

Birmingham City Council Constitution – Change Log Annual Review 2021

Part A

Section	Proposed Change	Reason
Page 7	Added section on Joint Committees	To reflect main body of Constitution
Page 9-10	<p>Retain temporary change to wording around common seal:</p> <p>“The Common Seal shall be attested by the signature of the City Solicitor, or the person authorised by him/her, and entry shall be made by the City Solicitor or some other person authorised by him/her in a book to be provided for that purpose of every deed and other document to which the Common Seal has been affixed.</p> <p>The Seal shall be attested by one of the following persons who shall subscribe his/her name thereto after sealing, that is to say, the Lord Mayor, the Deputy Lord Mayor, the Chief Executive or any senior lawyer in the employment of the City Council from time to time authorised for this purpose by or on behalf of the Council.</p> <p>The process for sealing documents shall be determined by the Interim City Solicitor.”</p>	<p>Temporary wording expires 25 May 2021 – it is recommended to retain the amendment, partly as officers are still working remotely, and to allow the City Solicitor to put in place a final process.</p> <p>Remove “interim”</p>
Page 11 / Annex 1	Amended which body/person has the authority to amend the Constitution	To reflect wording in other parts of the Constitution and statutory requirements
Throughout document	Amendments to wording for clarity, consistency and accuracy – these are set out in the tracked change version	

Part B

Section	Change	Reason
B1.7/B2	<p>References to senior officers under the senior leadership will change as Investing in the Future structure changes are taken through.</p> <p><i>Additional Recommendation to be made to Full Council:</i> That the City Solicitor be authorised to make changes to Part B1.7 and Part B2 to reflect changes in the Council structure agreed by the JNC Panel, for a period of 12 months. These changes should be reported back to the next CBM committee meeting and any amendments to the Constitution circulated to all members.</p>	To allow the Constitution to keep pace with the council re-structure without having to go back to Full Council each time.
B3.1	<p>Added a third category of exemption to key decisions:</p> <p>Any decision covered by the specific delegations set out in Part D3 (Procurement Governance Arrangements) or Part E3.2 of the Constitution (Chief Officer Delegations)</p>	To link up with what is already in the Constitution in Part D and Part E3.2
B3.1 / B4.4L / B6.6	<p>A definition of “urgent” is included.</p> <p><i>“An urgent decision is defined as one which could not reasonably have been foreseen or anticipated prior to the most recent Cabinet or Committee meeting, and which needs to be considered before the next meeting of the Cabinet/Committee. Decisions made under this provision will be reported to the next meeting of the Cabinet/Committee.”</i></p>	<p>For clarity and in response to a request in November 20</p> <p>Includes Cabinet and Committee meetings – in line with legislation</p>
B4.2	<p>Amend functions of Full Council to add:</p> <ul style="list-style-type: none"> g) Adopting and revising a Member Code of Conduct; o) Receiving statutory officer reports of the Monitoring Officer, Section 151 officer and Head of Paid Service and other external auditor public interest reports 	For completeness

Section	Change	Reason
B4.4G	Removed “exempt” from list of information that cannot be requested	Any request for exempt info will be assessed by the City Solicitor and response given. Any debate containing exempt information will move into private session.
B5.1	Delete temporary changes delegating appointments to CBM	No longer needed as Full Council meetings are being held regularly
B5.3	Added in terms of reference for CBM sub committees	For clarity (will also still be submitted to the first CBM meeting of the year)
B6.2 ii footnote	<p>To introduce a six-month review of delegations by Cabinet to Cabinet Members and officers in situations where a timescale has not been set out and implementation has not commenced.</p> <p>Add to footnote on Cabinet key decisions: “A key decision may also be delegated specifically by Cabinet report to a Cabinet Member or officer (see section B3.1). Where such delegations are made without a clear timescale for implementation, and implementation has not commenced within six months, these should be reviewed by the Cabinet Member to ensure the decision is still in line with Council policy”</p>	<p>Following on from recommendation from Co-ordinating O&S Committee (July 2020).</p> <p>Any Cabinet Member review should be published</p>
B6.3	<p>Group Company Governance – amend reference to “decisions” to “recommendations”.</p> <p>And adding: “Advising Cabinet/City Council of issues as appropriate, including on appointments to outside bodies.” to the list of functions</p>	<p>To ensure it is clear that non-Executive members cannot take Executive decisions.</p> <p>To give the committee a role in advising Cabinet of executive appointments to outside bodies.</p>
B7	<p>Amend wording in relation to consultants, to add: Oversight of the use of consultants with particular focus on their duration, renewal and cost</p>	At request of Cabinet Member Finance & Resources

