

# **BIRMINGHAM CITY COUNCIL**

## **COUNCIL BUSINESS MANAGEMENT COMMITTEE**

**TUESDAY, 07 MAY 2024 AT 14:00 HOURS**  
**IN COMMITTEE ROOM 6, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

### **A G E N D A**

#### **1 NOTICE OF RECORDING/WEBCAST**

Chair to advise/meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

#### **2 DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

- 3 **APOLOGIES**
- To receive any apologies.
- 5 - 12** 4 **MINUTES**
- To confirm and sign the minutes of the meeting held on 2 April 2024.
- 5 **COMMISSIONER'S REVIEW AND COMMENTS ON AGENDA**
- There were no comments from Commissioners in relation to the agenda items for this meeting.
- 13 - 30** 6 **OVERSEAS TRAVEL AND INWARD DELEGATIONS FROM ABROAD**
- Report of the Strategic Director – Place, Prosperity and Sustainability.
- 31 - 122** 7 **REVIEW OF THE CONSTITUTION**
- Report of the Interim City Solicitor and Monitoring Officer.
- 123 - 128** 8 **PROPORTIONALITY**
- Report of the Interim City Solicitor and Monitoring Officer.
- 129 - 146** 9 **CITY COUNCIL APPOINTMENTS**
- Report of the Interim City Solicitor and Monitoring Officer.
- 147 - 150** 10 **APPOINTMENT TO THE ROLL OF HONORARY ALDERMEN**
- Report of the Interim City Solicitor and Monitoring Officer.
- 151 - 156** 11 **PETITIONS UPDATE**
- Report of the Interim City Solicitor and Monitoring Officer.
- 157 - 162** 12 **CITY COUNCIL AGENDA FOR THE NEXT MEETING – 21 MAY 2024**
- Report of the Interim City Solicitor and Monitoring Officer.

13 **CITY COUNCIL AND CBMC FORWARD PLAN**

Report of the Interim City Solicitor and Monitoring Officer.

14 **COUNCIL BUSINESS MANAGEMENT COMMITTEE DATES FOR 2024/2025**

To note that meetings of this Committee be held on Mondays at 1400 hours except where specified as follows:-

**2024:** Tuesday 4 June, 1400-1500  
24 June 2024, 1400-1500  
2 September, 1400-1500  
21 October, 1400-1500  
18 November, 1400-1500  
Tuesday 17 December, 1400-1500

**2025:** 13 January, 1400-1500  
10 February, 1400-1500  
Tuesday 25 March, 1400-1500  
Tuesday 6 May, 1400-1500

15 **OTHER URGENT BUSINESS**

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



## BIRMINGHAM CITY COUNCIL

**COUNCIL  
BUSINESS  
MANAGEMENT  
COMMITTEE 2  
APRIL 2024**

**MINUTES OF A MEETING OF THE COUNCIL BUSINESS  
MANAGEMENT COMMITTEE HELD ON TUESDAY 2 APRIL 2024  
AT 1400 HOURS IN COMMITTEE ROOM 6, COUNCIL HOUSE,  
VICTORIA SQUARE, BIRMINGHAM**

**PRESENT:** - Councillor John Cotton in the Chair;

Councillors Robert Alden, Baber Baz, Sir Albert Bore,  
Ray Goodwin, Katherine Iroh, Gareth Moore, and  
Chaman Lal.

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**NOTICE OF RECORDING**

272 The Chair advised the meeting to note that members of the  
press/public may record and take photographs except where there  
were confidential or exempt items.

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**DECLARATION OF INTERESTS**

273 No declarations of interests were made.

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**APOLOGIES**

274 An apology for lateness was submitted on behalf of the Lord Mayor,  
Councillor Chaman Lal. An apology for absence was submitted on  
behalf of the Deputy Leader Councillor Shaon Thompson.

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**MINUTES**

275 The minutes of the meeting held on 12 February 2024 were confirmed  
and signed by the Chair.

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**COMMISSIONER’S REVIEW AND COMMENTS ON AGENDA**

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There were no comments from the Commissioners for any of the items on the agenda.

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**PETITIONS UPDATE**

The Assistant Director and Deputy Monitoring Officer introduced the item and drew the attention of the Committee to the information contained in the report highlighting the key points.

The Assistant Director and Deputy Monitoring Officer then informed the Committee that there have been some improvement as we now have only three outstanding petitions. It was noted that we were still awaiting the petition from the Cabinet Member for Social Justice, Community Safety and Equalities, which has been outstanding since November 2023.

The Chair informed the meeting that he had spoken with the Cabinet Member for Social Justice, Community Safety and Equalities who had advised that she had sent the petition through. Councillor Sir Albert Bore commented that there ought to be an understanding that a petition had to be submitted at the meeting which had always been the case and that it should be submitted to Committee Services within 24 hours of it being accepted at Full Council.

The Assistant Director and Deputy Monitoring Officer undertook to investigate the issue. In relation to the petition submitted by Councillor Adrian Delaney, it was uncertain why there was no commentary, but that this would be picked up.

The Chair stated that he had spoken with Committee Services concerning a petition he had submitted but that he is still awaiting a response. He undertook to forward the email concerning the petition to the Assistant Director and Deputy Monitoring Officer for a response to be provided.

It was-

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**RESOLVED:-**

That the Committee;-

- a. Noted the progress made in relation to the responding to and discharging of petitions;
- b. Noted the number of outstanding petitions attributed to each directorate as outlined at paragraph 4.3 of the report; and

## Council Business Management Committee – 2 April 2024

- c. That the Committee determined if any additional measures were required to ensure the continuing progress relating to the responding and discharging of petitions is maintained.

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### **DISPENSATIONS FOR NON-ATTENDANCE AT COMMITTEE MEETINGS**

The Assistant Director and Deputy Monitoring Officer introduced the item and drew the attention of the Committee to the information contained in the report and highlighted that paragraph 3.3 of the report should read:-

*If Councillor Saima Ahmed attends any City Council or Committee meeting in advance of 12 April 2024.*

He advised that Councillor Saima Ahmed for personal reasons had not been able to attend any meetings in the last six months and that a dispensation of an additional 2-month was being sought in order that the situation could be reviewed. The Assistant Director and Deputy Monitoring Officer stated that in drafting the report the concern was that if the Committee were comfortable in allowing the dispensation for an extra six months this would mean that the Member would not be able to represent her constituents for a whole year and that the Commissioners had raised some concerns about that. Hence the reason we had gone for the 12 June for the next review date.

Councillor Alden commented that it was appreciated that the Member might be in a difficult position, but there was no information in the report, and it was not known what the issue was. A brief discussion concerning the issue of the Member's absence then ensued.

Councillor Gareth Moore enquired what support was being given to the Member, the residents in that Ward who were down a Councillor representative as this was a situation that would not be resolved before June. The Chair advised that this would be raised at the Labour Group for a support process to be put in place.

It was-

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#### **RESOLVED:-**

The Committee agreed for Council to grant a dispensation that Councillor Saima Ahmed need not attend any council meetings until 12 June 2024 pursuant to Section 85 of the Local Government Act 1972.

**COUNCIL BUSINESS MANAGEMENT COMMITTEE AND CITY  
COUNCIL MEETING DATES 2024/25 MUNICIPAL YEAR.**

The Assistant Director and Deputy Monitoring Officer introduced the item and drew the attention of the Committee to the information contained in the report. He stated that he had checked the dates as he was aware that the Committee had in the past voiced concerns about having meetings during the school holidays. It was noted that the City Council's school term starts on the 2 September so there should be no problems with the scheduled meeting dates.

Councillor Alden referred to paragraph 3.1 of the report and stated that this did not fully reflected that from our Group perspective. We thought that the same should be for having less Scrutiny meetings and from knocking off a Full Council meeting. Councillor Sir Albert Bore commented that the problem was having a meeting which was because of the holiday period – Christmas and New Year – having something immediately into the New Year because of the agenda send out dates etc. particularly with the Commissioners around extending that from seven days to 14 days with Christmas and New Year intervening. These arrangements whereby you have something later in January and therefore early in February worked well in respect of the problems we currently have. This did not dealt with Councillor Alden's point but in terms of sequencing this was a better arrangement.

Councillor Alden stated that there were not any actual reports that came to Full Council that were ready for the Christmas period before the January meeting because the reports that came to Full Council had already been through a process. There was not anything that required people to do anything over that period.

The Chair stated that he had undertaken a quick check of how many Full Council meetings the other core cities had and Birmingham had the most. The nearest was Manchester which had between seven and nine per year, whilst others were lower down. Nottingham had only six, so Birmingham still had sufficiently high number of Full Council meetings. It was important that we have that opportunity for all members to come together on a regular basis and this got us to the right place given the budget challenges.

It was noted that Councillor Alden did not agreed with the recommendation.

It was-

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**RESOLVED:-**

That Council Business Management Committee considered and noted the proposed dates for meetings of the Council Business Management Committee and the City Council for the 2024/25 municipal year.



**COUNCIL AGENDA FOR THE NEXT MEETING**

The Assistant Director and Deputy Monitoring Officer introduced the item and drew the attention of the Committee to the information contained in the report. He highlighted that for April's agenda it was previously agreed that we would not have any Motions in order to ensure that we had ample time to do all the other reports including the Improvement and Recovery Plan report.

In the ensuing discussions that followed the Committee agreed the revised timing for the following:

- Improvement and Recovery Plan Report – 75 minutes
- Executive Business Report – Housing and Homelessness - 30 minutes
- Scrutiny Inquiry – Child Criminal Exploitation – 45 minutes
- Audit Committee Annual Report – 30 minutes.

It was

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**RESOLVED:-**

- a. That the Committee discussed and agreed the agenda items for consideration at the 16 April 2024 City Council meeting; and
- b. The Committee discussed and agreed the time allocated to each agenda item.

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**CITY COUNCIL AND CBMC FORWARD PLAN**

The Assistant Director and Deputy Monitoring Officer introduced the item and drew the attention of the Committee to the information contained in the report . He informed the meeting that the Council as Trustee meeting that was scheduled for April will now not be going ahead as we were awaiting some additional confirmation between lawyers.

Councillor Sir Albert Bore stated that he had a request from the Sustainability and Transport Overview and Scrutiny Committee had undertaken an enquiry on active travel which had an engagement with a number of stakeholders. Rather than simply present that to Committee there was a request that it comes to Full Council in June/July if that was possible.

The Chair stated that he had no objections to the suggestion being made concerning the Scrutiny report. Councillor Bore stated that Scrutiny had agreed last year in terms of if there were issues we could

## Council Business Management Committee – 2 April 2024

come to this Committee and request that the matter be placed before Full Council.

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### **RESOLVED:-**

That the Committee:-

- a. Discussed and noted the forward plan of agenda items related to meetings of the Council Business Management Committee and the City Council;
- b. Discussed and noted the forward plan of agenda items related to meetings of the Council Business Management Committee and the City Council for the upcoming 2024/25 municipal year;
- c. Agreed any changes (if required) to the forward plan of agenda items related to meetings of the Council Business Management Committee and the City Council; and
- d. Noted the updates provided in relation to City Council Resolutions.

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### **COUNCIL BUSINESS MANAGEMENT COMMITTEE DATES FOR 2024**

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The Committee noted the Council Business Management Committee dates for 2024:

To be held on Mondays at 1400 hours except where specified as follows:-

#### **2024:**

7 May

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### **OTHER URGENT BUSINESS**

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#### **Action Tracker**

The Lord Mayor suggested that there be an Action Tracker so that the Committee would know what actions were outstanding. Robert Connelly undertook to take this point away.

#### **Appointments to Outside Bodies**

Councillor Kathryn Iroh stated that given that former Councillor Brigid Jones had left the Council it was suggested that Councillor Liz

## **Council Business Management Committee – 2 April 2024**

Clements become the Leader's substitute on the West Midlands Finance Board. The Leader stated that this point needed to be picked up under appointments at Full Council

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The meeting ended at 1425 hours.



# Birmingham City Council

## Council Business Management Committee

7 May 2024



**Subject:** Overseas Travel and Inward Delegations from Abroad  
**Report of:** Strategic Director – Places, Prosperity and Sustainability  
**Report author:** Lloyd Broad  
Head of European and International Affairs  
0121 303 2377  
[lloyd.broad@birmingham.gov.uk](mailto:lloyd.broad@birmingham.gov.uk)

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 To provide details, for information, of Member and Officer overseas travel undertaken between 1<sup>st</sup> January 2024 – 31<sup>st</sup> March 2024.
- 1.2 To provide details, for information, of known proposed Member and Officer overseas travel forthcoming commitments for the next monitoring period 1<sup>st</sup> April 2024 – 30<sup>th</sup> June 2024.
- 1.3 To provide details, for information, of inward delegations from abroad for the period 1<sup>st</sup> January 2024 to 31<sup>st</sup> March 2024.
- 1.4 **Please note: since the announcement of the Section 114 notice, overseas travel has been temporarily suspended unless funded by ring fenced grant and / or is contractually necessary. Any upcoming proposed visits will be subject to these tests and will be subject to Section 151 Board Approval.**

### 2 Recommendation

- 2.1 To note approved Member and officer overseas travel.
- 2.2 To note the proposed upcoming forward travel proposals.
- 2.3 To note the details of inward delegations from abroad.

- 2.4 To note that with effect from 19 January 2016 authority for foreign travel by City Council Members and officers will only be granted when 4 weeks' notice has been given. Visits proposed with less than 4 weeks' notice will be refused unless under EXCEPTIONAL CIRCUMSTANCES which will require written documentation and an extremely robust reason to travel.
- 2.5 To note that additional requirements to complete a COVID risk assessment prior to travel has to be conducted as part of the Authorisation to Travel process.

### **3 Background**

#### OVERSEAS TRAVEL

- 3.1 The Council Business Management Committee has responsibility for the oversight of arrangements for foreign travel undertaken by Members and officers of the City Council. Under the new administration the authorisation of foreign travel has been delegated to Strategic Directors and the Chief Executive or nominee.
- 3.2 At the request of Members, quarterly reports on foreign travel undertaken are reported to this Committee.
- 3.3 In line with established practice the attached schedule of visits are grouped to reflect the main activity areas identified within the Council's current international activities. With particular relevance to the City Council's priorities as detailed in the Council Plan. Those activities include:
- Civic related visits – Visits undertaken by the Lord Mayor.
  - Networks/Policy – The various European and international agencies on which we have representation or where we seek to further Birmingham's interests e.g. Eurocities and the Commonwealth Local Government Forum.
  - Sister/Partner Cities – This refers to our ongoing work with Chicago, Frankfurt, Guangzhou, Johannesburg, Leipzig, Lyon and Milan.
  - Funding, Specific Projects/Professional – Where Birmingham participates in collaborative, practical or funding initiatives with benefits to Birmingham, or where joint work is undertaken through professional bodies.
- 3.4 In the interest of minimising the costs of foreign travel undertaken by Members and officers' requests must be submitted at least 4 weeks before the intended date of travel.
- 3.5 This will enable the purchase of flights and accommodation at the most economical cost.

#### TRAVEL UNDERTAKEN

- 3.6 The attached Appendix A is a summary of approved overseas travel comprising of 1 visit undertaken by a Member and 5 visits by officers at a maximum cost of £0.00.

## PROPOSED FORTHCOMING TRAVEL

- 3.7 The attached Appendix B provides an indicative schedule of known forthcoming travel proposals providing CBM with an early insight for information. It should be noted that this schedule is not an approved travel schedule. Each proposal will follow the normal approval process. Due to the Section 114 notice, conditions will also need to be satisfied as set out in paragraph 1.4.

## INWARD DELEGATIONS FROM ABROAD

- 3.8 As part of the City Council's broader engagement with the international community consideration has been given to how the Council can improve the effectiveness of delegations to Birmingham from abroad. Consequently, a registry of such visits was established in January 2008.
- 3.9 Subsequently the Council Business Management Committee requested, in December 2008, that regular reports be submitted with details of delegations visiting Birmingham from abroad. Attached is a summary of inward visits for 1<sup>st</sup> January 2024 – 31<sup>st</sup> March 2024 as Appendix C.





CIVIC RELATED VISITS

DEPARTMENT /REPRESENTATION	DESTINATION	DURATION	PURPOSE OF VISIT / PRACTICAL OUTCOMES	TOTAL COST	BIRMINGHAM CITY COUNCIL CORPORATE PLAN PRIORITIES 2022-2026
<p>Councillor Chaman Lal Finance &amp; Governance Lord Mayor Lady Mayoress, Vidya Wati Lord Mayor's Office - 1 Officer West Midlands Growth Company (WMGC) – 1 Officer</p>	<p>County Clare, Ireland</p>	<p>22-26 March 2023</p>	<p><b>Civic Visit to County Clare, Ireland</b></p> <p>The Mayor of Clare had extended an invitation to the Lord Mayor of Birmingham to undertake a visit to the County to explore where deeper connections can be built between the two regions on a variety of footprints from trade/investment to education and culture.</p> <p><b>Practical Outcomes:</b></p> <p>The civic visit pulled together the various actions/initiatives already underway and will help to build on existing relationships and create a stronger, more interconnected relationship between the two regions.</p> <p>The Lord Mayor visited a number of Irish businesses with links to Birmingham, including:</p> <ul style="list-style-type: none"> <li>• EI Electronics, whose UK subsidiary supplies smoke alarms and CO2 monitors to 95% of Council houses in Birmingham; and</li> <li>• JLR's R&amp;D campus in Shannon</li> </ul> <p>The Lord Mayor also attended the Shannon Chamber of Commerce annual lunch, where the keynote address was by Darragh O'Brien, TD, Minister for Housing, Local Government and Heritage.</p> <p>The visit also included discussion sessions with:</p> <ul style="list-style-type: none"> <li>• Shannon Airport Group re. the property portfolio</li> <li>• DigiClare on the Digital Hub Network in Clare</li> <li>• Clare Local Enterprise Office on building ecosystems and clusters in a region</li> </ul> <ul style="list-style-type: none"> <li>• As a direct result of the visit, the Council is now working with WMGC and the Greater Birmingham Chambers of Commerce, in collaboration with Enterprise Ireland to arrange a Birmingham-Ireland business, trade &amp; investment event to take place in Birmingham later in 2024.</li> </ul>	<p>Total travel, accommodation and subsistence costs fully funded by County Clare, Ireland</p> <p>Authorised by Marie Rosenthal Councillor John Cotton and Lloyd Broad</p>	<p>Employment, skills and local economy</p> <ul style="list-style-type: none"> <li>• Support inclusive economic growth</li> <li>• Tackle unemployment and skills</li> <li>• Attract inward investment and infrastructure</li> </ul>

NETWORK RELATED VISITS – None

PARTNER CITIES RELATED VISITS - None

**PROFESSIONAL, FUNDING AND SPECIFIC PROJECTS RELATED VISITS**

DEPARTMENT /REPRESENTATION	DESTINATION	DURATION	PURPOSE OF VISIT / PRACTICAL OUTCOMES	TOTAL COST	BIRMINGHAM CITY COUNCIL CORPORATE PLAN PRIORITIES 2022-2026
<p>Partnerships, Insight and Prevention Directorate – 1 Officer seconded from the Healthy Futures Ltd in the role of Cross Cutting Theme Manager for Nutrition in the Food Trails project.</p>	<p>Funchal, Portugal</p>	<p>19-23 February 2024</p>	<p><b>EU Funding Project: H2020 Food Trails project Annual Partner Meeting</b></p> <p>Birmingham is one of 11 cities participating in the EU funded Horizon 2020 project <a href="https://eurocities.eu/projects/food-trails/">https://eurocities.eu/projects/food-trails/</a></p> <p>The purpose of the project is to share approaches across 11 cities to the development of sustainable food systems and city food policies. This visit had a focus on the city of Funchal and their approach to integration of nutrition into their Food Trails pilot.</p> <p>(Note: Overseas meetings are conditional requirements of the Grant)</p> <p><b>Practical Outcomes:</b></p> <ul style="list-style-type: none"> <li>• Participated in a Cross Cutting Manager (CCM) workshop</li> <li>• Documented verbal updates from the team to include in a year 4 CCM report</li> <li>• Visited one of the pilot sites and spoke to staff to understand current service provision and future aspirations</li> <li>• Learning has been captured to support Birmingham City Council's food policies with a particular focus on nutrition. The visit also supported additional learning around specific diets for young. Learning will help inform work undertaken by Public Health around the Beans and Pulses initiative. The Cross Cutting Theme Manager for Nutrition has supported all of the partner cities in developing their approach to more affordable, healthy and sustainable diets.</li> </ul>	<p><b>ALL COSTS INCLUDING STAFF COSTS MET BY EUROPEAN FUNDING</b></p> <p>Authorised by Justin Varney and Lloyd Broad</p>	<p>Employment, skills and local economy</p> <ul style="list-style-type: none"> <li>• Support inclusive economic growth</li> <li>• Tackle unemployment and skills</li> <li>• Attract inward investment and infrastructure</li> </ul> <p>Opportunities for children and young people</p> <ul style="list-style-type: none"> <li>• Tackle poverty and inequalities</li> <li>• Empower citizens and enable the citizen voice</li> </ul> <p>Health and Wellbeing</p> <ul style="list-style-type: none"> <li>• Tackle Health Inequalities</li> <li>• Encourage and enable physical activity and healthy living</li> </ul>



DEPARTMENT /REPRESENTATION	DESTINATION	DURATION	PURPOSE OF VISIT / PRACTICAL OUTCOMES	TOTAL COST	BIRMINGHAM CITY COUNCIL CORPORATE PLAN PRIORITIES 2022-2026
			<ul style="list-style-type: none"> <li>• Learning from urban growing initiative shared with the East Birmingham team supporting work with pocket parks</li> </ul> <p>Secondly, this visit also had a focus on the city of Warsaw and their approach to integration of nutrition into their Food Trails pilot.</p> <p>(Note: Overseas meetings are conditional requirements of the Grant)</p> <p><b>Practical Outcomes (CCM):</b></p> <ul style="list-style-type: none"> <li>• Participated in a Cross Cutting Manager (CCM) workshop</li> <li>• Documented verbal updates from the team to include in a year 4 CCM report</li> <li>• Visited one of the pilot sites and spoke to staff to understand current service provision and future aspirations</li> <li>• The Cross Cutting Theme Manager is required to develop the nutritional aspect of the thematic report for the whole of the Food Trails project. The purpose of this report is to chart the progress of individual cities and to assist them in the development of their food policy work. The CCM is also responsible for ensuring the integrity of the entire report. This visit to Warsaw, Poland, provided the opportunity to review the content with the other Cross Cutting Theme Managers and discuss the development of the Warsaw food system policy. The CCM input was explicitly around nutrition. The visit also provided the opportunity to learn from Warsaw which is now promoting itself as a Vegan friendly city and has adopted innovative advertisement campaigns to encourage healthier diets. These approaches have been shared with the Food Systems Team in Birmingham City Council.</li> </ul>		

DEPARTMENT /REPRESENTATION	DESTINATION	DURATION	PURPOSE OF VISIT / PRACTICAL OUTCOMES	TOTAL COST	BIRMINGHAM CITY COUNCIL CORPORATE PLAN PRIORITIES 2022-2026
Partnerships, Insight and Prevention Directorate – 1 Officer seconded from the Healthy Futures Ltd in the role of Cross Cutting Theme Manager for Nutrition in the Food Trails project.	Thessaloniki, Greece	13-15 March 2024	<p><b>EU Funding Project: H2020 Food Trails project Annual Partner Meeting</b></p> <p>Birmingham is one of 11 cities participating in the EU funded Horizon 2020 project <a href="https://eurocities.eu/projects/food-trails/">https://eurocities.eu/projects/food-trails/</a></p> <p>This visit had a focus on the city of Thessaloniki and their approach to integration of nutrition into their Food Trails pilot.</p> <p>(Note: Overseas meetings are conditional requirements of the Grant)</p> <p><b>Practical Outcomes:</b></p> <ul style="list-style-type: none"> <li>Delivered a presentation on Nutrition to members of Thessaloniki's Living Lab.</li> <li>Documented verbal updates from the team to include in a year 4 Cross Cutting Manager report</li> <li>Visited two pilot sites.</li> <li>The learning has been captured to support Birmingham City Council's approach to urban food growing initiatives. The visit included a site visit to an area of reclaimed land in the centre of the city and is now owned by a city co-operative and is successfully growing crops. This has also resulted in the reduction of Anti Social Behaviour in this area and helped to support community cohesion.</li> </ul>	<p><b>ALL COSTS INCLUDING STAFF COSTS MET BY EUROPEAN FUNDING</b></p> <p>Authorised by Paul Kitson, Jo Tonkin and Lloyd Broad</p>	
East Birmingham Programme, Places, Prosperity & Sustainability Directorate - 1 Officer	Munich and Sulzbach-Rosenberg, Germany	24-26 March 2024	<p>Tyseley Strategic Alliance &amp; development of Tyseley Environmental Enterprise District</p> <p>To support University of Birmingham collaboration with Fraunhofer institute with respect to waste processing, and twinning of industrial regeneration areas (Tyseley with Maxhütte steelworks). Linked with Tyseley Strategic Alliance.</p> <p><b>Practical Outcomes:</b></p> <ul style="list-style-type: none"> <li>Gathered information on energy reclamation from solid waste to inform BCC Waste Strategy</li> </ul>	<p><b>ALL COSTS MET BY UNIVERSITY OF BIRMINGHAM</b></p> <p><b>STAFF COSTS WERE NOT COVERED BY THIS VISIT, HOWEVER, THE VISIT INCLUDED THE WEEKEND</b></p>	<p>Employment, skills and local economy</p> <ul style="list-style-type: none"> <li>Support inclusive economic growth</li> <li>Tackle unemployment and skills</li> <li>Attract inward investment and infrastructure</li> </ul> <p>Opportunities for children and young people</p> <ul style="list-style-type: none"> <li>Tackle poverty and inequalities</li> </ul> <p>Climate Emergency</p>

DEPARTMENT /REPRESENTATION	DESTINATION	DURATION	PURPOSE OF VISIT / PRACTICAL OUTCOMES	TOTAL COST	BIRMINGHAM CITY COUNCIL CORPORATE PLAN PRIORITIES 2022-2026
			<p>(reporting back to Director of Street Services)</p> <ul style="list-style-type: none"> <li>• Enhanced international profile of Tyseley Environmental Enterprise District through transnational learning/comparison with Maxhütte steelworks.</li> <li>• Enhanced/expanded collaboration with University of Birmingham, in support of Route to Net Zero Carbon agenda – developing various waste and decarbonisation opportunities.</li> </ul> <p>Supported development plans for Tyseley Environmental Enterprise District, linked with delivery of East Birmingham Inclusive Growth Strategy and contributing to inward investment, job creation and inclusive growth.</p>	<p>Authorised by Justin Varney, Paul Kitson and Lloyd Broad</p>	<ul style="list-style-type: none"> <li>• Improve air quality</li> <li>• Continue on the Route to Net Zero</li> </ul>

**Total Cost of visits = £0**  
**No of visits by Members = 1**  
**No of visits by Officers = 5**  
**No of visits at No Cost to the City = 5**  
**Total cost of visits undertaken between**

**Current financial year 2023/2024**

<b>Date</b>	<b>No of visits</b>	<b>Cost</b>
1 April 2023 – 30 June 2023	12	£4,309.85
1 July 2023 – 30 September 2023	1	£7,856.31
1 October 2023 – 31 December 2023	3	£0
1 January 2024 – 31 March 2024	5	£0
<b>Totals</b>	<b>21</b>	<b>£12,166.16</b>

**Visits summary 2022/2023**

<b>Date</b>	<b>No of visits</b>	<b>Cost</b>
1 April 2022 – 30 June 2022	10	£4,987.68
1 July 2022 – 30 September 2022	8	£3,628.38
1 October 2022 – 31 December 2022	12	£20,137.73
1 January 2023 – 31 March 2023	7	£7,805.61
<b>Totals</b>	<b>37</b>	<b>£36,559.40</b>

**Visits summary 2021/2022**

<b>Date</b>	<b>No of visits</b>	<b>Cost</b>
1 April 2021 – 30 June 2021	0	£0
1 July 2021 – 30 September 2021	0	£0
1 October 2021 – 31 December 2021	4	£1,934.11
1 January 2022 – 31 March 2022	6	£21,454.27
<b>Totals</b>	<b>10</b>	<b>£23,388.38</b>

**Visits summary 2020/2021**

<b>Date</b>	<b>No of visits</b>	<b>Cost</b>
1 April 2020 – 30 June 2020	0	£0
1 July 2020 – 30 September 2020	0	£0
1 October 2020 – 31 December 2020	0	£0
1 January 2021 – 31 March 2021	0	£0
<b>Totals</b>	<b>0</b>	<b>£0</b>

**Costings Info for the previous period, 2015-2020:****Visits summary 2019/2020**

<b>Date</b>	<b>No of visits</b>	<b>Cost</b>
1 April 2019 – 30 June 2019	12	£ 8,736.64
1 July 2019 – 30 September 2019	6	£ 1,848.81
1 October 2019 – 31 December 2019	20	£19,145.00
1 January 2020 – 31 March 2020	10	£ 899.16
<b>Totals</b>	<b>48</b>	<b>£30,629.61</b>

