Recycling Centres (HRCs), trade waste and bulky waste collections are able to maximise reuse as part of normal day to day operations

5.3.5 The plan includes deliverables designed to be implemented as follows:

- Short-term – within 18 months
- Medium-term – within 3 years
- Long-term – within 5 years;

and will differentiate between direct interventions e.g. actions to be taken forward by the Council, and indirect interventions e.g where the Council will act to support and facilitate action by third parties, such as social enterprises, local community groups and environmental charities.

5.3.6 The final Waste Prevention Plan will be published alongside the Waste Strategy.

5.4 Relationship with other Council strategies

5.4.1 The waste strategy is a key corporate strategy and therefore needs to work alongside a number of key Council strategies / policies. This section of the report examines a number of issues that link waste collections, Tyseley ERF and the wider Tyseley Energy Enterprise Zone (TEEZ) to a number of key energy and low carbon policies.

Development of City-owned energy company

- 5.4.2 Entry into the energy market and the potential to create an energy company align with the strategic objectives and policies in the Birmingham Development Plan – ‘Planning for Sustainable Growth’. The terms of reference established by the Project Board cover a number of issues that align closely with the draft waste strategy including:
- *Encourage investment in locally generated (decentralised) low carbon and renewable energy, covering heating, cooling, power and vehicle re-charging and re-fuelling for carbon reduction;*
 - *Support community investment in renewable and low carbon projects; and*
 - *Stimulate investment and economic opportunities with Small / Medium Enterprises and utilise university expertise, using the Tyseley Energy Park (TEP) as an area of focus.*
- 5.4.3 Tyseley ERF stands out as a key asset for the energy company given its capacity to generate 30MW of electricity per annum. The treatment of income from power generation will need to be a key consideration in scoping the re-procurement of the management of the plant post 2019.
- 5.4.4 Potential ownership and governance structures, considered for the Birmingham owned energy company, could similarly apply to how the Council manages waste in the future. This would allow the Council to take a more co-ordinated approach to delivering key outcomes as they relate to both the waste strategy and other council initiatives such as reducing fuel poverty and improving air quality.

Low carbon and clean air strategies

- 5.4.5 Tyseley Energy Park (an area encompassing a significantly wider footprint than Tyseley Energy Recovery facility) has been designated suitable for the development and implementation of a number of renewable energy projects. In particular, a Public Private Partnership between the Council and an external partner will see the development of a low/zero carbon fuelling station providing the opportunity for a range of council and commercial fleets to transition to low and zero carbon fuels including compressed natural gas, liquefied petroleum gas, hydrogen and electric.
- 5.4.6 The waste strategy will provide the strategic context (i.e. retaining the current infrastructure and methodology for waste collections) against which the Council will need to implement a fleet replacement programme capable of achieving the objectives of the low carbon and clean air strategies. The opening of a new low/zero carbon fuelling station in August 2018 provides the infrastructure and therefore removes a key barrier to achieving a cleaner, greener fleet.
- 5.4.7 Furthermore, the Tyseley Energy Park (TEP) may also provide an opportunity to relocate waste collection services from existing depots, primarily Montague Street, that results in a reduction in operational mileage because fleet parking, fuelling and disposal points will potentially co-exist in this area, thus making a further contribution to the Council’s emerging clean air strategy.

HS2 and relocation of the IBA plant

- 5.4.8 Within the terms of the current contract with Veolia the residual bottom ash, produced by the Tyseley ERF, is sent to a plant in Castle Bromwich for processing. The plant is located on the proposed HS2 route and work has been on-going since late 2015 to put in place an agreement between HS2, the Council and Veolia to relocate the current facility. The package of compensation includes the design and build of a new facility to be located in the TEP area.
- 5.4.9 Local land ownership issues are complex and the HS2 / IBA project team continue to work closely with officers from the waste management team in order to ensure service continuity in the short-term and a 'fit for purpose' new facility going forward. Project timescales do not currently align with the expiry of the current disposal and treatment contract and any legacy resulting from an extended delay in the IBA plant relocation will need to be considered as part of the contracting strategy adopted by the Council.

5.5 Preferred treatment technology

- 5.5.1 A detailed options appraisal process has identified the important continuing role that energy from waste has to play in helping deliver a waste strategy that balances the need to promote the waste hierarchy and deliver value for money. Given that the Tyseley Energy Recovery Facility (ERF) will revert to the Council at the expiry of the current contract means that the Council is well placed to continue to achieve high levels of diversion of waste (currently only approximately 7% of the Council's waste goes to landfill).
- 5.5.2 A technical assessment of the condition of the plant, compared to its 'design life', has concluded that the Tyseley facility can reasonably expect to achieve a minimum of fifteen years residual life post 2019 subject to relevant on-going lifecycle replacement of key asset components. During the lifetime of the current contract this has been the responsibility of Veolia and the associated maintenance costs have been reflected in the contract payment structure. An assessment of Tyseley ERF maintenance needs post 2019 has been completed by the Council and used to inform an investment plan and the contracting strategy are covered in later sections of this report.
- 5.5.3 In addition to committing to Tyseley ERF for the treatment of residual waste, arrangements will need to continue for the treatment and processing of all waste collected at the kerbside by the Council including paper & cardboard, dry mixed recyclables, and garden waste and the proposed arrangements for the treatment and processing of all relevant waste streams are covered in a later section of this report.

5.6 Collection arrangements

- 5.6.1 The options appraisal process ruled out the introduction of separate food waste collections on the grounds of increased costs but recognised that the future development of AD (anaerobic digestion) technology, and other technological solutions, such as bio-gas, may result in more cost-effective community based solutions for the treatment of food waste.
- 5.6.2 The Council is embarking on a significant programme of transformation across waste collections, investment in a low-carbon refuse fleet, and the modernisation of the main operational depots. These changes will need a period of consolidation to ensure that the planned benefits (efficiency savings, productivity improvements and improvement in key performance indicators) are realized. On this basis, an immediate and further period of change, required by the rescheduling of all collections rounds (in excess of 100 daily) would result in potentially unacceptable levels of service disruption - considered to be a 'red line' during the initial setting of the options appraisal evaluation criteria.
- 5.6.3 On this basis it is recommended that an option to move to alternate weekly collections (AWC) is not taken forward at this stage.

5.7 Processing of recyclates

- 5.7.1 Given the Council's ambitions for supporting a more progressive and sustainable approach to managing its waste in line with the principles of the circular economy a feasibility report has been commissioned to explore the business case for developing a council-owned Materials Recycling Facility (MRF) as opposed to procuring that service through the market.
- 5.7.2 The reason that the development of a council owned MRF warrants further consideration is because of the potential benefits that may result from the project. These include:
- The Council retaining direct control over the processing of its recyclables
 - Increasing the security of MRF processing capacity
 - Improving local air quality by reducing the 'haulage miles' incurred in transporting the materials collected from the kerbside to the point of processing
 - Enabling a degree of flexibility over the range of materials collected and processed in the future
 - Creating new, local jobs in the MRF, estimated to be in the region of 25-30, with additional jobs created in the relevant supply chain
 - Supporting the development of the circular economy locally, and acting as a stimulus for other external investment in other similar facilities.
 - Spare capacity made available to neighbouring authorities, realising a potential income stream

- 5.7.3 The feasibility study will need to address a number of key risks associated with the processing of recyclable materials and inform a final business case, where appropriate. For example in recent years, some recyclable materials have fluctuated frequently between being able to be sold in to the market at a high price, to having to pay a gate fees to off-takers. The quality of recyclable materials is also a critical factor in their price or gate-fee.
- 5.7.4 The prospective capital costs associated with the design and build of a new council-owned MRF have been considered in the next section of this report and the procurement programme allows for either the procurement of the design, build and operate of a MRF, or alternatively the tendering of off-take contracts for all relevant recyclables.

5.8 **Future investment needs**

- 5.8.1 The waste strategy, and the preferred option to support the delivery of the strategy's key objectives are predicated on the need to invest in the current suite of waste facilities available to the Council. A provisional capital requirement of £44.2m has been identified as follows:
- **Tyseley ERF:** To support the refurbishment and replacement of key lifecycle components required to achieve the minimum fifteen year residual plant life post 2019.
 - **Design and build council-owned Materials Recycling Facility (MRF):** As covered in section 5.7 above
 - **Network of waste transfer stations & HRCs:** To deliver essential works to improve site safety (traffic management improvements) and to maintain site operability e.g. replace obsolete electrical systems. These works are considered essential and failure to undertake the works could result in the site(s) having to close.
 - **Upgrade and remodelling of the network of HRCs:** To deliver an enhanced network of HRCs capable of delivering improved outcomes in respect of reuse and recycling.
- 5.8.2 In assessing the value for money associated with the proposed investment in the remodelling of the Council's network of HRCs the programme of upgrades will deliver the following quantifiable and qualitative improvements
- An increase in recycling performance achieved from the network of HRCs from an average of 30% per site to a target of 60% per site
 - An increase in income from recyclates (and the associated savings from avoidance of disposal costs of c£1m per annum across all sites
 - Creating capacity to handle additional volumes of waste resulting from the forecast increase in population in the period 2021-2031 equivalent to an additional 15,000 tonnes per annum
 - An improved user experience because of re-designed layouts and improved traffic management arrangements
 - Providing waste storage arrangements in accordance with Environment Agency guidance and industry best practice.

5.9 Procurement strategy

- 5.9.1 One of the key deliverables of the waste strategy is the requirement to have a procurement strategy that will ensure suitable contracting arrangements (or alternative delivery models) are in place ahead of the expiry of the current contract in January 2019.
- 5.9.2 **Contract Packaging** - From the outset of the options appraisal process retaining flexibility has been a key consideration and this has informed much of the thinking in respect of how best to go to market across the different services and waste streams. In particular, there is a need to balance managing risk, achieving value for money, ensuring high levels of performance, and 'future proofing' the service wherever possible.
- 5.9.3 A series of workshops have reviewed the full range of options available to the Council including how services might be packaged together, how the specification will describe what services / works need to be delivered and the method of procurement, and based on that exercise the following combination of 'lots' offer the Council the optimal packaging mix.

