

Birmingham City Council

City Council

28 April 2020



Subject: Temporary Amendments to the Constitution
Report of: Interim City Solicitor and Monitoring Officer

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

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

- 1.1 This report sets out temporary amendments to the Constitution to support governance arrangements during the Covid-19 outbreak. These will ensure continuity of the Council's decision-making functions during the Covid-19 outbreak.
- 1.2 The amendments will be reviewed when Full Council is next able to meet in one place, as part of the annual review of the Constitution which has been delayed because of the outbreak.

2 Recommendations

- 2.1 That approval be given to the amendments to the Constitution summarised in section 7 and that the Interim City Solicitor be authorised to implement the changes with effect from 28 April 2020.
- 2.2 That the amendments be reviewed as part of the Annual Review of the Constitution.

3 Background

- 3.1 The Covid-19 outbreak, the implementation of a national "lockdown", and the Council's subsequent declaration of a major incident have had significant implications for business continuity across the Council.
- 3.2 Provisions in the Constitution allow for the taking and implementing of decisions in relation to the emergency itself. In addition, the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 came into force on 4th April 2020. These allow meetings to be held remotely using video or telephone conferencing or by other remote means, giving the council far more flexibility in how it holds meetings during the pandemic. However, with the focus of the council,

members and officers, firmly on the emergency response, there is a need to facilitate efficient and timely decision-making whilst maintaining democratic oversight.

4 Appointments

- 4.1 The Regulations disapply provisions requiring local authorities to hold annual meetings, and that any appointments due to be made at an Annual Meeting will continue until the next annual meeting of the authority or until such time as that authority may determine.
- 4.2 However, in the interim, it may be necessary to amend existing appointments in urgent circumstances. It is therefore proposed to delegate such amendments to Council Business Management Committee (CBM) for a temporary period. It is also proposed that CBM can amend the level at which a meeting is quorate, to allow meetings to go ahead in exceptional circumstances.

5 Access to Information

- 5.1 The Regulations referred to in paragraph 3.2 allow for meetings to be held remotely, and specifically override any provisions in the Constitution that do not permit that. The Regulations are in force until 7 May 2021.
- 5.2 The following amendments are therefore proposed:
- **Notice of meeting:** Details of the meeting will be posted on the website (not at the Council House);
 - **Access to Agendas, Reports and Decision Records:** The Council will make the Agenda and relevant Reports available to the public on its website (removing the reference to availability at the Council House);
 - **Attendance at meetings:** this shall now include attendance via video conferencing or web-streaming.

6 Sealing Documents

- 6.1 Part A of the Constitution (page 9) refers to the sealing of deed, instrument, document or writing as necessary. It is proposed to add an amendment to this section, to delegate to the Interim City Solicitor the arrangements for sealing documents.

7 Summary of proposed amendments

- 7.1 The following table summarises the proposed amendments to the Constitution (amendments in red):

Section	Change	Effect
Part A (p.9)	Under section titled "Common Seal": Delete the third and fourth paragraph and replace with:	To allow the Interim City Solicitor to make appropriate arrangements for

	"The process for sealing documents shall be determined by the Interim City Solicitor"	the sealing of documents
Part B5.1	<p>Amend paragraph ii as below:</p> <p>ii. Meetings of the full Council</p> <ul style="list-style-type: none"> To be responsible for the planning and preparation of the agenda, papers and other arrangements for meetings of the Council. To submit recommendations to the Council concerning the appointment of committees and other bodies and their functions and membership. In cases of urgency to make appointments or nominations, or amendments to quoracy, subject to reporting the details to the next Council meeting for information. 	To delegate urgent amendments to appointments to Council Business Management Committee
Part C2.3	<p>Notice of Meetings</p> <p>The Council will give at least 5 clear working days' notice of any non-urgent meeting and for urgent meetings at least 3 clear days' notice will be given. Details of the meeting will be posted at the Council House, Victoria Square, Birmingham B1 1BB and on the Council's website.</p>	To remove the requirement for posting notice of the meeting at the Council House
Part C2.4	<p>Access to Agendas, Reports and Decision Records</p> <p>i. The Council will make the Agenda and relevant Reports available to the public on its website and available for inspection at the Council House at least five clear working days before the meeting or as much time as is available for an urgent item of business. Where Reports are prepared after the Agenda has been sent out, the Committee Services Officer shall make such report(s) available for inspection to the public as soon as the Report is completed and sent to the relevant Councillors.</p>	To remove the requirement for documents to be available for inspection at the Council House
Part C2.5	<p>Exclusion of Access by the Public to Meetings</p> <p>i. Members of the public may attend all meetings subject only to the exceptions set out below. Attendance shall include viewing the meeting via video conferencing or live webcast.</p>	To update in line with the Regulations