**Visits summary 2018/2019**

<b>Date</b>	<b>No of visits</b>	<b>Cost</b>
1 April 2018 – 30 June 2018 (*figure includes £49,022.05 for Gold Coast 2018 Commonwealth Games in Australia)	23	*£60,188.86
1 July 2018 – 30 September 2018	12	£13,879.46
1 October – 31 December 2018	13	£2,374.68
1 January 2019 – 31 March 2019	11	£2,356.58
<b>Totals</b>	<b>59</b>	<b>£78,799.58</b>

**Visits summary 2017/2018**

<b>Date</b>	<b>No of visits</b>	<b>Cost</b>
1 April 2017 – 30 June 2017	17	£13,788
1 July 2017 – 30 September 2017	8	£2,634
1 October – 31 December 2017	21	£7,026.18
1 January 2018 – 31 March 2018	17	£3,956.01
<b>Totals</b>	<b>63</b>	<b>£27,404.19</b>

**Visits summary 2016/2017**

<b>Date</b>	<b>No of visits</b>	<b>Cost</b>
1 April 2016 – 30 June 2016	25	£16,989
1 July – 30 September 2016	12	£5,133
1 October – 31 December 2016	36	£9,112
1 January 2017 – 31 March 2017	24	£14,839
<b>Totals</b>	<b>97</b>	<b>£46,073</b>

**Visits summary 2015/2016**

<b>Date</b>	<b>No of visits</b>	<b>Cost</b>
1 April 2015 to 30 June 2015	36	£8,648
1 July – 30 September 2015	32	£18,740
1 October – 31 December 2015	42	£15,910
1 January 2016 - 31 March 2016	25	£16,687
<b>Totals</b>	<b>135</b>	<b>£59,985</b>



**Costings Info for the previous period, 2014-2015:  
Visits summary 2014/2015**

<b>Date</b>	<b>No of visits</b>	<b>Cost</b>
1 April 2014 to 30 June 2014	28	£21,966
1 July – 30 September 2014	16	£7,833
1 October – 31 December 2014	39	£14,659
1 January 2015 to 31 March 2015	21	£9,540
<b>Totals</b>	<b>104</b>	<b>£53,998</b>



Dates (if known)	Department / Representation	Destination	Purpose of Visit	Type of Visit / Costings Info	Birmingham City Council Corporate Plan Priorities 2022-2026 (Proposed)
20-24 May 2024	European and International Affairs, Places, Prosperity & Sustainability Directorate - 1 Officer & Public Health, Partnerships, Insight and Prevention Directorate – 2 Officers	Warsaw, Poland	<p>EU Funding Project: Food Trails Project Visit</p> <p>Food Trails Mid-Year Meeting</p> <p>Food Trails is a four-year fully funded EU Horizon 2020 project aiming to translate in Europe the Milan Urban Food Policy Pact's collective commitment to integrated urban food policies into measurable and long-term progress towards sustainable food systems. 11 European cities, with universities and stakeholders, will co-design pilot actions as leverage points for FOOD 2030 urban food policies development, involving also 21 worldwide follower cities. The aim of the Food Trails project is to support cities across Europe to develop healthier, sustainable food policies/strategies and food policy actions.</p> <p>There are learning opportunities for Birmingham participants including:</p> <ul style="list-style-type: none"> <li>•World cafe on resilience and responses to food crises – Birmingham to present its work in this field</li> <li>•Participants will reflect on challenges to innovate products and processes, and the engagement of different stakeholders, divided into groups for a guided workshop.</li> <li>•Birmingham colleagues will contribute to the session focusing on 'how Food Trails pilots and actions have influenced local food policies.</li> </ul> <p>Learning from this project will inform business support programmes funded by the UK SPF and a joint proposal currently being developed with the Aston University.</p> <p>Additionally, these practices are of direct relevance to the three pilot actions that are being funded through the Birmingham Food Trails Living Lab and include:</p> <ul style="list-style-type: none"> <li>•Nutrition pilot 'Full of Beans'</li> <li>•Feasibility study to transform spaces in Birmingham in urban growing/distribution hub</li> <li>•Food waste separation pilot including composting and growing.</li> </ul> <p>Learning from Warsaw will be embedded into the above activities.</p>	EU FUNDED PROJECT - All expenses paid for by project including Staff Time	<p>Employment, skills and local economy</p> <ul style="list-style-type: none"> <li>• Support inclusive economic growth</li> <li>• Tackle unemployment and skills</li> <li>• Attract inward investment and infrastructure</li> </ul> <p>Opportunities for children and young people</p> <ul style="list-style-type: none"> <li>• Tackle poverty and inequalities</li> <li>• Empower citizens and enable the citizen voice</li> </ul> <p>Health and Wellbeing</p> <ul style="list-style-type: none"> <li>• Tackle Health Inequalities</li> <li>• Encourage and enable physical activity and healthy living</li> </ul>

Dates (if known)	Department / Representation	Destination	Purpose of Visit	Type of Visit / Costings Info	Birmingham City Council Corporate Plan Priorities 2022-2026 (Proposed)
4-10 May 2024	European and International Affairs, Places, Prosperity & Sustainability Directorate - 1 Officer & Digital and Customer Services - 1 Officer	Ulsan, South Korea	<p><b>Fully funded DIATOMIC project visit to Ulsan, South Korea</b></p> <p>Diatomic is a fully funded 2 year UK Research and Innovation (UKRI). It is part of the West Midlands Innovation Accelerator established with the Government's new innovation funding for the region. This project has an overall value of £6.2m of which BCC is funded for £1.1m of activity. The project is led by Connected Places Catapult and BCC is a partner. Two city council teams are responsible for the internal delivery of this project: International Affairs team and the Digital City and Innovation team.</p> <p>The purpose of the project is to build the innovation capability and capacity to drive growth and prosperity in Birmingham, positioning us as a leading UK city in digital innovation and inclusive innovation. It offers us an incredible learning and transformation opportunity. The project is focusing on the following sectors: clean energy, low carbon (including retrofit and circularity) and health innovation.</p> <p>Birmingham is a delivery partner in the West Midlands Innovation Accelerator project DIATOMIC. This is a £6.2million project led by Connected Places Catapult in conjunction with the City Council, University of Birmingham, Aston University, Birmingham City University, Greater Birmingham Chamber of Commerce and West Midlands Growth Company One of the 9 work packages of DIATOMIC is the Global City to City Demonstrator of which BCC is the lead delivery partner and has ringfenced grant to manage. This package of work builds on the UK/South Korea Innovation Twins programme which paired Birmingham with Ulsan in South Korea.</p> <p>The purpose of the visit will be to visit each of the Ulsan partners/stakeholders and agree/progress the proposed work programme which includes 'sub projects' in topics such as Cleantech, Circular Economy, Innovation eco-systems, Digital Partnerships and Academic/research collaboration. Representatives of each of the abovementioned local partners will join the city council on the visit.</p>	<p>INNOVATE UK PROJECT - All expenses paid for by the DIATOMIC UK project including staff time</p>	<p>Employment, skills and local economy</p> <ul style="list-style-type: none"> <li>• Support inclusive economic growth</li> <li>• Tackle Unemployment</li> <li>• Attract inward investment and infrastructure</li> </ul>

**REGISTRY OF INTERNATIONAL INWARD DELEGATIONS - COUNCIL BUSINESS MANAGEMENT COMMITTEE - 7 MAY 2024**

**APPENDIX C**

<b>Date</b>	<b>Delegation</b>	<b>Country</b>	<b>Purpose</b>	<b>Nos.</b>	<b>Department</b>
19 January 2024	Ambassador with 2 staff members and 2 members of Bosnia UK Network	Bosnia & Herzegovina	Courtesy call by HE Osman Topcagic recently appointed Ambassador for Bosnia & Herzegovina	5	Lord Mayor's Parlour / Councillor Martin Brooks
4 March 2024	Cllr Idrees plus 5 guests	Pakistan	Courtesy call by a Minister from Azad Kashmir	6	Lord Mayor's Parlour / Councillor Idrees
14 March 2024	High Commissioner with his wife & daughter plus Community Relations Officer	Jamaica	Courtesy call by the new Jamaican High Commissioner to the UK, His Excellency Alexander Williams.	4	Lord Mayor's Parlour
15 March 2024	Ambassador HE Martin Fraser, Deputy Ambassador Orla McBreen and Press Officer	Ireland	The Irish Ambassador and Deputy Ambassador attended the St Patrick's Day reception hosted by the Lord Mayor	3	Lord Mayor's Parlour
20 March 2024	Consul General plus one	India	Courtesy call by the new Consul General of India	2	Lord Mayor's Parlour
				<b>TOTAL</b>	
				<b>20</b>	



**Birmingham City Council**  
**Council Business Management Committee**  
7 May 2024



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**Subject:** Review of the Constitution  
**Report of:** Marie Rosenthal, Interim City Solicitor and Monitoring Officer  
**Report author:** Christian Scade, Head of Scrutiny and Committee Services  
[christian.scade@birmingham.gov.uk](mailto:christian.scade@birmingham.gov.uk) or 07517 550013

Does the report contain confidential or exempt information?  Yes  No

## 1 Executive Summary

- 1.1 Council constitutions provide a framework within which people can understand their own responsibilities, and the responsibilities of others. They allow decision-making, within a democratically elected body, to be consistent, accountable and transparent. They facilitate strong, effective relationships.
- 1.2 The Committee is being asked to consider the proposed changes to the Council's Constitution ahead of submission for final approval and adoption by the meeting of Full Council, scheduled for 21 May 2024.

## 2 Recommendations

- 2.1 To note the work of the Member Constitutional Working Group in reviewing the Constitution.
- 2.2 To recommend Full Council to approve the proposed revisions to Parts A, B, C and E of the Constitution, as detailed in Appendices 1, 2 and 3. and summarised in paragraph 6.
- 2.3 To note that a comprehensive review of the Constitution will be conducted following Annual Council on 21 May 2024 as part of the Governance and Relationships Programme in the Improvement and Recovery Plan.
- 2.4 To note that the Standards Committee are consulting on a new Member/Officer Relations Protocol, as part of the response to the Independent Governance Review carried out by the Centre for Governance and Scrutiny during 2023. This will be the subject of a separate Report to Full Council in June 2024.

2.5 To authorise the Interim City Solicitor in consultation with the Leader of the Council to commence a recruitment process to appoint an independent person to chair the Audit Committee, the final appointment by a cross party member Panel to be subject to the Council approving the proposed amendment to section B14 paragraph 14.6 - The Chair of Audit Committee will be an Independent person.

### **3 Background**

3.1 The Centre for Governance and Scrutiny (CfGS) undertook an independent review of governance at Birmingham City Council from July to November 2023. The purpose of the review was to assess key governance issues identified in various external reviews and judgements, the Council's response to them, and to recommend actions to further improve governance at the Council.

3.2 On the 12th of December 2023, Cabinet agreed to accept the findings of the CfGS report, and the 13 recommendations and actions contained within the Stabilisation Plan developed jointly by CfGS and Birmingham City Council.

3.3 Recommendation 4 of the Stabilisation Plan contains the following two activities:

- Activity 1: Undertake an immediate **legal compliance check** to identify sections of the constitution that require urgent amendment and updating.
- Activity 2: Include **review of the constitution as a workstream of the IRP**. This should be informed by the CfGS "blueprint for change" and there should be a focus on areas noted in the Stabilisation Plan.

3.4 On the 18 December, the Council Business Management Committee agreed to establish a cross party Member Working group to undertake this work with the following membership:

#### **Constitution Working Group**

**5 Members** (3 Lab, 1 Con, 1 Lib Dem)

Cllr John Cotton (Chair) Cllr Sharon Thompson, Cllr Rob Pocock (Lab)

Cllr Robert Alden (Con)

Cllr Roger Harmer (Lib Dem)

### **4 Statutory Compliance Review**

4.1 In December 2000 a Constitution Direction was issued by the Secretary of State. This requires 80 matters to be included within council constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of residents' rights.



4.2 Officers have carried out a Statutory Compliance Health Check of the Constitution against these requirements which have been discussed with the Constitution Working Group and resulted in the recommendations in this report.

4.3 This required analysis of the legislative framework, including:

- The Local Government Act 2000 (Constitution) (England) Direction 2000
- The Openness of Local Government Bodies Regulations 2014
- Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
- Local Audit and Accountability Act 2014
- Accounts and Audit Regulations 2015
- Local Authorities (Standing orders) (England) Regulations 2001 as amended 2015
- Public Service Pensions Act 2014

4.4 In addition to the above, Members will recall the report agreed by Council on 9 January 2024, which set the out required immediate changes to the Council’s Audit Committee arrangements, as well as the establishment of the Cabinet Committee – Property. Members will recall that the report advised that the Interim City Solicitor and Monitoring Officer had been set a number of key deliverables by Commissioners, including delivering a comprehensive review of the Council’s Constitution. The report provided details and a timetable showing the activities required to update the Constitution. For ease of reference, that information is summarised as follows:

Stage	Description	Report to Full Council
1	<p><b>Immediate Changes</b></p> <p>These changes covered the new terms of reference for the Audit Committee and the new Cabinet Committee – Property</p>	<p><b>Jan 24</b></p> <p><b>Completed</b></p>

2	<p><b>Priority Changes</b></p> <p>These are covered in this report and is the current position. As advised, the first step was completion of a statutory requirements check list, this has been completed.</p> <p>This report highlights the key areas where changes are recommended.</p> <p>The Member Working Group met for the first time in January 2024.</p>	<p><b>May 24</b></p> <p><b>As per this report.</b></p>
3	<p><b>Comprehensive Review</b></p> <p>The purpose of the review will be to make the Council's Constitution and governance arrangements fit for purpose, for a financially secure 21<sup>st</sup> Century European City Council, and ensure a training programme is in place for to enable both members and officers to understand and comply with its provisions, ahead of the next administration in May 2026.</p> <p>This will include consideration of the work, in relation to Full Council, which has been undertaken by Colin Copus, Emeritus Professor of Politics, De Montfort University; Visiting Professor Ghent University.</p>	<p><b>May 26</b> <i>(notwithstanding any changes that need to be made in the interim)</i></p>

4.5 As highlighted above it has been proposed for some time that a more comprehensive review of the Constitution is undertaken following Annual Council and submitted to Annual Council in May 2026. This will pay particular attention to a number of key areas, including:

- The Procurement and Contract Governance Rules (Part D)
- The Scheme of Delegations (Part E)
- The review of the arrangements for Full Council, undertaken by Professor Colin Copus

4.6 Whilst the review is due to be concluded by May 2026, this will not preclude interim changes being submitted to Council for approval where required. May 2026 is the key target date and should be considered in that regard.

## 5 The Constitution

- 5.1 *“How we interpret and use the Constitution is central to how effective governance is. A council that takes its Constitution seriously, where there’s a sense of collective ownership of the rules it contains, and where people live and breathe its values, is likely to be one with better governance overall, and that’s why these documents are important.”* Ed Hammond, Centre for Governance and Scrutiny.
- 5.2 Section 37 of the Local Government Act 2000 (as amended by the Local Government Act 2011) requires the Council to prepare, keep up to date and publicise a Constitution, with an annual review. This sets out how the Council operates, how decisions are made and the procedures to be followed to ensure these are efficient, transparent and accountable. Some of these processes are required by law, and others are processes which the Council has chosen.
- 5.3 Birmingham’s Constitution was originally adopted over 20 years ago, as the Council moved from a committee system to an executive model of governance. This was based upon national guidance and a model developed, for use by all Councils, by the Department for Transport, Environment and the Regions and the Local Government Association.
- 5.4 Since 2001 there have been no further updates from Government. As a result, local authorities have updated their constitutions themselves, usually by adding to the document as new legislation has been enacted or in response to internal changes within the Council, such as the reorganisation of governance arrangements or restructures of the Council’s management.
- 5.5 Birmingham has been typical in this regard and over time the Constitution has been revised to reflect additional requirements and duties from a range of legislation and guidance. However, many local authorities have recently introduced new formats and structures to help enhance accessibility, understanding, transparency and integrity around decision making.
- 5.6 Responsibility to monitor and review the operation of Birmingham City Council’s Constitution is set out in Part A of the Constitution under the Review, Revision and Suspension of the Constitution. The Monitoring Officer is authorised to make minor consequential amendments, as necessary or required by legislation, from time to time. Members will note that this authorisation has been tightened up to reflect this authority rests with the Monitoring Officer, and is listed in Appendix 1.
- 5.3 The Constitution must contain:
- The Council’s standing orders/procedure rules.
  - The Members’ Code of Conduct
  - Such information as the Secretary of State may direct.

- Such other information (if any) as the Council considers appropriate

5.4 The Constitution currently comprises 255 pages and is organised into five parts, many divided into several sections. As advised, the proposed changes have been made to clarify existing arrangements and to reflect organisational changes. In accordance with recommendation 2.3 it is proposed that a more comprehensive review of the Constitution be conducted following Annual Council.

## 6. Proposed Changes

6.1 This report is seeking Council's approval to the recommended amendments to the Constitution marked as tracked changes in Appendix 1. Appendix 1 provides an index to the majority of the changes and Members are directed to more detailed content, as indicated in Appendix 1, and set out in the attached Annexes 1-4. Given the nature of the changes to the structure of the organisation, Appendices 2 and 3 are standalone given the number of changes. Given the number of changes this was felt to be the clearest and most transparent way to lay those changes. The information provided can be summarised as follows:

- **Appendix 1** covers the range of changes to the Constitution both in terms of clarification, amendment to tighten existing arrangements and to reflect organisational changes. These cover the following parts of the Constitution, further details are set out in paragraph 6.2 of this report -  
Part A – Summary and Explanation  
Part B – Roles, Functions and Procedures  
Part C – Codes and Protocols  
Part E – Scheme of Delegations
- **Annex 1** and **Annex 1(i)** details updates to the officer senior staff structure (B1) and changes to the Employment Committee (B18)
- **Annex 2** sets out revisions to the roles and procedures for Council Business Management Committee, given the establishment of the new Employment Committee (B5)
- **Annex 3** sets out the revisions to the Council's scrutiny arrangements (B11)
- **Annex 4** sets out new employment procedure rules for Employment Committee (C7)
- **Appendix 2** senior officer structure chart
- **Appendix 3** this has been updated to show the recent changes to the senior officer structure of the Council to delete the post of Strategic Director Council Management and create new posts of Director of Finance; Chief Operating Officer and Director Intervention and Delivery.

6.2 Further information on the changes to Parts A, B and C and E is summarised below.

### 6.3 Part A - Summary and Explanation

1. How the Council Operates - clarifies elections for all members are held every four years.
2. How the Council Operates - clarifies the Executive and Non-Executive function definitions.
3. Review, Revision and Suspension of the Constitution – makes clear the delegation to make minor changes to the Constitution rests with the Monitoring Officer and will be reported to Council.
4. Suspension of the Constitution - clarifies the role of the Lord Mayor's ruling.

#### 6.4 Part B – Roles, Functions and Rules of Procedure

1. Paragraph B1, paragraph 1.7 – See Annex 1 (relates to the officer structure)
2. Section B2, paragraphs 2.1, 1(ii), 2.1, 2 and paragraph 2.3 – minor change to headings
3. Section B3, new paragraph 3.1 F xvi - clarifies the process for the consideration of urgent business for all committees
4. Section B4, paragraph 4.4 K iv – explains when the process for a casting vote by a Chair of a Committees can be applied and by whom
5. Section B4, paragraph R i – covers the suspension of the procedure rules and recommends excluding a few from ever being suspended
6. Section B5, paragraphs 5.1 and 5.3 – See Annex 2 (relates to the new Employment Committee)
7. Section B5, paragraph 5.1 viii, revised bullet point 2 – this updates the Constitution in accordance with the arrangements for managing pension at Birmingham City Council
8. Section B6, paragraphs 6.5 a, b, d and e – reflects the change from Clinical Commissioning Groups to Integrated Care Boards
9. Section B6, paragraph 6.5 iii, bullet points 2, 3, 4 and 6 – corrects job titles and makes minor grammatical changes
10. Section B6, paragraph 6.7 i – provides clarity to the scrutiny call-in procedure
11. Section B6, paragraph 6.9 ii – makes reference by signposting readers to scrutiny call-in procedure rules
12. Section B7, deletion of paragraph 6.9 iv – to reflect the current arrangements
13. Section B7, paragraph 6.10 i – aligns with legal requirements and current arrangements
14. Section B9 paragraphs 9.2 iii and iv – provides additional information about West Midlands Combined Authority
15. Section B9 paragraphs 9.2 new paragraph - references the West Midlands Police and Crime Panel

16. Section B11 paragraph 11.4 - updates the changes to the Council's scrutiny arrangements
17. Section B11 paragraph 11.5 i - updates the Overview and Scrutiny terms of reference
18. Section B11 paragraph 11.9 ii - provides clarity on the process for considering the call-in criteria
19. Section B11 paragraph 11.9 iii – reflects changes to the Council's scrutiny arrangements and updates the name of one of the Overview and Scrutiny Committee
20. Section B11 paragraph 11.9 new vi – makes reference to the relevant call-in provisions for clarity
21. Section B14 paragraph 14.6 - amends the constitution to reflect the fact Chair of Audit Committee will be an Independent person
22. Section B16, paragraph 16.1, i, d – reflects the legal position in the Code of Conduct for Councillors
23. Section B16, new paragraph 16.3 – reflects the changes to the Standards Committee arrangements
24. Section B16, new paragraph 16.4 – this brings to Part B into line with the provisions of Part E of the Constitution
25. Section B18 – New B18 existing B18 becomes B19 - See Annex 1 (relates to the new Employment Committee)

## 6.5 Part C – Codes and Protocols

1. The Standards Committee are consulting on a new Member/Officer Relations Protocol as part of the response to the Independent Governance Review carried out by the Centre for Governance and Scrutiny during 2023. This will be the subject of a separate Report to Council in June.
2. Section C7 – See Annex 5 (relates to the Employment Procedure Rules)
3. Section C10 – amendment for clarity and longevity to make clear the Members Allowances Scheme will be considered on an annual basis

## 6.6 PART E – Scheme of Delegations

1. Section E4, paragraph 4.2 – clarifies the position regarding the process for dealing with urgent key decisions
2. Section E4, paragraph 4.2 – clarifies the position regarding the process for dealing with urgent non-key decisions
3. Section E4, paragraph 4.3 – provides consistency with other parts of the Constitution regarding the role of the Chief Executive in making Executive decisions in matters where immediate implementation is required.

## 7. **Organisation Chart**

- 7.1 A structure chart will be included within the Constitution, as detailed in Appendix 2.

## 8. **Scheme of Delegations**

- 8.1 Officer designations in the scheme of delegation have been revised to reflect recent changes agreed by the Commissioners to delete the post of Strategic Director Council Management and create new posts of Director of Finance; Chief Operating Officer and Director Intervention and Delivery.

## 9. **Financial Implications**

- 9.1 There are no immediate financial implications arising from this report. However, there will be some savings during 2024/25 in special responsibility allowances and office clerking time resulting from reducing the number of Overview and Scrutiny Committee from 8 to 7. Work will be completed during the 2024/25 and 2025/26 financial years to review the scheme of delegation for financial decisions, which will build on the work completed within this report.

## 10. **Legal Implications**

- 10.1 A local authority is under a duty to prepare and keep up to date its constitution under section 9P Local Government Act 2000 as amended. The Constitution must contain:
- a) The Council's standing orders/ procedure rules.
  - b) The Members' Code of Conduct
  - c) Such information as the Secretary of State may direct.
  - d) Such other information (if any) as the authority considers appropriate.
- 10.2 In December 2000 a Constitution Direction was issued by the Secretary of State. This requires 80 matters to be included within council constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint



arrangements with other local authorities and a description of the rights of inhabitants of the area, amongst other things. Whilst issued under Part II Local Government Act 2000, the Direction survives the re-enactment into Part 1A (section 9B et seq.) of the 2000 Act by the Localism Act 2011 (under section 17 Interpretation Act 1978).

10.3 Constitutions must be available for inspection at all reasonable hours by members of the public and supplied to anyone who asks for a copy on payment of a reasonable fee.

## **11. Environmental Implications and contribution to achieving a net zero carbon Birmingham by 2030**

11.1 There are no environmental implications.

## **12. Equalities Impact Assessment**

12.1 The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

12.2 An up-to-date Constitution will help ensure decisions contribute to the advancement of equality and good relations and demonstrate that the Council is paying due regard in our decision making in the design of policies and in the delivery of services.

## **13. Reasons for recommendations**

13.1 The Council Business Management Committee is asked to consider and agree the recommendations to ensure the Constitution is up to date and legally compliant, for submission to Full Council for final approval.

### **Appendices:**

These are listed in paragraph 6.1 above.

### **Background papers:**

None



## Appendix 1

### Birmingham City Council Constitution – Change Log – May 2024

#### Part A – Summary and Explanation

Section	Change	Reason
Page 4 - How the Council Operates - para 1	<p>The Council is <del>composed</del> <b>comprised</b> of 101 <u>Councillors</u>, one of whom is elected as Leader. <b>Elections for Councillors are held every four years.</b></p> <p>The <b>Leader</b> is elected by the Councillors, normally for a four-year term of office. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.</p>	Clarification as previously the only reference to the election of Councillors was for the Leader.
Page 4 - How the Council Operates – <b>new</b> paras 2 and 3	<p><del>All Councillors meet together as the Council (sometimes called Full Council). The Council has responsibility for all Non-Executive functions including approving the policy framework and budget. The Council, as a whole, retains responsibility for regulatory functions and has a role in holding the Executive to account.</del></p> <p><b>Local Authorities decision making arrangements are structured in such a way, as to distinguish between Executive and Non-Executive functions. Executive functions are all of the council’s functions that are not full council functions or non-executive functions, which includes regulatory matters such as the consideration of planning applications. Executive functions are carried out by the Cabinet or Executive. These functions can also be undertaken by officers and individual members where specified in the constitution. Additionally, Executive functions can be carried out in partnership with other organisations, again, this will be specified in the constitution.</b></p> <p><b>The constitution provides a description of responsibilities and these can be found under the relevant committee terms of reference, local choice functions and the scheme of delegation. (check B2)</b></p>	Clarification to the Executive and Non-Executive function descriptions. See also the change to B2 in Section B below *

Section	Change	Reason
Page 4 - How the Council Operates – new final para	The Council holds and updates contact details for all the Council's elected representatives (Councillors). Contact details for all of Birmingham City Council's Councillors are available on the Council's website.	Clarification as the constitution was previously silent on this matter.
Page 10 – Review, Revision and Suspension of the Constitution – para 4	All changes made by officers the Monitoring Officer under delegated authority will be recorded as delegated decisions and reported to Council.	Clarification and ensures all changes made under the appropriate delegated authority are reported to Council for information.
Page 10 – Suspension of the Constitution – para 3	The ruling of the Lord Mayor as to the <del>construction</del> interpretation or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Part A.	Clarification.

## Part B – Roles, Functions and Rules of Procedure

Section	Change	Reason
B1 – para 1.7 Officers	See Annex 1	This updates the senior officer structure to reflect current working arrangements within the authority.
B2 – para 2.1, 1 (ii), 2.1, 2 and 2.3 – change to headings	Council (Non-Executive) Functions	Clarification. Same amendment for all headings and reference (See above *)

Section	Change	Reason
B3 – new para 3.1 F xvi	Where an urgent and or late report is required to be considered, following notification of the relevant meeting having already been given, the report will only be accepted for consideration with the consent of the relevant committee Chair. In all cases, the reasons for urgency and lateness will be specified in the report.	Clarifies the position for dealing with urgent business for all committees. The constitution is currently unclear.
B4 – Para 4.4 K iv (voting)	The Lord Mayor, as Chair of Council, or any Member presiding over the meeting of Council in the Lord Mayor's absence shall, in the case of an equal division of votes, have a second or casting vote. The ability of a Chair of a committee to exercise a casting vote where there is an equal division of votes, applies to all of Birmingham City Council's formal committee meetings, with the exception of any committee chaired by a non-elected member.	Reflects the fact that the casting vote applies to all committees but not for committees chaired by a non-elected member The constitution is silent on this matter.
B4 – paragraph R i	<del>Council rules of procedure (Part B, Section 4.4 of this Constitution) may be suspended by resolution of the Council, with the exception of the provisions set out in Part B, Section 4.4, paragraphs B vii, D, K, M and N. provided that a motion to extend the time of the meeting may only be moved by the Leader or Deputy Leader (or their nominee) of one of the Party Groups and seconded by the Leader or Deputy Leader (or their nominee) of another Party Group.</del>	It is appropriate to prevent procedures from being suspended. It is suggested that paragraphs B vii, D, K, M and N are not suspended. <i>[B vii relates to guillotine restrictions, D is record of attendance and quorum, K is voting, M is conduct at meetings and N is disturbance by members of the public.]</i>
B5 – paragraph 5.1 and 5.3	<b>See Annex 2</b>	This revises the roles and procedures for the Council Business Management Committee (CBMC) and reflects the fact that employment matters will now be the responsibility for a new Employment Committee, as opposed to CBMC.
B5 – para 5.1 viii revised bullet point two	viii. Financial & Other Matters <ul style="list-style-type: none"> <li>To discharge the Council's functions, relating to local government pensions, under the <del>Superannuation Acts</del> Public</li> </ul>	Updates on the legislative framework and reflects current arrangements, namely that BCC is a member of the West Midlands Pension Fund.