Contract Packaging

Package #1 End Treatment	Package #1 Integrated Transfer Stations & HRCs	Package #2 Independent HRCs	Package #3 MRF	Other separate packages
EFW Clinical waste incineration IBA recycling Landfill	Management of transfer stations including haulage Management of co-located HRCs - all waste streams	Management of independent HRCs – all waste streams	Design Build Operate Recyclate sales (subject to Feasibility Study)	Green waste Hazardous waste (domestic / fly tips) Emergency response Waste education Wet waste

- 5.9.4 This mix of contracts offers a different solution compared to the current contract with Veolia. In particular, the option to go to market for the management of the two independent (i.e. HRCs that do not also include the management of waste transfer station functions) allows the Council to develop alternative delivery models that will actively encourage the third sector, and social enterprises to help deliver the Council's priorities around waste reduction and reuse.
- 5.9.5 As already identified earlier in the report a feasibility study is examining the business case for a council-owned MRF. Subject to the outcome of that study the design, build and operation of a MRF would also operate as a stand-alone contract, and be included in a programme of procurement to be completed by January 2019 (and include the temporary provision of off-take arrangements for recyclables until the new facility is commissioned)
- 5.9.6 Finally, there is a requirement to continue to market test arrangements across a range of smaller waste streams and this will roll-forward with each waste stream being packaged separately and in accordance with the strategy of maximising competition by ensuring smaller, more local waste companies are able to bid. Although this packaging mix offers a number of benefits it does create a degree of complexity in terms of managing the interface ('performance') risks where different contractors rely on each other to deliver effectively, which in turn will increase the demand on contract management resources.

- 5.9.7 **Contract Length** - Linking the future investment needs with considerations around relevant length of contract(s) has informed the above packaging mix. More importantly, the programme of works associated with package 1 and package 3 lends itself to a contract period of between 5 and 7 years (subject to final technical due diligence on the condition of the Tyseley plant), where the Council chooses to directly fund the investment.
- 5.9.8 This is because this approach balances the need to programme the works over an appropriate timescale without tying in the Council to long-term contracts, which in turn limits flexibility to respond to technological change or other changes affecting the waste industry i.e. new ways of collecting different waste streams. The final decision on contract periods will be delegated in line with the governance arrangements described in a later section of this report.
- 5.9.9 For the 'other' waste streams identified the contracting strategy will allow each waste stream to be market-tested on a frequency that best suits the conditions that apply at that time i.e. longer contracts to mitigate against market volatility, or to retender regularly to extract maximum value from the market. The typical contract length for the waste streams in question will be 3-5 years.

5.10 Procurement Timetable

- 5.10.1 The proposed procurement strategy needs to be delivered within a prescribed and tight timescale with all relevant contracts in place and operational by January 2019 i.e. to coincide with the expiry of the current contract with Veolia Environmental Services. In order to achieve this outcome the Council's procurement team have put together an outline timetable which is set out below:

Activity	To be completed by
Cabinet approves waste strategy report	October 2017
Cabinet approves procurement strategy report	November 2017
Council publishes OJEU Notice	November 2017
Shortlisting of companies and issue of Invitation to Tender	January 2018
Competitive dialogue including submission of outline/detailed solutions	July 2018
Submission of Final Tenders	September 2018
Preferred Bidder decision	October 2018
Contract(s) 'Go Live'	January 2019

- 5.10.2 The high-level timetable will inform a more detailed milestone plan that will be managed through the project governance arrangements.
- 5.10.3 The procurement process will need to ensure that there is a full evaluation of all options and that there is due regard to current approved cash limits and recognise the continuing pressures on the Council's finances over the medium term.

5.11 Project Governance

5.11.1 It is common practice in waste disposal projects of this size and scale to put in place a Project Board, that operates with appropriate delegation to the relevant Cabinet Member(s) and the appropriate Chief Officer. The purpose of the Project Board will be to speed up the project providing direction at key stages throughout the project.

5.11.2 The Project Board should be structured with the following key roles:

- Board chair – Cabinet Member for Clean Streets, Recycling & Environment
- Board vice-chair – Cabinet Member for Value for Money & Efficiency
- Board member – Deputy Leader of the Council
- Governance lead – Corporate Director Place
- Finance lead – Place Finance Manager
- Legal lead – Senior Solicitor, Service Delivery and Procurement Law Team
- Procurement lead – Director of Commissioning and Procurement
- Waste lead – Programme Director: Waste Strategy

5.11.3 The terms of reference of the Board will be developed in consultation with the chair and vice-chair of the proposed Project Board. The Project Board will be supported by an officer project team, led by a Programme Director, and supported by external advisers and relevant council colleagues.

5.11.4 Due to the complex nature of the Council's requirements, the procurement process for Package 1 will require the use of the Competitive Dialogue Procedure, details of which will be detailed in a Procurement Strategy submitted to November Cabinet.

5.11.5 The remainder of the packages will follow traditional procurement processes (Open and/or Restricted) which do not need to commence in 2018. These will be set out in procurement strategies to be submitted in accordance with the procurement governance arrangements by April 2018.

6.0 Evaluation of alternative option(s):

- 6.1 Essential to the waste strategy has been the need to identify the range of options available to the Council in respect of:
- Working towards delivering its long term aims and ambitions for a more sustainable waste management across Birmingham, and
 - Putting in place necessary arrangements for the treatment and disposal of waste on the expiry of the current contract with Veolia in January 2019.
- 6.2 Given the long-term implications of the outputs of the options appraisal exercise it was agreed that the process needed to build an understanding of the issues and a commitment to the outcomes amongst elected members and senior officers. To facilitate this a six-stage process, supported by 4 technical working meetings was agreed and rolled out across the period July-December 2016.
- 6.3 External advisers were commissioned to work with the Council to develop a 25 year waste flow model designed to a) understand current levels of performance for recycling, diversion from landfill and waste sent to landfill and b) to forecast potential future waste arisings and recycling performance in order to predict future infrastructure requirements and to inform target setting. The waste flow model has been used to test different recycling and reuse performance scenarios and to allow the Council's external financial advisers to build a relevant cost model for the same strategy period that has directly informed the outputs from the options appraisal process.
- 6.4 Appendix 2 provides details of the mandatory requirements used to test a long list of technology options and the weighted evaluation criteria used to test the shortlisted options
- 6.5 The mandatory requirements and priorities were used to initially filter the long list of options and where an option was considered to contravene one of the mandatory requirements it was deselected. Appendix 3 shows those options (highlighted in red) not taken forward for further consideration after applying the mandatory requirements.
- 6.6 Given the high number of potential permutations available after applying the mandatory criteria a high-level Red, Amber Green rating was applied to each of the long-listed options. Only those options with a net positive green rating i.e. scored green on more criteria than red were taken forward for detailed modelling. Appendix 4 identifies the current service configuration (option 0), which is considered to be the current baseline, and nine further shortlisted options.

7.0 Reasons for Decision(s):

- 7.1 The outcome of the options appraisal process including the detailed cost modelling and the application of the weighted evaluation criteria resulted in option 2 ranking as the preferred option, closely followed by option 7 scoring better than the other remaining options (with less than 1% difference between option 2 and option 7). The service profile for both options is similar with the key difference being that option 2 has Tyseley ERF retained as the preferred method for treating waste, compared to option 7 which assumes the need for a replacement Energy from Waste plant.

Options Appraisal Preferred Solution Matrix

	Residual	Food Waste	Green Waste	Recycling	Collections
2	Tyseley for 15 years, then merchant EfW	No food waste treatment	Open Windrow composting – Merchant Capacity	MRF – Merchant Capacity	AWC – (fortnightly recycling and refuse, no food waste collection)
7	New EfW	No food waste treatment	Open Windrow composting – Merchant Capacity	MRF – Merchant Capacity	AWC – (fortnightly recycling and refuse, no food waste collection)

Signatures**Date**

Cabinet Member

.....
Cllr Lisa Trickett, Clean Streets, Recycling and Environment

.....

Cabinet Member

.....
Cllr Majid Mahmood, Value for Money and Efficiency

.....

Chief Officer

.....
Jacqui Kennedy, Corporate Director - Place

.....

List of Background Documents used to compile this Report:

None

List of Appendices accompanying this Report (if any):

1. Public Consultation: Strategy Objectives & Key Messages
2. Options Appraisal Mandatory Requirements & Weighted Evaluation Criteria
3. Technology and Collections Long List
4. Shortlisted Options Subject to Detailed Evaluation
5. Public Sector Equality Duty

Appendix 1.

Public Consultation: Strategy Objectives & Key Messages

#	Objective	Key message from public consultation feedback
1	We want Birmingham to reduce the amount of waste that is created, reusing and recycling what we can and recovering energy from any remaining waste	Role of packaging features strongly in respondents desire to see reduce and reuse prioritised
2	By 2040 we will recycle 70% of all our household and municipal waste	Could 70% recycling could be achieved sooner than 2030
3	We aim to reduce the amount of waste generated per person by 10% by 2025	Should we be setting higher target for % of waste reduction
4	We therefore aim to eliminate waste sent to landfill by 2040	Wanting to see more details about how we might achieve this
5	We will identify different ways to collect waste that provide better outcomes in respect of carbon reduction	Yes, but not necessarily at expense (and quality) of other services
6	As the composition and type of waste we collect changes over time, we will develop ways of prioritising the collection of recycling	Instead, emphasis on making the recycling service simpler and easier to use
7	Innovation and efficiency have an important part to play in ensuring that we improve our services, reduce costs and use the most appropriate technologies, now and in the future, to manage our waste	Flexibility and relevant local solutions feature prominently in a majority of responses
8	To achieve our recycling target and to eliminate waste sent to landfill we need to increase the range of materials we (and our partner organisations) collect separately from other waste	Yes, but will need clear, consistent, simple messaging

Appendix 2.

