



Department for Levelling Up,
Housing & Communities

Max Soule

*Deputy Director, Local Government
Stewardship*

***Department for Levelling Up,
Housing and Communities***

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Mr John Coughlan CBE

By email

5 October 2023

Dear John,

BIRMINGHAM CITY COUNCIL: INTERVENTION

I am writing to inform you that the Secretary of State for Levelling Up, Housing and Communities has nominated you as Commissioner for the purposes of the Directions he made on 5 October 2023 under section 15(5) and (6) of the Local Government Act 1999 in relation to Birmingham City Council. I enclose the formal nomination document.

You are nominated as Commissioner for the period from 5 October 2023 to 4 October 2028. Commissioners will have the roles and responsibilities set out in the Directions, a copy of which I enclose, along with a copy of the Explanatory Memorandum. Under the Directions, Commissioners will act jointly or severally and are accountable to the Secretary of State in that you have been nominated by him and can have your nomination withdrawn by him. I have also enclosed terms of engagement that you will need to sign and return; your nomination is made on the conditions set out in the terms of engagement.

The Commissioner team will be led by Max Caller CBE and you will be joined by Chris Tambini, Pam Parkes, Jackie Belton and Myron Hrycyk as Commissioners, and Lord John Hutton and John Biggs as political advisors. The political advisors will also support the Authority as they embark on their improvement journey but will not hold the powers of Commissioners. We expect the team to work together in supporting Birmingham City Council to meet its best value duty.

In particular it is expected that you will focus on broad improvement and governance, by supporting cultural change and transformation and driving forward work on the long-term sustainability of the Authority. This role is to operate alongside your role as Commissioner for Special Educational Needs and Disability (SEND) services, for which you report to the Secretary of State for Education.

You will be entitled to a fee for each day you act as a Commissioner. You will also be entitled to reasonable expenses. Under the terms of the Directions, it is the Authority's responsibility to meet these costs and the Secretary of State has set these fees for you at £1,100 per day. Fees are payable up to a maximum of 150 days per annum. These limits should not be exceeded without prior approval of the Secretary of State. As to reasonable expenses, we would expect these to be in accordance with the rules for senior officers set out in the Authority's staff handbook.

In your role as a public appointee, it may be necessary to disclose information on your remuneration as part of annual accounts and you will be required to consent to the disclosure of this information. By accepting this appointment, you will be indicating your consent to this.

The Secretary of State expects you to take an interest in matters across the Authority, beyond those functions you are exercising, given the importance of ensuring that the Authority is delivering best value in all that it does. You will play an important role in informing Ministers' response to the situation in Birmingham. The Secretary of State has asked the team to work closely with you in your role as SEND Commissioner and also with the Social Housing Regulator and Local Government and Social Care Ombudsman regarding their concerns.

You will wish to note that the Secretary of State has asked that you and your fellow Commissioners provide him with an update within the first six months of the intervention, and thereafter at six-monthly intervals – or at any other time deemed necessary by the Secretary of State.

You are required to exercise care in the use of information that you acquire in the course of your duties and to protect information that is held in confidence. You must declare any personal or business interests which may, or may be perceived to, influence your judgements in performing your functions. These interests include (without limitation), personal direct and indirect pecuniary interests, and, any such interests of your close family members and/or of people living in the same household as you or your close family members.

You are expected to ensure that acceptance of gifts and hospitality can stand up to public scrutiny. Similarly, care should be taken that no extravagance is involved with working lunches and other social occasions.

In your role as a public appointee, you must act appropriately and in accordance with the required standards. You are required to uphold the standards of conduct set out in by the Seven Principles of Public Life (as amended from time to time). You will be required to demonstrate your commitment to the principles and values of public service throughout your appointment.

Your appointment has the status of an office holder and not of an employee. Nothing in this letter shall be construed as, or taken to create, a contract of service or contract for services between yourself and DLUHC, the Crown, or Birmingham City Council.

Should you have any queries or issues either now or during the Directions period please contact me in the first instance.

We are very grateful for your commitment to taking up this challenge to improve the performance of Birmingham City Council as a Commissioner.

Yours sincerely,

Max Soule
Deputy Director, Local Government Stewardship

NOMINATION UNDER THE LOCAL GOVERNMENT ACT 1999 (DIRECTIONS UNDER SECTION 15(5) AND (6) OF THE LOCAL GOVERNMENT ACT 1999 TO BIRMINGHAM CITY COUNCIL, 2023)

The Secretary of State for Levelling Up, Housing and Communities, in exercise of his powers under section 15 of the Local Government Act 1999 and in accordance with the Directions to Birmingham City Council dated 5 October 2023 nominates John Coughlan CBE as Commissioner for the period beginning on the date of the Directions and ending on 4 October 2028 or such time as the Secretary of State determines.