Section	Change	Reason
	<p>Service Pensions Act 2013, Local Government Pension Scheme Regulations 2013 and other relevant statutory requirements, regulations or other directions. (NB. The Council is currently part of the West Midlands Pension Fund, the administering authority is Wolverhampton City Council under the Local Government Pension Scheme Regulations 2013 and the scheme manager under the Public Service Pensions Act 2013. The Council appoints a representative to the Local Pensions Board, convened by Wolverhampton City Council, which meets on a quarterly basis).</p>	
<p>B6 para 6.5 ii a, b, d, e</p>	<p>a Promote the reduction in <del>h</del>Health <del>i</del>nequalities across the City through the commissioning decisions of member organisations;</p> <p>b Report on progress <del>with</del> <del>against</del> reducing health inequalities to the Cabinet and the <del>various Clinical Commissioning Group Board</del> <b>Integrated Care Boards</b>;</p> <p>d Deliver and implement the Joint <b>Local</b> Health and Wellbeing Strategy for Birmingham;</p> <p>e Participate in the annual assessment process to support <del>Clinical Commissioning Group</del> authorisation; <b>the Integrated Care Board</b>;</p>	<p>Reflects the governance change from Clinical Commissioning Groups to Integrated Care Boards.</p>
<p>B6 para 6.5 iii bullet points 2, 3, 4 and 6</p>	<ul style="list-style-type: none"> <li>o The Director for Adult Social Care <del>Directorate</del> (Director for Adult Services);</li> <li>o The Director for <b>Children and Families</b> <del>Education &amp; Skills</del> (Director for Children's Services);</li> <li>o Nominated <del>r</del>Representatives of <del>each</del> the Integrated Care Board; <del>Clinical Commissioning Group in Birmingham</del></li> <li>o Nominated <del>R</del>representative of Healthwatch Birmingham</li> </ul>	<p>Corrects job titles and makes minor grammatical changes.</p>

Section	Change	Reason
B6 – para 6.7 i	<p>i. In an emergency an executive decision may be agreed by the Chief Executive following consultation with the Leaders of the Council <del>Political Groups</del> <b>and subject to the consent of the Chair of the relevant Overview and Scrutiny Committee, or in the absence of the relevant Chair the Lord Mayor, for key decisions.</b> See Part E: Scheme of Delegations for further details <b>and the call-in procedure rules in paragraph B 11.9.</b> An emergency decision is defined as one which has to be taken immediately. An emergency decision may still be a key decision pursuant to B3.1 vi) above.</p>	Provides clarity to the procedures for call in.
B6 – para 6.9 ii	<p>ii. The relevant notice will bear the date on which it is published and will specify that the Executive decision may be implemented, after the expiry of three working days after the publication of the decision, unless a “Request for call-in” <b>(please refer to the call-in procedure rules in paragraph B 11.9)</b> is made of the Executive decision, by at least two Councillors (who are not members of the Cabinet).</p>	Provides clarity by making reference to the procedures for call in.
B7 – para 6.9 iv <b>delete</b>	<p><b><del>Officer Delegated Decisions</del></b></p> <p><del>iv. All decisions with a value of £50,000 or more made by Officers under delegated powers should be recorded in writing and a single copy for each Directorate sent to the Chief Executive and the Leader/Deputy Leader on the 30<sup>th</sup> September and 31<sup>st</sup> March of each year.</del></p>	Reflects current arrangements. The scheme of delegation is the subject of a more detailed review being undertaken by the Monitoring Officer.
B7 – 6.10 i	<p>i. If the interests of the Council are jeopardised unless an executive decision is implemented immediately then the Chief Executive in consultation with the Leader (or Deputy Leader in his/her absence) <b>and subject to the consent of the Chair of the relevant Overview and Scrutiny Committee for key decisions, or in the absence of the relevant Chair, the Lord Mayor;</b> may</p>	Aligns with legal requirements and current arrangements. See also Part E, para 4.3.

Section	Change	Reason
	<p>designate such executive decision as so urgent that its implementation cannot wait until the expiry of the call-in period.  <b>The Leaders of the two main Opposition Groups will be notified.</b></p>	
<p>B9 – para 9.2  Joint committees new  iii, and iv</p>	<p><del>iii. More detailed information can be found on the <a href="#">West Midlands Combined Authority (WMCA) website</a>.</del></p> <p>iii. <b>The WMCA Board is the legal and accountable body for funding devolved to the WMCA. It is responsible for a range of functions including transport, housing, skills, economic development, and regeneration functions including post 18 education and training across the West Midlands region. The WMCA Board exercises all its powers and duties in accordance with the law and the Constitution and agrees policies and delegated responsibilities to conduct its business.</b></p> <p>iv. <b>Members of the WMCA Board are appointed by the Constituent and Non-Constituent Authorities designated by the Orders establishing the WMCA. Members must be elected Members of their appointing Authority and must be replaced if they are no longer elected Members. Members of other Committees of WMCA are nominated by their Authority and appointed to Committees by the WMCA Board.</b></p>	<p>Provides additional clarification on the purpose and remit of the WMCA.</p>
<p>B9 – para 9.2  Joint committees <b>new</b>  para after iv</p>	<p><b>West Midlands Police and Crime Panel</b></p> <p>i. <b>The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (Commissioners) and Police and Crime panels in each force area.</b></p>	<p>Makes reference to the West Midlands Police and Crime Panel and provides details of the purpose and remit of the panel.</p>



Section	Change	Reason
	<p data-bbox="472 236 1346 432">ii. The Act also requires the local authorities in each police force area to establish a police and crime panel (panel), as a non-executive joint scrutiny body, primarily to scrutinise the commissioner. The Act also prescribes many of the arrangements with regard to the panel and the way in which it conducts its business.</p> <p data-bbox="472 472 1346 568">iii. The West Midlands Police and Crime Panel, is made up of 12 elected (councillor) members from the seven West Midlands councils and two independent (non-political) members.</p> <p data-bbox="546 608 815 632">Terms of Reference:</p> <ul style="list-style-type: none"> <li data-bbox="595 676 1368 735">a. To review and make a report or recommendation on the draft police and crime plan.</li> <li data-bbox="595 743 1368 871">b. To review and make recommendations on the level of Council Tax the Commissioner intends to collect to support policing. The Panel has the power to veto the proposal and demand the level is made higher or lower.</li> <li data-bbox="595 879 1368 975">c. To review, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.</li> <li data-bbox="595 983 1368 1142">d. To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments (Chief Executive, Chief Financial Officer and Deputy Police and Crime Commissioner) made by the Commissioner.</li> <li data-bbox="595 1150 1234 1214">e. To review and make a report on the proposed appointment of the Chief Constable.</li> <li data-bbox="595 1222 1357 1286">f. To appoint an Acting Police and Crime Commissioner if necessary.</li> <li data-bbox="595 1294 1357 1382">g. To handle complaints against the Commissioner (and Deputy Commissioner if appointed), working to resolve non-criminal complaints, conducting in-depth scrutiny</li> </ul>	

Section	Change	Reason
	<p>inquiries into police and community safety topics to make recommendations and suggestions for the Commissioner to consider.</p>	
<p>B11 – para 11.4 Membership</p>	<p>ii. Membership of each of the O&amp;S Committees will be eight; with the exception of the <b>Corporate and Finance Overview and Scrutiny Committee</b> <del>Co-ordinating Overview and Scrutiny Committee</del>, which will consist of <del>42</del> <b>11</b> members: the chair of the committee and the <del>six</del> <del>seven</del> other Overview and Scrutiny Committee chairs along with four places for opposition group members to ensure proportionality. Education, <b>Children and Young People</b> O&amp;S Committee will have an additional four co-opted places, as set out below.</p> <p>iii. Quorum for the <b>Corporate and Finance</b> <del>Co-ordinating</del> O&amp;S Committee and Education, Children and Young People O&amp;S Committee shall be four; and three for the other O&amp;S Committees.</p>	<p>Reflects the changes to the Council’s scrutiny arrangements.</p>
<p>B11 – para 11.5 i Terms of Reference</p>	<p>i. There shall be <del>seven</del> <del>eight</del> Overview and Scrutiny Committees as set out in the terms of reference below. <b>See Annex 3</b></p>	<p>Reflects the changes to the Council’s scrutiny arrangements.</p>

Section	Change	Reason
B11 – para 11.9 ii	The relevant notice will bear the date on which it is published and will specify that the Executive decision may be implemented, after the expiry of three working days after the publication of the decision, unless a “Request for call-in” is made of the Executive decision, by at least two Councillors (who are not members of the Cabinet). The “Request for <del>Call-in</del> ” should state the reason for call-in <b>and is subject to the approval of the Monitoring Officer in consultation with the Chair of Corporate and Finance O&amp;S Committee, in accordance with the call-in criteria.</b>	The constitution is currently silent on the application of the call-in criteria. This brings the process into line with best practice and reflects, in part, current arrangements.
B11 – para 11.9 iii	Once a “Request for Call In” has been received, the Chair of <del>Co-ordinating</del> <b>Corporate and Finance</b> O&S Committee will agree which Overview and Scrutiny Committee should hear the call-in. That Committee must meet to consider the request. The meeting should take place not later than 15 clear working days after the original publication of the decision.	Reflects the changes to the Overview and Scrutiny Committees.
B11 – para 11.9 <b>NEW</b> vi	<b>Where a decision is urgent and an exception to the call-in procedures is required, please refer to the arrangements outlined in paragraphs 6.7 6.9 and 6.10.</b>	Provides reference to the relevant provisions in the constitution.
B14 – para 14.6	<ol style="list-style-type: none"> <li>1. Members of the Audit Committee, and its <b>Independent</b> Chair, are appointed by Full Council. There are eight <b>elected</b> members of the <b>council appointed to serve on the</b> committee, and the quorum is three <b>elected members</b>.</li> <li>2. The Chair of Audit Committee, <b>who shall be an Independent Person appointed specifically for this role</b>, should not be appointed to serve as a director on any of the City Council’s wholly owned companies.</li> <li>3. An Independent Technical Advisor (ITA) should be appointed to support the Committee. The ITA would be appointed via a skills-based route and having identified where any skills gaps in Audit</li> </ol>	Amends the constitution to reflect the fact Chair of Audit Committee will be an Independent person.

Section	Change	Reason
	<p>Committee were identified.</p> <p>4. An Independent Person to act as Chair to the Audit Committee should be appointed on an annual basis and approved by Council.</p> <p>5. The Independent Person appointed to act as the Chair of the committee is not be a voting member thus the Chair's casting vote does not apply to this role.</p>	
B16 – 16.1, i (d)	Determining complaints brought by members of the public alleging a breach of the Code of Conduct by Councillors.	This reflects the legal position.
B16 new 16.3	<p><b>16.3 Standards (Hearings) Sub-Committee</b></p> <p><b>1. Purpose</b></p> <p>1.1 In consultation with the Monitoring Officer to consider any commissioned reports to determine whether the matter should be referred to a formal hearing.</p> <p>1.2 In the event that a hearing of the Standards Committee is required, to hear and determine any allegation that a member or co-opted member of the council has failed, or may have failed to comply with the Council's code of conduct, and apply appropriate sanctions.</p> <p><b>2. Membership</b></p> <p>2.1 Any Sub-Committee must consist of at least 3 Councillors, with at least 1 from each of the 3 largest political groups represented on the Council.</p>	This reflects changes to the Standards Committee arrangements.

Section	Change	Reason
	<p>2.2 If appropriate, a political party may appoint a substitute from another Group who is also a member of the Standards Committee.</p> <p>2.3 Any Sub-Committee must also consist of at least two non-voting lay members.</p>	
B16 new 16.4	<p><b>16.4 Dispensations</b></p> <p>The Monitoring Officer is authorised to grant dispensations to enable members to participate and vote in matters where a member may have a disclosable interest. In such instances, the Monitoring Officer will consult with the Chair or Deputy Chair of Standards where at all possible.</p>	<p>This ensures the parity with the scheme of delegations as set out in Part E E7 (j) which provides: Grant of dispensations re restrictions on Members participation in the meetings</p>
New B18 (NB: existing B18 becomes B19)	See Annex 1 and Annex 1 (i)	<p>This revises the constitution in accordance with the changes to Employment Committee and reflects current working arrangements within the authority. <i>(NB: Check quoracy ahead of final report)</i></p>

## Part C – Codes and Protocols

Section	Change	Reason
C7 – Employment Procedure Rules – Employment Committee	See Annex 5	<p>These rules remove member appeals against the dismissal for misconduct for Deputy Chief Officers and below, and reflect both legislation and ACAS best practice. The role of the Commissioners' is also revised roles.</p>

Section	Change	Reason
C10 – Members Allowances Scheme	<p>i. The City Council’s Members Allowances Scheme, made under Section 18 of the Local Government and Housing Act 1989 and as amended on 30th April 2001, <b>is agreed annually by City Council, taking into consideration and giving due regard to the recommendations made by the Independent Remuneration Panel.</b> <del>was agreed by the City Council at the meeting on 14 June 2022.</del></p> <p>ii. The Scheme can be <a href="#">found here</a>.</p>	Clarifies the position regarding the process for adopting the City Council’s Members Allowance Scheme.

## Part E – Scheme of Delegations

Section	Change	Reason
E4 - para 4.2	<p><i>Urgent Key Decisions</i></p> <p>Where the decision is a “key decision” pursuant to B3.1 vi) the Chief Executive, (or may designate a Chief Officer) <b>shall follow the procedures set out below to</b> obtain agreement that the making of the decision is urgent and cannot be reasonably deferred: <del>from the following:</del></p> <p>(i) <b>consult with</b> the Leaders of the Council <del>each of the Political Groups</del>; and</p> <p>(ii) <b>seek the consent of</b> the Chair of the relevant Overview and Scrutiny Committee; or</p> <p>(iii) if there is no such person, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Lord Mayor (or in their absence the Deputy Lord Mayor).</p>	This brings the constitution into line with the call-in provisions as highlighted in Part B above.

Section	Change	Reason
	(iv) inform the Leaders of the main Opposition Groups.	
E4 - para 4.2	<p><i>Urgent Non-Key Decisions</i></p> <p>(ii) that the Chief Executive, or designated Chief Officer, before making a decision shall consult with the Leaders of the Council and inform the Leaders of the two main Opposition <del>each of the Political</del> Groups;</p>	This brings the constitution into line with the provisions highlighted in Part B above.
E4 - Para 4.3	<p>If the interests of the Council are jeopardised unless an executive decision is implemented immediately then the Chief Executive in consultation with the Leader (or Deputy Leader in his/her absence) and subject to the consent of the Chair of the relevant Overview and Scrutiny Committee, or in the relevant Chairs absence the Lord Mayor, for key decisions; may designate such executive decision as so urgent that its implementation cannot wait until the expiry of the call-in period.</p> <p>The exercise of such power will be clearly noted on the record of the decision.</p> <p>In such instances the Leaders of the two main Opposition Groups will be notified.</p>	Brings into line with legal requirements and current arrangements. See also Part B7, para 6.10 i
E1 – E13	<b>See Appendix 3</b>	<p>Officer designations in the scheme of delegation have been revised to reflect recent changes agreed by the Commissioners to delete the post of Strategic Director Council Management and create new posts of Director of Finance, Chief Operating Officer and Director Intervention and Delivery.</p> <p><b>NB</b> The scheme of delegation is the subject of a more detailed review being undertaken by the Monitoring Officer.</p>





## **B1. ROLES**

### **1.7 Officers**

- i. The title “Officers” refers to all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of “employees” to cover those engaged under short term, agency or other non-employed situations.
- ii. The Council’s “Officers” give advice to the Councillors, implement decisions and manage the day to day delivery of its services. All Officers must ensure that they act within the law when carrying out the Council’s work.
- iii. The Employee Code of Conduct for Officers can be found in Part C6 Employee Code of Conduct.
- iv. The Council is empowered to engage Officers to carry out its functions.

### **Statutory Officers**

- v. The Statutory Officers of the Council are as follows:
  - a) Head of Paid Service (Chief Executive) – This is the Chief Executive of the Council. The Council must approve the appointment of the Head of Paid Service before a final offer of appointment is made to him/her. The Council must approve the dismissal of the Head of Paid Service before notice of dismissal is given to him/her (see Part C7 Employee Procedure Rules – JNC Officers).
  - b) City Solicitor and Monitoring Officer – This role promotes the legality of decision making, high standards of conduct by Councillors and officers and supports the Standards Committee.
  - c) Chief Finance Officer – This role is responsible for ensuring the sound financial administration of the Council.
  - d) Returning Officer and Electoral Registration Officer – This will be the Assistant Director, Governance.
  - e) Scrutiny Officer – This role promotes the Overview & Scrutiny functions of the Council. This will be the Head of Scrutiny and Committee Services.
  - f) Strategic Director, Adult Social Care (& Director of Adult Social Services) – This role is the responsible officer for adult social care.
  - g) Strategic Director, Children and Families (& Director of Children’s Services) – This role is the responsible officer for the provision of children’s services.
  - h) Director of Public Health – This role is accountable for appropriate use of the ring-fenced public health grant and ensuring the Council delivers the mandated public health services. This is a statutory appointment made jointly by the Council and the Secretary of State for Health and Social Care.

## Annex A

i) Data Protection Officer - This role is to ensure that the organisation processes the personal data of its staff, customers, providers or any other individuals (also referred to as data subjects) in compliance with the applicable data protection rules.

### Senior Officers

vi. The following will be designated Senior Officers and will have the functions and responsibilities set out in Part E of this Constitution.

- o Chief Executive (& Head of Paid Service)
- o Strategic Director, Adult Social Care (& Director of Adult Social Services)
- o Strategic Director, Place, Prosperity and Sustainability
- o Strategic Director, Children and Families (& Director of Children's Services)
- o Strategic Director, City Operations
- o Strategic Director, City Housing
- o Director of Strategy, Equality and Partnerships
- o Director, Public Health
- o Director, People Services
- o Director, Finance (s151 Officer)
- o City Solicitor (Monitoring Officer)
- o Chief Operating Officer
- o Director, Intervention Delivery

vii. The composition of the Council Leadership Team is a matter for the Chief Executive. Further information regarding the Council Leadership Team can be found here (see Appendix 2).

## **B.18 EMPLOYMENT COMMITTEE**

### **18.1 Role**

i. The Employment Committee will discharge various responsibilities in relation to the Head of Paid Service, the Chief Finance Officer (s.151 Officer) the City Solicitor and Monitoring Officer, **Strategic Directors (JNC Band 3) and Service Directors (JNC Band 2)** (“the Senior Officers”) in line with the detailed provisions set out below. It will also determine the terms and conditions of employment for all Officers and monitor the operation of the Code of Conduct and Register of Interests for Senior Officers.

### **18.2 Functions**

- i. The Employment Committee is authorised to discharge the following functions:
- To make recommendations to Full Council on the appointment of the Head of Paid Service.
  - To make recommendations to Full Council on the dismissal of the Head of Paid Service, the Chief Finance Officer (s.151 Officer) and the City Solicitor and Monitoring Officer.
  - To suspend and, where appropriate, take any disciplinary action short of dismissal in relation to the Head of Paid Service, the Chief Finance Officer (s.151 Officer) and the City Solicitor and Monitoring Officer.
  - **To appoint and dismiss the other Senior Officers.**
  - To discharge all necessary functions required by the JNC Conditions of Service including the exercise of any discretions or determining any issue regarding the Conditions of Service for Senior Officers.
  - To agree the Council’s pay and grading structure.
  - To agree Council-wide pay awards.
  - To agree the contractual terms and conditions of employment for all Officers as contained in the Birmingham Contract.
  - Recommend to Full Council for approval an Annual Pay Policy Statement as required by section 38 of the Localism Act 2011 for each financial year having regard to any guidance issued or approved by the Secretary of State.
  - Monitor the operation of the Employee Code of Conduct and the Register of Interests for Senior Officers.

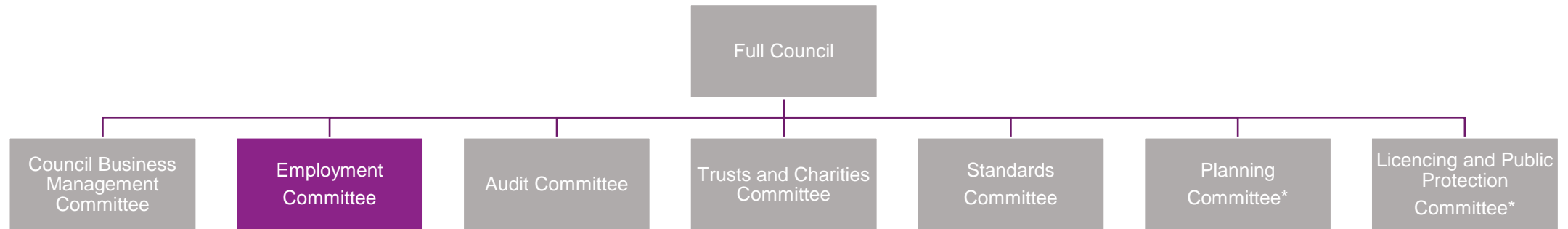


# Employment Committee Proposal



# Employment Committee

## Proposed high level structure



\* Regulatory Committee

# Employment Committee

## Appointments and Dismissals - summary of decision levels and routes of appeal

Action to agree	CEO	CFO & CSMO	Other Statutory Chief Officers*	Non-Statutory Chief Officers
Appointment	Employment Committee, then Cabinet objections, then Full Council.	Employment Committee, then Cabinet objections, then Full Council.	Employment Committee, then Cabinet objections.	Employment Committee, then Cabinet objections.
Dismissal	Employment Committee, then Cabinet objections, then Full Council. No right of appeal.	Employment Committee, then Cabinet objections, then Full Council. No right of appeal.	Employment Committee, then Cabinet objections.  Appeal to Appeal Committee.	Employment Committee, then Cabinet objections.  Appeal to Appeal Committee.
Action Short of Dismissal	Employment Committee.  Appeal to Appeal Committee.	Employment Committee.  Appeal to Appeal Committee.	CEO  Appeal to 3 members of Employment Committee.	CEO  Appeal to 3 members of Employment Committee.
Suspension	Employment Committee.  Chair of Employment Committee if urgent.	Employment Committee.  Chair of Employment Committee if urgent.	CEO	CEO
Settlement Agreements	Employment Committee.	Employment Committee.	Employment Committee.	Employment Committee.

\*The Secretary of State for Health must also be consulted before appointing or dismissing the Director of Public Health.

All appointments and dismissals are subject to the powers of the Commissioners as set out in the Directions issued by the Secretary of State.

- Determine the terms and conditions on which employees hold office as set out in the Birmingham City Council Contract of Employment (“the Birmingham Contract”),
- Approve the Council's pay and grading structure,
- Approve adoption of any council-wide pay increase for JNC level officers,
- Approve the remuneration of the Chief Executive Officer,
- Approval and oversight of any performance related pay system and awards related to the Chief Executive Officer,
- Determine policy in relation to the release of pension benefits (LGPS and TPS) where employer discretion/consent is required,
- Recommend to Full Council for approval an Annual Pay Policy Statement as required by section 38 of the Localism Act 2011 for each financial year having regard to any guidance issued or approved by the Secretary of State.





**Thank You!**



## **B5. COUNCIL BUSINESS MANAGEMENT COMMITTEE ROLE AND PROCEDURE**

### **5.1 Role of Council Business Management Committee**

- i. The purpose of the Council Business Management Committee is to support the Council's non-executive functions as delegated by Full Council, and in particular:
- ii. Meetings of the full Council
  - 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.
- iii. Council Appointments to Outside Bodies
  - To submit recommendations to the Council as to the appointment or nomination of persons to serve on outside bodies. In cases of urgency to make appointments or nominations, subject to reporting the details to the next Council meeting for information.
- iv. Civic/Ceremonial
  - To submit recommendations to the Council as to the conferment of rights and privileges (Honorary Alderman, Freedom of the City) and to consider and determine applications to use the City's Coat of Arms.
- v. Constitutional Matters
  - To keep the Council's Constitutional arrangements under review and to approve any in year minor changes relating to the non-Executive arrangements of the Constitution, and to submit recommendations to the Council as to major changes to the Constitution and the adoption of new or amended Standing Orders/ Rules of Procedure.
- vi. Members' Services and Allowances
  - To be accountable for all aspects of services to Members.
  - To keep under review the Council's Allowances Scheme and all other matters relating to Members' allowances.
  - To oversee the Council's relationship with the Independent Remuneration Panel and to submit recommendations to the Council as to both the operation and membership of the Panel.
- vii. Electoral Matters, Parish Councils & Boundary Changes
  - To discharge the Council's various electoral duties under the Representation of the People Acts.
  - To discharge the Council's functions in relation to parishes and parish councils;
  - To discharge the Council's functions under the Local Democracy, Economic Development and Construction Act 2009 (relating to boundary reviews and alterations) and related Local Government legislation.

viii. Financial & Other Matters

- To consider any recommendations from the Audit Committee relating to the discharge of the Council's duty, under the Accounts & Audits Regulations 2015.
- To authorise the making of payments, under Section 92 of the Local Government Act 2000, on account of maladministration.
- Foreign travel by Members and Officers of the Council will be reported on a quarterly basis.

## 5.2 Membership

- i. Members are appointed by Full Council. Chairs are appointed by the Full Council. Membership shall include the Chair of the Corporate and Finance O&S Committee.

## 5.3 Sub-Committees

- i. The following Sub-Committees of the Council Business Management Committee are approved for the current Municipal Year:

- Miscellaneous Appeals Sub-Committee:
  - To consider any appeal under the Rules and Regulations for the Operation of the Retail Markets;
  - To consider any other appeal(s) that are not covered by any of the other Committees or Sub-Committees of the City Council.
- Election Matters Members Forum:
  - To recommend further improvements to the Elections Office and/or the Elections processes;
  - To be consulted over relevant consultation papers relating to the Elections process;
  - To discuss issues that the Returning Officer may wish to raise with the Members Forum.
-

**Annex 3 - Overview and Scrutiny Arrangements – Part B11**

The terms of reference for the O&S Committees have been reviewed in view of the Legal and Governance savings programme and to align the Committee's terms of reference, where appropriate, to Cabinet Member portfolios.

This has resulted in a proposed reduction from 8 Overview and Scrutiny Committees plus two Joint Health Overview and Scrutiny Committees (Joint HOSCs) to 7 Overview and Scrutiny Committees and two Joint HOSCs. The proposed 7 Committees for 2024/25 are:

- Corporate and Finance OSC
- Economy, Skills and Culture OSC
- Education, Children and Young People OSC ( including youth offending)
- Health and Adult Social Care OSC (including leisure services)
- Homes OSC
- Neighbourhoods OSC (including Library of Birmingham and community library services)
- Sustainability & Transport OSC.

The Joint Health Overview and Scrutiny Committee remain: Birmingham and Solihull Joint HOSC and the Birmingham and Sandwell Joint HOSC.

The Health and Adult Care OSC terms of reference will be updated to reflect the Health and Care Act Health Scrutiny Regulations (2024) that removed the power of the HOSC to make referrals to the Secretary of State and introduced the Secretary of States power of intervention on proposed substantial variation or development of NHS services.