Options Appraisal Mandatory Requirements & Weighted Evaluation Criteria

Mandatory Requirements & 'Red Lines'

Must Have	Nice to have	Must not
<p>Solution must meet statutory obligations and be legally compliant</p> <p>Solution must be deliverable – this includes technology that has been proven to scale for treating similar waste.</p> <p>Must meet Council's affordability envelope for waste</p>	<p>70% recycling rate</p> <p>100% diversion from landfill</p>	<p>Reduce recycling rate compared to current levels of performance</p> <p>Increase waste to landfill compared to current levels of performance</p> <p>Inhibit the Council's flexibility in the long term. For example, in order to manage change and/or adopt innovative technology</p> <p>System implementation must not disrupt service</p>

Weighted Evaluation Criteria

Level 1	%	Level 2	%
Technical	14	Technical Deliverability (Collections and Technology)	5
		Flexibility of solution	6
		Sustainability of markets for recyclates	2
		Sustainability of markets for inputs and outputs	2
Deliverability	20	Planning	2
		Land take	1
		Public acceptability	8
		Compliance with local policy	4
		Implementation timeline	5
Cost	26	Total cost of option	26
Environmental	21	Greenhouse gas reduction potential	2
		Local amenity	3
		Transport impact	3
		Aesthetics	0*
		Waste hierarchy contribution	4
		Landfill diversion	3
		Recycling rate	5
Social	19	Local community benefits (job creation)	6
		Local community benefits (energy and heat)	9
		Local community benefits (self sufficiency)	4

* Aesthetics scored <1% and was rounded to zero to ensure all criteria added to 100%

Appendix 3

Technology and Collections Long List

Residual waste treatment	Food waste treatment	Green waste treatment	Recycling	Change to Collections
New EfW	AD - New	Open windrow - New	MRF - New	No change
Tyseley for 15 years, then merchant EfW	AD - Merchant Capacity	Open windrow - merchant capacity	MRF - merchant capacity	Separate food waste collections
Tyseley for 15 years, then new EfW	IVC - New			AWC - fortnightly residual and weekly recycling collections
ATT - Pyrolysis	IVC - Merchant Capacity			AWC - fortnightly residual and weekly recycling and food waste collections
ATT - Gasification	AD (as part of MBT)			Source segregated
MBT - New	IVC (as part of MBT)			Co-mingled food and green
MBT - Merchant Capacity	Small Scale AD			
Landfill				
RDF production - export				
RDF production - UK merchant capacity				
RDF production - EfW New				

Appendix 4

Shortlisted Options Subject to Detailed Evaluation

	Residual	Food Waste	Green Waste	Recycling	Collections
0	Tyseley for 15 years, then merchant EfW	No food waste treatment	Open Windrow composting – Merchant Capacity	MRF – Merchant Capacity	No Change (Weekly residual, fortnightly recycling, no food waste collection)
1	Tyseley for 15 years, then merchant EfW	No food waste treatment	Open Windrow composting – Merchant Capacity	MRF – Merchant Capacity	Weekly recycling, fortnightly refuse, no food waste collection
2	Tyseley for 15 years, then merchant EfW	No food waste treatment	Open Windrow composting – Merchant Capacity	MRF – Merchant Capacity	AWC – (fortnightly recycling and refuse, no food waste collection)
3	Tyseley for 15 years, then merchant EfW	AD – New	Open Windrow composting – Merchant Capacity	MRF – Merchant Capacity	AWC – residual, recycling and food waste
4	Tyseley for 15 years, then merchant EfW	AD – Merchant Capacity	Open Windrow composting – Merchant Capacity	MRF – Merchant Capacity	AWC – residual, recycling and food waste
5	New EfW	No food waste treatment	Open Windrow composting – Merchant Capacity	MRF – Merchant Capacity	No Change (Weekly residual, fortnightly recycling, no food waste collection)
6	New EfW	No food waste treatment	Open Windrow composting – Merchant Capacity	MRF – Merchant Capacity	Weekly recycling, fortnightly refuse, no food waste collection
7	New EfW	No food waste treatment	Open Windrow composting – Merchant Capacity	MRF – Merchant Capacity	AWC – (fortnightly recycling and refuse, no food waste collection)
8	New EfW	AD – New	Open Windrow composting – Merchant Capacity	MRF – Merchant Capacity	AWC – residual, recycling and food waste
9	New EfW	AD – Merchant Capacity	Open Windrow composting – Merchant Capacity	MRF – Merchant Capacity	AWC – residual, recycling and food waste

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

- 1 The Council must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (a) Marriage & civil partnership
 - (b) Age
 - (c) Disability
 - (d) Gender reassignment
 - (e) Pregnancy and maternity
 - (f) Race
 - (g) Religion or belief
 - (h) Sex
 - (i) Sexual orientation

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to: **CABINET**

Report of: **Interim Corporate Director for Adult Social Care & Health**

Date of Decision: **3 October 2017**

SUBJECT: **BIRMINGHAM CITY COUNCIL'S VISION AND STRATEGY FOR ADULT SOCIAL CARE SERVICES**

Key Decision: **Yes** **Relevant Forward Plan Ref: 004199/2017**

If not in the Forward Plan: **Chief Executive approved** ☐
(please "X" box) **O&S Chair approved** ☐

Relevant Cabinet Member(s) **Councillor Paulette Hamilton – Health and Social Care**

Relevant O&S Chair: **Councillor John Cotton – Health and Social Care**

Wards affected: **All**

Purpose of report:

The report seeks approval from Cabinet for the Vision and Strategy for Adult Social Care Services in Birmingham.

Decision(s) recommended:

That the Cabinet:-

1. Approves the Vision and Strategy to modernise Adult Social Care Services as contained in **Appendix 1**, which will be effective from the date of the decision.
2. Notes that the Adult Social Care and Health Directorate will consult on specific proposals as they are developed and where consultation may be appropriate, with the proposals coming back to Cabinet for final decision to implement.

Lead Contact Officer(s): Graeme Betts
Interim Corporate Director for Adult Social Care & Health

Telephone No: 0121 303 2992

E-mail address: graeme.betts@birmingham.gov.uk

Consultation

Internal

Engagement has taken place on the draft vision and strategy with: Cabinet Members for Children, Families & Schools and Transparency, Openness & Equality; the Chair of the Health and Social Care Overview and Scrutiny Committee; Executive Management Team (EMT); Corporate Leadership Team (CLT); Economy Directorate Management Team; Corporate Director of Place; and the Adult Social Care & Health Directorate Leadership Team.

Engagement sessions have been held with the Adult Social Care & Health Directorate staff group.

Response to the Vision and Strategy by internal stakeholders has been positive.

External

Engagement has taken place with: service users; carers; the Citizens Panel; single and multi-faith groups; community groups; Third sector and Supporting People providers; Birmingham Voluntary Service Council (BVSC); care providers and with Clinical Commissioning Groups and trusts in the Health sector.

Meetings have been held with citizens on:

- 21st Aug 2017 at Woodcock Street Offices with users of Mental Health Services;
- 4th September 2017 at the Norman Power Centre with Carers;
- 5th September 2017 at Manor Court in Acocks Green with users of Enablement Services;
- 18th September 2017 at Woodcock Street Offices with Direct Payment recipients;
- 25th September 2017 at Radley Court in Yardley with users of Enablement Services (meeting planned); and
- 29th Sept 2017 at Woodcock Street Offices with users of Shared Lives Services (meeting planned).

Response to the Vision and Strategy by external stakeholders has been positive.

Compliance Issues:

Are the recommended decisions consistent with the Council's policies, plans and strategies?

The Vision and Strategy is consistent with the Council's 'Vision and Priority 2017-2020' and supports the priority of Health – A great city to grow old in.

This priority includes: promoting independence of all our citizens; joining up health and social care services so that citizens have the best possible experience of care tailored to their needs; and preventing, reducing and delaying dependency and maximising the resilience and independence of citizens, their families and the community.

The Vision and Strategy provides an overview of how Adult Social Care Services will contribute towards the corporate priority of Health.

Financial Implications

(How will decisions be carried out within existing finances and Resources?)

Approval of the Vision and Strategy does not commit the local authority to specific expenditure. The importance of using resources effectively is highlighted and changes arising from the Vision and Strategy will be aligned with the development of the Council's long term Financial Plan. This will set the direction for future consideration of savings proposals for Adult Social Care & Health

Legal Implications

The Vision and Strategy complies with the requirements of the Care Act 2014 which defines the primary responsibility of local authorities in the promotion of individual wellbeing.

It is consistent with responsibilities of a local authority under Part 1 of the Care Act 2014 to:

- Promote the individual's physical, mental and emotional wellbeing (Section 1);
- Provide or organise services that prevent or delay the need for care and support (Section 2);
- Promote integration of care and support provision with health and health-related provision (Section 3) and co-operate with key partners to promote the wellbeing of adults and improve the quality of care and support (Section 6);
- Establish and maintain a service for providing information and advice relating to care and support for adults and carers (Section 4);
- Promote diversity and quality in the provision of services for meeting care and support needs (Section 5);
- Assess an adult's needs for care and support (Section 9) and assess a carer's needs for support (Section 10);
- Adopt a person-centred approach to planning and supporting care (Sections 24-25);
- Make available Direct Payments (Sections 31-33);
- Safeguard adults at risk of abuse or neglect (Sections 42-47).

Public Sector Equality Duty (see separate guidance note)

An Equality Assessment (EA) was carried out in September 2017 (**Appendix 2**).

The Vision and Strategy is relevant to all protected characteristics. By enabling the outcomes to be delivered the Vision and Strategy will have a positive impact on citizens, service users and carers and we will continue to meet our responsibilities under the Care Act 2014. The Vision and Strategy may potentially have an adverse impact on employees of Adult Social Care Services, arising from re-organisation of social work and care management services with changes to work location or may have positive effect from move to improved premises. Mitigation of the impacts of specific proposals arising from this Vision and Strategy will be in line with the Council's agreed policies and procedures.

Relevant background/chronology of key events:

There are a number of challenges facing the Council in supporting adults and older people including: more people living longer with more complex needs; significant numbers of young adults who have disabilities or who suffer from mental illness; people having higher expectations of the public sector; and significantly reduced level of resources. Consequently, changes are needed to the type of services that are arranged and provided, and to the way services are organised and delivered

The desired outcomes for adults and older people in Birmingham are that they should be resilient, live independently whenever possible, and exercise choice and control so they can live good quality lives and enjoy good health and wellbeing. The Vision and Strategy for Adult Social Care Services addresses potential barriers and obstacles to delivering these outcomes. It also provides a framework for the actions required to modernise Adult Social Care Services in Birmingham.

The Vision and Strategy for delivering the outcomes comprises eight key elements:

- **Information, advice and guidance**

People need access to high quality information, advice and guidance. Whenever possible and appropriate, they need to be able to self-serve, or for their carers and families to do so on their behalf. The range of services that people can access directly will be increased and it will be easier for carers to have their needs assessed.

- **Community assets**

Local groups need to be enabled to provide the wide range of support that helps people to remain in the community. This approach needs to be supported by: a corporate emphasis on locality working; engagement with GP practices; and integrated provision across formal social care services, health services and a diverse range of community assets.