Section	Change	Reason
B8 and B9	Clarified appointments regarding proportionality and executive arrangements	
B10	Amend wording around ward plans and requirement to hold ward forum meetings – Members should hold at least four ward forum meetings per year	At request of Cllr Thompson
B11.1	Amend four principles in line with Scrutiny Framework agreed by Full Council in April 2021	As agreed by Full Council 13 th April (under Scrutiny Business Report on Scrutiny Framework)
B11.4	B11 vii insert an addendum: “where the activities of that company overlap with the remit of that Overview & Scrutiny Committee”	Proposal from Cllr Bore Sept 2020
B11.5	Amendments to O&S Committee remits	Recommendation from Co-ordinating O&S 16 th April 2021
B11.6	Add that O&S Committees cannot consider personnel appeals	For clarification
B11.7	Cabinet advisers and conflict of interest	Clarified that this relates to scrutiny matters (similar provision added later for Audit Committee)
B11.9	Call-In: amend criteria (delete number 7 and amend new number 8)	Recommendation of Co-ordinating O&S Committee and included in Scrutiny Business Report to Full Council 13 April 2021
B12	Role of planning: remove “strategic” as committee covers planning matters	For clarification
B13.2/13.4	To note that licensing sub committees are not required to be politically balanced (though in practice that will be the aim) and that licensing matters are not subject to the 1972 LGA	For clarification
B14.3	Add requirement to appoint an independent technical advisor to the Audit Committee	Proposal from Leader

Section	Change	Reason
	“An Independent Technical Advisor should be appointed to support the Committee.”	
B14.4	<p>Add conflict of interest section to Audit Committee:</p> <ul style="list-style-type: none"> i. If a Cabinet Adviser (or former Cabinet Adviser) is a member of the Audit Committee when it is considering matters to which their role relates, then that Councillor must withdraw from the meeting during the consideration of such matter. ii. If the Audit Committee is considering items relating to the work of a relative of a member of the Committee, then that Councillor must withdraw from the meeting during the consideration of such matter. 	To mirror that in the O&S section
B16.2	<p>Amend so quorum includes BCC councillors:</p> <p>“The quorum for the Standards Committee shall be five, including at least three Birmingham Councillors, one of the Independent Lay Member and the Parish Councillor if it relates to a Parish Council matter”</p>	
Throughout document	Wording and minor amends to tidy up and making meaning clearer	

Part C

Section	Change	Reason
Part C2.3	Temporary change agreed in April 2020: Notice of Meetings 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.	Restore wording
Part C2.4	Temporary change agreed in April 2020: Access to Agendas, Reports and Decision Records 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.	Retain deletion as the Council House will be closed for refurbishment, plus all papers are available on-line.
C2.5	To retain the wording "Attendance shall include viewing the meeting via video conferencing or live webcast" for members of the public, as government guidance/regulation allows"	Propose to amend wording to accommodate any future changes to the legal position
C2.8	To add a new paragraph iii: "Members of the Audit Committee shall have access to any information that is relevant to their role as an Audit Committee member, save where legal privilege applies or where sharing information will result in a breach of contract or confidentiality, or is otherwise judged by the City Solicitor to put the Council at risk."	

Section	Change	Reason
C2.8	Amend: to Members of an Overview and Scrutiny Committee will be entitled to copies / inspect documents in respect of matters under scrutiny by those members , which are in the possession or control of the Executive or its Committees and which contain material relating to...	The relevant part of the 2012 Regs provides rights to individual members of scrutiny committees, rather than the committees themselves, in respect of matters under scrutiny by those individual members.
C4	Following the publication of the LGA Model Code of Conduct the Standards Committee are putting forward a recommendation for amending the Code in line with the Model Code.	Recommendation of Standards Committee
C7	Wording tidied up around JNC Core Panel	
C11	Protocol on Substitute Members added	New protocol to clarify arrangements in respect of substitute members, where they are permitted

Part D

Section	Change	Reason
Appendix A: Financial Approval Framework	Minor amendments for clarity	On advice from Finance officers
D2.3 ii	Amend: Instruction Use of any legal firm or barrister must be approved by the City Solicitor	Request of City Solicitor to include training - as there is a real risk that delegates will view the content as being legal advice - it is therefore vital Legal Services approval of the particular legal advisor is sought.
Throughout document	Wording and minor amends to tidy up and making meaning clearer	

Part E

Section	Change	Reason
	References to senior officers under the senior leadership will change as Investing in the Future structure changes are taken through (see note under B1.7 above).	
3.2 ix	E3.2 ix add: “The Chief Executive and the Chief Finance Officer together (and no other Director) without financial limit have the following additional powers to make decisions in relation to:	For clarity
3.3	Emergency decision making To add new paragraph iii “The principles of decision-making set out in Part B3.2 will apply”	
Throughout document	Wording and minor amends to tidy up and making meaning clearer, including of delegations on advice of officers.	