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Part B 11.4ii : Membership of Co-ordinating OSC: 7 Labour, 3 Conservative, 1 Liberal Democrat ( this will require subsequent updates to Section B11.5i and also Section B18 ( table)

<b>DRAFT Committee Terms of Reference 2024/25</b>	<b>Statutory Scrutiny Function</b>	<b>Cabinet Members attending O&amp;SCs</b>
<p><b>Corporate &amp; Finance OSC</b></p> <p>To plan and co-ordinate the work of all the Overview &amp; Scrutiny Committees.                      To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning governance, finance and corporate services, human resources, transformation and efficiency, early intervention and prevention, risk, customer services, relationship with stakeholders and WMCA, support to Mayor, member development and use of data. This includes:</p> <ul style="list-style-type: none"> <li>- Council Business Plan and Medium Term Financial Plan/Budget</li> <li>- structure and governance of the Council</li> <li>- support to the Lord Mayor and other holders of civic office</li> <li>- communications, internal and external stakeholder engagement</li> <li>- Council’s strategic approach to the use of financial resources and budget</li> <li>- efficiency and improvement of Council services</li> <li>- public policy development at local to international levels</li> <li>- representation of the Council on WMCA Board</li> <li>- Human Resources</li> </ul> <p>An effective organisational development function for shaping the future workforce of the Council.                      Development of effective change/transformational programmes deployed corporately.                      Member development programmes                      Processes and procedures to support good staff performance development and equality objectives.                      Staffing structures at JNC level and personnel procedures that comply with good practice and natural justice.</p> <ul style="list-style-type: none"> <li>- business change programmes</li> </ul>		<p>Number: 5</p> <p>Leader</p> <p>Deputy Leader</p>

<ul style="list-style-type: none"> <li>- good governance on outside bodies, Council-owned companies and externalised services</li> <li>- risk management, internal audit</li> <li>- customer services</li> <li>- external scrutiny of the Council and Local Government Ombudsman</li> <li>- whistleblowing and complaints</li> <li>- emergency planning</li> <li>- legal services</li> <li>- relationships with stakeholders</li> <li>- levelling-up, devolution and WMCA</li> <li>- cost-of-living</li>   <li>- open data</li> <li>- data protection, cyber security, digital inclusion</li>   <li>- overall financial direction within the Financial Strategy developed by the Leader, including Best Value and appropriate financial, accounting and audit controls and procedures.</li> <li>- Business Charter for Social Responsibility</li> <li>- commercial opportunities available to the Council</li> <li>- Revenues and Benefits service</li> <li>- procurement management</li> <li>- contract management policy</li> <li>- management of all internal trading operations</li> <li>- commissioning approach that supports the Council’s wider social objectives</li> <li>- development and implementation of early intervention and prevention services</li>   <li>- oversight of consultants <span style="background-color: yellow;">This should with Leader, so reducing the number of Cabinet Member attending from 5 to 4</span></li> </ul>		<p>Cabinet Member for Digital, Culture, Heritage &amp; Tourism</p> <p>Cabinet Member for Finance and Resources</p> <p>Cabinet Member for Social Justice, Community Safety</p>
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<p>These also functions include:</p> <ul style="list-style-type: none"> <li>- giving such guidance to the Overview and Scrutiny Committees in any cases of uncertainty as to work which they should or should not be undertaking, as may be necessary to achieve such co-ordination, including the allocation of “call-in” to the appropriate Committee</li> <li>- determining, in any cases of uncertainty, the allocation of responsibility for specific tasks between the Overview and Scrutiny Committees</li> <li>- ensuring (by means, for example, of issuing appropriate guidance and/or instructions) that the Overview &amp; Scrutiny Committees pay proper attention in their work to the consideration of key cross cutting issues, in particular equalities, transparency and improvement</li> <li>- overseeing the development and delivery of a balanced work programme of Scrutiny Committees using a range of scrutiny methodologies and reporting regularly to City Council</li> <li>- considering Overview &amp; Scrutiny development, working practices and constitutional arrangements.</li> </ul>		<p>and Equalities</p>
<p><b>Economy, Skills and Culture OSC</b></p> <p>To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning regeneration and infrastructure projects, Council assets, economic growth, employment, skills, arts, culture, heritage, tourism, <b>refugees and migration</b>. This includes:</p> <ul style="list-style-type: none"> <li>- major physical regeneration and infrastructure projects in the city</li> <li>- promotion of the city and inward investment</li> <li>- oversight of Council-owned land and property strategy and facilities, assets, amenities and services including markets</li> <li>- economic growth and jobs</li> <li>- Partnership with Business Improvement Districts</li> <li>- major sporting events and events development</li> <li>-</li> <li>- skills expansion for key growth sectors along with lifelong learning for post-14 skills and lifelong learning</li> <li>- access to employment and delivery of local employment plans</li> </ul>		<p>Number: 4</p> <p>Leader</p> <p>Deputy Leader</p>





<ul style="list-style-type: none"> <li>- youth engagement and youth services</li> <li>- development of 14-19 career pathways, enterprise and entrepreneurship in Birmingham schools.</li> <li>- youth offending</li> </ul> <p>The Overview and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:</p> <ul style="list-style-type: none"> <li>- Church of England diocese representative (one)</li> <li>- Roman Catholic diocese representative (one)</li> <li>- Parent Governor representatives (two).</li> </ul>		<p>Cabinet Member for Social Justice, Community Safety and Equalities</p>
<p><b>Health and Adult Social Care OSC</b></p> <p>To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning adult social care, public health and leisure services and the Council’s health scrutiny function. This includes:</p> <ul style="list-style-type: none"> <li>- Development of Health &amp; Well Being Board and relationship with NHS and private providers</li> <li>- social care services and safeguarding for adults</li> <li>- public health services</li> <li>- healthy communities through sport and leisure services</li> <li>- discharge of the relevant overview and scrutiny role set out in the National Health Service Act 2006 as amended by the Health and Social Care Act 2012 and the Health and Care Act 2022, including the appointment of Joint Overview and Scrutiny Committees with neighbouring authorities. The primary aim of health scrutiny is to act as a lever to improve the health of local communities and so that people can live healthy lives, by ensuring their needs are considered as an integral part of the commissioning, delivery and development of health services.</li> </ul>	<p>HOSC and Joint HOSC Statutory function.</p>	<p>Number: 1</p> <p>Cabinet Member Health &amp; Social Care</p>

<p><b>Homes OSC</b></p> <p>To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning housing supply, Council Housing management, private rented sector licencing and regulation, tenant engagement, Housing Option, temporary accommodation, homelessness and rough sleeping, This includes:</p> <ul style="list-style-type: none"> <li>- supply of housing</li> <li>- collection of rent/recovery of rents from Council tenants/former tenants and overpayments of Housing Benefit from Council tenants</li> <li>- Council Housing management services, repairs and maintenance programmes</li> <li>- Best use of housing stock across all housing providers</li> <li>- neighbourhood management initiatives and the housing growth agenda (Birmingham Social Housing Partnership)</li> <li>- private rented sector, licencing and regulation</li> <li>- tenancy engagement in the management and development of social housing and Housing Liaison Boards</li> <li>- exempt accommodation</li> <li>- Housing Options for vulnerable adults, children, young people and offenders</li> <li>- temporary accommodation provision</li> <li>- homelessness and rough sleeping</li> </ul>		<p>Number: 3</p> <p>Leader</p> <p>Cabinet Member for Finance and Resources</p> <p>Cabinet Member for Housing and Homelessness</p>
<p><b>Neighbourhoods OSC</b></p> <p>To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning localisation and local neighbourhood plans, library services, community safety, social cohesion and equalities, street scene and waste, recycling, parks and allotments. This includes:</p> <ul style="list-style-type: none"> <li>- Local Development Plans, Neighbourhood Plans, Development Briefs, localisation</li> </ul>	<p>Statutory Function: CDRP / CSP Scrutiny</p>	<p>Number: 4</p> <p>Leader</p>

<ul style="list-style-type: none"> <li>- Licensing policy and enforcement</li> <li>- Library of Birmingham and community library services</li> <li>- Commonwealth Games Legacy Framework</li>   <li>- community safety, anti-social behaviour, fear of crime, support for victims of crime</li> <li>- relationships with Police &amp; Crime Commissioner and West Midlands Police</li> <li>- CCTV and liaison with Police</li> <li>- Prevent</li> <li>- social cohesion and inclusion, equalities and working with third sector and partner agencies</li> <li>- tackling Inequality, neighbourhood advice and information services</li> <li>- equalities within the community</li> <li>- domestic violence</li> <li>- cemeteries and crematoria, mortuary, Register Office services and BCC policies that relate to its collaboration with the Coroners Court service</li>   <li>- delivering improvement and change though the Street Scene Transformation Programme (including waste)</li> <li>- collection and removal of waste from residential and other properties within the city</li> <li>- pest control</li> <li>- street cleansing, litter prevention, fly tipping/placarding removal and enforcement, graffiti removal, scrap yard and motor salvage operator enforcement</li> <li>- a robust re-use and recycle strategy and ensuring delivery</li> <li>- parks and allotments</li> <li>- local events held in parks</li> </ul>		<p>Cabinet Member for Digital, Culture, Heritage and Tourism</p> <p>Cabinet Member for Social Justice, Community Safety and Equalities</p> <p>Cabinet Member for Environment</p>
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<p>This Committee shall be the Crime and Disorder Committee (Police and Justice Act 2006). Birmingham City Council Constitution Part B Roles, Functions and Rules of Procedure May 2022 B11 Overview and Scrutiny Committees.</p>		
<p><b>Sustainability and Transport OSC</b></p> <p>To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities relating to sustainability, climate change and transport. This includes:</p> <ul style="list-style-type: none"> <li>- providing oversight and assurance on council and city environmental sustainability, climate change, nature and net zero responsibilities and commitments, and supporting activities to accelerate delivery city-wide and national policy development to tackle the causes and consequences of climate change</li> <li>- road harm reduction</li> <li>- sustainable transportation policy and programmes, projects and initiatives</li> <li>- strategic highways matters</li> <li>- maintenance of roads and streets, traffic management and car parks and enforcing rights of way</li> <li>- cooperation with the WMCA and Mayor in relation to the key route network</li> <li>- an Air Quality Strategy for Birmingham</li> <li>- flood risk management</li> </ul>		<p>Number 2:</p> <p>Cabinet Member for Environment</p> <p>Cabinet Member for Transport</p>



## **C7. EMPLOYMENT PROCEDURE RULES – EMPLOYMENT COMMITTEE**

### **General Notes**

- i. These Rules shall be regarded as Standing Orders of the Council for the purposes of The Local Authorities (Standing Orders) (England) Regulations 2001 ('the 2001 Regulations') and Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015 ('the 2015 Regulations').
- ii. Full Council has delegated to the Employment Committee ("the Committee") the responsibilities set out in these employment procedure rules.
- iii. The Committee comprises 7 Councillors chaired by the Leader of the Council and including an appropriate cabinet member or lead member depending upon the specific issue being dealt with. The Committee shall discharge the following functions.
- iv. For the purposes of these rules:
  - "Officer" means an employee of Birmingham City Council, regardless of whether they are employed on a permanent or fixed term ("interim") basis.
  - "Governance Statutory Chief Officer" means the Chief Executive Officer (Head of Paid Service designated under section 4(1) of the Local Government and Housing Act 1989), the Chief Financial Officer (designated under section 151 of the Local Government and Housing Act 1989) and the City Solicitor and Monitoring Officer (designated under section 5(1) of the Local Government and Housing Act 1989).
  - "Statutory Chief Officer" means the Governance Statutory Chief Officers as well as the Scrutiny Officer (designated under section 9FB of the Local Government Act 2000), the Strategic Director Children and Families, Strategic Director Adult Social Care, and the Director of Public Health.
  - "Non-Statutory Chief Officer" means any other Officer who reports directly to the Chief Executive Officer.
  - "Deputy Chief Officer" means any Officer who reports directly to a Governance Statutory Chief Officer, Statutory Chief Officer or Non-Statutory Chief Officer. This does not include Officers whose role is to provide administrative and/or secretarial support.
- v. The Secretary of State for Levelling Up, Housing and Communities has appointed Commissioners in relation to Birmingham City Council for the purposes of the Directions made on 5 October 2023 under section 15(5) and (6) of the Local Government Act 1999 ("the Commissioners"). The role of Commissioners in employment matters is included in these rules.

**A. Appointment and Dismissal**

1. Subject to paragraph 4 and paragraph 5 below, the Committee shall be responsible for the appointment and dismissal (including dismissal by reason of redundancy) of the Governance, Statutory and Non-Statutory Chief Officers.
2. In the case of appointments, subject to paragraphs 4 and 5 below, the Committee may, with the approval of the Chief Executive Officer or their nominated deputy, agree to make a permanent appointment of an existing member of staff by way of redeployment, or agree to a temporary appointment for a fixed term of not normally more than 12 months.
3. Where an appointment is not made in accordance with paragraph 2 Officers will prepare a job description and person specification, determine the arrangements for recruitment to the post, shortlist, and conduct selection processes to determine those candidates who would be suitable for appointment. Those candidates will be presented to the Committee who will nominate up to five members (one of whom must be a member of the Cabinet) to conduct final interviews and decide, if appropriate, which candidate will be offered the role.
4. No offer of appointment shall be provided (including by way of an appointment pursuant to paragraph 2) or notice of dismissal issued until the proposed action (including the name and any other particulars the Committee consider relevant) has been notified to every member of the Cabinet and that either:
  - (a) Within the period specified in the notification no objection has been made by the Leader on behalf of the Cabinet to the proposed action; or
  - (b) The Committee is satisfied that any objection made is not material or is not well founded; or
  - (c) The Leader has, within the period specified in the notification, notified the Committee that neither they nor any member of the Cabinet has any objections.
5. No offer of appointment may be issued to any Governance Statutory Chief Officer post without the approval of the Full Council.
6. No notice of dismissal may be issued to any Governance Statutory Chief Officer without the approval of the Full Council. Before approving a proposal to dismiss the Full Council must consider:
  - Any views submitted under paragraph 5,
  - Any advice, views or recommendations of the Employment Committee,
  - The conclusions of any investigation, and
  - Any representations from the relevant Officer.
7. Appointments to the role of Director of Public Health must be made jointly with the Secretary of State for Health. No notice of dismissal may be issued to the Director of Public Health until the Secretary of State for Health has been consulted, as required by s.73A of the National Health Service Act 2006.



### **Conditions of Service**

8. The Committee shall exercise all necessary functions required by the JNC Conditions of Service including the exercise of any discretions or determining any issue in relation to those Conditions of Service in so far as they relate to Governance, Statutory and Non-Statutory Chief Officers.
9. The appraisal of the Chief Financial Officer, City Solicitor and Monitoring Officer, Statutory and Non-Statutory Chief Officers shall be conducted by the Chief Executive Officer. The appraisal of the Chief Executive Officer shall be conducted by the Leader of the Council with input from a senior elected member from each political group.

### **Capability and Disciplinary Action**

10. The Committee may take any capability or disciplinary action short of dismissal against the Governance Statutory Chief Officers short of dismissal. The Chief Executive Officer may take any capability or disciplinary action short of dismissal against any other Statutory and/or Non-Statutory Chief Officer. There is no requirement to consult the Cabinet or seek approval of the Full Council for action taken pursuant to this paragraph.
11. The Committee may approve the suspension of a Governance Statutory Chief Officer, Statutory and/or Non-Statutory Chief Officer for an initial period of up to two months to enable an investigation to be undertaken to help determine what disciplinary action, if any, is appropriate. The Committee may extend the period of suspension if it considers that to be necessary. Any suspension shall be on full pay.
12. If an exceptional situation arises where allegations of misconduct are such that their remaining at work poses a serious risk to the health and safety of others or the resources, information or reputation of the Council, then the power to suspend may be exercised by the Chair of the Committee, subject to a decision to suspend being ratified by the Committee within 7 days of the decision.
13. Any action taken pursuant to paragraph 11 will be dealt with by the Committee in accordance with the appropriate Birmingham City Council Capability or Disciplinary Procedure.

### **Appeals against disciplinary or capability action**

14. Any appeal from a Governance Statutory Chief Officer against action short of dismissal and any appeal from a Statutory and/or Non-Statutory Chief Officer against dismissal will be considered by an Appeals Committee established by the Full Council comprising three members of the Council who have not had any prior involvement in the case including at least one member of the Cabinet ("the Appeals Committee"). The role of the Appeals Committee will be to review the case and the decision taken by the Employment Committee and either

confirm the action taken or to award no sanction or a lesser sanction. The decision of the Appeals Committee will be final.

15. In the event the Full Council dismisses a Governance Statutory Chief Officer there is no further right of appeal.
16. Appeals against action short of dismissal from a Statutory or Non-Statutory Chief Officer will be considered by a panel of three members of the Employment Committee appointed by the Chair not previously involved.

### **Agreement of Special Severance payments**

17. Special Severance payments, as defined at Annex A to these Rules, will be approved according to the following process:
  - payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011,
  - payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Chief Executive Officer, with a clear record of the Leader's approval and that of any others who have signed off the payment,
  - payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments.

### **Other Officers**

18. The functions of appointment, dismissal, suspension and taking capability and/or disciplinary action against any Officer other than a Governance Statutory Chief Officer, Statutory and Non-Statutory Chief Officer may be discharged by the Chief Executive Officer or any other Officer in accordance with the relevant Birmingham City Council policy and/or procedure as in force at that time.
19. No elected member may participate in any appointment, dismissal, suspension or in any action taken against any Officer at Deputy Chief Officer level or below.

### **The Role of Commissioners**

20. The Commissioners shall exercise all functions relating to the appointment and dismissal of persons to positions the holders of which are to be designated as Governance Statutory Chief Officers and the Scrutiny Officer, and the designation of those persons as Governance Statutory Chief Officers and the Scrutiny Officer, to include:
  - (a) The functions of designating a person as a Governance Statutory Chief Officer and Scrutiny Officer and removing a person from a statutory office, and

(b) The functions under section 112 of the Local Government Act 1972 of:

- (i) Appointing and determining the terms and conditions of employment of an officer of the Authority, insofar as those functions are exercised for the purpose of appointing a person as an Officer of the Authority principally in order for that person to be designated as a Governance Statutory Chief Officer or Scrutiny Officer, and
- (ii) Dismissing any person who has been designated as a Governance Statutory Chief Officer or Scrutiny Officer from his or her position as an officer of the Authority.

- 21. The Commissioners shall exercise all functions to determine the Officer structure for Governance Statutory Chief Officers, Statutory and Non-Statutory Chief Officers and Deputy Chief Officers, to determine the recruitment processes and then to recruit relevant staff to those positions.
- 22. The Commissioners shall exercise all functions pertaining to the development, oversight and operation of any performance management framework for Governance Statutory Chief Officers, Statutory and Non-Statutory Chief Officers and Deputy Chief Officers.

### **Substitution**

- 23. A member may substitute another member to serve on an Appeals Committee, a selection panel constituted under paragraph 4 or appeals panel constituted under paragraph 16, or a so long as they have received the appropriate training.

### **B. Terms and Conditions of Employment**

The Committee shall:

- 1. Determine the terms and conditions on which employees hold office as set out in the Birmingham City Council Contract of Employment (“the Birmingham Contract”).
- 2. Approve the Council's pay and grading structure,
- 3. Approve adoption of any council-wide pay increase for JNC level officers,
- 4. Approve the remuneration of the Chief Executive Officer,
- 5. Approval and oversight of any performance related pay system and awards related to the Chief Executive Officer,
- 6. Determine policy in relation to the release of pension benefits (LGPS and TPS) where employer discretion/consent is required,
- 7. Recommend to Full Council for approval an Annual Pay Policy Statement as required by section 38 of the Localism Act 2011 for each financial year having regard to any guidance issued or approved by the Secretary of State.

## **Annex A**

### **Definition of Special Severance Payments**

Special Severance Payments are payments made to employees, officeholders, workers, contractors, and others outside of statutory, contractual or other requirements when leaving employment. Which types of payments are Special Severance Payments will vary according to an employee's particular circumstances, and therefore the examples below are illustrative only.

#### **The following types of payments are likely to constitute Special Severance Payments:**

- a) any payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault,
- b) the value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date,
- c) write-offs of any outstanding loans,
- d) any honorarium payments,
- e) any hardship payments,
- f) any payments to employees for retraining related to their termination of employment.

#### **The following types of payments may constitute Special Severance Payments, depending on the terms of the individual's contract, relevant statutory provisions, any non-statutory applicable schemes and other relevant terms and conditions:**

- a) pay or compensation in lieu of notice where the amount of the payment is not greater than the salary due in the period of notice set out in the employee's contract,
- b) pension strain payments arising from employer discretions to enhance standard pension benefits (for example under Regulation 30(5) where the employer has waived the reduction under Regulation 30(8) or because of the award of additional pension under Regulation 31),

#### **The following do not constitute Special Severance Payments:**

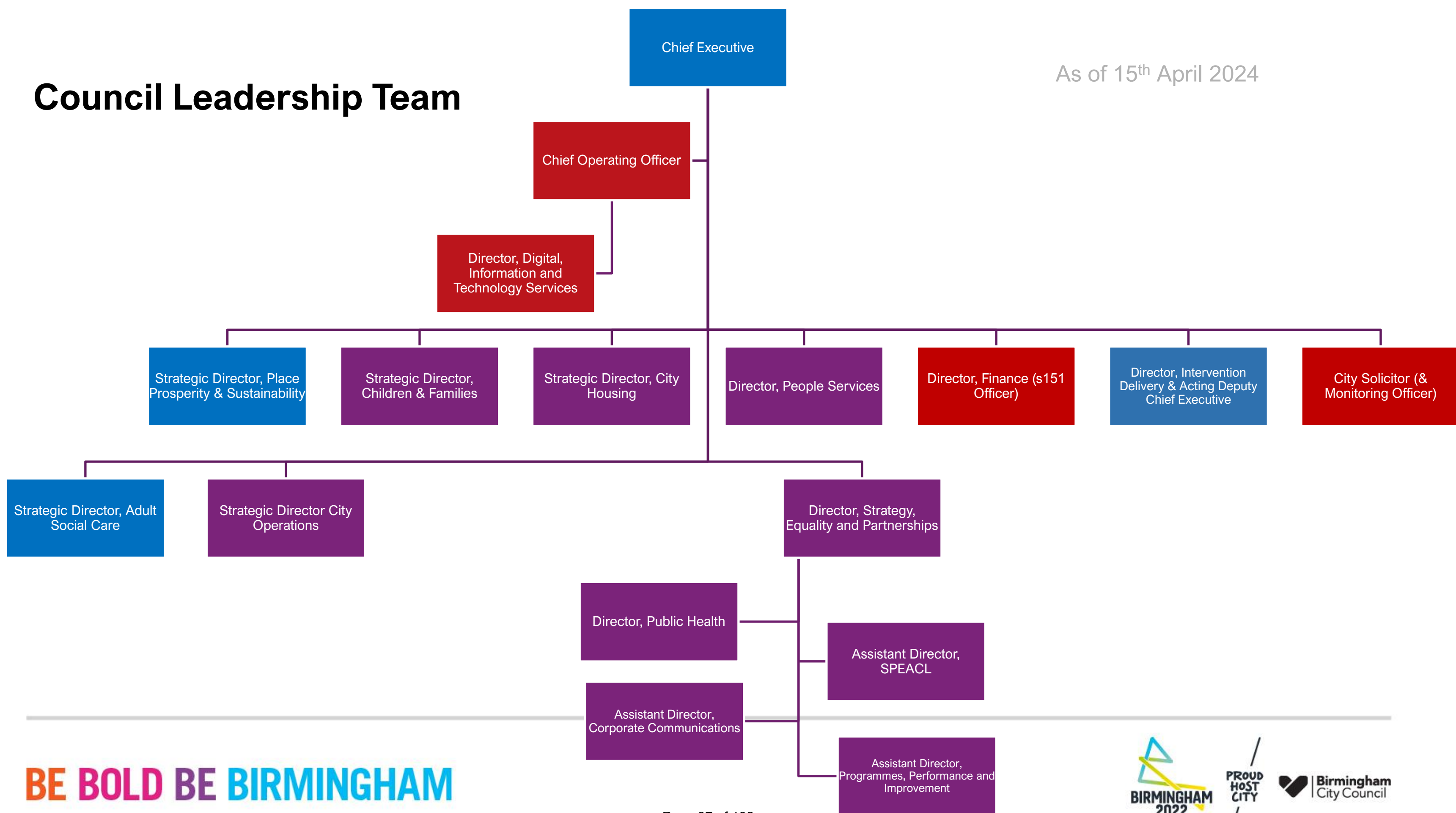
- a) statutory redundancy payments,

- b) contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise,
- c) severance payments made in accordance with that local authority's policy adopted pursuant to Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006,
- d) a strain cost paid to the relevant LGPS administering authority under LGPS Regulation 68(2) which results from a LGPS member's retirement benefits becoming immediately payable without reduction under Regulation 30(7), or under Regulation 30(6) where the employer has waived the reduction under Regulation 30(8),
- e) payment for untaken annual leave,
- f) payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation,
- g) payments made as part of the ACAS Early Conciliation process,
- h) payments made to compensate for injury or death of the worker,
- i) payments made in consequence of the award of ill-health retirement benefits under Regulation 35 of the LGPS Regulations.

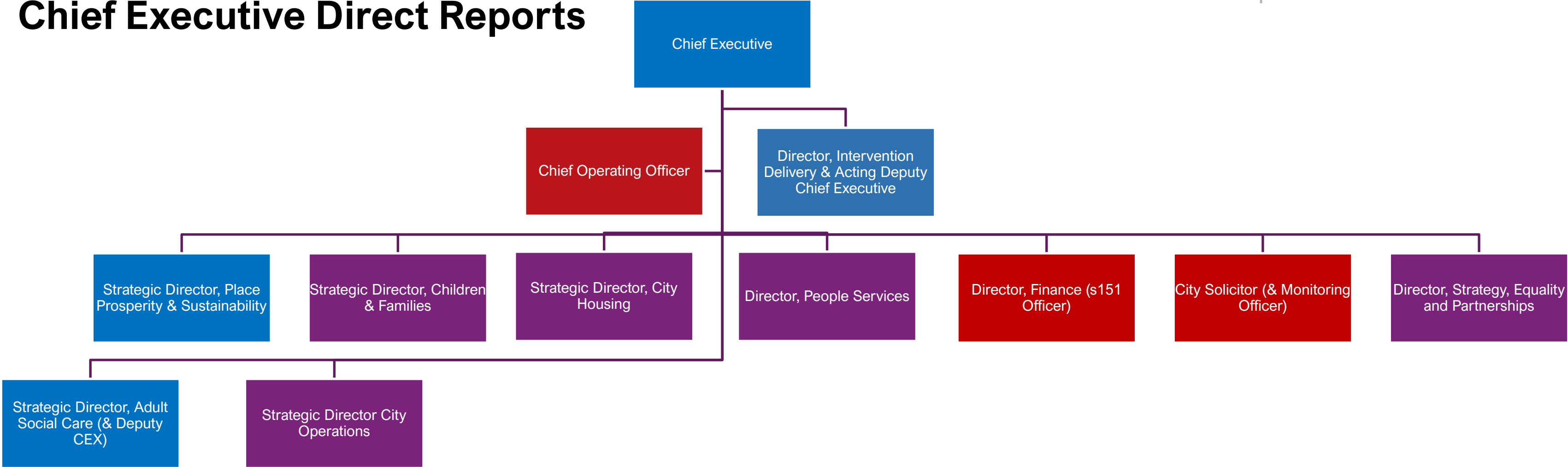


# Council Leadership Team

As of 15<sup>th</sup> April 2024



# Chief Executive Direct Reports







[Appendix 3](#)

# Birmingham City Council Constitution

Part E – Scheme of Delegations

May 2024

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MAKING A POSITIVE DIFFERENCE EVERYDAY TO PEOPLE'S LIVES  
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## E1. SUMMARY AND EXPLANATION

1. Each Chief Officer has a number of delegations which are set out below. The following sections set out the delegations to officers:

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- Officer delegated decision making – setting out general notes on the parameters of the delegations and the process for taking officer delegated decisions;
- Financial delegations to Chief Officers – setting out the financial and governance delegations to all Chief Officers;
- Functional Delegations to each of the Chief Officers.

Deleted: (including the Chief Executive, Strategic Directors and Director of Strategy, Equality and Partnerships);

2. Each of these may be supplemented by a Scheme of Sub-Delegations.

## E2. OFFICER DELEGATED DECISION MAKING

### General Notes

1. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
2. The exercise of a delegated power, duty or function shall:
  - (i) be subject to the City Council's Policy Framework and/or Budget;
  - (ii) be subject to the requirements of the Constitution including the Council Procedure (B4), Executive Procedures (B6) Financial Procedure Rules (Part D), Procurement and Contract Governance Rules (Part D) Corporate Standards (C1) and any delegations contained therein.
3. An officer to whom a power, duty or function is delegated may authorise another officer to exercise that power, duty or function, subject to the requirements that follow:
  - (i) such authorisations shall be in writing and shall only be given to an officer over which the officer with the original delegated power etc. has control;
  - (ii) such authorisations should only be given where there is significant administrative convenience in doing so;
  - (iii) the officer authorised by the other should act in the name of the officer who received the original delegation;
  - (iv) no authorisation may be given if the statute or the law prohibits it.

Authorisations of this kind should not be considered to be the norm but used only in appropriate circumstances and after careful thought. There can be no additional such delegation.

Any mis-categorisation of a delegation as being Executive, non-Executive or anything else shall not invalidate the delegation.

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4. References to any Act, Regulation, Order or Byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.
5. Any reference to any Act of Parliament includes reference to Regulations or subordinate legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.
6. Where the exercise of powers is subject to prior consultation with another officer, that officer may give his or her views in general terms in advance to apply to any particular circumstances, to remove the need for consultation for each proposal.
7. Subject to any express instructions to the contrary from the delegating body, any power to approve also includes the power to refuse, and the power to impose appropriate conditions.
8. Delegations to officers are subject to:
  - (i) The right of the delegating body to decide any matter in a particular case;
  - (ii) The officer may, in lieu of exercising his/her delegated power, refer to the delegating body for a decision; and
  - (iii) Any restrictions, conditions or directions of the delegating body.
9. In exercising delegated powers, the officer shall:
  - (i) Take account of the requirements of this Constitution and shall address all legal, financial and other professional safeguards as if the matter were not delegated;
  - (ii) Shall exercise the delegation so as to promote the efficient, effective and economic running of that Directorate and the Council, and in furtherance of the Council's visions and values; and
  - (iii) Where and when appropriate, report back to the appropriate delegating body as to the exercise of those delegated powers.
10. Except where otherwise expressly provided either within the Scheme of Delegation or by resolution of the delegating body, the exercise of any delegated power, duty or function is subject to having the appropriate and necessary budgetary provision in place to take the action in the name of and/or on behalf of the Council.
11. Save in respect of any statutory roles that are not capable of delegation, any power conferred on a subordinate officer shall be exercisable by the Director.
12. The Scheme of Delegations is maintained by the City Solicitor ([Monitoring Officer](#)), and delegations are added to it as they are made by delegating bodies. Officers should take care to inform themselves of any subsequent changes to the Scheme before solely relying on this document.
13. The City Solicitor ([Monitoring Officer](#)) shall have the power to amend the Scheme of Delegations to reflect re-organisations, changes in job titles and vacancies, where said changes result in re-distributing existing delegations and not the creation of new ones.
14. Any post specifically referred to in the Scheme of Delegations shall be deemed to include any successor post, or a post which includes within the job description, elements relevant to any

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particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded. Any power contained within this Scheme in anticipation of any reorganisation may be exercised in accordance with the preceding Scheme to the date of that reorganisation.