- **Prevention and early intervention**

People need to be able to access prevention and early intervention services quickly and at any time in their lives to help maximise their independence. A comprehensive ongoing strategy for prevention is required that anticipates potential need and ensures that public sector and third sector organisations are joined up in their approaches. A multi-organisation group needs to take the lead on prevention and there needs to be investment in and development of preventative services.

- **Personalised support**

Social work and care management services will be re-organised. They will move from assessing people for services to assessing them for the outcomes they want and the assets they have to achieve them.

- **Use of resources**

It is imperative that resources are used effectively. To deliver this element of the strategy, a review of the use of resources will provide a framework for moving resources to areas that can deliver best value. There will be ongoing monitoring and review of spend to ensure that resources are maximised.

- **Partnership working**

Services need to be integrated and built on partnership working using multi-disciplinary teams and, where feasible, single points of access. The Council and its partners need to work as a whole system and to embrace locality working.

- **Making safeguarding personal**

We must 'make safeguarding personal' and understand what outcomes people want from safeguarding enquiries and actions. Safeguarding must be seen as everybody's business and kept in the public eye. The strategy for safeguarding needs to be implemented and the service and its performance regularly reviewed.

- **Co-production**

All services should be co-produced with users and carers. Ongoing engagement needs to be at the heart of commissioning and service delivery. To deliver this element of the strategy, an approach to co-production needs to be implemented across all services.

Evaluation of alternative option(s):

Do nothing – This would not deliver the actions required to modernise Adult Social Care Services. Alternative options for the delivery elements of the strategy will be considered and evaluated through the development of specific programmes and projects.

Reasons for Decision(s):

The Vision and Strategy provide a framework for the actions required to modernise Adult Social Care Services in Birmingham in order to improve the health and wellbeing of adults and older people.

Signatures

Date

Cllr Paulette Hamilton
Cabinet Member
Health and Social Care

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Graeme Betts
Interim Corporate Director
Adults Social Care & Health

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List of Background Documents used to compile this Report:

1. Council Vision and Forward Plan 2017
2. Care Act 2014

List of Appendices accompanying this Report (if any):

1. Birmingham City Council's Vision and Strategy for Adult Social Care services (v1.5)
2. Equality Analysis (EA002332 v1.3)

Equality Act 2010

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 - (b) age
 - (c) disability
 - (d) gender reassignment
 - (e) pregnancy and maternity
 - (f) race
 - (g) religion or belief
 - (h) sex
 - (i) sexual orientation

Birmingham City Council's Vision and Strategy for Adult Social Care and Health, September 2017

Improving the health and wellbeing of adults and older people in Birmingham

Introduction and context

The goals that Birmingham Council are 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.

It is essential to recognise that in order to support people to achieve these goals, the Council has broad responsibility across a range of areas and it is a corporate responsibility to achieve them. For example, the Council has a key role in ensuring there is appropriate housing which offers choice to people with a wide diversity of needs. For people to engage in community activities, there needs to be a wide range of community assets which the Council should ensure are in place including community centres, leisure centres, parks and gardens. People need to feel safe to come out of their homes to enjoy them. These are a few examples of the mainstream services the Council provides or arranges.

Most adults and older people can enjoy access to mainstream services independently or with help and support from their families, friends and social groups. However, for some citizens this is only possible with support from Adult Social Care services and from other public sector agencies such as health services. This report focuses on how Adult Social Care services in Birmingham will work to support adults with disabilities and older people to achieve the desired goals.

The challenges facing the Council to achieve this have never been greater. While it is a great achievement for society that there are more people living longer with more complex needs inevitably this puts pressure on resources. While Birmingham is one of the youngest cities in Europe, the older population is growing rapidly. An estimated 10,000 adults suffer dementia. Further, there are significant numbers of young adults who have disabilities or suffer from mental illness. The resources previously available have been significantly reduced making the use of available resources more important than ever. The public have higher expectations of the public sector, standards are constantly rising and it is increasingly recognised that people want support to enable them to exercise independence, choice and control.

Consequently, the Council has to change and adapt to these new circumstances which means that the type of services arranged and provided and the way they are organised and delivered has to change. The structures and organisation all need to be revisited to ensure they are fit for purpose and it is essential that the staff have the right skills to meet the challenges they face today.

Putting in place a strategy for delivering the outcomes

In order to deliver the desired goals for adults and older people, it is necessary to put in place a strategy that addresses potential barriers and obstacles and puts in place a framework to make the outcomes achievable.

The narrative behind this strategy is that on the whole, people want to lead happy, fulfilled lives in touch with their families, friends and communities. They cherish their independence and prefer to live at home or in the community with support if necessary. The vast bulk of people do not want to be dependent on others but will accept one-off support or ongoing support if it helps them to maintain their independence. For most people, this is achievable and it is only those people with disabilities or who lose their abilities with age that require interventions from adult social care services. And of course, for some people, because of disability, placements in residential and nursing settings are the best way in which these people can lead good quality lives.

Therefore, the **strategy** which will enable these outcomes to be delivered contains eight key elements.

Information, advice and guidance

People need easy access to high quality information, advice and guidance and whenever possible and appropriate, they need to be able to self-serve or their carers and families need to be able to do so on their behalf. This approach allows people to maintain control and to exercise choice at whatever point they are at in their lives. Further, it helps the Council to use its resources more effectively.

Building on this, it is essential that when people contact adult social care, they are given a positive response and support to help resolve the issues they face but by emphasising what people can do for themselves, what support is available from other organisations and what support is available in the community. The aim is to ensure that people receive care and support that is appropriate and that enables independence rather than fostering dependency.

In order to deliver this element of the strategy, adult social care will continue to promote its services and how people can contact them. The first point of contact which can be through the internet or through a telephone contact centre will be

continuously improved. The number of calls that are abandoned because of long waits will be reduced and more experienced workers will be based in the centres. The range of services that people can access directly will be increased and it will be made easier for carers to have their needs assessed.

Community assets

People need to be able to access a wide range of community assets which are local, flexible and responsive. Through being able to access these resources people can continue to enjoy good quality lives while maximising their independence.

While the use of community assets is part of a broader approach to prevention, these assets are important for the quality of people's lives whatever period of life they are in. Some people may volunteer and be part of the provision of them while others may use them once in a while but still see them as a key part of being part of a wider community and others will make good use of them.

Community assets are the wide network of services which range from very small, very local services provided by volunteers through to faith groups and community groups, national charities and private companies and businesses. They are all part of the wide network of community assets which provide choice and enable people to engage with others in activities they enjoy and which add meaning to their lives.

In order to deliver this element of the strategy, there needs to be investment in local services. Resources need to be made available for local groups to provide the wide range of support that enables people to remain in the community. This will include support for volunteers to run activities and for micro-enterprises to run services such as personal assistants and day opportunities. There will need to be workers to undertake this work and they too will be based in the community. Essentially, they will be link workers or network workers and their role will be to make the links between formal services and the community assets.

This approach needs to be supported by a broad corporate approach which ensures there is an emphasis on locality working. Similarly, GP practices need to be engaged as do community based health services and mental health services. NHS England has funded Vanguard test sites in England to pilot new models of care that integrate health and care services around the patient. Learning from the Vanguard pilots can be brought into the approach to locality working ensuring there is a partnership of integrated provision across formal care and health services and a diverse range of community assets.

Prevention and early intervention

People need to be able to access prevention and early intervention services quickly and at any time in their lives. Services such as assistive technology can be beneficial at different times as can reablement and rehabilitation services. These services can help people to maximise their independence throughout their lives and as people's needs change, their needs for these services changes as well.

It is important to have a comprehensive ongoing strategy for prevention to ensure that organisations in the public sector and in the third sector are joined up in their approaches and maximise the available resources. Much can be done through making every contact count and there are a wide range of partners who are keen to work in this area such as the fire brigade.

One of the weaknesses of the public sector is that it is poor at anticipating demand. Too often, organisations wait until there is a crisis until services click into gear but by then it is high cost, acute services. That is why there needs to be a strategic approach to prevention which anticipates potential needs and intervenes early before they become a crisis. For example, people often fall several times before they break a hip. Intervening early in low cost solutions and preventive actions can prevent the fall which is then very costly and can lead to poor long-term outcomes.

In order to deliver this element of the strategy, a comprehensive ongoing approach to prevention needs to be developed and implemented. A key element of it will be the link to community assets and the link workers. They will play a key role in ensuring that people with lower level needs aren't left until they develop acute needs. A multi-organisation group needs to be established or an existing one such as the Health and Wellbeing Board needs to take the lead on prevention to ensure the strategic approach is implemented.

Other preventive services need to be developed and invested in. This will include assistive technology, aides and equipment, support for carers and easy access to reablement programmes.

Personalised support

People require and respond better to personalised services. The approach that works most effectively always puts users and carers at the centre and builds support round them rather than fitting people into rigid services. Essentially, there needs to be a strength-based approach to assessing people's needs – building on the assets people, their families, friends and communities can offer to support them. Direct Payments will continue to be offered as an option for delivering support. They are the

preferred option for delivering support because they maximise the opportunity for people to exercise choice and control.

In order to deliver this element of the strategy, there will be a reorganisation of the social work and care management services. This will be an ongoing journey as it is not desirable to throw all the pieces of the jigsaw up in the air at once. It is essential that the approach moves from assessing people for services to assessing them for the outcomes they desire and the assets they have to achieve them.

Further consideration will be given to the delivery of safeguarding and the model for learning disability services and mental health services. New roles will be considered which can address the need to link the formal assessments of people's needs with the resources available in the community which contribute to the quality of people's lives.

There will be improvements to the systems that support this area of service. Further, the service will be delivered on a locality basis to strengthen workers' affinity to a local place, to strengthen joint working with workers from other services and to increase knowledge about the assets available in a local area.

Use of resources

Underpinning all of this is the imperative to use all available resources effectively. Every pound that Birmingham spends on care must represent a pound well spent. The pressures on the City Council's resources are enormous and it is essential that resources are maximised.

In order to deliver this element of the strategy, a review of the use of resources will provide a framework for moving resources from areas where best value is not being delivered to areas where it can. So, for example, areas of service will receive investment such as the development of community assets and Shared Lives while other poorly performing services will have their resources reduced. This is not a one-off exercise and there will be on-going monitoring and review of spend to ensure resources are maximised. This will work alongside the Council's long-term budget planning and management processes.

This will set the direction for future consideration of savings proposals for Adult Social Care and Health.

Partnership working

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. This approach needs to be developed at all levels – quite simply, care and health services are a whole system and if one part of the system is not working then the system as a whole isn't and the people that suffer are the residents of Birmingham.