15. Any reference to a Committee, Panel or Sub-Committee shall be deemed to include reference to a successor Committee or Sub-Committee provided that the subject matter of a particular delegation can be found within the terms of reference of both the earlier and the successor Committee or Sub-Committee.
16. Where a power or duty is delegated to an officer, and the exercise of that power or duty is contingent upon the opinion of the Council that particular conditions or factual circumstances exist, then the officer in question has the power to determine whether or not those circumstances exist or those conditions have been fulfilled in the name of and with the authority of the Council.
17. All enquiries about the Scheme of Delegations should be made to the City Solicitor ([Monitoring Officer](#)).
18. All matters of interpretation of this document will be determined by the City Solicitor ([Monitoring Officer](#)).
19. If a matter is delegated to an officer, but that delegation cannot be implemented, that should be reported to the delegating body.
20. Functions, matters, powers, authorisations, delegations, duties and responsibilities etc within this Scheme shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything specified.
21. Non-executive functions are specified in Schedules 1 and 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. Any function that is not therefore specified must be assumed to be executive.
22. Advice on procedures and matters to be taken into account in exercising officer delegated powers, is set out in the guidance on decision-making issued by the City Solicitor ([Monitoring Officer](#)).
23. For the avoidance of doubt, where a power or duty delegated under this scheme includes at source a power to recover costs, fees or charges, the delegation shall include the power to take all necessary action to recover such fees cost or charges by way of civil debt or otherwise and shall be without prejudice to any other power to charge or recover costs that the Council may have under legislation.
24. Where there is doubt over the responsibility for the exercise of the delegated power, the Chief Executive or his or her nominee is authorised to act.

Deleted: <#>This Scheme of Delegations was approved as part of the Council's Constitution on 10<sup>th</sup> September 2019. Ad hoc additional revisions will be considered by the Council as appropriate. ¶

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### Process and Recording of Delegated Decisions

Officers should ensure that delegated powers are exercised in accordance with relevant Council policies and procedures and also put appropriate systems in place for recording the exercise of delegated powers in the following manner and circumstances:

- (i) All decisions with a value of £50,000 or more made by Officers under delegated powers should be recorded in writing and a single copy for each Directorate produced to the Chief Executive and the Leader/Deputy Leader on the 30<sup>th</sup> September and 31<sup>st</sup> March of each year.
- (ii) Additionally, all decisions taken by Cabinet Members (based on a written report by the Chief Officer) should be recorded using the prescribed template. These decisions are only effective and actionable when posted on the Council's website by Committee Services and following the call-in process.

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## E3. DELEGATIONS TO CHIEF OFFICERS<sup>1</sup>

### Summary

The Council, its Committees and the Executive will make decisions on matters of significant policy. The Chief Executive and Directors are given express authority to take all necessary actions to implement Council, Committee and Executive decisions that commit resources within agreed budgets in the case of financial resources, as set out below.

In relation to all delegated authorities conferred on Chief Officers, the Chief Executive may allocate or reallocate responsibility for exercising particular powers in the interests of effective corporate management as he or she thinks fit.

Chief Officers may take all routine and day-to-day operational service decisions within agreed policies provided they are met from within overall approved budgets in relation to the services for which they are responsible, subject to any other requirements imposed by the Constitution.

Chief Officers may take all decisions necessary to give effect to implement the contents of any approved Policy Framework plan, in relation to the services for which they are responsible, and within agreed budgets in the case of financial resources, as necessary and appropriate.

### General Delegations

The Chief Executive and Chief Officers have the following delegated powers in respect of all matters which are not “key decisions” and not reserved for decision by the Council or by a Committee of the Council:

- (i) To make decisions and approve expenditure relating to the functions of their Directorate providing that:
  - The sum expended is within the approved budget for the Directorate and/or relevant portfolio, and
  - The amount in relation to any single matter does not equal or exceed £200,000 or
  - The amount in relation to any single matter that is at or above £200,000 and below £500,000 (revenue) or £1m (capital) is a Cabinet Member(s) decision (based on a written report from the Chief Officer).
  - The requirements of the Financial Approvals Framework in this Constitution and other requirements in the Constitution are complied with.
- (ii) Determine employment matters relating to staff including all changes to staffing structures below JNC level and the annual implementation of the contractual pay increment system. These powers will not include changes to terms and conditions of

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<sup>1</sup> Chief Officers are those officers reporting to the Chief Executive (Director of [Finance \(Section 151 Officer\)](#), [Director of Strategy, Equality and Partnerships](#), [City Solicitor \(Monitoring Officer\)](#), [Chief Operating Officer](#), [Director of Intervention Delivery](#), [Director People Services](#), [Director of Public Health](#) and all Strategic Directors).



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employment (the Birmingham Contract) or additional payments to any individual member of staff above the general financial threshold delegated to officers (£200k).

- (iii) To approve tender strategies and award contracts in accordance with the Procurement Governance Arrangements where the supplies, materials, or services to be purchased or the works to be executed are between the Procurement Threshold (see Procurement and Contract Governance Rules set out in Part D of the Constitution) and £10,000,000 in value, over the contract length.
- (iv) Where no other viable alternative exists to approve contract extensions, where no extension option in the contract exists, in accordance with the Procurement Governance Arrangements where the supplies, materials, or services to be purchased or the works to be executed do not exceed £500,000.
- (v) To write off any individual debts of income (including any associated court costs and bailiffs' fees) within their service directorate responsibility, and after consultation with the Director of Finance (s.151 Officer), up to the sum of £25,000 per individual or organisation, which in the opinion of the Director of Finance (s.151 Officer) is considered to be uneconomical to collect or is irrecoverable. *All individual debts above this amount can only be written off by the Director of Finance (s.151 Officer).*
- (vi) The Chief Executive and Chief Officers have delegated authority to approve and make payments in connection with the duties of the council where it holds monies in the capacity of an "Accountable Body". In all such cases where the Council is the Accountable Body, the Chief Executive or any Chief Officer has authority to make lawful payments in compliance with the terms under which the Council holds monies as the Accountable Body and in accordance with any requirements approved by the Council as Accountable Body, up to but not exceeding the total amount held under each agreement with the grant giver.
- (vii) The Chief Executive has all the above delegated authority in respect of all executive and non-executive expenditure, and as may be necessary, determine which Directorate discharges any particular Council function if this is not clear.

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#### Chief Executive and the Director of Finance (s.151 Officer)

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- (viii) The Chief Executive and the Director of Finance (s.151 Officer) may exercise voting rights at general meetings of companies of which the Council is a member or by written resolution and may take any necessary action to protect, safeguard and effectively manage the Council's interest in such companies.
- (ix) The Chief Executive and the Director of Finance (s.151 Officer) together (and no other Director) without financial limit have the following additional powers to make decisions in relation to:
  - All future forms of indemnity on behalf of the Council including the signing of certificates under the Local Government (Contracts) Act 1997.
  - The Council's loan and investment portfolios in accordance with the statutory borrowing limits determined by the Council and the Council's Treasury Policy

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Statement and Management Strategy as approved from time to time by the Council and all such decisions are exempt from the reporting requirements.

- Trust fund and accountable body investments;
- Banking arrangements including opening bank accounts and credit card facilities;
- Non land and building leases;
- The application for financial assistance to the City Council and the authorisation of any grant claims;
- The administration of the Housing Rents, Council Tax and Housing Benefit systems and the collection of Community Charge, Council Tax, Housing Rents and Non-Domestic Rates (including setting Non-Domestic rates and applications for relief or reduction in accordance with the criteria and policy guidance approved from time to time by the Cabinet);
- Matters relating to the transfer of pension rights.

#### Chief Executive and the Strategic Director of Place, Prosperity and Sustainability

- (x) The Chief Executive and the Strategic Director of Place, Prosperity and Sustainability have the following additional powers to make decisions in relation to:
- The acquisition and disposal of leasehold interests for rent (including the granting and surrendering of any rights over such land and property) provided that any rental does not exceed £200,000 p.a.;
  - The acquisition and disposal of freehold and leasehold interests at a premium, provided that the premium does not exceed £1,000,000;
  - The management of all of the Council's land and properties, including the authorising and payment of discretionary contributions towards trade/loss and or removal expenses and all payments due under an approved Compulsory Purchase Order, provided that the cost does not exceed £200,000;
  - Save that land and property held by the Council as Trustee shall be the responsibility of the Trusts and Charities Committee.

#### Strategic Director of Place, Prosperity and Sustainability, [Director of Finance \(s.151 Officer\)](#) and City Solicitor ([Monitoring Officer](#))

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- (xi) The Leader and Cabinet Member, Finance and Resources, jointly with the Strategic Director of Place, Prosperity and Sustainability, [Director of Finance \(s.151 Officer\)](#), and the City Solicitor ([Monitoring Officer](#)) (or their delegates as set out in the Scheme of Sub-Delegations) have the following additional powers to make decisions in relation to the approval of acquisitions to, and disposals from, the Investment Property portfolio up to a limit of £25m in any one transaction.

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- (xii) These decisions will take the form of Cabinet Member decisions based on written reports from Chief Officers and as such are subject to the provisions in Part B6.5 of the Constitution.

#### City Solicitor ([Monitoring Officer](#))

- (xiii) The City Solicitor ([Monitoring Officer](#)) may exercise all proper Officer and any other functions of the Council which do not fall within the Directorate or budget responsibility of a Director and has the powers set out in the Legal Proceedings section of the Constitution.

#### Strategic Director of Children and Families

- (xiv) The Strategic Director of Children and Families (and in their absence the [Director of Finance \(s.151 Officer\)](#)) has the authority to authorise and approve the completion of (but not limited to) the grant of long term leases, commercial transfer agreements and any other ancillary documentation relating to the changing status of schools pursuant to the Academies Act 2010 or any associated legislation relating to the changing status of schools, as well as requesting the making and varying of Instruments of Government for maintained schools, subject to the agreement of the City Solicitor ([Monitoring Officer](#)).

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#### Emergency Plan/Business Continuity

- (i) Chief Officers and Statutory Officers (or deputising officers) are empowered to authorise all necessary actions in relation to disasters and emergencies as designated under the Council's Emergency Plan when activated; or under Business Continuity Plans in the event of a business continuity disruption.
- (ii) In the event of the Emergency Plan being activated, and following action taken, the Chief Officer must notify the [Director of Finance \(s.151 Officer\)](#) in writing of the circumstances and estimated financial impact and report formally to the relevant Cabinet Member or, for non-executive matters, to the next available meeting of the relevant committee.
- (iii) The principles of decision-making set out in Part B3.2 will apply.

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## E4. CHIEF EXECUTIVE

### Overall Responsibility

The Chief Executive shall be the Head of Paid Service and be provided by the authority with such resources as s/he deems necessary to perform that role. The Head of Paid Service shall have overall corporate management and operational responsibility for the way in which the organisation delivers its services.

### Emergency Reports

Part B6.6 of the Constitution provides that the Chief Executive may make decisions that are of special urgency.

The Chief Executive may decide that a special urgency situation arises when:

- (i) A decision **must** be made before the next scheduled meeting of the Cabinet; or
- (ii) A recommendation to the Cabinet should be implemented prior to the next scheduled meeting of the Cabinet by which it could be approved.

In either case, if the Chief Executive is satisfied that the making of the decision is urgent and cannot reasonably be deferred then the following shall apply:

#### *Urgent Key Decisions*

Where the decision is a “key decision” pursuant to B3.1 vi) the Chief Executive, (or may designate a Chief Officer) shall obtain agreement that the making of the decision is urgent and cannot be reasonably deferred, from the following:

- (i) [Consult with](#) the Leaders of each of the [Council](#); and
- (ii) [Seek the consent of](#) the Chair of the relevant Overview and Scrutiny Committee; or
- (iii) if there is no such person, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Lord Mayor (or in their absence the Deputy Lord Mayor).
- (iv) [Inform the Leaders of the main Opposition Groups](#)

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As soon as is reasonably practicable after the Chief Executive, or delegated Chief Officer, has obtained agreement pursuant to (i) – (iii) above they must:

- (i) Make available at the Council offices a notice setting out the reasons that the decision is urgent and cannot be reasonably deferred; and
- (ii) Publish that notice on the Council's website.

Further:

- (i) that the Chief Executive, or designated Chief Officer, before making a decision shall consult with the City Solicitor ([Monitoring Officer](#)) and the [Director of Finance \(s.151 Officer\)](#) or their nominated deputies;

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- (ii) that a record of all decisions made or recommendations implemented, together with the consultations referred to above shall be published on the Council's website within 10 working days; and
- (iii) that any decisions made or recommendations implemented under this provision shall be reported to the next scheduled meeting of the Cabinet (for noting).

#### *Urgent Non-Key Decisions*

Where the decision is not a "key decision" pursuant to B3.1 vi) the Chief Executive shall have the power (or may designate a Chief Officer who will then have power) to determine the question or matter or to implement the recommendation (as the case may be) in the name of and without further reference to the Executive.

The exercise by the Chief Executive, or designated Chief Officer, of any powers under this delegation shall be subject to the following conditions:

- (i) that the determination of the question or other matter or implementation of the recommendation is capable of determination under law in this manner;
- (ii) that the Chief Executive, or designated Chief Officer, before making a decision shall consult with the Leaders of [the two main Opposition](#) Groups;
- (iii) that the Chief Executive, or designated Chief Officer, before making a decision shall consult with the City Solicitor ([Monitoring Officer](#)) and the [Director of Finance \(s.151 Officer\)](#) or their nominated deputies;
- (iv) that a record of all decisions made or recommendations implemented, together with the consultations referred to in (ii) and (iii) above shall be published on the Council's website within 10 working days; and
- (v) that any decisions made or recommendations implemented under this provision shall be reported to the next scheduled meeting of the Cabinet (for noting).

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Each Chief Officer (in their service area) and City Solicitor ([Monitoring Officer](#)) (all areas) may exercise the powers of the Chief Executive in the event of his/her incapacity, absence or unavailability.

#### **Immediate Implementation**

If the interests of the Council are jeopardised unless an executive decision is implemented immediately then the Chief Executive in consultation with the Leader (or Deputy Leader in his/her absence) [and subject to the consent of the Chair of the relevant Overview and Scrutiny Committee, or in the relevant Chairs absence the Lord Mayor, for key decisions,](#) may designate such executive decision as so urgent that its implementation cannot wait until the expiry of the call-in period.

The exercise of such power shall be clearly noted on the record of the decision.

[In such circumstances the Leaders of the two main Opposition Groups will be notified.](#)

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### Extraordinary Meetings

The Chief Executive and the City Solicitor ([Monitoring Officer](#)) acting together may call an extraordinary meeting of the Council (see Part B4.4C). The City Solicitor ([Monitoring Officer](#)) shall, in calling an Extraordinary Meeting of the Council, restrict the business on the summons to that required by law, any matter or matters that the Chief Executive, Monitoring Officer or Chief Financial Officer ([Director of Finance \(s.151 Officer\)](#)) wish to raise and the business for which the Extraordinary Meeting has been called.

### Executive Functions

In the event of the Emergency Plan being activated, the Chief Executive (or deputising officer) is empowered to authorise all necessary actions as the Local Authority Strategic Commander. All authorities relevant to the management of the incident are delegated to duty officers as set out in the plan.

### Non-Executive Functions

The Chief Executive is authorised to discharge the following non-Executive functions:

- The appointment, termination and disciplinary arrangements of Officers who are not Chief Officers or Deputy Chief Officers (other than assistants to political groups) in line with the Council's normal recruitment, disciplinary and termination policies;
- Community Governance: proposals for a change in governance arrangements or complying with a duty to make a change in governance arrangements, approving the proposals, deciding whether the change should be subject to approval;
- Reorganisation orders implementing recommendations of a community governance review.

### Local Choice Functions

The Chief Executive is authorised to discharge the following Local Choice Functions which have been assigned to full Council and Cabinet (see Part B2 of the Constitution):

- To appoint any individual to any office other than an office in which he is employed by the authority and to revoke any such appointment:
  - to the extent that appointments are to outside bodies in connection with functions which are the responsibility of the Executive (Cabinet)
  - to the extent that appointments are not the responsibility of the Executive (Full Council).
- To make agreements with other local authorities for the placing of staff at the disposal of those other authorities (Cabinet).

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## E5. DIRECTOR OF STRATEGY, EQUALITY AND PARTNERSHIPS

### Summary

The Director of Strategy, Equality and Partnerships leads the Directorate.

### Non-Executive Functions

The Director of Strategy, Equality and Partnerships is authorised to discharge the following functions:

1. Joint coordination of the Council Plan (with the [Director of Finance \(s.151 Officer\)](#)).

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### Executive Functions

The Director of Strategy, Equality and Partnerships is authorised to discharge the following functions:

2. Insight, partnerships and strategy, including:
  - (i) Strengthening the Council's use of evidence to generate insight, inform decision making and drive improvements across services;
  - (ii) Developing the Council's policy agenda;
  - (iii) Promotion of collaborative working with stakeholders and partners, including the West Midlands Combined Authority and Core Cities;
  - (iv) Strengthening the Council's approach to public participation;
  - (v) Third sector partnership and engagement.
3. Tackling inequality and promoting equality within the community and workforce
4. Corporate communications services, including:
  - (i) the council's communications strategy and policy;
  - (ii) internal and external communications; and
  - (iii) Press and media relations.

#### 5. The Council's corporate customer services and business support functions including:

- [The telephone contact centre;](#)
- [Digital access including the council's website and e-services;](#)
- [Business support functions supporting all Directorates](#)

#### 6. Setting, supporting and monitoring the council's policies and procedures for managing:

- [Performance and service improvement;](#)
- [Projects and programmes.](#)

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### Director of Public Health (DPH)

The Director of Public Health is a statutory appointment as a Chief Officer of the Council appointed jointly with the Secretary of State for Health and Social Care.

The DPH has to be a professionally registered Public Health Consultant.

The DPH is accountable for appropriate use of the ring-fenced public health grant and ensuring the Council delivers the mandated public health services.

The DPH leads the Public Health Division.

The DPH has specific statutory responsibilities; the DPH's specific responsibilities and duties arise directly from Acts of Parliament – mainly the NHS Act 2006 and the Health and Social Care Act 2012 – and related regulations including:

- Responsibility to protect and improve the health of the local population;
- Responsibility to ensure arrangements for planning for, and responding to, emergencies;
- Ensuring co-operation with police, probation and prison services in relation to violent and sexual offenders;
- Provide public health response as a responsible authority to Licensing applications;
- Responsibility for ensuring provision of Healthy Start vitamins where child health clinics and maternity services are commissioned by the local authority;
- Write an annual Director of Public Health report;
- Be an active member of the Health and Wellbeing Board.

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## E6. DIRECTOR OF FINANCE (S.151 OFFICER)

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### Summary

The [Director of Finance \(s.151 Officer\)](#) is the responsible officer for the proper administration of the Council's financial affairs under the Local Government Act 1972, Section 151. The [Director of Finance \(s.151 Officer\)](#) Protocol is set out in Part D of this Constitution.

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Deleted: In addition, the post holds overall responsibility for Digital & Customer Services, Performance Management, Procurement, HR functions and management of the Council's Programme Management Office. The City Solicitor also reports into the Strategic Director of Council Management.

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### Section 151 Officer Functions

The [Director of Finance \(s.151 Officer\)](#) is authorised to take all action as is necessary or expedient to fulfil the statutory obligations under Section 151 Local Government Act 1972.

1. Ensuring effective financial management and controls, including:
  - Reporting on the robustness of the Council's financial plans;
  - Managing the Council's borrowing and investment requirements;
  - Managing and monitoring the Council's revenue budget and capital programme;
  - Preparation and closure of the Council's financial accounts;
  - Managing the Council's tax affairs; and
  - Internal audit.
2. Setting, supporting and monitoring the council's policies and procedures for managing:
  - Budgets;
  - Risk management.

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Commissioning;¶  
Contract management;¶  
Internal trading operations;¶  
Business Charter for Social Responsibility;¶

3. To make standing orders in relation to Finance and contracts.<sup>2</sup>

### Non-Executive Functions

The [Director of Finance \(s.151 Officer\)](#) is authorised to discharge the following Council (non-executive) functions:

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Performance and service improvement; ¶  
Projects and programmes. ¶

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1. Joint coordination of the Council Plan (with the Director of Strategy, Equality and Partnerships).
2. Revenues, Benefits and Rents services including:
  - Council tax processing and billing arrangements;
  - Local Council Tax Support and recoverability of excess Council Tax Support payments;
  - National non domestic rates;

Deleted: Director, Digital and Customer Services¶  
The Director, Digital & Customer Services is authorised to discharge the following functions in line with the provisions of this Constitution:¶  
The Council's Information and Communications Technology Strategy and Citizen Access strategy;¶  
Information and Communications Technology Service including:¶  
Deliver a reliable, flexible, integrated, secure, accessible and well managed service; ¶  
Create the capability to turn information into insight;¶  
Deliver 'Value for Money' services through the commissioning of excellent ICTD;¶  
Be innovative; to make changes to what's established, by introducing new methods, ideas, and solutions.¶  
The Council's corporate customer services and business support functions including:¶  
The telephone contact centre; ¶  
Digital access including the council's website and e-services; ¶  
Business support functions supporting all Directorates¶

<sup>2</sup> Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972 and Section 135 of the Local Government Act 1972

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- Local hardship schemes;
- Housing benefit, including recoverability of overpayments, and education benefit services;
- Financial and social inclusion initiatives;
- Collection of Housing Rents.

## Director of People Services

### Executive

The Director of People Services is authorised to discharge the following functions:

1. Setting, supporting and monitoring the council's policies and procedures for managing human resources and effective organisational development (including Occupational Health, Safety and Wellbeing).

### Non-Executive

2. Employment of staff and terms and conditions.
3. Functions relating to local government pensions, including:
  - To make arrangements to consider and determine employee appeals in relation to grievances, grading and dismissal
  - To determine employee terms and conditions
  - To make standing orders in relation to Officer Employment

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## E7. CITY SOLICITOR (MONITORING OFFICER)

### Executive Functions

The City Solicitor ([Monitoring Officer](#)) is authorised to take any action intended to give effect to a decision of the Council (including decisions taken by a Council committee in accordance with its terms of reference or by a Director in accordance with this scheme of delegation).

The City Solicitor ([Monitoring Officer](#)) is authorised to institute, defend or participate in any legal proceedings or settle (up to the value of £500,000), if appropriate, any actual or threatened legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the City Solicitor ([Monitoring Officer](#)) considers that such action is necessary to safeguard and protect the Council's interests. Decisions above this financial threshold will be made by the Director of Council Management and/or the Chief Executive in consultation with the City Solicitor ([Monitoring Officer](#)).

### Non-Executive Functions: Monitoring Officer

The City Solicitor is the Monitoring Officer for the Council. The Monitoring Officer is a statutory appointment and provides advice to protect and safeguard the Council. The functions are summarised below.

	<i>Description</i>	<i>Source</i>
a)	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 and Section 5A Local Government and Housing Act 1989
b)	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 and Section 5A Local Government and Housing Act 1989
c)	Appointment of Deputy	Section 5 and Section 5A Local Government and Housing Act 1989
d)	Report on resources	Section 5 and Section 5A Local Government and Housing Act 1989
e)	Receive copies of whistleblowing allegations of misconduct	Public Interest Disclosure Act 1998 and Whistleblowing Code of Practice
f)	Arrange investigations of complaints of any Member misconduct	Section 28 Localism Act 2011
g)	Establish and maintain registers of Members' interests and gifts and hospitality	Section 29 Localism Act 2011 and Code of Conduct for Members
h)	Advise on disclosable pecuniary interests	Section 30 Localism Act 2011
i)	Advise on sensitive interests	Section 32 Localism Act 2011
j)	Grant of dispensations re: restrictions on Members' participation in meetings	Section 33 Localism Act 2011
k)	Advice to Members on interpretation of Code of conduct for Members	Section 28 Localism Act 2011 and Code of Conduct for Members

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	<i>Description</i>	<i>Source</i>
l)	New ethical framework functions in relation to Parish Councils	Section 27 Localism Act 2011
m)	Compensation for maladministration	Section 92 LGA 2000
n)	Advice on vires issues, maladministration, probity and policy framework to all Members	DCLG guidance
o)	Advise on any indemnities and insurance issues for Members / Officers	Section 101 LGA 2000 and Local Authorities (Indemnities for Members and Officers) Order 2004 (SI 2004/3082)

### Non-Executive Functions: Other

The City Solicitor ([Monitoring Officer](#)) is authorised to discharge the following Council (non-executive) functions:

1. Supporting the corporate governance of the council, particularly in respect of:
  - (i) Monitoring and reviewing the effectiveness and operation of the constitution;
  - (ii) The requirements of the Members' Code of Conduct;
  - (iii) Setting, supporting and monitoring the council's policies and procedures for managing and access to information including data protection laws;
  - (iv) The appointment of committees and discharge of Council functions;
  - (v) The appointments to outside bodies;
  - (vi) The Members' Allowance Scheme;
  - (vii) The power to make, amend or revoke byelaws.
2. Legal and Governance services including
  - (i) Legal advice and related support services;
  - (ii) Functions relating to the role of Solicitor to the Council including:
    - o taking any action intended to give effect to a decision of the Executive;
    - o the commencement, defence, withdrawal or settlement of proceedings;
    - o the authorisation of Council officers to conduct legal matters in court<sup>3</sup>
  - (iii) Governance Services including support to elected members in their responsibilities, particularly in respect of:
    - o The Leader and Deputy Leader of the Council and Cabinet Members;

<sup>3</sup> "Court" to be construed widely including but not limited to tribunals, inquiries and other quasi-judicial hearings.

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- The Lord Mayor;
- Councillors via group support offices;
- The full Council meeting;
- Cabinet;
- Committees appointed by full Council;
- Overview & Scrutiny;
- Training and development of councillors.

### Local Choice Functions

The City Solicitor ([Monitoring Officer](#)) is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part B2 of the Constitution):

- To appoint review boards under the Social Security Act 1998;<sup>4</sup>
- To amend this Constitution (as set out in Part A6 of this Constitution);
- To make arrangements for the appointment of Committees and discharge of Council's functions.

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<sup>4</sup> s34(4) Social Security Act 1998

## E8. RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

The Assistant Director Governance is the Returning Officer and Electoral Registration Officer and is authorised to discharge the following Council (non-executive) functions:

No	Function	Reference
a)	To assign officers in relation to requisitions of the registration officer	Section 52(4) of the Representation of the People Act 1983
b)	To provide assistance at European Parliamentary elections	Section 6(7) and (8) of the European Parliamentary Elections Act 2002
c)	To divide constituency into polling districts	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983
d)	To divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983
e)	Powers in respect of holding of elections	Section 39(4) of the Representation of the People Act 1983
f)	To pay expenses properly incurred by electoral registration officer	Section 54 of the Representation of the People Act 1983
g)	To fill vacancies in the event of insufficient nominations	Section 21 of the Representation of the People Act 1985
h)	To declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972
i)	To give public notice of a casual vacancy	Section 87 of the Local Government Act 1972
j)	To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000

## E9. CHIEF OPERATING OFFICER

### Summary

[The Chief Operating Officer is responsible for Digital, Information and Technology Services, Commercial and Procurement and Centralised Services.](#)

### Executive Functions

[Chief Operating Officer is authorised to discharge the following functions:](#)

#### 1. Setting, supporting and monitoring the council's policies and procedures for managing:

- [Procurement and purchasing;](#)

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- [Contract management;](#)
- [Business Charter for Social Responsibility;](#)

[1. The Council's Information and Communications Technology Strategy Information and Communications Technology Service including:](#)

- [Deliver a reliable, flexible, integrated, secure, accessible and well managed service;](#)
- [Create the capability to turn information into insight;](#)
- [Deliver 'Value for Money' services through the commissioning of excellent ICTD;](#)
- [Be innovative; to make changes to what's established, by introducing new methods, ideas, and solutions.](#)

**[Non-Executive functions](#)**

[The Chief Operating Officer is authorised to discharge the following functions in line with the provisions of this Constitution:](#)

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## E10. STRATEGIC DIRECTOR OF ADULT SOCIAL CARE

### Summary

The Strategic Director of Adult Social Care, is the responsible officer for the Adult Social Services.<sup>5</sup>

### Executive Functions

The Strategic Director of Adult Social Care, is authorised to discharge the following functions:

1. Services to support adults including:

- Integration and personalisation of health and social care services across the city for the benefit and health and well-being of Birmingham citizens;
- Information, advice and advocacy;
- Prevention and Recovery: to take steps to prevent, reduce or delay the need for care and support for all people including:
  - Preventative Services: Provision or arrangement of community and home based services to adults with less intensive needs; and
  - Re-ablement Services: Provision or arrangement of early intervention time-limited services to meet the immediate requirements of adults with short-term social care needs.