For commissioners, working as partners can deliver better quality services that are more integrated and better value. At locality level, trust needs to be developed between professionals such as district nurses and social workers so that packages of care and support can be flexed without reassessment from social care staff and there need to be more joint visits and assessments.

In order to deliver this element of the strategy, the Council and its partners need to work as a whole system and need to support each other to achieve their separate and joint goals. In some areas care and health services need to be open to changes in processes and to investing in areas to support their partners and the system as a whole. Care and health partners need to embrace locality working and invest their resources in working successfully in local areas, developing community assets and the means for accessing them.

Making safeguarding personal

While recognising that for some people there is a need to protect them, it is essential that we ensure we “make safeguarding personal”. It is essential that we understand what outcomes people want from safeguarding enquiries and actions. In this area, there is a balance to be achieved. It is essential that there is an effective Safeguarding Adults Board, that strategies are in place, that there is an effective team, that enquiries are robust, that there is excellent partnership working and there is high quality intelligence about safeguarding issues and performance. Further, it is essential that safeguarding is seen as everybody's business and that staff across the care and health sector are aware of the issues and know how to deal effectively with safeguarding concerns. Also, it is essential that this issue is kept in the public eye.

In order to deliver this element of the strategy, the strategy for safeguarding needs to be implemented and the service and its performance regularly reviewed. This area needs to be resourced at a level proportionate to the risks that exist in the system.

Co-production

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. While this is important for all services, it is essential that commissioning demonstrates excellence in this area. Far too often, people feel they are being paid lip service when consulted on service developments. Approaches based on ongoing engagement need to be at the heart of commissioning and service delivery.

In order to deliver this element of the strategy, an approach to co-production needs to be implemented across all services. For most services, this will serve as a reminder of best practice but for others it may provide the opportunity to refresh or develop their approach.



Graeme Betts

Equality Analysis

Birmingham City Council Analysis Report

EA Name	Vision And Strategy For Adult Social Care Services
Directorate	People
Service Area	Adults - Joint Commissioning
Type	New/Proposed Policy
EA Summary	This EA supports the request to Cabinet for approval of the Vision and Strategy for Adult Social Care services. The Vision and Strategy provides a framework for the actions required to modernise adult social care services.
Reference Number	EA002332
Task Group Manager	deborah.towle@birmingham.gov.uk
Task Group Members	clare.reardon@birmingham.gov.uk, michael.walsh@birmingham.gov.uk
Date Approved	2017-09-22 00:00:00 +0100
Senior Officer	michael.walsh@birmingham.gov.uk
Quality Control Officer	peopleequalitycontrol@birmingham.gov.uk

Introduction

The report records the information that has been submitted for this equality analysis in the following format.

Initial Assessment

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

Relevant Protected Characteristics

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

1 Activity Type

The activity has been identified as a New/Proposed Policy.

2 Initial Assessment

2.1 Purpose and Link to Strategic Themes

What is the purpose of this Policy and expected outcomes?

The desired outcomes for adults and older people in Birmingham are that they should be resilient, live independently whenever possible, and exercise choice and control so they can live good quality lives and enjoy good health and wellbeing.

The Vision and Strategy for Adult Social Care services addresses potential barriers and obstacles to delivering these outcomes. It provides a framework for actions required to modernise adult social care services in Birmingham.

The strategy for delivering the outcomes comprises eight key elements:

Information, advice and guidance - the range of services that people can access directly will be increased;

Community assets - local groups need to be enabled to provide the wide range of support that helps people to remain in the community;

Prevention and early intervention - a comprehensive strategy for prevention is needed;

Personalised support - the focus will be on assessing people for the outcomes they want and the assets they have to achieve them;

Use of resources - a review of the use of resources will provide a framework for moving resources to areas that can deliver best value.

Partnership working - the Council and its partners need to work as a whole system and embrace locality work;

Making safeguarding personal - the strategy for safeguarding needs to be implemented and the service and its performance reviewed regularly;

Co-production - all services should be co-produced with users and carers.

For each strategy, please decide whether it is going to be significantly aided by the Function.

Children: A Safe And Secure City In Which To Learn And Grow	Yes
Health: Helping People Become More Physically Active And Well	Yes

Comment:

The Vision and Strategy will contribute to improving the health and wellbeing of adults and older people by providing a framework for the actions required to modernise adult social care services.

Housing : To Meet The Needs Of All Current And Future Citizens	Yes
Jobs And Skills: For An Enterprising, Innovative And Green City	Yes

2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	Yes
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Comment:

The Vision and Strategy will have a positive impact as it focuses on how Adult Social Care services in Birmingham will work to support adults with disabilities, older people and carers so that they can live good quality lives and enjoy good health and wellbeing. The Vision and Strategy will have an impact on nearly 13,000 service users and on almost 6,000 carers.

Will the policy have an impact on employees?	Yes
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Comment:

The re-organisation of social work and care management services and the emphasis on locality working may potentially have an adverse impact on employees of adult social care services, arising from changes to work location or may have positive effect from move to improved premises.

Will the policy have an impact on wider community?	Yes
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Comment:

The focus on prevention, use of community assets, and emphasis on locality working will impact on groups and organisations in the wider community who provide community assets and preventative services.

2.3 Relevance Test

Protected Characteristics	Relevant	Full Assessment Required
Age	Relevant	No
Disability	Relevant	No
Gender	Relevant	No
Gender Reassignment	Relevant	No
Marriage Civil Partnership	Relevant	No
Pregnancy And Maternity	Relevant	No
Race	Relevant	No
Religion or Belief	Relevant	No
Sexual Orientation	Relevant	No

2.4 Analysis on Initial Assessment

The Vision and Strategy for Adult Social Care comprises eight key elements for delivering outcomes:

- Information, advice and guidance

People need access to high quality information, advice and guidance. Whenever possible and appropriate, they need to be able to self-serve, or for their carers and families to do so on their behalf. The range of services that people can access directly will be increased and it will be easier for carers to have their needs assessed.

- Community assets

Local groups need to be enabled to provide the wide range of support that helps people to remain in the community. This approach needs to be supported by: a corporate emphasis on locality working; engagement with GP practices; and integrated provision across formal social care services, health services and a diverse range of community assets.

- Prevention and early intervention

People need to be able to access prevention and early intervention services quickly and at any time in their lives to help maximise their independence. A comprehensive ongoing strategy for prevention is required that anticipates potential need and ensures that public sector and third sector organisations are joined up in their approaches. A multi-organisation group needs to take the lead on prevention and there needs to be investment in and development of preventative services.

- Personalised support

Social work and care management services will be re-organised. They will move from assessing people for services to assessing them for the outcomes they want and Page 45 of 78

- Use of resources

It is imperative that resources are used effectively. To deliver this element of the strategy, a review of the use of resources will provide a framework for moving resources to areas that can deliver best value. There will be ongoing monitoring and review of spend to ensure that resources are maximised.

-Partnership working

Services need to be integrated and built on partnership working using multi-disciplinary teams and, where feasible, single points of access. The Council and its partners need to work as a whole system and to embrace locality working.

- Making safeguarding personal

We must 'make safeguarding personal' and understand what outcomes people want from safeguarding enquiries and actions. Safeguarding must be seen as everybody's business and kept in the public eye. The strategy for safeguarding needs to be implemented and the service and its performance regularly reviewed.

- Co-production

All services should be co-produced with users and carers. Ongoing engagement needs to be at the heart of commissioning and service delivery. To deliver this element of the strategy, an approach to co-production needs to be implemented across all services.

The Vision and Strategy will impact on service users, carers, employees of adult social care services and the wider community. It is relevant to all protected characteristics.

3 Full Assessment

The assessment questions below are completed for all characteristics identified for full assessment in the initial assessment phase.

3.1 Concluding Statement on Full Assessment

This equality assessment supports the Vision and Strategy for Adult Social Care services. It assesses if the Vision and Strategy is/will be relevant to any protected characteristics.

The Vision and Strategy for Adult Social Care services provides a framework for the actions required to modernise adult social care services. It aims to address potential barriers and obstacles to delivering the following outcomes for adults with disabilities and older people: being resilient, living independently whenever possible and enjoying good health and wellbeing.

The Vision and Strategy is relevant to all protected characteristics. By enabling the outcomes to be delivered the Vision and Strategy will have a positive impact on citizens, service users and carers and we will continue to meet our responsibilities under the Care Act 2014. The Vision and Strategy may potentially have an adverse impact on employees of adult social care services, arising from re-organisation of social work and care management services with changes to work location or may have positive effect from move to improved premises.

The equality assessment will be considered and updated throughout the development stage of the Vision and Strategy and associated action plan.

4 Review Date

30/03/18

5 Action Plan

There are no relevant issues, so no action plans are currently required.

**BIRMINGHAM CITY COUNCIL
PUBLIC REPORT**

Report to: CABINET
Report of: HEAD OF CONTRACT MANAGEMENT - CORPORATE PROCUREMENT
Date of Decision: 3 October 2017
SUBJECT: PROCUREMENT STRATEGY – COLLABORATIVE FRAMEWORK FOR THE SUPPLY AND DISTRIBUTION OF GROCERIES & FROZEN FOODS (F0265)
Key Decision: Yes
If not in the Forward Plan: Chief Executive approved ☐
(please "X" box) O&S Chair approved ☐
Relevant Cabinet Member(s) or Cllr Majid Mahmood, Cabinet Member, Value for money
Relevant Executive Member: & Efficiency
Relevant O&S Chair: Cllr Mohammed Aikhlaq, Corporate Resources and Governance
Wards affected: ALL

1. Purpose of report:

- 1.1 This report provides details of the procurement strategy for the supply and distribution of groceries and frozen foods. The Private agenda report contains any confidential market information which could impact on the tender process.

2. Decision(s) recommended:

That Cabinet:

- 2.1 Notes this report.

Lead Contact Officer: Nikki Fox, Procurement Manager
Telephone No: 07766 402952
E-mail address: Nikki.Fox@PelicanProcurement.co.uk
Contact Officer Richard Tibbatts Head of Contract Management
Telephone No: Corporate Procurement Services, Strategic Services Directorate
E-mail address: 07827 367245
Richard.tibbatts@birmingham.gov.uk

3. Consultation

Consultation should include those that have an interest in the decisions recommended

3.1 Internal

Officers from City Finance, Legal and Governance and Procurement have been involved with the preparation of this report.