2. Safeguarding including:

- Co-ordination of multiagency arrangements to ensure that resources are deployed in safeguarding vulnerable adults;
- Delivery of safeguarding training; and
- To promote and enable identification of and appropriate action for vulnerable adults at risk of abuse or neglect.

3. Assessment and eligibility

4. Charging and financial assessments including undertaking financial assessments and the provision of deferred payments.

5. [Commissioning](#);

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<sup>5</sup> Appointed under Section 6 Local Authority Social Services Act 1970



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## E11. STRATEGIC DIRECTOR OF CHILDREN AND FAMILIES

### Summary

The Director, Education & Skills, is the responsible officer for the Children's Services.<sup>6</sup>

### Executive Functions

The Strategic Director of Children and Families is authorised to discharge the following functions:

1. Education of Children and Young People including:

- School improvement;
- School places and travel to and from school;
- Oversight of the Dedicated Schools Grant.

2. Special Educational Needs and Disability (SEND).

3. Early Years Provision

4. Children's Services and Safeguarding, including:

- Overseeing the Children's Trust;
- Safeguarding and Child Protection;
- Youth Offending Services

5. Corporate Parenting.

6. Skills and employability

- Skills and entrepreneurship in schools;
- Youth engagement and youth services;
- Employment Opportunities.

7. Library of Birmingham and community libraries.

8. Commissioning;

### Local Choice Functions

The Strategic Director of Children and Families is authorised to discharge the following Local Choice Functions which have been assigned to Cabinet (see Part B2 of the Constitution):

- To make arrangements for appeals against exclusion of pupils from maintained Schools;
- To make arrangements for appeals regarding school admissions;<sup>7</sup>

<sup>6</sup> Appointed under Section 18 Children Act 2004

<sup>7</sup> s94 (1), (1A) and (4) School Standards and Framework Act 1998

- To make arrangements for appeals by governing bodies.<sup>8</sup>

## E12. STRATEGIC DIRECTOR OF PLACE, PROSPERITY AND SUSTAINABILITY

### Executive Functions

The Strategic Director of Place, Prosperity and Sustainability, is authorised to discharge the following functions in line with the provisions of this Constitution:

9. International and domestic inward economic investment including tourism and the visitor economy.
10. Economic growth, including:
  - Development programmes;
  - Land use planning;
  - Housing development.
11. Transport & Connectivity including:
  - Development of the Council's transport strategies and programmes;
  - The authority's strategic traffic management role and network planning;
  - Street naming and numbering;
  - Design of minor and major transport and highways projects;
  - The making of agreements for the execution of highways works under S278 Highways Act 1980;
  - Powers and duties relating to rights of way (including closures) under the Wildlife and Countryside Act, Highways Act, Town and Country Planning Act or Clean Neighbourhoods Act;
  - Air Quality via the Clean Air Zone.
12. Local Land Charges functions including:
  - Maintenance of the Local Land Charges Register; and
  - Responsibility for processing local authority searches.
13. Planning functions including:
  - Deal with any applications for planning permission or other consents (including demolitions);

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<sup>8</sup> s95 (2) School Standards and Framework Act 1998

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- Development of the Council's planning and transport policies;
- Management of the planning service;
- Building conservation and urban design; and
- Obtaining of information as to interests in land.

14. Property Services including:

- Council land use and property;
- Operational Property Management
- Asset Management;
- Central Administration Building (CAB) Accommodation and Management;
- Valuations and Acquisitions;
- Property Sales;
- Property Strategy Delivery;
- Investment Estate & Property Management;
- Property Asset Management and Income;
- Strategic Investment Property Management;
- Property Development;
- Security Services.

**Non-Executive functions**

The Strategic Director of Place, Prosperity and Sustainability, and Strategic Director of City Operations are authorised jointly to discharge the following functions in line with the provisions of this Constitution:

- Power to create footpaths and bridleways;
- Power to stop up footpaths and bridleways;
- Power to divert footpaths and bridleways;
- Powers relating to the preservation of trees;
- Powers relating to the protection of important hedgerows.

**Local Choice Functions**

The Strategic Director of Place, Prosperity and Sustainability is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part B3 of the Constitution):

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- The control of pollution or the management of air quality jointly with the Strategic Director, City Operations;<sup>9</sup>
- To obtain information about interests in land;<sup>10</sup>
- To obtain particulars of persons interested in land;<sup>11</sup>
- To make agreements for the execution of highways works jointly with the Strategic Director, City Operations<sup>12</sup>

Deleted: <#>Procurement and purchasing;¶  
Commissioning;¶  
Contract management;¶  
Internal trading operations;¶  
Business Charter for Social Responsibility;¶

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<sup>9</sup> Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

<sup>10</sup> s330 Town and Country Planning Act 1990

<sup>11</sup> s16 Local Government (Miscellaneous Provisions) Act 1976

<sup>12</sup> Section 278 Highways Act 1980

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## E13. STRATEGIC DIRECTOR OF CITY HOUSING

### Executive Functions

1. Housing Services including:
  - Council housing management services;
  - Liaison with Registered Social Landlords;
  - Housing Options;
  - Tenant engagement in social housing;

## E14. STRATEGIC DIRECTOR OF CITY OPERATIONS

### Executive Functions

1. Waste Strategy and Services including:
  - Waste collection;
  - Waste disposal;
  - Recycling.
2. Cleaner Neighbourhoods including:
  - Street cleansing;
  - Pest control;
  - Litter bin provision and maintenance;
  - Provision and cleaning of public conveniences;
  - Graffiti removal;
  - Dog control and dog warden service.
3. Arts, Culture and Sports, including:
  - Museums and galleries;
  - Arts;
  - Sporting events;
  - Leisure centres and community sports facilities.
4. Parks and Allotments including:

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- Creation, management and enhancement of green spaces<sup>13</sup>;
  - Creation, management and enhancement of related visitor attractions and facilities;
  - Public rights of way and provision and maintenance of footpaths and bridleways;
  - Woodland and tree management;
  - Provision of educational events and programmes;
  - Grass cutting and grounds maintenance;
  - Management of designated conservation sites.
5. Bereavement Services including:
- Cemeteries, crematoria, burial grounds and mortuaries including the authority's role as burial authority;
6. To discharge the Council's statutory obligations in relation to the operation of the Community Right to Bid for Assets of Community Value and the Community Right to Challenge.
7. To exempt the Illegal money lending team from provisions in Part D2 in relation to FinditinBirmingham (as per the footnotes in that section), if it is prudent to do so for operational, geographical and policy reasons. Value for money will also be a consideration in line with the ringfenced grant agreement.
8. Highways and Infrastructure including:
- The authority's role as a highways, traffic and streetworks authorities;
  - Maintenance of highway assets of roads, bridges, retaining walls, street lighting and associated infrastructure;
  - Design and delivery of major and minor highway schemes;
  - The making of agreements for the execution of highways works under S278 Highways Act 1980;
  - Powers and duties relating to rights of way (including closures) under the Wildlife and Countryside Act, Highways Act, Town and Country Planning Act or Clean Neighbourhoods Act;
  - To act as the Authority's Representative on behalf of the Council in accordance with the terms of the Highway Maintenance and Management Service PFI Contract;
  - Discharging statutory duties with respect to the delivery of operational parking functions, including Civil Parking Enforcement
  - Flood and water management including:

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<sup>13</sup> Including parks & city centre beds, nature reserves & woodlands, playgrounds, allotments

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- Discharging duties as Lead Local Flood Authority and other duties and responsibilities associated with the Flood Water Management Act;
- Land drainage activities;
- The delivery and maintenance of flood alleviation schemes
- Flood response.

9. The council's city-wide resilience and emergency planning functions.

10. Neighbourhood Management.

### Non-Executive Functions

The Strategic Director, City Operations is authorised to discharge the following functions:

1. Regulation and Enforcement, including
  - Environmental Health Service, Trading Standards Service, England Illegal Money Lending Team, Regional Investigation team, the Licensing Service, the Waste Enforcement Unit (street scene) and the private rented sector (housing);
  - Enforcement activities, including the authorisation of proceedings and defending proceedings on behalf of the council in relation to civil and criminal matters in respect of these services and other services as appropriate.
2. Licensing functions including:
  - Functions of a licensing authority including (but not restricted to):
    - The administration of licenses for entertainment, gambling and the sale of alcohol;
    - Taxi and Private Hire;
    - Miscellaneous licensing functions;
    - Private Rented Sector licensing and regulation.
  - Adoption and revision of the Statement of Licensing Policy (Licensing Act 2003)
  - Adoption and revision of the Statement of Gambling Policy (Gambling Act 2005)
3. Environmental Health including:
  - Food hygiene and safety;
  - Health and safety at work<sup>14</sup>;
  - Monitoring and control of infectious diseases;

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<sup>14</sup> other than in relation to Birmingham City Council staff or activities

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- Private water supply monitoring; and
  - Animal health and welfare enforcement<sup>15</sup>.
4. Trading Standards including:
- Tackling rogue traders
  - Product safety
  - Misleading claims, scams and illegal trading practices.
  - Underage sales
  - Illegal advertising
5. Registrars functions including:
- Registration of births, deaths, marriages and civil partnerships; and
  - Provision of civic weddings, civil partnerships and citizenship ceremonies.
6. Public Health Protection and Control of Statutory Nuisance including:
- Flytipping, commercial and household Duty of Care and rubbish accumulations;
  - Domestic, commercial and industrial noise, fumes and odours;
  - Air quality management; and
  - Other forms of pollution harmful to public health.
7. To authorise action and exercise powers in relation to the Anti-Social Behaviour, Crime & Policing Act 2014. · Setting, supporting and monitoring the council's policy on Community Safety including:
- Safer communities;
  - Domestic abuse;
  - Prevent and Counter-terrorism;
  - To discharge local authority approvals for S35 Dispersal Orders and other statutory instruments relating to local community safety;
  - To Host the Community Safety Partnership and produce a Community Safety Strategy including reducing reoffending and serious violence strategies.
8. Highways:
- Duty to assert and protect the rights of the public to the use and enjoyment of highways;

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<sup>15</sup> including livestock markets and animal breeding and boarding establishments



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- Powers relating to the removal of things so deposited on highways as to be a nuisance;
- Duty to keep a definitive map and statement under review;
- Duty to reclassify roads used as public paths;
- Power to make limestone pavement order.

### Local Choice Functions

The Strategic Director, City Operations is authorised to discharge the following Local Choice Functions which have been assigned to full Council:

- Any function relating to contaminated land;<sup>16</sup>
- To serve an abatement notice in respect of a statutory nuisance;<sup>17</sup>
- To pass a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;<sup>18</sup>
- To inspect the authority's area to detect any statutory nuisance;<sup>19</sup>
- To investigate any complaint about the existence of a statutory nuisance.<sup>20</sup>
- The control of pollution or the management of air quality;<sup>21</sup>
- To make agreements for the execution of highways works.<sup>22</sup>

## E15. DIRECTOR - INTERVENTION DELIVERY

### Summary

The Director, Intervention Delivery is responsible for co-ordinating and supporting the work of the government appointed Commissioners who are responsible for governance, scrutiny of strategic decision making, finance, and senior appointments.

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<sup>16</sup> Part IIA Environmental Protection Act 1990 and subordinate legislation

<sup>17</sup> s80(l) Environmental Protection Act 1990

<sup>18</sup> s8 Noise and Statutory Nuisance Act 1993

<sup>19</sup> S79 Environmental Protection Act 1990

<sup>20</sup> s79 Environmental Protection Act 1990

<sup>21</sup> Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

<sup>22</sup> Section 278 Highways Act 1980



# Birmingham City Council

## Council Business Management Committee

7 May 2024



**Subject:** Proportionality  
**Report of:** Marie Rosenthal, Interim City Solicitor and Monitoring Officer  
**Report author:** Ben Patel-Sadler  
Senior Committee Manager  
[Ben.Patel-Sadler@birmingham.gov.uk](mailto:Ben.Patel-Sadler@birmingham.gov.uk)

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 To remind the Committee of the requirements and application of the proportionality provisions of the Local Government and Housing Act 1989.
- 1.2 To assist the Committee in applying those provisions to the membership of various bodies which are due to be appointed at the Annual Council Meeting on Tuesday, 21 May 2024.
- 1.3 Following the resignation of Councillor Brigid Jones, there was a vacancy in the Bournbrook and Selly Park ward. A by election to fill this vacancy was held on Thursday 2 May 2024.
- 1.4 Following the resignation of Councillor Rick Payne, there is now a vacancy in the Kingstanding ward. A by election to fill this vacancy is to be arranged but will not have taken place until after the Annual City Council meeting on 21 May 2024.
- 1.5 Due to the Bournbrook and Selly Park by election result now being known (Jamie Christopher Scott (LAB)), the appendix to the report to reflect proportionality calculations has been updated and is now available to view (**Appendix 1**).

- 1.6 Proportionality calculations will be undertaken for a final time when the result of the Kingstanding by election is known. This will be after the Annual City Council meeting on 21 May.
- 1.7 For the purpose of proportionality calculations, officers have used a figure of 100 Councillors in total. Further proportionality calculations will then be undertaken following the Kingstanding by election where the full complement of 101 Councillors will be confirmed.

## **2 Recommendation(s)**

That the Committee:

- 2.1 Notes the report.
- 2.2 Considers the information set out at section 8 of the report and confirms which Committees (if any) not to apply proportionality principles to.
- 2.3 Approves **Appendix 1** to the report (Proportionality Calculations for 2024-25).

## **3 Background**

- 3.1 The Committee is reminded of the Requirements of the 1989 Act as follows-
  1. The Local Government and Housing Act 1989 requires the City Council to review the representation of Party Groups on committees at every Annual Council Meeting and to keep it under review to ensure proportionality through the year. In the same way, each committee is then under a similar duty to consider and keep under review the representation of Party groups on any sub-committees which it appoints.
  2. The Council must determine the allocation of seats on committees to the various Party Groups so as to give effect as far as reasonably practicable to the following proportionality principles which are contained in the 1989 Act –
    - (a) not all seats on a committee are allocated to one Group;
    - (b) the Group with an overall majority on the City Council as a whole has a majority of seats on each committee;
    - (c) subject to (a) and (b) above, the aggregate number of seats on all committees allocated to a Group is in proportion to that Group's representation on the City Council as a whole (aggregate proportionality); and
    - (d) subject to (a), (b) and (c) above, the number of seats on each individual committee allocated to a Group is in proportion to that

Group's representation on the City Council as a whole.

3. Once the allocation of seats has been determined, the Council must appoint members to Committees as nominated by each Party Group.
4. If there are members of the City Council who are not members of any Party Group, the application of the proportionality principles will result in there being some committee seats left over after all the allocations to Groups have been made. These remaining seats must be allocated to the members who are not members of any Party Group. However, it is up to the Council to decide which seats should be occupied by which of these members. In other words, there is no equivalent to the nomination procedure which applies to seats allocated to a Group.
5. These principles also apply to the appointment of sub-committees except that committees are not required to have regard to the aggregate number of seats on all the sub-committees which they appoint.
6. Under the Council's current Constitution, the only bodies or appointments to which the proportionality provisions apply are –
  - the Overview and Scrutiny Committees;
  - the Regulatory Committees (Planning, Licensing and Public Protection);
  - the Council Business Management Committee;\*
  - the Trusts and Charities Committee
  - the Audit Committee;
  - City Council Members on the Standards Committee;\*
  - Sub-Committees appointed by any of the above; and
  - Appointments to Outside bodies made by City Council

\*See paragraph 8 below.

7. Council may agree not to apply proportionality principles in respect of a particular body provided that notice of such a proposal is given in the papers for the relevant meeting and no member votes against the proposal.
8. For the Municipal Year (2023/24), the Council opted out of proportionality in respect of the Council Business Management Committee and for City Council Members on the Standards Committee.
9. On the 10 May 2005, the Council Business Management Committee took the decision that the Committee should not confirm to proportionality principles and specifically that the Committee should comprise the 3 Group Leaders, 3 Deputy Group Leaders, 3 Group Secretaries and the Chairperson of the Co-ordinating Overview and Scrutiny Committee. This arrangement has been amended over time, with the current Committee comprising the Labour Group Leader, Deputy Leader, Group Secretary and Chair of Co-Ordinating O&S

Committee. The Conservative Group Leader and Group Secretary and the Liberal Democrat Group Leader or Group Secretary.

10. The Standards Committee does not apply proportionality principles due to it having a full complement of Lay Members. The Council Business Management Committee subsequently agreed that a political split of x2 Labour Members, x2 Conservative Members and x2 Liberal Democrat Members was appropriate. This arrangement has now been in place for several years.

11. For 2024/2025 it is suggested that the Council Business Management Committee and the City Council Members on the Standards Committee continue to be excluded from proportionality.

#### **4 Arrangements for 2024/25**

4.1 **Appendix 1** to the report shows the number of seats that need to be allocated to each Party Group, on bodies with between 3 and 30 seats, in order to reflect the strength of each Party Group on the Council as a whole together with the aggregate proportionality.

#### **5 Legal Implications**

5.1 The legal implications are detailed within the report at 3.1.

#### **6 Financial Implications**

6.1 There are no immediate financial implications arising from this report.

#### **7 Public Sector Equality Duty**

7.1 There are no immediate equality implications arising from this report.

#### **8 Other Implications**

8.1 None.

#### **9 Background Papers**

9.1 Birmingham City Council Constitution.

#### **10 Appendices**

10.1 **Appendix 1** – Proportionality Calculations

**Table 1: Allocation of Committee Seats 3 May 2024**

Party Group	Seats on Council	%age
Labour	65	65.000%
Conservative	21	21.000%
Liberal Democrat	12	12.000%
Green	2	2.000%
<b>Total</b>	<b>100</b>	<b>100.00%</b>

**Table 2: Aggregate Proportionality as of 3 May 2024**

Committee Seats	Labour	Conservative	Liberal Democrat	Green	Aggregate Proportionality:				
3	2 (1.950)	1 (0.630)	0 (0.360)	0 (0.060)	No of Cllrs:				
4	3 (2.600)	1 (0.840)	0 (0.480)	0 (0.080)	No of Cllrs: Lab Con Lib Dem Green				
5	3 (3.250)	1 (1.050)	1 (0.600)	0 (0.100)	100 65 21 12 2				
6	4 (3.900)	1 (1.260)	1 (0.720)	0 (0.120)	Proportionality - % 65.000% 21.000% 12.000% 2.000%				
7	4 (4.550)	2 (1.470)	1 (0.840)	0 (0.140)	No of Committee seats:				
8	5 (5.200)	2 (1.680)	1 (0.960)	0 (0.160)	113 73.45 23.73 13.56 2.26				
9	6 (5.850)	2 (1.890)	1 (1.080)	0 (0.180)	Aggregate entitlement:				
10	7 (6.500)	2 (2.100)	1 (1.200)	0 (0.200)	73 24 14 2 113				
11	7 (7.150)	3 (2.310)	1 (1.320)	0 (0.220)	Seats allocated:				
12	8 (7.800)	3 (2.520)	1 (1.440)	0 (0.240)	72 27 14 0 113				
13	8 (8.450)	3 (2.730)	2 (1.560)	0 (0.260)	Gains / Losses:				
14	9 (9.100)	3 (2.940)	2 (1.680)	0 (0.280)	1 -3 0 2				
15	10 (9.750)	3 (3.150)	2 (1.800)	0 (0.300)	Committees at AM				
16	10 (10.400)	4 (3.360)	2 (1.920)	0 (0.320)	Co-ordinating O&S 12				
17	11 (11.050)	4 (3.570)	2 (2.040)	0 (0.340)	O&S Comms (x 6): 48 (8 Councillors each)				
18	12 (11.700)	4 (3.780)	2 (2.160)	0 (0.360)	Planning Comm : 15				
19	12 (12.350)	4 (3.990)	2 (2.280)	1 (0.380)	Licensing Public Prot Comm 15				
20	13 (13.000)	5 (4.200)	2 (2.400)	0 (0.400)	Employment 7				
21	14 (13.650)	5 (4.410)	2 (2.520)	0 (0.420)	Trusts&Charities Comm 8				
22	14 (14.300)	5 (4.620)	3 (2.640)	0 (0.440)	Audit Comm: 8				
23	15 (14.950)	5 (4.830)	3 (2.760)	0 (0.460)	Total seats: 113 (CBMC and Standards outside proportionality)				
24	16 (15.600)	5 (5.040)	3 (2.880)	0 (0.480)	Seats allocated: Lab Con LibDem X-check				
25	16 (16.250)	6 (5.250)	3 (3.000)	0 (0.500)	Co-ordinating O&S 8 3 1 12				
26	17 (16.900)	6 (5.460)	3 (3.120)	0 (0.520)	O&S Comms (x 6): 30 12 6 48				
27	17 (17.550)	6 (5.670)	3 (3.240)	1 (0.540)	Planning Comm : 10 3 2 15				
28	18 (18.200)	6 (5.880)	3 (3.360)	1 (0.560)	Licensing Public Prot Comm 10 3 2 15				
29	19 (18.850)	6 (6.090)	3 (3.480)	1 (0.580)	Employment 4 2 1 7				
30	19 (19.500)	6 (6.300)	4 (3.600)	1 (0.600)	Trusts&Charities Comm 5 2 1 8				
					Audit Comm: 5 2 1 8				
					Total seats: 72 27 14 0 113				

(N.B - 1 - 30 figures do not take into account aggregate proportionality)





**Birmingham City Council**  
**Council Business Management Committee**  
7 May 2024



**Subject:** City Council Appointments  
**Report of:** Marie Rosenthal, Interim City Solicitor and Monitoring Officer  
**Report author:** Ben Patel-Sadler  
Senior Committee Manager  
[Ben.Patel-Sadler@birmingham.gov.uk](mailto:Ben.Patel-Sadler@birmingham.gov.uk)

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 To recommend to City Council appointments to committees, outside bodies and other offices.
- 1.2 Proposed bodies to be appointed by City Council are set out in **Appendix 1** to the report which is currently to follow.
- 1.3 Following the resignation of Councillor Brigid Jones, there is now a vacancy in the Bournbrook and Selly Park ward. A by election to fill this vacancy will be held on Thursday 2 May 2024.
- 1.4 Following the resignation of Councillor Rick Payne, there is now a vacancy in the Kingstanding ward. A by election to fill this vacancy is to be arranged but will not have taken place until after the Annual City Council meeting on 21 May 2024.
- 1.5 Due to the Bournbrook and Selly Park by election having not taken place at the time of agenda publication, the appendix to the report is currently to follow and will be circulated once proportionality calculations have been undertaken when the result of the by-election is confirmed.
- 1.6 Proportionality calculations will be undertaken for a final time when the result of the Kingstanding by election is known. This will be after the Annual City Council meeting on 21 May.
- 1.7 **Appendix 1** to the report will be circulated for Groups to consider and complete once the number of seats allocated to each Group for each committee/outside body

is known following the completion of proportionality calculations after the result of the 2 May 2024 Bournbrok and Selly Park by election.

- 1.8 Following the result of the Kingstanding by election (to take place following Annual Council on 21 May), proportionality calculations will be undertaken once more. Groups will be made aware if amendments to the allocation of committees/outside bodies seats are required. Any subsequent changes to committees/outside bodies allocations will need to be considered and approved by City Council.
- 1.9 Groups are asked to note that appointments to Committees not included in **Appendix 1** are made by Cabinet in line with the provisions set out in part B6 of the constitution. These Committees include any Cabinet Committees and the Health and Wellbeing Board.
- 1.10 Groups are asked to note the proposed changes to the constitution as outlined in the 'Changes to the Constitution' report which is included as part of this meeting agenda..

## **2 Recommendations**

- 2.1 That nominations be submitted to the next meeting of City Council of representatives to serve on the bodies detailed in **Appendix 1** (to follow) to the report, for the municipal year 2024-25.

## **3 Recommended Proposal**

- 3.1 The Committee is recommended to include appointments in the Summons to the next City Council meeting.
- 3.2 Groups are asked to note that further proportionality calculations need to be undertaken following the Bournbrook and Selly Park by election which takes place on 2 May 2024.
- 3.3 A by election in respect of the Kingstanding ward will take place on a date after the Annual City Council meeting (21 May 2024).
- 3.4 If aggregate proportionality changes following the completion of the Bournbrook and Selly Park by election, then **Appendix 1** (to follow) will be amended, with Groups then requested to allocate Members to committees/outside bodies according to the finalised proportionality calculations.
- 3.5 The result of the Kingstanding by election will not be known until after the 21 May Annual City Council meeting. Further proportionality calculations will be completed following the outcome of the by election.
- 3.6 The proportionality provisions of the Local Government and Housing Act 1989 only apply to Committees and Sub-Committees of the Council however Council appointments to outside bodies have also usually been based on proportionality.

Where there is only one appointment to be made, this has usually been taken by the largest political group on the Council.

#### **4 Legal Implications**

- 4.1 Committee proportionality is based on the provisions outlined as part of the Local Government and Housing Act 1989.

#### **5 Financial Implications**

- 5.1 There are no immediate financial implications arising from this report.

#### **6 Public Sector Equality Duty**

- 6.1 There are no immediate equality implications arising from this report.

#### **7 Other Implications**

- 7.1 None.

#### **8 Background Papers**

- 8.1 Birmingham City Council Constitution.

#### **9 Appendices**

- 9.1 **Appendix 1** - Proposed bodies to be appointed by City Council (to follow).



## CITY COUNCIL APPOINTMENTS 2024/25

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\* Please note that this appendix will be recirculated following the completion of the Bournbrook and Selly Park by election on 2 May 2024. Upon completion of the by election, proportionality calculations can be finalised and any aggregate changes can be reflected below. \*

In accordance with aggregate proportionality requirements based on 113 seats, the following adjustments need to be reflected in the composition of Committees: ie

Labour	=	x seats
Conservative	=	x seats
Liberal Dem	=	x seats
Green	=	x seats

Committees will have regard to aggregate number of seats on all the Sub-Committees which they appoint.

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1. **APPOINTMENT OF MEMBERS TO SERVE ON OVERVIEW AND SCRUTINY COMMITTEES UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2025**

(A) **CORPORATE AND RESOURCES OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**12 Members**

Labour (x)	Conservative (x)	Liberal Democrat (x)
Cllr	Cllr	Cllr

**Councillor x as Chair**

(B) **ECONOMY, SKILLS AND CULTURE OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members**

Labour (x)  
Cllr

Conservative (x)  
Cllr

Liberal Democrat (x)  
Cllr

**Councillor x as Chair**

**(C) HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members**

Labour (x)	Conservative (x)	Liberal Democrat (x)	Green (x)
Cllr	Cllr	Cllr	Cllr

**Councillor x as Chair**

**(D) EDUCATION, CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members**

Labour (x)	Conservative (x)	Liberal Democrat (x)
Cllr	Cllr	Cllr

**Councillor x as Chair**

Other Voting Members (4)

1 Church of England diocese representative – Sarah Smith

1 Roman Catholic diocese representative – Justine Lomas

2 Parent Governor Representatives – Rabia Shami and Osamugi Ogbe

**(E) HOMES OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members**

Labour (x)	Conservative (x)	Liberal Democrat (x)
Cllr	Cllr	Cllr

**Councillor x as Chair**

**(F) NEIGHBOURHOODS OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members**

Labour (x)

Conservative (x)

Liberal Democrat (x)

Cllr

Cllr

Cllr

**Councillor x as Chair**

**(G) SUSTAINABILITY AND TRANSPORT OVERVIEW AND SCRUTINY COMMITTEE**

(Must comply with proportionality requirements)

**8 Members**

Labour (x)

Conservative (x)

Liberal Democrat (x)

Cllr

**Councillor x as Chair**



2. **APPOINTMENT OF MEMBERS TO SERVE ON THE REGULATORY COMMITTEES UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2025**

(A) **PLANNING COMMITTEE**

(Must comply with proportionality requirements)

**15 Members**

Labour (x)	Conservative (x)	Liberal Democrat (x)
Cllr	Cllr	Cllr

**Councillor x as Chair**

(B) **LICENSING AND PUBLIC PROTECTION COMMITTEE**

(Must comply with proportionality requirements)

**15 Members**

Labour (x)	Conservative (x)	Liberal Democrat (x)	Green (x)
Cllr	Cllr	Cllr	Cllr

**Councillor x as Chair**

(B1) **LICENSING SUB-COMMITTEE A**

(Must comply with proportionality requirements except when meeting to consider matters under the Licensing Act 2003 and the Gambling Act 2005)

**3 Members**

Labour (x)

Conservative (x)

Liberal Democrat (x)

Cllr x

Cllr

**Councillor x as Chair**

(B2) **LICENSING SUB-COMMITTEE B**

(Must comply with proportionality requirements except when meeting to consider matters under the Licensing Act 2003 and the Gambling Act 2005)

**3 Members**

Labour (x)	Conservative (x)	Liberal Democrat (x)
Cllr	Cllr	

**Councillor x as Chair**

(B3) **LICENSING SUB-COMMITTEE C**

(Must comply with proportionality requirements except when meeting to consider matters under the Licensing Act 2003 and the Gambling Act 2005)

**3 Members (1 seat given up by Conservative Group to the Liberal Democrat group)**

Labour (x)	Conservative (0)	Liberal Democrat (x)
Cllr		Cllr

**Councillor x as Chair**

3. **APPOINTMENT OF MEMBERS TO SERVE ON THE COUNCIL BUSINESS MANAGEMENT COMMITTEE UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2025**

(Outside of proportionality requirements)

**9 Members –**

Labour Group Leader, Deputy Leader, Group Secretary & Chair of Co-Ordinating O&S Committee

Conservative Group Leader & Group Secretary

Liberal Democrat Group Leader or Group Secretary

2 Labour

Labour (6)	Conservative (2)	Liberal Democrat (1)
Cllr	Cllr	Cllr

**Councillor x as Chair**

4. **APPOINTMENT OF MEMBERS TO SERVE ON THE AUDIT COMMITTEE UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2025**

(Must comply with proportionality requirements)

**8 Members**

Labour (x)	Conservative (x)	Liberal Democrat (x)
Cllr	Cllr	Cllr

**(Independent Member as Chair)**

5. **APPOINTMENT OF MEMBERS TO SERVE ON THE TRUSTS AND CHARITIES COMMITTEE UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2025**

(Must comply with proportionality requirements)

**8 Members**

Labour (x)	Conservative (x)	Liberal Democrat (x)
Cllr	Cllr	Cllr

**Councillor Marcus Bernasconi as Chair**

6. **APPOINTMENT OF MEMBERS TO SERVE ON THE EMPLOYMENT COMMITTEE UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2025**

(Must comply with proportionality requirements)

**7 Members**

Labour (x)	Conservative (x)	Liberal Democrat (x)
Cllr	Cllr	Cllr

**Councillor Marcus Bernasconi as Chair**

**7. APPOINTMENT OF MEMBERS TO SERVE ON THE STANDARDS COMMITTEE UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2025**

(City Councillor appointments outside of proportionality requirements)

**6 Members**

Labour (2)	Conservative (2)	Liberal Democrat (2)
Cllr	Cllr	Cllr

6 Independent lay members:

Peter Wiseman  
Steven Jonas  
Steve Atkinson  
Talbinder Kaur  
Sandra Cooper  
Vacancy

1 member representing the New Frankley in Birmingham Parish Council and  
1 member representing the Sutton Coldfield Parish Council

(Parish member must be present when matters relating to the Parish Council  
or its Members are being considered):

New Frankley in Birmingham Parish Councillor Cllr Marion  
Kenyon

Sutton Coldfield Parish Councillor Cllr Terry Wood

**Peter Wiseman as Chair (independent)**

The quorum is 5 members, including at least one of the Independent Lay  
Member and the Parish Councillor if it relates to a Parish Council matter.

**6. ANNUAL APPOINTMENTS TO OUTSIDE BODIES UNTIL THE ANNUAL MEETING OF THE COUNCIL IN MAY 2025**

**(A) Local Government Association – General Assembly**

**(4 Councillors** to exercise 17 votes in accordance with proportionality)

Labour Group Members	11 votes
Conservative Group Member	4 votes
Liberal Democrat Group Member	2 votes

Cllr x	(Lab)
Cllr x	(Lab)
Cllr x	(Con)
Cllr x	(Lib Dem)



the person appointed must be a Member of the Council  
Councillor x

**(G) West Midlands Combined Authority**

The following appointments need to be made:-

**WMCA Board**

Member	Substitute
Cllr x (Lab)	Cllr x (Lab)
Cllr x (Lab)	Cllr x (Lab)

**WMCA Overview and Scrutiny Committee**

Member	Substitute
Cllr x (Lab)	Cllr x (Lab)
Cllr x (Lab)	Cllr x (Lab)
Cllr x (Con)	Cllr x (Con)

**Transport Delivery Committee**

(7 Councillors appointments must comply with proportionality requirements)

Labour (x)	Conservative (x)	Liberal Democrat (x)
Cllr x	Cllr x	Cllr x
Cllr x	Cllr x	
Cllr x		
Cllr x		

**Cllr x as Lead Member**

**WMCA Transport Scrutiny Sub-Committee**

Cllr x (Lab)

**WMCA Audit, Risk & Assurance Committee**

Member	Substitute
Cllr x (Lab)	Cllr x (Lab)

**WMCA Housing & Land Delivery Board**

Cllr x (Lab)

**WMCA Investment Board**

Cllr x (Lab)

**WMCA Public Service Reform Board**

Cllr x (Lab)

**WMCA Wellbeing Board**

Cllr x (Lab)

**WMCA Environment Board**

Cllr x (Lab)

**Strategic Economic Delivery Board**

Cllr x (Lab)

**WMCA HS2 Delivery Board**

Cllr x (Lab)

**(H) WM Growth Company - Board of Directors**

The Leader will be the Council's nomination.

**(I) Safety Advisory Groups**

To make appointments on the basis of 1-1-1 plus the Local Ward Member

Aston Villa Football Club Safety Advisory Group

Councillor x (Lab)  
Councillor x (Con)  
Councillor x (Lib Dem)  
Councillor x (One Aston Ward Member/Lib Dem)

Birmingham City Football Club Safety Advisory Group

Councillor x (Lab)  
Councillor x (Con)  
Councillor x (Lib Dem)  
Councillor x (Bordesley and Highgate Ward Member)

Warwickshire County Cricket Club Safety Advisory Group

Councillor x (Lab)  
Councillor x (Con)  
Councillor x (Lib Dem)  
Councillor x (One Edgbaston Ward Member)

**(J) Annual Appointments to Other Bodies**



(Historically, proportionality has been applied to positions requiring two or more members, although it does not need to be applied to such appointments).

**Body**

**Representative**

(a)	Standing Advisory Council on Religious Education -	Cllr x	(Lab)	
	<b>8 Representatives</b>	Cllr x	(Lab)	
		Cllr x	(Lab)	
		Cllr x	(Lab)	
	(To comply with proportionality – 5 Lab; 2 Con; 1 Lib Dem)	Cllr (Vacancy)		(Lab)
	Mr Peter Fowler		(Con)	
	Mr Guy Hordern		(Con)	
	Cllr x (Lib Dem)			

**Cllr x as Chair**

(b)	City Housing Liaison Board	Cllr x	(Lab)
	<b>3 Councillors plus 1 Lab alternate</b>	Cllr x	(Lab alt)
	1 Lab; 1 Con; 1 Lib Dem	Cllr x	(Con)
		Cllr x	(Lib Dem)



**Birmingham City Council**  
**Council Business Management Committee**

7 May 2024



**Subject:** Appointment to the Roll of Honorary Aldermen  
**Report of:** Marie Rosenthal, Interim City Solicitor and Monitoring Officer  
**Report author:** Ben Patel-Sadler  
Senior Committee Manager  
0121 303 0216  
[Ben.Patel-Sadler@birmingham.gov.uk](mailto:Ben.Patel-Sadler@birmingham.gov.uk)

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 To propose the appointment of former Councillor Brigid Jones to the Roll of Honorary Aldermen.
- 1.2 To recommend that this be considered at a special meeting of the Council to be held at 1555 hours on Tuesday 21 May 2024.
- 1.3 To propose that the Title of Honorary Alderman *Posthumous* be conferred on the late Councillor and former Lord Mayor Mohammed Azim.

**2 Recommendations**

- 2.1 That the City Council be recommended to admit former Councillor Brigid Jones to the Roll of Honorary Aldermen at a special meeting of the Council to be held at 1555 hours on Tuesday 21 May 2024.
- 2.2 That the City Council be recommended to confer the title of Honorary Alderman *Posthumous* on the late Councillor and former Lord Mayor Mohammed Azim and that the matter be considered at the special meeting of the Council to be held at 1555 hours on Tuesday 21 May 2024 and, if approved, to authorise the Lord Mayor and the Leader of the Council to present the *Posthumous* Title to his family.

### **3 Background**

- 3.1 Section 249 (i) of the Local Government Act 1972 allows a Council to confer the title of Honorary Alderman on former Councillors who have, in the opinion of the Council, rendered eminent services to the Council as past members of that Council. This requires a resolution passed by not less than two thirds of the Members voting on it at a meeting of the Council specially convened for the purpose.
- 3.2 The City Council has instituted a Roll of Honorary Aldermen to which are admitted former Aldermen or Councillors of the City, the former City of Birmingham or the former borough of Sutton Coldfield who have
- a) rendered a minimum of 15 years service as a member of any of these Councils or
  - b) served for at least 12 years as a member of any of these Councils and given particularly notable service.

Broken service is aggregated.

- 3.3 Councillor Brigid Jones resigned from the Council in March 2024 and is eligible for consideration for admission to the Roll of Honorary Aldermen of the Council.

**Councillor Brigid Jones** – Served on the City Council from May 2011 to March 2024, a total of 12 years and 10 months. She was Cabinet Member for Children and Family Services (2012-2015), Cabinet Member for Children’s Services (2015-2016), Cabinet Member for Children, Families and Schools (2016-2017), Deputy Leader of the Council (2017-2023), Deputy Leader of the Labour Group (2017-2023), Chair of Cabinet Committee: Group Company Governance (2018-2023) and Cabinet Member, Finance and Resources (2023-2024),

- 3.4 In addition to the above, Councillor Mohammed Azim passed away on 14 August 2022. Councillor Azim served on the City Council from June 2004 to May 2006 and from May 2012 to August 2022, a total of 12 years and 2 months during which time he served as Lord Mayor of Birmingham from 2019-2021 and Deputy Lord Mayor from 2021-2022.
- 3.5 The Committee agreed several years ago to recommend to City Council to confer the title of Honorary Alderman *Posthumous* on previous persons who have died whilst serving as Councillors and may wish to do the same in respect of the late Councillor Mohammed Azim.

### **4 Legal Implications**

- 4.1 There are no immediate legal implications arising from the report.

### **5 Financial Implications**

- 5.1 There are no immediate financial implications arising from this report.

## **6 Public Sector Equality Duty**

6.1 There are no immediate equality implications arising from this report.

## **8 Other Implications**

8.1 None.

## **9 Background Papers**

9.1 None.

## **10 Appendices**

10.1 None.



**Birmingham City Council**  
**Council Business Management Committee**

7 May 2024



**Subject:** Petitions Update  
**Report of:** Marie Rosenthal, Interim City Solicitor and Monitoring Officer  
**Report author:** Ben Patel-Sadler  
Senior Committee Manager  
[Ben.Patel-Sadler@birmingham.gov.uk](mailto:Ben.Patel-Sadler@birmingham.gov.uk)

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: N/A

## 1 Executive Summary

- 1.1 To update the Committee on progress made in responding to petitions presented to full Council and to provide an update in relation to the continuing management of petitions.

## 2 Recommendation(s)

- 2.1 That the Committee notes the progress made in relation to the responding to and discharging of petitions.
- 2.2 That the Committee notes the number of outstanding petitions attributed to each directorate as outlined at 4.3 of the report.
- 2.3 That the Committee determines if any additional measures are required to ensure the continuing progress relating to the responding and discharging of petitions is maintained.

### **3 Background**

3.1 At a meeting of CLT held during the week commencing 22 January 2024, Strategic Directors committed to manage petitions according to the protocol (outlined below) that applies to all petitions submitted by Members<sup>1</sup>:

1. Petition presented at City Council.
2. Petition referred to the appropriate directorate for response within 3 working days.
3. Directorate to write to the Councillor presenting the petition and the first named petitioner to acknowledge receipt within 14 days of the City Council.
4. Progress of investigation into petition to be notified by the relevant directorate to Committee Manger for inclusion in the monthly Petitions Update no later than 10 working days before the next City Council.
5. Final response to petition included in Petitions Update by Committee Manager.
6. Director to notify the Councillor who presented the petition and the first named petitioner of the outcome within 14 days of the relevant City Council meeting discharging the same.

### **4. Current Position**

4.1 At the previous meeting of the Council Business Management Committee, Members acknowledged that there were only three outstanding petitions. This represented considerable progress in terms of directorates responding to and discharging petitions presented at meetings of the City Council.

4.2 Following the completion of the Council Business Management Committee which took place on 2 April 2024, approximately 20 petitions were responded to and subsequently discharged by directorates.

4.3 As a result, 20 out of 25 outstanding petitions have been discharged from the schedule in total since the 2 April 2024.

4.4 Committee Services has not yet received a copy of petition 2714 and so this cannot be responded to. In relation to the other 5 outstanding petitions,

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<sup>1</sup> It should be noted that the protocol applies only to petitions sent internally and not to those which are referred to outside bodies for action.



Committee Services will be liaising with the relevant directorates to ensure that these are responded to and discharged at the earliest possible opportunity.

- 4.5 Appendix 1 to this report outlines (in detail) the number of outstanding petitions as of 26 April 2024. The table below outlines (in summary) the number of outstanding petitions by directorate.

<b>Directorate</b>	<b>Number of Outstanding Petitions</b>
Place, Prosperity and Sustainability	1*
Adult Social Care	1
BCC Licensing Team	1
BCC Conservation Team	1
<b>Total</b>	<b>4</b>

\* The petition attributed to the Place, Prosperity and Sustainability directorate has not been responded to as it has not yet been provided by the Councillor.

- 4.6 Where a response, or responses, remain outstanding, the Committee may wish to invite the relevant Strategic Director to attend the next meeting.
- 4.7 To ensure agreed timescales are adhered to, the City Solicitor will continue to provide the Corporate Leadership Team with updates on outstanding petitions on a monthly basis. If such improvements are not sustained, this will include a review of the petitions protocol.
- 4.8 However, given the substantial number of petitions discharged since the 22 January 2024, and the commitment from CLT that each directorate will adhere at all times to the agreed timescales in relation to the responding to and discharging of petitions, it is hoped that such a review will no longer be required.
- 4.9 Significant progress has been made over the previous 6 months in terms of directorates responding to and subsequently discharging petitions. For example, at the October 2023 Committee meeting, there were approximately 28 outstanding petitions (compared to 5 as of the date of this meeting).

## **5 Legal Implications**

- 5.1 There are no immediate legal implications arising from this report.

## **6 Financial Implications**

6.1 There are no immediate financial implications arising from this report.

## **7 Public Sector Equality Duty**

7.1 There are no immediate equality implications arising from this report.

## **8 Other Implications**

8.1 None.

## **9 Background Papers**

9.1 None.

## **10 Appendices**

10.1 Appendix 1: Outstanding petitions as of the 26 April 2024.

**PETITIONS RELATING TO CITY COUNCIL FUNCTIONS PRESENTED TO CITY COUNCIL – 16 APRIL 2024**

<b><u>DATE OF RECEIPT/ PRESENTED BY CATEGORY</u></b>	<b><u>DESCRIPTION/SENT TO</u></b>	<b><u>RESPONSE</u></b>
2714 07.11.2023 Councillor Nicky Brennan	From the residents of Evelyn Road, Sparkhill objecting to the re-opening of Exempt Accommodation that had previously shut down – <i>Director of Place, Prosperity and Sustainability</i>  <b>WAITING FOR CLLR BRENNAN TO EMAIL A COPY OF THE PETITION</b>	05.12.2023 – Still awaiting petition.  06.02.2024 – Still awaiting petition.  16.04.24 – Still awaiting petition.
2722 09.01.2024 Councillor Adrian Delaney <b>EXEC</b>	From residents of Northfield Ward calling upon Birmingham City Council to repair the boiler and carry out other required repairs to Northfield Library - <i>Director of Adult Social Care</i>	04.04.24 – Query raised with the directorate so that an update can be provided.
2728 06.02.2024 Councillor Mohammed Idrees	From residents of Ralph Road, complaining against the HMO properties 31 and 33 Ralph Road, The tenants living in these properties are making residents lives very difficult with their anti-social behaviour, loud music at night, abusive language, and drug dealings taking place. The resident request Birmingham City Council to cancel this HMO license from these 2 properties and remove these tenants without further delay – <i>BCC Licensing Team</i>	20.02.24 – Petition forwarded to the Licensing team for a response.
2737 05.03.2024 Councillor David Barker <b>EXEC</b>	From residents of Birmingham calling upon Birmingham City Council to designate Birmingham’s Station Street a Historic, Cultural and Civic Asset – <i>Director of Place, Prosperity and Sustainability</i>	11.03.2024 - Referred to Conservation Team for investigation and response.

		09.03.2024 - Email received from Cllr Baker informing us that the petition now exceeds 20,000 signatures and needs to be debated at Full Council. Waiting to be verified.
2746 05.03.2024 Councillor Izzy Knowles <b>EXEC</b>	From Doctors in the Birmingham area urging Birmingham City Council to reconsider funding priorities regarding the Children Young People and Families Department – <i><b>The Leader, Councillor John Cotton</b></i>	26.04.2024 – The Council debated and agreed its budget priorities which are now going through the implementation process in accordance with the Directions.  <b>Petition to be discharged.</b>

**CATEGORIES:**    **COMM**        = Petitions relating to Committees functions        **EXEC**        = Petitions relating to the Executive functions

# Birmingham City Council

## Council Business Management Committee

7 May 2024



**Subject:** City Council Agenda for the Next Meeting – 21 May 2024

**Report of:** Marie Rosenthal, Interim City Solicitor and Monitoring Officer

**Report author:** Ben Patel Sadler  
Senior Committee Manager  
[Ben.Patel-Sadler@birmingham.gov.uk](mailto:Ben.Patel-Sadler@birmingham.gov.uk)

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 As per the latest version of the Constitution, the Committee is responsible for the planning and preparation of the agenda, papers and other arrangements for meetings of the Council.

### 2 Recommendation(s)

2.1 That the Committee discusses and agrees the agenda items for consideration at the 21 May 2024 Annual City Council meeting.

2.2 The Committee is also asked to discuss and agree the time allocated to each agenda item.

### 3 Legal Implications

3.1 There are no immediate legal implications arising from this report.

### 4 Financial Implications

4.1 There are no immediate financial implications arising from this report.

## **5 Public Sector Equality Duty**

5.1 There are no immediate equality implications arising from this report.

## **6 Other Implications**

6.1 None.

## **7 Background Papers**

7.1 None.

## **8 Appendices**

8.1 Appendix 1: Draft agenda for the 21 May 2024 Annual City Council meeting.

# **BIRMINGHAM CITY COUNCIL**

## **ANNUAL MEETING OF THE CITY COUNCIL**

**Tuesday 21 May 2024 at 1600  
hours in the Council Chamber,  
Council House, Birmingham**

### **A G E N D A**

#### **1 NOTICE OF RECORDING**

Lord Mayor to advise that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite (please click this link) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

#### **2 DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

#### **3 MINUTES**

To confirm and authorise the signing of the Minutes of the meeting of the Council held on 16 April 2024.

4 **ANNUAL REPORT OF THE LORD MAYOR 2023/2024** (15 minutes)

To receive the annual report of the Lord Mayor

5 **ANNOUNCEMENT OF LORD MAYOR'S AWARDS**

6 **PRESENTATION TO HONORARY ALDERMEN**

Presentation to Honorary Aldermen to be made by the Lord Mayor.

7 **ELECTION OF THE LORD MAYOR 2024/2025**

To elect the Lord Mayor.

NB. A short break will follow to allow for the robing of the Lord Mayor.

8 **PRESENTATION TO THE RETIRING LORD MAYOR**

To present the retiring Lord Mayor with an ex-Lord Mayoral Badge.

9 **PRESENTATION TO THE RETIRING LORD MAYOR'S CONSORT**

To present the retiring Lord Mayor's Consort with a badge as a memento of office.

10 **VOTE OF THANKS TO THE RETIRING LORD MAYOR AND LORD MAYOR'S CONSORT**

A vote of thanks to the retiring Lord Mayor and Lady Mayor's Consort will made.

11 **APPOINTMENT OF THE DEPUTY LORD MAYOR**

To appoint the Deputy Lord Mayor.

NB. A short break will follow to allow for guests to retire.

12 **ALLOWANCES**

To agree the allowances to be made to the Lord Mayor and the Deputy Lord Mayor in office during 2024/2025.

13 **DATES OF MEETINGS**

To determine the dates of the meetings of the Council to be held during the year ending with the next Annual Meeting of the Council.

It is suggested that meetings of the Council be held in the Council Chamber at



1400 hours on the following Tuesdays:-

<b>2024</b>	<b>2025</b>
18 June	28 January
9 July	25 February
17 September	8 April
5 November	
3 December	

**14 ANNUAL MEETING IN 2025**

To confirm the date for the holding of the Annual Meeting of the Council in 2025.

It is recommended that the Annual Meeting for 2025 be held in the Council Chamber at 1600 hours on Tuesday 20 May 2025.

**15 LORD MAYOR'S ANNOUNCEMENTS**

To receive the Lord Mayor's announcements and such communications as the Lord Mayor may wish to place before the Council.

**16 PETITIONS**

To receive and deal with petitions in accordance with Standing Orders.

As agreed by Council Business Management Committee a schedule of outstanding petitions is available electronically with the published papers for the meeting and can be viewed or downloaded.

**17 LEADER'S ANNOUNCEMENT OF CABINET MEMBERS**

**18 RESULT OF BOURNBROOK AND SELLY PARK BY ELECTION**

Report of the City Solicitor.

**19 REVIEW OF THE CITY COUNCIL'S CONSTITUTION**

Report of the City Solicitor.

**20 CITY COUNCIL APPOINTMENTS**

To consider a report of the Council Business Management Committee.

The Leader to move the following recommendation :

“That the City Council makes appointments to Committees and Other Bodies as set out in the Appendix to the report.”

# Birmingham City Council

## Council Business Management Committee

7 May 2024



**Subject:** City Council and Council Business Management Committee Forward Plan

**Report of:** Marie Rosenthal, Interim City Solicitor and Monitoring Officer

**Report author:** Ben Patel Sadler  
Senior Committee Manager  
[Ben.Patel-Sadler@birmingham.gov.uk](mailto:Ben.Patel-Sadler@birmingham.gov.uk)

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 At each Committee meeting, Members are presented with the latest version of the forward plan of agenda items for both meetings of the Council Business Management Committee and the City Council (Appendix 1). The document also provides the Committee with a progress update in relation to City Council Resolutions (Appendix 2).
- 1.2 The Committee is asked to note that the forward plan of agenda items in respect of both meetings may be amended from time to time as and when urgent items arise and/or in the event that a particular meeting needs to focus on a specific matter(s).

### 2 Recommendation(s)

- 2.1 That the Committee discusses and notes the forward plan of agenda items related to meetings of the Council Business Management Committee and the City Council (Appendix 1).

2.2 The Committee is also asked to agree any changes (if required) to the forward plan of agenda items related to meetings of the Council Business Management Committee and the City Council.

2.3 The Committee is asked to note the updates provided in relation to City Council Resolutions (Appendix 2)

### **3 Legal Implications**

3.1 There are no immediate legal implications arising from this report.

### **4 Financial Implications**

4.1 There are no immediate financial implications arising from this report.

### **5 Public Sector Equality Duty**

5.1 There are no immediate equality implications arising from this report.

### **6 Other Implications**

6.1 None.

### **7 Appendices**

7.1 Appendix 1: Latest version of the forward plan of agenda items related to meetings of the Council Business Management Committee and the City Council.

7.2 Appendix 2: City Council Resolutions update.

### **8 Background Papers**

8.1 None.



## CITY COUNCIL FORWARD PLAN 2024/25

CBM	Item	City Council	Item
7 May 2024	Changes to the Constitution Proportionality City Council Appointments Schedule of Travel and Inward Delegations Petitions Update Honorary Aldermen	21 May 2024 (ANNUAL)	Annual Report of the Lord Mayor Result of Bournbrook and Selly Park by Election Changes to the Constitution City Council Appointments <b>Any other additional reports (as necessary)</b>
4 June 2024	Terms of Reference of the Council Business Management Committee Appointment of Sub-Committees and Other Bodies – Request to Appoint Petitions Update Order of Motions for 2024/25	18 June 2024	Executive Business Report (Digital, Culture, Heritage and Tourism and Deputy Leader) Equal Pay Update Reports not on the Forward Plan Scrutiny Business Report

CBM	Item	City Council	Item
	Reports Not on the Forward Plan		
24 June 2024	Petitions Update The Lord Mayoralty Formula Reports not on the Forward Plan Appointment of CBMC Sub-Committees and Other Bodies – to note confirmed memberships	9 July 2024	
2 September 2024	Petitions Update Schedule of Travel and Inward Delegations Reports not on the Forward Plan	17 September 2024	Reports not on the Forward Plan Equal Pay Update Executive Business Report (Environment and Transport) Lead Member Report - WMCA Scrutiny Scrutiny Business Report
21 October 2024	Petitions Update	5 November 2024	Lead Member Report - West Midlands Police & Crime Panel Lead Member report - Transport Delivery O&S Committee
18 November 2024	Reports not on the Forward Plan Petitions Update	3 December 2024	Executive Business Report (Health and Social Care and Social Justice, Community Cohesion and Equalities) Equal Pay Update Reports not on the Forward Plan Scrutiny Business Report

CBM	Item	City Council	Item
13 January 2025	Petitions Update Schedule of Travel and Inward Delegations	28 January 2025	<b>LM Elect (Informal Meeting)</b> Annual Report from the Chair of Audit Committee Lead Member Report - West Midlands Fire Authority Route to Zero Annual Report
10 February 2025	Budget Council – Discussion Petitions Update Suspension of Standing Orders (Budget Council)	25 February 2025	BUDGET MEETING
25 March 2025	CBMC / Council Dates for 2024/25 Updated CBMC / Council Work Programme Petitions Update Reports not on the Forward Plan Schedule of Travel and Inward Delegations	8 April 2025	Reports not on the Forward Plan Equal Pay Update Executive Business Report Scrutiny Business Report
6 May 2025	Changes to the Constitution Proportionality City Council Appointments Petitions Update	20 May 2025	ANNUAL MEETING

**Four Yearly or ad-hoc items:**

Appointment to the Roll of Honorary Alderman (May 2026); Appointment of the Leader (May 2026), Appointment of the Council’s External Auditor (2027)

**Items to be scheduled / proposed:**

Annual Report – Standards Committee (Debate not Hate) – Date TBC

SACRE constitution – timing TBC

Balsall Heath Governance Review TBC



## City Council Resolutions – Tracker

Ref no	Date	Summary of Council Resolution	Lead Cabinet Member / Officer(s)	Update
1.	12 July 2022	<p><b>(Other) Changes to the Constitution</b></p> <p>That the following two areas be clarified in the next review of the constitution to reflect previous custom and practice:</p> <ul style="list-style-type: none"> <li>- The rules around the time available for questions (Section B 4.4) be amended to ensure that the full allocation of time, usually 70 minutes, is used for questions to ensure accountability of the executive and other office holders. This may be done by amendment to clause (v).</li> <li>- Ensure that significant changes to the constitution are reported to Full Council and that there is a clear process for gaining all party approval and notifying all councillors of changes when it is deemed that changes do not need approval of Full Council.'</li> </ul>	Leader / Deputy Leader	<p>A cross party working group has been established, by Council Business Management Committee, to look at options ahead of reporting back to City Council. This work is being carried out over a number of stages, with the issue opposite being reviewed as part of this.</p> <p><b>Stage 1 Immediate Changes (Completed)</b></p> <p>New terms of reference for the Audit Committee were agreed by Full Council in January 2024. In addition, the Constitution was updated at the same time to reflect the new Cabinet Committee Property, established by Cabinet in December.</p> <p><b>Stage 2 Priority Changes (Underway)</b></p> <p>This stage is current underway and has included completion of a statutory requirements check list, with findings from this being considered by the cross-party working group in March and April. Priority review areas have now been identified, so proposed changes can be considered by CBMC/Full Council ahead of the start of the 2024/25 Municipal Year.</p> <p><b>Stage 3 Comprehensive Review (To start in May 2024)</b></p> <p>This stage will commence following the conclusion of stage 2 (above) in May 2024. This stage will focus on making the Council’s Constitution fit for purpose, for a financially secure 21<sup>st</sup> Century Council. This stage will also ensure a training programme is in place to enable both Members and Officers to understand and comply</p>

Ref no	Date	Summary of Council Resolution	Lead Cabinet Member / Officer(s)	Update
				with its provision, ahead of the next administration in May 2026.
2.	1 November 2022	<p><b>Motion B – Educational Attainment</b></p> <p>Council ... resolves to call on the Government to:</p> <ul style="list-style-type: none"> <li>- Deliver on its pledge to restore education spending, in real terms. to 2010 levels.</li> <li>- End tax exemptions for independent schools, using the £1.7 billion raised to fund state school efforts to bridge the attainment gap.</li> </ul> <p>Council further resolves to:</p> <ul style="list-style-type: none"> <li>- Ensure that 'Change For Children and Young People', Birmingham Children’s Partnership (BCP) Board's emerging Children and Young People’s Plan 2023-2027, identifies and addresses gaps in attainment.</li> <li>- Call on the Government to adopt the solutions proposed by the cross-party Education Select Committee report and continue to review its findings.</li> <li>- Call on the City Council Executive to ensure that the report’s findings and solutions where appropriate to Birmingham, are factored into existing and developing strategies including</li> </ul>	Cabinet Member for Children, Young People and Families	<p>Our Birmingham Children’s Partnership Board brings together the city council, our Birmingham Children’s Trust, NHS Integrated Care Board, NHS health providers, the police, and the voluntary sector. During 2022, the Board has overseen the development of a cohesive framework for the delivery of our Plan.</p> <p>Over 4,000 of Birmingham’s children and young people told us about the outcomes that matter most to them. Our Plan: Change for Children and Young People 2023-27 will be based on what they told us. Our ambition is for Birmingham to be a great place for us to grow up, ensuring our children and young people are at the heart of everything we do.</p> <p>There continues to be progress on implementing the recommendations from Breaking the Barriers report, to improve the experiences of children and young people in education and employment opportunities.</p> <p>This work has continued and a report on progress on all 10 recommendations was presented at City Partnership Board on 14 December 2022. In 2023, an employers forum will be established to ensure a greater focus on this area as part of the Council’s year of change for children and young people. This will be complemented by the development of our Good Employment Charter which aims to support employers in providing attractive opportunities for the citizens of Birmingham.</p>