Representatives from the following service areas have been involved in the preparation of this report: Children and Young People, Adults and Health, Cityserve and Acivico.

3.2 External

No external consultation has been carried out or was required.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

4.1.1 This Framework Agreement contributes to the achievement of the Council's Vision and Priorities 2017-2020 as set out in Appendix 1.

Birmingham Business Charter for Social Responsibility (BB4CSR)

4.1.2 The recommended provider(s) will be required to provide actions proportionate to the value of each proposed Single Source Framework Agreement.

4.1.3 Compliance to the BBC4SR will be a mandatory requirement for tenderers and will also form part of the conditions of contract including a requirement to pay each of the Benefitting Employees the Birmingham Living Wage. Tenderers will submit an action plan with their tender submissions that will be evaluated in accordance with the criteria outlined in this report. The action plan of the successful tenderer will be implemented and monitored during the period of the agreement

4.2 Financial Implications

These Single Source Framework Agreements will not commit the Council to any level of spend.

The products bought under the Framework Agreement will be funded from within Directorates' approved budgets. In the case of Cityserve they provide meals to schools and charge the cost of these to individual schools.

The tender process will be resourced by Pelican Procurement Services Ltd, the food procurement agent for the Council with representatives from Corporate Procurement Services (CPS) and service directorates who will contribute to the development of the detailed specification and the tender evaluation process.

Information on the breakdown of spend is included in the private report.

Prices under the proposed Framework Agreement will be fixed for the first 6 months and reviewed 6 monthly thereafter. Therefore within the 3 year Framework period, 5 price reviews will take place.

At each review all supplier proposed pricing will be benchmarked against similar contracts known to Pelican to ensure that prices remain competitive. The Directorates are involved in all price reviews and a consensus is obtained before any increases are accepted.

The Framework will be offered as a Collaborative Framework Agreement comprising 2 Lots, one for groceries and provisions and one for frozen foods allowing other local authorities/public bodies within the West Midlands Region to call-off against it. This will allow the Council to benefit from a rebate on spend. 2% will be added to pricing and collected as a rebate to the Birmingham City Council.

4.3 Legal Implications

Section 1 of the Civic Restaurants Act 1947, confirms that local authorities may establish and carry on restaurants and otherwise provide for the supply to the public of meals and refreshments and may carry on such activities as are reasonably incidental or ancillary to the activities aforesaid.

Section 19 of the Local Government (Miscellaneous) Provisions Act 1976 confirms that a local authority may provide, inside or outside its area, such recreational facilities as it thinks fit and, without prejudice to the generality of the powers conferred by the preceding provisions of this subsection, those powers include in particular powers to provide – such facilities in connection with any other recreational facilities as the authority considers it appropriate to provide including, without prejudice to the generality of the preceding provisions of this paragraph, facilities by way of parking spaces and places at which food, drink and tobacco may be bought from the authority or another person.

Section 512 of the Education Act 1996 confirms that a local education authority may provide registered pupils at any school maintained by them with milk, meals and other refreshment, either on the school premises or at any place other than the school premises where education is being provided.

Section 145 of the Local Government Act 1972 confirms that a local authority may do, or arrange for the doing of, or contribute towards the expenses of the doing of, anything (whether inside or outside their area) necessary or expedient for any purpose incidental to the matters aforesaid, including the provision of refreshments or programmes and the advertising of any entertainment given or dance or exhibition of arts or crafts held by them.

Section 111 Local Government Act 1972 allows the Council to do anything which is calculated to facilitate or is conducive or incidental to the discharge of its functions.

Development of strategy to realise best value in the supply and distribution of groceries and frozen foods is made pursuant to the general power of competence contained in s1 Localism Act 2011.

The requirements of the Public Services (Social Value) Act 2012 have been considered and will be applied to this procurement. The process for securing this social value during the procurement will be through the Birmingham Business Charter for Social Responsibility, including a requirement to pay each of the Benefitting Employees the Birmingham Living Wage.

4.4 Public Sector Equality Duty (see separate guidance note)

The assessment undertaken did not highlight the need to undertake a stage 2 assessment based on no adverse impact to the equality of the community, employees and service users was identified. Please refer to Appendix.

5. Relevant background / chronology of key events:

- 5.1 The Council's requirements for products covered by this tender are varied; the majority of purchases of groceries and frozen food are made by Cityserve. Cityserve require full nutritional data and product specifications for all food items to enable them to produce menus that meet the Government's School Food Regulations and the Food for Life Serve Here scheme.
- 5.2 Groceries – the Single Source Framework Agreement for the supply and distribution of groceries and provisions was awarded to A.F. Blakemore Ltd on 11th April 2014 and was for a 4-year period commencing on 12th May 2014.
- 5.3 Frozen food - the Single Source Framework Agreement for the supply and distribution of frozen food was awarded to Brakes Ltd on 11th April 2014 and was for a 4-year period commencing on 4th August 2014. The delay from contract award to the framework commencing allowed for a detailed mobilisation of the new contract
- 5.4 To ensure that the Council is covered for future requirements, it is recommended that the Collaborative Framework Agreement for the supply and distribution of groceries and frozen food is re-tendered with an updated specification to satisfy the current and future needs of the organisation and stakeholders. As most of the major suppliers would be able to supply a comprehensive range for both Lots, advertising both commodities in one tender with separate Lots will provide the greatest opportunity to delivery of competitive pricing.
- 5.5 It is recommended that the tendering activity is undertaken in accordance with the approach outlined in Appendix 1 Option 1.
- 5.6 Pelican Procurement Services Ltd is the contracted food procurement agent to the Council, responsible for the tender process and ongoing supply chain management of contracted food suppliers.
- 5.7 The Procurement Manager within Pelican Procurement Services Ltd will manage the Framework Agreements and any performance issues.

6. Evaluation of alternative option(s):

- 6.1 See Appendix.

7. Reasons for Decisions (s):

- 7.1 To enable the Council to tender for this requirement and establish a Collaborative Framework Agreement for the supply and distribution of groceries and frozen food.

Signatures

Date

Nigel Kletz
Director of Commissioning & Procurement

Cabinet Member(s):
Councillor Majid Mahmood:
Cabinet Member, Value for Money & Efficiency

List of Background Documents used to compile this Report:

None

List of Appendices accompanying this Report (if any):

1. Relevant Council Priorities, Plans or Strategies and Procurement Strategy
2. Public Sector Equalities Duty
3. Equality Screening

Appendix 1

Relevant Council Policies, Plans and Strategies

The procurement of this Collaborative Framework Agreement will contribute to the achievement of the Council's Vision and Forward Plan priorities of :

- a healthy city - a great place for people to grow old in
- a great city for children to grow up in

Service Specific Priorities

The Framework Agreement will support service areas in achieving their goals. These are summarised below:

Children & Young People

- The need to provide groceries and frozen food to enable schools to provide nutritionally balanced meals to pupils at 300+ units across the City.
- The need to satisfy customers increasing demand for fair trade and ethically sourced products as applicable.
- The need to ensure delivery timescales and guarantee a fast response time by the supplier to queries and problems reported by units which may result in service issues in schools. The start of each term (September, January and April) is also when issues are likely to arise that require a prompt response by the supplier.

Strategic Services– Acivico

- The need to provide groceries and frozen food to enable Civic Catering to provide a catering service to 3 staff restaurants, the Council House and Highbury.

Adults and Health

- The need to provide a range of groceries and frozen food to enable units to provide a catering service across the City. These units consist of older and younger adult's residential homes and day centres
- The need for appropriate delivery timescales including the lead up to public and Bank Holidays are critical as the service provided is 24 hours per day, 7 days per week.

The object of these Framework Agreements is to assist service areas in achieving their goals by providing value for money, profitability and reliable delivery service including:

- Quality products competitively priced and supplied to the tender specification
- Full supply chain integrity and product traceability.
- Delivery within the required time frames.
- Contingency plans to cover emergency product requirements.

Scope & Contract Duration

The Council has an ongoing requirement to support Council Directorates in the provision of groceries and frozen food for their service users. The current grocery Framework Agreement expires on 11th May 2018; the frozen food one expires on 3rd August 2018.

There is a need to: -

- Comply with EU Regulations and the Council's Procurement Governance Arrangements.
- Support Directorates' requirements for the provision of groceries and frozen foods.

The key users of these Framework Agreements are Cityserve with 300 school sites, adults and health communities with 16 sites and Acivico with 5 sites. Cityserve is the main user of the Framework Agreements due to the number of sites that they service. Cityserve operates in a competitive environment in which schools can choose operators.

The current Framework Agreements were awarded for four years. The stakeholders would like to see this reduced for the new tender due to the recent cost of food pressures proposed by key suppliers.

The supply and distribution of groceries and frozen food will therefore be tendered for the period of 3 years instead of 4 years with an option to extend for a further 1 year, subject to performance and budget availability. This means that there will be only five 6 monthly price reviews before the next competitive tender exercise instead of the current seven. This is seen as a better solution for the service areas and still allows them to obtain competitive prices for a reasonable but shorter length of time. It also benefits service areas in that this shorter length will have only five price reviews, prevents price creep, which is particularly difficult to manage in a volatile market which we have recently experienced.

The Framework Agreements include a termination of convenience clause of 3 months' notice to accommodate any business changes to service areas that may occur during the term of the Framework Agreements.

Suppliers will be required to meet the mandatory standards and certification as applicable to the supply and distribution of groceries and frozen food including the following:

- Hygiene inspection report carried out by a United Kingdom Accredited System (UKAS) or equivalent accredited hygiene inspection body.
- Audit reports for each of their suppliers, to demonstrate full product traceability.
- Product specification and nutritional analysis reports for prepared products.
- Fair trade and certified ethically sourced products
- Products that meet the food for life served here scheme
- Allergen and nutritional disclosure of all products

Currently Council sites and schools receive up to 3 deliveries per week of frozen food depending on the size of the site and typically 1 delivery per week for groceries with some units receiving fortnightly delivery where possible to reduce the number of deliveries into the city. The specification will ask suppliers to advise what steps they are taking to reduce emissions with their delivery vehicles to support the Council's Clean Air Strategy. More importantly, there is also a need to reduce the number of deliveries as the current high number of deliveries to service Directorates may prevent suppliers from bidding for the framework as the distribution

costs that suppliers will incur may not be commercially viable. The Senior Leadership Team of CityServe has been advised and is working towards reducing delivery frequency. The recommendation is to tender the two commodities as separate lots on one tender. Due to the diverse range of products and number of delivery points for groceries and frozen food it is unlikely that there are any SMEs that can service both lots so by separating the categories, it may encourage smaller local companies to tender.

Pelican Procurement Services Ltd has extensive knowledge and experience of the grocery and frozen food market and consultation with the stakeholder group support this decision. During the tender process Pelican will work with a stakeholder group of representatives from each of the service areas using the Framework Agreements.

Tender Structure

1 Procurement Procedure to Market and Rationale

Grocery and frozen food wholesalers can be categorised into three different sectors distinguished by the key customer groups they serve and the platform from which they serve them. A supplier fact finding session will be held and suppliers invited to understand the tender process and break down the complexities of large tenders to encourage competition from both local and national suppliers.

Cash & carry wholesalers

Supply of products in a wide range of food and beverage categories, with most of the sales made through self-service depots. Their primary customers are independent retailers and caterers, but they may also have significant secondary customer bases drawn from the general business sector. There are a few cash and carry wholesalers that now offer a delivered service, for example Booker group have a delivery network under the brand of Chef Direct.

Delivered Retail wholesalers

Delivered grocery / frozen food wholesalers supply products to customers in the retail sector. Their customers are primarily independent shops, local convenience supermarkets and medium sized multi-site supermarkets.

Delivered Foodservice wholesalers

The supply and distribution of groceries and / or frozen food to a wide range of businesses in the foodservice market including cafes, restaurants, fast food establishments, local authority units and hospitals. As well as general wholesalers, the segment also includes many product specialists with a limited category focus.

Regional grocery and frozen food wholesalers may not have the diverse range of products required by schools and are unable to source at competitive prices due to their limited volume requirements. Some catering groups such as Caterforce and Country Range are creating a national network whereby smaller companies can provide a national service.

Local companies such as Philip Dennis Foodservice operating out of Brierley Hill, MKG out of Walsall and First-class Foodservice Ltd can offer products across both categories.

There are 4 national frozen food and grocery wholesalers, all based within a 20-mile radius of Birmingham; Brakes Foodservice, Bidfood, A F Blakemore and JJ Foodservice (see table below); all have the capability to supply the main product ranges to Birmingham City Council. Cityserve has a requirement for a significant number of frozen products that have been developed to meet requirements of the schools they service:

	Supplying Depots			
	Brakes	Bidfood	JJ Foodservice	A F Blakemore
Frozen foods	Tamworth	Cannock	Aston	Willenhall
Groceries	Coventry	Cannock	Aston	Willenhall

2 Evaluation of Alternative Options

This requirement will be tendered using the open procedure as there are a limited number of suppliers who could service Lots of this size and scale.

Award options are:

- Option 1 – advertise as one tender with two separate lots
 - Lot 1 grocery
 - Lot 2 frozen food.
 - Framework award to two separate suppliers or one supplier for both lots
- Option 2 - advertise as two tenders
 - Framework award to one supplier for each tender

It is recommended that Option 1 be the chosen path as it allows for greater flexibility for both the service areas and suppliers.

A Single Source Framework Agreement will be awarded to one supplier per lot; suppliers may apply for one or more lots. If it is beneficial for the Council to do so it may result in both lots being awarded to one supplier, to realise economies of scale.

The tender process will allow time to sample products to ensure the quality of products prior to award if necessary.

The Framework will be offered as a Collaborative Framework Agreement allowing other local authorities/public bodies within the West Midlands Region to call-off against the contract. This will allow the Council to benefit from a rebate on spend.

Due to the high volume spend on the grocery and frozen contracts it is proposed that the Single Supply Framework Agreement commencement dates will be staggered to coincide with the current expiry dates. This will also ensure that mobilisation can be managed effectively and there will be no negative impact on service users:

3. Tender Timescales

Cabinet Approval (Strategy)	3 October 2017
OJEU Notice Issued	28 th November 2017
Clarification Period	2 days
Issue Tender	1 st December 2017
Clarification Period	3 weeks
ITT Return Date	12 th January 2018
ITT Evaluations	13 th January 2018 to 2 nd Feb 2018
Delegated Contract Award	20th March 2018
Mobilisation period (if applicable)	April for Grocery and June for Frozen
Single Source Framework(s) Start	12th May 2018 and 4th August 2018

Contract start dates:

- Groceries – May 2018
- Frozen Food – August 2018

The opportunity will be advertised in OJEU and findit.birmingham.gov.uk and Intend

4. Desired Outcome and Measures (KPI Structure)

A stakeholder group consisting of representing officers from Cityserve, Children and Young People, Strategic Services (Civic Catering), and Adults & Health has been established to review the current arrangements, new opportunities and lessons learned from the current Framework Agreement. From this the stakeholders identified their key outcomes needed from the new Agreements, these are:

- Ability to supply the full product range
- The supply and distribution of goods in accordance with the tender specification.
- The ability to deliver to units within their required delivery time frames.
- % of product availability
- Ability to supply electronic management information
- Ability to supply products that are ethically sourced
- Ability that suppliers must be able to provide restricted, approved buying lists
- Ability to provide allergen and nutritional information for every product in the format required for the use of the Pelican Piranha system.

The Framework Agreements will include KPIs that will measure the delivery of these outcomes. KPIs will be developed by the stakeholder group during tender development and will also include KPIs for measuring how suppliers will meet the requirements of the Birmingham Business Charter for Social Responsibility.

The contract manager of Pelican will manage the Frameworks Agreements and any performance issues in conjunction with the Head of Category Facilities Management; Corporate Procurement Services.

5. Tender Procedure

Evaluation Criteria

Suppliers will be required to submit responses to the following mandatory questions which will be scored as pass/fail:

- Financial Information
- Health & Safety
- Statement of Insurance Cover
- Current Capacity / Workload
- Quality Assurance and Due Diligence
- E commerce Capability
- Ability to deliver in the required delivery windows / frequency
- Product specification and nutritional analysis
- Relevant experience
- Compliance with the Birmingham Business Charter for Social Responsibility

Those passing the pass / fail criteria will be considered for quality / social value / price assessment, the evaluation methodology for which is detailed below.

The stakeholder group agreed the price quality social value split was set at 70% price, 20% service quality and 10% Social Value. Any tenderers scoring below 50% of the service quality element of the evaluation criteria will be excluded. Similarly any tenderers scoring below 40% of the social value element will be excluded.

The 70% price evaluation will be on product pricing based on a shopping basket containing the current highest volume products based on each tender lot.

In addition to assessing suppliers' proposals for delivery of the key outcomes detailed in section 3 above, the 20% service quality evaluation and 10% of the social value evaluation will be scored on the following:

Lot 1 Groceries

Quality & Service Criteria Lot 1 Groceries	Score
% Of Product Availability Excluding Substitutions	12
Urgent Delivery Response Time	12
References	10
Communication with Drivers	8
Management Structure	8
Restriction of Product Sales	10
Waste Oil Management System	7
Order Lead Time	7
Assistance with Marketing Innovation	6
Ability to Supply Fairtrade Products / Products with Quality Marks e.g. Dolphin Friendly or farm assured	6
Temperature Control of Chilled Products	6
Ability to Supply Printed Order Forms	2
Electronic Ordering Capability	6
Total	100
Social Value Criteria (10%)	Score
Local Employment	17
Buy Birmingham First	16
Partners in Communities	15
Good Employer	16
Green & Sustainable	18
Ethical Procurement	18
Total	100

Lot 2 – Frozen Food

Quality and Service Criteria - Lot 2 Frozen food	Score
Communication with Drivers	10
% Of Product Availability Exc Subs	12
Urgent Delivery Response Time	12
References	11
Management Structure	8
Restriction of Product Sales	12
Lead Time for Nominated Lines	8
Order Lead Time	7
Assistance with Marketing Innovation / Promotions	7
Ability to Supply Products with Quality Marks I.E. Msc, farm assured	6
Ability to Supply Printed Order Forms	2
Electronic Ordering Capability	5
Total	100
Social Value Criteria (10%)	Score
Local Employment	17
Buy Birmingham First	16
Partners in Communities	15
Good Employer	16
Green & Sustainable	18
Ethical Procurement	18
	100
Total	

Visits to suppliers' delivery depots will be undertaken as part of the tender evaluations and may result in amendments to bidders' scores.

**PROTOCOL
PUBLIC SECTOR EQUALITY DUTY**

- 1 The public-sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public-sector equality duty when considering Council reports for decision.

The public-sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none"> (a) tackle prejudice, and (b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none"> (a) Marriage & civil partnership (b) Age (c) Disability (d) Gender reassignment (e) Pregnancy and maternity (f) Race (g) Religion or belief (h) Sex (i) Sexual orientation

Appendix 3

INITIAL SCREENING – STAGE 1

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

Please complete the following questions to determine whether a Full Equality Assessment is required.

Name of policy, strategy or function: Tender for the Supply and Distribution of Groceries and frozen food	Ref: F230
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Responsible Officer: Nikki Fox – Pelican Procurement Services Ltd. Directorate: CYP&F, Development Directorate (Civic Catering)	Role: Chairperson of Equality Assessment Task Group Assessment Date: 4 th July 2017
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Is this a:	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Function <input type="checkbox"/>	Service <input type="checkbox"/>
Is this:	New or Proposed <input type="checkbox"/> Already exists and is being reviewed <input type="checkbox"/> Is Changing <input type="checkbox"/>			

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

The principle objectives of the contract are:

- The supply and distribution of groceries and frozen food to meet the requirements of stakeholders and users.
- The supply of food products that meet the nutritional and food based standards for schools.
- To provide a quality service to stakeholders and users.
- Monitoring of supplier's due diligence procedures
- Monitoring and management of product pricing.
- Working with internal catering providers to provide product innovation keeping in line with seasonal requirements
- Supply chain management.

2. Explain how the main aims of the policy, strategy, function or service will demonstrate due regard to the aims of the General Duty?

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

1. Any company recommended for acceptance will have a policy that complies with the West Midlands's Common Standard for Equalities in Public Procurement.
2. The requirements of Standing Order No. 11 in respect of the Council's Equal Opportunities Policy will be incorporated into the Contract Documentation.
3. The requirements of the Disability Discrimination Act 1995 will be specifically included in the Contract Documentation to draw tenderers attention to the detail of, and the need to comply with, the Act.

3. What does your current data tell you about who your policy, strategy, function or service may affect:

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

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

The service affects all the above in a positive way by providing products to meet the dietary needs of the community.

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

Yes ☐ No ☐

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

The aim of the contract is the supply and distribution of groceries and frozen food to all Directorates. No part of this service should impact negatively on employees and service users.

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

Yes ☐ No ☐

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

The aim of the contract is the supply and distribution of groceries and frozen food to all Directorates. No part of this service should impact negatively on employees and service users.

6. Is an Equality Assessment required?

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

Does the Policy, Strategy, Function or Service require a Full Equality Assessment? **Yes** ☐
No ☐

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

If a Full Equality Assessment is **Not** required, please sign the declaration and complete the Summary statement below, then forward a copy of the Initial Screening to your Directorate Contact Officer

If a Full Equality Assessment **Is** required, you will need to sign the declaration and complete the Summary statement below, detailing why the Policy, Strategy, Function or Service is moving to a Full Equality Assessment. Then continue with your Assessment

DECLARATION

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

Chairperson: Nikki Fox

Summary statement 4th July 2017

Sign-off Date: 4th July 2017

<u>Name</u>	<u>Role on Task Group</u> (e.g. service user, manager or service specialist)	<u>Contact Number</u>
1. Nikki Fox	Chairperson	0766 402952
3. Michael Lewandowski	Civic Catering – Service User	0121 303 4987
4. Muir Wilson	Civic Catering – Service User	0121 303 4987
5. Alan Devine	Adults and Health Service user	0121 675 0900

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET
Report of:	DIRECTOR OF COMMISSIONING & PROCUREMENT
Date of Decision:	3 OCTOBER 2017
SUBJECT:	PLANNED PROCUREMENT ACTIVITIES (NOVEMBER 2017 – JANUARY 2018)
Key Decision:	No
Relevant Forward Plan Ref:	n/a
If not in the Forward Plan: (please "tick" box)	Chief Executive approved <input type="checkbox"/>
Relevant Cabinet Member(s) or Relevant Executive Member	O&S Chair approved <input type="checkbox"/>
Relevant O&S Chair:	Cllr Majid Mahmood – Value for Money and Efficiency
Wards affected:	Cllr Mohammed Aikhlaq, Corporate Resources and Governance
	All

1. Purpose of report:

- 1.1 This report provides details of the planned procurement activity for the period November 2017 – January 2018. Planned procurement activities reported previously are not repeated in this report.

2. Decision(s) recommended:

That Cabinet

- 2.1 Notes the planned procurement activities under officer delegations set out in the Constitution for the period November 2017 – January 2018 as detailed in Appendix 1.

Lead Contact Officer (s):

Nigel Kletz
Corporate Procurement Services
Strategic Services Directorate

Telephone No:

0121 303 6610

E-mail address:

nigel.kletz@birmingham.gov.uk

3. Consultation

3.1 Internal

This report to Cabinet is copied to Cabinet Support Officers and to Corporate Resources and Governance Overview & Scrutiny Committee and is the process for consulting with relevant cabinet and scrutiny members. At the point of submitting this report Cabinet Members/ Corporate Resources and Governance Overview & Scrutiny Committee Chair have not indicated that any of the planned procurement activity needs to be brought back to Cabinet for executive decision.

3.2 External

None

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies

4.1.1 Details of how the contracts listed in Appendix 1 support relevant Council policies, plans or strategies, will be set out in the individual reports.

4.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

Compliance with the BBC4SR is a mandatory requirement that will form part of the conditions of the contracts. Tenderers will submit an action plan with their tender that will be evaluated in accordance with the agreed evaluation criteria and the action plan of the successful tenderers will be implemented and monitored during the contract period. Payment of the Living Wage, as set by the Living Wage Foundation, is a mandatory requirement of the BBC4SR and will apply for all contracts in accordance with the Council's policy for suppliers to implement the rate.

4.2 Financial Implications

Details of how decisions will be carried out within existing finances and resources will be set out in the individual reports.

4.3 Legal Implications

Details of all relevant implications will be included in individual reports.

4.4 Public Sector Equality Duty

Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports.

5. Relevant background/chronology of key events:

- 5.1 At the 1 March 2016 meeting of Council changes to procurement governance were agreed which gives Chief Officers the delegated authority to approve procurement contracts up to the value of £10m over the life of the contract. Where it is likely that the award of a contract will result in staff employed by the Council transferring to the successful contractor under TUPE, the contract award decision has to be made by Cabinet.
- 5.2 In line with the Procurement Governance Arrangements that form part of the Council's Constitution, this report acts as the process to consult with and take soundings from Cabinet Members and the Corporate Resources and Governance Overview & Scrutiny Committee.
- 5.3 This report sets out the planned procurement activity over the next few months where the contract value is between the EU threshold (£164,176) and £10m. This will give members visibility of all procurement activity within these thresholds and the opportunity to identify whether any procurement reports should be brought to Cabinet for approval even though they are below the delegation threshold.
- 5.4 Individual procurements may be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Chair of Corporate Resources and Governance Overview & Scrutiny Committee where there are sensitivities or requirements that necessitate a decision being made by Cabinet.
- 5.5 Procurements below £10m contract value that are not listed on this or subsequent monthly reports can only be delegated to Chief Officers if specific approval is sought from Cabinet. Procurements above £10m contract value will still require an individual report to Cabinet in order for the award decision to be delegated to Chief Officers if appropriate.
- 5.6 A briefing note including financial information is appended to the Private report for each item on the schedule.

6. Evaluation of alternative option(s):

- 6.1 A report approved by Council Business Management Committee on 16 February 2016 set out the case for introducing this process. The alternative option is that individual procurements are referred to Cabinet for decision.

7. Reasons for Decision(s):

- 7.1 To enable 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.

Signatures:

Date:

.....
Nigel Kletz – Director of Commissioning & Procurement

.....

.....
Councillor Majid Mahmood - Value for Money and Efficiency

.....

List of Background Documents used to compile this Report:

List of Appendices accompanying this Report (if any):

Appendix 1 - Planned Procurement Activity November 2017 – January 2018

Report Version 1 **Dated** 18/09/2017

APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (NOVEMBER 2017 – JANUARY 2018)

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Value for Money and Efficiency Plus	Finance Officer	Contact Name	Planned CO Decision Date
Approval To Tender Strategy	Provision of a Marketing Service	P0409	The following marketing services are required to support the Council's Communications Team: <ul style="list-style-type: none"> • To work closely with the internal function to gather information, identify and employ a broad range of advertising strategies. • To assist with the creation of marketing campaigns tailored to the needs of the various areas of the Council. • Showcasing the Council in a positive light, drawing in a targeted audience. 	4 years	Strategic Services	Deputy Leader	Thomas Myers	Marie Hadley	01/11/2017
Approval To Tender Strategy	Recruitment of permanent staff for the City council's proposed energy company	TBC	In the event that Cabinet approve the FBC on the 24 October, a full market launch (to the domestic and non-domestic market) is proposed for between April and September 2018. In order for the company to be live from April 2018 it needs to recruit suitably skilled permanent staff to establish the requirements for market	Up to 4 months	Strategic Services	Deputy Leader	Simon Ansell	Veronica Nash / Charlie Short	12/10/2017

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to: CABINET
Report of: City Solicitor
Date of Decision: 3 October 2017
SUBJECT: APPOINTMENTS TO OUTSIDE BODIES

Key Decision: No
If not in the Forward Plan: Relevant Forward Plan Ref:
 (please "X" box) Chief Executive approved ☐
 Relevant Cabinet Member(s): O&S Chairman approved ☐
 Relevant O&S Chairman: Cllr Ian Ward, Interim Leader of the Council
 Cllr Mohammed Aikhlaq, Chairman of Corporate
 Resources and Governance Overview and Scrutiny
 Committee
Wards affected: City Wide

1. Purpose of report:

The report seeks the approval of the Cabinet to the appointment of representatives to serve on outside bodies detailed in the appendix to this report.

2. Decision(s) recommended:

That Cabinet agrees to appoint representatives to serve on the Outside Bodies detailed in the appendix to this report.

Lead Contact Officer(s): Celia Janney
 Committee Services
Telephone No: Tel: 0121 303 7034
E-mail address: e-mail: celia.janney@birmingham.gov.uk

3. Consultation

3.1 Internal

Councillor Ian Ward, Interim Leader of the Council.

For appropriate items, the Secretaries to the Political Groups represented on the Council.

3.2 External

There has not been a requirement to consult with external parties in respect of matters set out in this report.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

The appointments are consistent with the legal and constitutional requirements of the City Council.

4.2 Financial Implications (Will decisions be carried out within existing finances and Resources?)

There are no additional resource implications.

4.3 Legal Implications

As set out in paragraph 4.1 above.

4.4 Public Sector Equality Duty

The main risk of not making appointments might lead to the City Council not being represented at meetings of the bodies concerned. It is always important in making appointments to have regard to the City Council's equal opportunities policies.

5. Relevant background/chronology of key events:

At a meeting of all Councillors on 11 July 2017, the City Council approved changes to the Constitution that set out those appointments that are reserved to the full City Council to determine. 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.

6. Evaluation of alternative option(s):

These appointments are a matter for the Cabinet to determine, in accordance with the City Council's current Constitution.

7. Reasons for Decision(s):

To approve the appointment of representatives to serve on Outside Bodies.

Signatures

Date

Leader of the Council

City Solicitor

List of Background Documents used to compile this Report:

1. Report of the Council Business Management Committee to City Council on 11 July 2017 "Revised City Council Constitution"; along with relevant e-mails/ file(s)/correspondence on such appointments.

List of Appendices accompanying this Report (if any):

1. Appendix to Report to Cabinet 3 October 2017 – Appointments to Outside Bodies

APPENDIX TO REPORT TO CABINET 3 October 2017
APPOINTMENTS TO OUTSIDE BODIES**1. Summary of Decisions**

On 15 August 2017, Cabinet resolved under decision number 004096/2017 that the practice be continued of contacting each representative when their term of office is due to expire to ascertain whether they are willing to be re-appointed and that, unless indicated otherwise in the report to Cabinet, it will be understood that such representatives are not willing to be re-appointed.

2. Acivico Ltd

A vacancy for Director on the Acivico Board has occurred due to the Chairman, Cllr Matthew Gregson (Lab) standing down. This is an Annual Appointment. This appointment would be for the remainder of the period i.e. 3 October 2017 until 26 June 2018.

RECOMMENDED:-

That Cabinet agrees to the appointment of Cllr (Lab) for the remainder of the period i.e. 3 October 2017 until 26 June 2018.