Ref no	Date	Summary of Council Resolution	Lead Cabinet Member / Officer(s)	Update
		<p>‘Everyone’s Battle, Everyone’s Business’ and its emerging Inclusion Strategy.</p> <ul style="list-style-type: none"> <li>- Call on Overview and Scrutiny to incorporate these Birmingham-specific strategies into their work programmes to track outcomes and monitor actions taken to address issues, ensuring they receive full analysis of achievement by socio-economic and ethnic background</li> <li>- Work with employers to ensure opportunity is spread equally, by creating career pathways for the most disadvantaged and deprived areas of the city.</li> <li>- Build on the findings of the Breaking Down Barriers report to develop communication and social media strategies to target the many young and disenfranchised pupils, in particular NEETS, who do not normally engage with standard and legacy forms of Council communication.</li> <li>- Promote vocational training, apprenticeships and entrepreneurship in schools.</li> <li>- Ensure that solutions are fully inclusive to ensure the city’s most disadvantaged young people, including those in the care system, have access to a full range of opportunities through a school system empowered to work collectively for the benefit of all students.</li> </ul>		<p>Our employer forum will play a key role in encouraging local businesses and industries to expand their operations and reskill local people and grow their workforce. In addition, in partnership with the combined authority we will be refreshing our careers offer to support schools, colleges and training providers to provide the best vocational advice for young people who do not wish to pursue an academic route.</p> <p>In April 2023, Birmingham City Council adopted as policy: <a href="#">CHANGE for children and young people 2023-2028</a>, a plan to make Birmingham a great place to grow up for children and young people. This Plan aims to improve outcomes for all babies, children, and young people in our city, and is delivered via <a href="#">Birmingham Children and Young People’s Partnership</a>, which is a formal collaboration between Birmingham City Council, Birmingham Children’s Trust, Birmingham and Solihull Integrated Care Board, West Midlands Police and Crime Commissioner, West Midlands Police, and Birmingham Voluntary Services Council.</p> <p>Birmingham has been accepted onto UNICEF’s Child Friendly City Programme, the 11th place in the UK to join. An updated version of the Change for Children and Young People Plan, including Birmingham’s Child Friendly City action plan, will be taken to Cabinet in 2024. <b>Ongoing</b></p>

Ref no	Date	Summary of Council Resolution	Lead Cabinet Member / Officer(s)	Update
		<ul style="list-style-type: none"> <li>- Continue to highlight the risks to students of failure to maintain school budgets and, in particular, levels of pupil premium".</li> </ul>		
3.	18 April 2023	<p><b>Motion A</b></p> <p>This Council acknowledges that work on improving road safety, requires co-operation between Birmingham City Council, West Midlands Police and the Combined Authority, but calls on the Council continue to be proactive in working with these partners and delivering projects that will make our roads safer. It specifically requests for the Government to be lobbied to release findings of the national parking on pavements consultation and for the Executive to:</p> <ul style="list-style-type: none"> <li>a. Ask the Sustainability and Transport Overview and Scrutiny Committee to review and help shape the Council's new Road Safety Strategy including looking into relevant criteria and a near miss strategy, which would enable criteria such as records of non-injury accidents, proximity to schools, community facilities with high pedestrian and cyclist use, and recorded levels of speeding to be considered.</li> </ul>	Cabinet Member for Transport	<p><b>Ongoing</b></p> <p>a) Officers continue to engage with the Sustainability and Transport Overview and Scrutiny Committee to support and inform the development of the refreshed Road Harm Reduction Strategy. The new strategy aligns closely with the Birmingham Transport Plan and wider best practice in road harm reduction, following Vision Zero and the Healthy Streets approach.</p> <p>In November, a working draft of the new Road Harm Reduction Strategy was shared with the Task and Finish Group of the Sustainability and Transport Overview and Scrutiny Committee, set up to focus on road safety issues.</p> <p>The terms of reference for this enquiry are focused primarily on enforcement, and the findings will feed into</p>

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		<p>b. Work with partners including the police and other metropolitan local authorities to publish a clear plan for the promised development of the average speed camera network.</p>		<p>the new Strategy and operational practice, as appropriate.</p> <p>Comments received from the group were used to update and improve the strategy in advance of public consultation which commenced in January 2024 and closed on 5 April.</p> <p>The results of this consultation process will be analysed, and findings presented to the Sustainability and Transport Overview and Scrutiny Committee to steer completion of the final version of the new Road Harm Reduction Strategy, before it is presented to the Cabinet to approve its adoption later in 2024.</p> <p>b) BCC, West Midlands Police and West Midlands Metropolitan Local Authorities continue to deliver a programme of coordinated enforcement activity, on an intelligence-led basis.</p> <p>BCC officers continue to work in close partnership with West Midlands Police, Transport for West Midlands and partner authorities to develop a revised, regional operating model for delivery of speed enforcement (including Average Speed Enforcement) across Birmingham and the wider West Midlands metropolitan area. Regrettably, this process has stalled whilst partners seek to reach consensus. Intense work is underway to overcome these issues, and BCC officers are proactively supporting these efforts.</p> <p>As soon as regional consensus is reached and a workable regional model is identified, it is proposed to seek Cabinet approval for the principles of this work,</p>

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		<p>c. Ensure, where possible and practicable, road and pavement resurfacing programmes are aligned with any potential road safety work.</p> <p>d. Ensure use of all potential funding sources for road safety work is maximised, including community chest, town council and parish council funding and funding for other highways projects and money from the clean air zone revenue where appropriate. And not limit itself to the small, dedicated funding for road safety schemes from Government. Noting the importance of not fettering local ward councillor discretion in how funds such as Community Chest are best applied in their area and that local funding pots, including those</p>		<p>with detailed arrangements approved subsequently by the Cabinet Member for Transport.</p> <p>c. The Road Harm Reduction Strategy will not include a bespoke delivery programme. Instead, the approach involves mainstreaming road harm reduction across Birmingham’s transport and highways delivery programme via the Birmingham Transport Plan: Delivery Plan. This approach will deliver a number of significant advantages, including the ability to coordinate with planned maintenance activities more efficiently, and enabling schemes to attract funding from a much wider range of potential sources to deliver greater overall value for money, through economies of scale.</p> <p>d. As above c.</p> <p>The new Road Harm Reduction Strategy includes the introduction of a ‘Healthy Street Fund’, to replace the Ward Minor Measures Fund. This will be presented for approval in the Transport and Highways Delivery Programme via Cabinet Report in 2024.</p> <p>This fund will support Local Ward Councillors, in their role as local community leaders, to identify and deliver interventions which comply with the Healthy Streets approach via Local Engineering Teams in their local areas. Officers are currently working with Lucy Saunders</p>

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		<p>listed above, must remain recommended by' the relevant ward councillors. And money from the clean air zone revenue where appropriate.</p> <p>e. Encourage ward councillors in their role as local community leaders to bring forward road safety priorities in ward plans.</p> <p>f. Reaffirm its commitment to a vision zero approach for road safety in the new road safety strategy, which should aim to eliminate all deaths and serious injuries on Birmingham's roads by 2034.</p> <p>g. Ensure the new road safety strategy: (i) Prioritises the most vulnerable road users (E.g. those on foot, on bike, or with access needs, such as wheelchair users), in line with the new Highway Code hierarchy of road users; (ii) Includes measures to tackle speeding, and anti-social obstructive and dangerous parking (e.g on pavements, cycle lanes, and across dropped kerbs) in a way that prioritises the most vulnerable road users.</p> <p>h. Ensure road safety schemes and other highway improvements work to design out speed and other harmful behaviours.</p>		<p>of Healthy Streets, to identify a training package for officers, Local Ward Councillors and partners to support the transition towards this proactive approach.</p> <p>e. As above d.</p> <p>f. The refreshed Road Harm Reduction Strategy has Vision Zero at its heart and seeks to eliminate fatal and serious injuries on Birmingham's roads.</p> <p>g. The refreshed Road Harm Reduction Strategy proposes the adoption of the Healthy Streets approach to deliver road harm reduction. This holistic approach involves gradual, proactive redesign of the streetscape to prioritise the needs of people above motorised traffic.</p> <p>h. As above g.</p>

Ref no	Date	Summary of Council Resolution	Lead Cabinet Member / Officer(s)	Update
		<p>Reaffirm Birmingham City Council's commitment to 20mph on all its residential roads.</p> <p>i. Lobby Government once again for the powers to make this change to 20mph without having to resort to costly Traffic Regulation Orders for every change of speed limit on every residential road.</p> <p>j. Lobby West Midlands Police for more monitoring and enforcement of speed and more enforcement of anti-social, obstructive and dangerous parking that is under their jurisdiction.</p> <p>k. Investigate what can be done to give greater support to groups wanting to set up and run Community Speedwatch sessions".</p>		<p>The refreshed Road Harm Reduction Strategy has Vision Zero at its heart and seeks to eliminate fatal and serious injuries on Birmingham's roads.</p> <p>The approach to lobbying is being reviewed currently in the light of the recent publication of the Government's Plan for Drivers.</p> <p>As above b.</p> <p>As above b.</p>
4.	18 April 2023	<p><b>Motion B</b></p> <p>The Council resolves to:</p> <ul style="list-style-type: none"> <li>• formally support the Show Us You Care Too campaign and adopt 'care experience' as an additional equality strand alongside the protected characteristics as set out in the Equality Act 2010.</li> <li>• formally call upon our partners to treat care experience as a Protected Characteristic.</li> <li>• lobby Government to amend the Equality Act 2010 to include care experience as a protected characteristic.</li> </ul>	Cabinet Member for Children, Young People and Families	<p><b>Ongoing</b></p> <p>Meetings are being arranged to ensure progress is being made to take forward resolutions agreed.</p> <p>A new Elected Member handbook has been created that will be available to elected members regarding their Corporate Parenting responsibilities. This will have links to information for individuals, businesses, and organisations.</p> <p>A new Corporate Parenting Video produced to share with individuals, businesses and organisations across Birmingham and promote way to get involved.</p>



Ref no	Date	Summary of Council Resolution	Lead Cabinet Member / Officer(s)	Update
		<ul style="list-style-type: none"> <li>• continue to build on the work of our Children’s Trust and to continue to support the efforts of our Corporate Parenting Board”.</li> </ul>		<p>A ‘Social Value’ support document has been drafted for council and Birmingham Childrens Trust contracts on how they can support those with care experience.</p> <p>Work being undertaken to support changes within council contracts to ensure weighting includes and prioritises those with care experience.</p> <p>Plans developed and underway, so all Birmingham Children’s Trust contracts are shaped and weighted through our Corporate Parenting Team and ‘Social Value’ support document.</p> <p>Offers developed with businesses and organisations we procure with as a council and as Birmingham Childrens Trust (e.g., Kier, Equans and Fortem).</p> <p>Some good examples from businesses and partners can be seen with Lovell Homes who have launched a new training, employment and housing pathway, titled ‘We Got You’ <u><a href="#">Lovell - We've Got You</a></u></p> <p>NHS are supporting care experienced young people to access Free Prescriptions and “Priority Cards’ for GP appointments through their work with the Corporate Parenting Board.</p> <p>NHS are supporting care experienced young people to access Free Prescriptions and “Priority Cards’ for GP</p>

Ref no	Date	Summary of Council Resolution	Lead Cabinet Member / Officer(s)	Update
				<p>appointments through their work with the Corporate Parenting Board.</p> <p>Co-Produced Perinatal Pathway launch ensuring our care experienced young parents get the right support. This includes access to support and services that can provide early support that has been designed with young parents.</p> <p>The Corporate Parenting Board has an ongoing Action Tracker so that members and partners can be accountable for their actions.</p>
5.	13 June 2023	<p><b>Motion B</b></p> <p>This council further calls for the government to pass legislation to allow English councils to set up municipal bus companies on the model of the award-winning Nottingham City Transport.</p> <p>Getting people onto public transport and out of cars vital for reducing congestion, and this is a key pledge for the Council's "route to zero" commitment which aims for carbon neutrality by 2030, and the WMCA ambition of carbon neutral travel by 2041. The WMCA green paper stated that 92% of respondents were concerned about climate change.</p> <p>Road space reallocation and bus priority are vital to make bus journeys quicker across Birmingham, and this council re-affirms its commitment to them and to the principles set out in the Birmingham Transport Plan.</p>	Cabinet Member for Transport	<p>Lobbying letters were sent to the Secretary of State for Transport and the West Midlands Combined Authority in October 2023. A response from DfT was received on 13 November 2023: <a href="#">MarkHarper.pdf</a></p> <p>The government have recently announced that the voluntary fares cap will remain at £2 per journey through the whole of 2024, rather than increasing to £2.50 in November 2023 as originally proposed.</p> <p>Greater Manchester have launched the first part of their franchised 'Bee' Network and are proposing to roll it out to other parts of their conurbation next year.</p> <p>A Bus Franchising Working Group has been convened by TfWM which meets fortnightly and includes senior transport officers from all of the West Midlands authorities. This will provide steer, review and</p>

Ref no	Date	Summary of Council Resolution	Lead Cabinet Member / Officer(s)	Update
		<p>It also reaffirms its commitment to ensuring that buses are accessible to everyone, including disabled people and people with additional needs of all kinds, and will continue to use its influence through the Enhanced Partnership and Bus Alliance to ensure that bus operators provide accessible services.</p> <p>Since the pandemic, services have been cut, and reliability has been patchy.</p> <p>Bus scheduling shouldn't be devolved to private companies but should be run for the public good.</p> <p>Government must provide an adequate and consistent level of bus recovery funding and end its current stop-start approach. With services in the West Midlands still badly affected by a shortage of bus drivers, government must also work with the bus operators to increase the number of applicants and respond to the bus industry's calls for bus drivers to be added to the UK immigration shortage occupation list.</p> <p>This council calls on the government to live up to its own requirement that half of all journeys in towns and cities are on foot, bike or public transport by 2030. This means a 'London-style' transport system in cities across the country to make public transport accessible and the natural choice.</p>		<p>challenge to the technical work now underway on franchising options for the area.</p> <p>The re-basing of the CRSTS programme has been completed by TfWM, and is now subject to review and ratification by DfT. Subject to dft approval, this will retain funding for Cross-City Bus and Sprint Phase 2 public transport priority schemes.</p> <p>TfWM has undertaken a briefing session with the Cabinet Member for Transport, to which all local Councillors were invited, to brief them on current issues and developments in bus policy and the bus industry, including an update on the technical work now underway to develop franchising options for the area. Similar sessions are being undertaken within the other West Midlands authorities.</p> <p>Further bus briefings to be held.</p> <p><b>RECOMMEND TO DISCHARGE</b></p>

Ref no	Date	Summary of Council Resolution	Lead Cabinet Member / Officer(s)	Update
		<p>Transport for the West Midlands, Birmingham City Council and its partner councils in the WMCA need the powers and the funding to make this a reality.</p> <p>The 2017 Bus Services Act gave Mayoral Combined Authorities the powers to regulate bus services and create bus franchising schemes. However, this also specifically prevented Combined and Local Authorities from setting up new municipally owned bus operators. The few remaining municipally owned bus companies in the UK are some of best performing bus operators both on price and quality of service.</p> <p>The Council calls on the West Midlands Mayor and the West Midlands Combined Authority to use what powers they do have to move to franchise and regulate West Midland bus services.</p> <p>The Council calls on Westminster to give local and combined authorities the full range of powers to regulate, franchise and own local bus services, depending on what is appropriate for their local area.</p> <p>The Council calls on Westminster for an expansion of current fare subsidy with the aim to get to a £1 single bus fare.</p> <p>The Council resolves to write to the Secretary of State for Transport to lobby for powers to regulate franchise and set up local bus operators.</p>		

Ref no	Date	Summary of Council Resolution	Lead Cabinet Member / Officer(s)	Update
		<p>The Council resolves to write to the Secretary of State for Transport to lobby for a funding model that helps move to cheaper £1 single bus fares.</p> <p>The Council resolves to lobby the West Midlands Mayor and Combined Authority to move to a franchising model for West Midlands bus services and use the full extent of their powers for bus regulation.</p> <p>The Council resolves to lobby and work with the West Midlands Mayor and Combined Authority to improve cross-suburban bus routes.”</p>		
6.	12 September 2023	<p><b>Motion B</b></p> <p>...This Council believes in adopting a Psychologically-Informed and Trauma-Informed Practice. This is a strengths-based, non-pathologizing approach, which seeks to understand and respond to the impact of trauma on people’s lives. The approach emphasises physical, psychological, and emotional safety for everyone and aims to empower individuals to re-establish control of their lives.</p> <p>We call on the Executive to take the following steps to help the Council to become ‘trauma informed’: Use the learning and research on trauma to inform change in practice and thus be better able to reduce the negative effects of trauma on the lives of all with whom we come in contact.</p> <p>Look into providing Trauma Informed Practice training to officers and members.</p>	Cabinet Member for Children, Young People and Families	<p><b>Ongoing</b></p> <p>Dates to be agreed with service areas to look at how the council can become more trauma informed. Also to look at types of training that is needed.</p>

Ref no	Date	Summary of Council Resolution	Lead Cabinet Member / Officer(s)	Update
		<p>Assess options to broaden and embed Trauma Informed Practice within Council directorates.</p> <p>Continue to work with our partners and key stakeholders as a trauma informed network and implement a consistent approach across all bodies.</p> <p>Deliver services by responding to individuals' needs and creating nurturing and supportive environments where people feel valued, and efforts are made to resist inadvertent re-traumatisation.</p> <p>Adopting the trauma-informed principles of safety, trust, choice, collaboration, empowerment, and cultural sensitivity so that we can help people to overcome the effects of trauma and improve both access to services and long-term outcomes.</p>		
7.	7 November 2023	<p><b>Motion A</b></p> <p>This Council believes that the City's heritage and cultural assets are fundamental to our ambitions to attract investment and visitors and essential to the physical and mental well-being of our residents...</p> <p>...Council... commits to continue to look at all possible ways to:</p> <p>Protect all cultural and heritage assets, including all libraries, parks, playing fields, public open spaces and museum sites, from any capital disposals.</p>	Cabinet Member for Digital, Culture, Heritage & Tourism	<b>In progress</b>

Ref no	Date	Summary of Council Resolution	Lead Cabinet Member / Officer(s)	Update
		<p>Work with community campaigns such as the ‘Save Birmingham – protect our community places’ campaign by Cooperatives West Midlands, by supporting community asset transfers and other community-led governance models where these can be shown to be the best and most sustainable solution to protecting the long-term future of these assets.</p> <p>Work closely with Arts and Culture organisations, the community sector, external funding organisations and other partners to promote that the city is open for business despite the Council’s own challenges and that its arts and culture offering remains rich and vibrant, with world-class performances and exhibitions with something for everyone.</p>		<p>Initial meetings have taken place with Save Birmingham, however due to the ongoing Libraries Consultation these meetings have been limited in scope.</p> <p>Officers have initially been focusing on securing alternative funding streams to support sector activity, this includes</p> <ul style="list-style-type: none"> <li>• £1.635m Enterprise Zone funding for Cultural Action Areas,</li> <li>• £0.440m for culture and £0.100m for Tourism projects from Shared Prosperity Funding this year and in 2024-25,</li> <li>• £0.307m cultural engagement funding plus £0.350m for Birmingham Weekender Festival from WMCA Legacy funds.</li> </ul> <p>They are actively supporting other funding bids including Round 4 of the ACE Cultural Development Fund for the likes of Art Quarter Digbeth and the Grand Union / BOM joint project. Spend Approvals have also been submitted to support Birmingham Heritage Week and Black History Month for one more year.</p> <p>In the meantime officers have managed to facilitate a major concert promoter to stage ‘Indie’ music concerts in Centenary Square in August. They are also supporting the Cultural Curator (appointed by Colmore BID) on new cultural initiatives such as ‘One hundred days (of</p>

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		<p>Replicate Friends of Parks and/ or Birmingham Open Spaces Forum resident volunteer models to help manage and maintain cultural and heritages sites and services, and;</p> <p>Develop a work programme for Scrutiny to review the policy plans of the “Digital, Culture, Heritage and Tourism” portfolio to assess the current ‘health’ of our arts, heritage and cultural assets, their risk of disposal and strategies to protect their provision in the short-, mid- and long-term.”</p>		<p>culture)’ and lighting events to attract visitors in the city centre. The next step is to work with Culture Central (the cultural sector members organisation) and West Midlands Growth Company colleagues on promoting Birmingham being ‘open for business’</p> <p>The Cabinet Member for Environment, as part of his regular engagement with Birmingham Open Spaces Forum (BOSF), has highlighted the work of the Save Birmingham campaign and the potential for new community groups to emerge with an interest in maintaining and supporting their local parks and open spaces. BOSF, as the leading umbrella agency for such groups on a city-wide basis, has confirmed it will support anyone seeking to formally establish their own local groups. The Cabinet Member is also committed to actively signposting anyone who enquires to him/his office in the direction of BOSF.</p>
8.	7 November 2023	<b>Motion B</b>	Cabinet Member for Social Justice,	<b>In progress</b>





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		<p>urge Government to reverse its decision to downgrade the monitoring of non-crime hate incidents specifically related to antisemitism and Islamophobia so they can be logged by the police.”</p>		
9.	5 December 2023	<p>This council resolves:</p> <p>To adopt The Co-Operative Party’s Diverse Councils Declaration to increase diversity in our local government: This Council commits to being a Diverse Council. We agree to:</p> <ol style="list-style-type: none"> <li>1. Provide a clear public commitment to improving diversity in democracy.</li> <li>2. Demonstrate an open and welcoming culture to all, promoting the highest standards of behaviour and conduct.</li> <li>3. Set out a local Diverse Council Action Plan ahead of the next local elections. Including: <ul style="list-style-type: none"> <li>- Encourage political groups to work with each other and local party associations to encourage recruitment of candidates from under-represented groups.</li> <li>- Encourage and enable people from under-represented groups to stand for office through the provision of activities such as mentoring and shadowing programmes and information and learning events for people interested in standing as official candidates.</li> </ul> </li> </ol>	<p>Cabinet Member for Social Justice, Community Safety and Equalities</p> <p><b>THIS SHOULD BE ASSIGNED TO DEPUTY LEADER</b></p>	<p><b>In progress</b></p> <p>Leader has issued letter to opposition leaders encouraging their parties, as per the declaration.</p> <p>Duty of care to members</p> <p>The Council provides Councillors with the same access to its Employee Assistance Programme in the same way that employees have access to it. Councillors can access the service irrespective of whether it relates to their official role. The scheme allows access to:</p> <ul style="list-style-type: none"> <li>• Confidential help and guidance, 24 hours a day, 365 days a year</li> <li>• In-the-moment advice and support</li> <li>• Up to six counselling sessions, per issue, per year – this includes Cognitive Behavioural Therapy (CBT) (if indicated)</li> <li>• Counsellors with debt advice training</li> <li>• Critical incident trained counsellors</li> <li>• Short-term focussed support model</li> <li>• Citizens Advice help</li> <li>• Online information and webinars</li> <li>• An online chat function</li> <li>• A budgeting calculator</li> </ul>

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		<ul style="list-style-type: none"> <li>- Proactive engagement and involvement with local community groups and partner organisations supporting and representing under-represented groups.</li> <li>- Ensure that all members and candidates complete a candidates' and councillors' survey distributed at election time.</li> <li>- Encourage political groups to set targets for candidates from under-represented groups at the next local elections.</li> </ul> <p>4. Work towards the standards for member support and development as set out in the LGA Councillor Development Charter and/or Charter Plus.</p> <p>5. Demonstrate a commitment to a duty of care for councillors by:</p> <ul style="list-style-type: none"> <li>- providing access to counselling services for all councillors having regard for the safety and wellbeing of councillors whenever they are performing their role as councillors.</li> <li>- taking a zero-tolerance approach to bullying and harassment of members including through social networks.</li> </ul> <p>6. Provide flexibility in council business by:</p> <ul style="list-style-type: none"> <li>- regularly reviewing and staggering meeting times</li> </ul>		<p>Further information can be found at Employee Assistance Programme (EAP)   Birmingham City Council Portal</p> <p><b>Zero-tolerance approach to bullying and harassment of members including through social networks.</b></p> <p>Guidance on personal safety (which is based on the LGA templates) has been updated and whilst previous guidance was circulated in October, the updated guidance will be recirculated.</p> <p>Currently member services are undertaking a review of recent incidents as case studies to review how reporting can be improved and what further practical support can be provided including additional legal remedies. This includes improved communication with the Police and the possible adoption of a single point of contact.</p> <p>LGA briefings have been offered on Social Media Guidance for Elected Members (attendance10%) and Personal Safety Awareness Workshop (attendance10%). Need to review effectiveness of the training.</p> <p>Provide flexibility in council business by:</p> <p>regularly reviewing and staggering meeting times</p> <p>encouraging and supporting remote attendance at meetings</p>

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		<ul style="list-style-type: none"> <li>- encouraging and supporting remote attendance at meetings</li> <li>- agreeing recess periods to support councillors with caring or work commitments.</li> <li>- Write to &amp; lobby Government for the powers to run formal council meetings remotely or as hybrid meetings and allow councillors to vote &amp; attend virtually.</li> </ul> <ol style="list-style-type: none"> <li>7. Ensure that all members take up the allowances and salaries to which they are entitled, particularly any reimbursement for costs of care, so that all members receive fair remuneration for their work and that the role of member is not limited to those who can afford it.</li> <li>8. Ensure that the council adopts a parental leave policy setting out members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.</li> <li>9. Ensure that councillors from under-represented groups are represented whenever possible in high profile, high influence roles.</li> <li>10. Support Disability Rights UK's campaign to reinstate the Access to Elected Office Fund.</li> </ol>		<p>agreeing recess periods to support councillors with caring or work commitments.</p> <p>An initial draft survey assessing timings of Committee meetings prepared in July 2023 which was updated at the end of August 2023. Subject to final approval this is ready for circulation and will enable us to develop a clearer understanding of Councillors views ahead of a cost benefit analysis with contributions from IDT, Building management and possible consultation with staff.</p> <p>Council now has the necessary IT equipment in place to support remote attendance, but it should be noted that the Government rejected an amendment to the Levelling Up and Regeneration Bill (as it was then) to change the current law to allow remote meetings.</p> <p>However this does not apply to informal meetings. Flexibility will also be picked up as part of the constitutional review in terms of the number and frequency of meetings.</p> <p>The Leader has written to Government urging Government to reconsider the evidence into the impact that the emergency legislation issued during Covid had, and to reconsider bringing forward new legislation. To allow formal council meetings to be held as hybrid meetings to allow councillors to vote and attend virtually.</p>

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		<p>11. Write to &amp; lobby Government asking for the Access to Elected Office Fund to be reinstated and to ensure it includes Council elections.”</p>		<p>Through allowing formal meetings to be held in a hybrid fashion, we can attract the very best talents to local government, without forcing them to quit their jobs or forgo their caring commitments.</p> <p>This view is upheld by research by the LGA which found that 72 per cent of councillors surveyed in a poll agreed that a hybrid model could attract more young people, people from an ethnic minority background, and women, all of which are groups which have been historically under-represented in local government.</p> <p>The LGA also found that 84 per cent of councils found their councillors with work commitments would benefit from hybrid meetings, whilst 64 per cent thought that councillors with childcare commitments would also take advantage of the changes.</p> <p><b>Parental leave policy</b>  The current Members Allowance Scheme sets out current policy which, amongst other things provides: Section 8.1 Basic Allowances - “All Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity and adoption leave for six months subject to review, with a presumption that this will be extended for another six months if requested”. Further provision is made for those members in receipt of a SRA (section 8.2), including Maternity and paternity leave, adoptive parent leave and shared parental leave.</p> <p>The current members allowance scheme allows for a carers allowance (see section 4) which provides:</p>

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				<p>A Carers' Allowance can be claimed where Councillors necessarily incur expenditure in arranging care of their children or dependents when undertaking the same range of duties for which travel allowances and expenses can be claimed [Section 7].</p> <p>Allowance Rate The rate that can be claimed will depend on the nature of the care involved: For independent care the maximum hourly rate that can be claimed will be the living wage. For professional qualified carer with supporting documentation, the maximum hourly rate that can be claimed will be set at the Council's Care Assistant rate. The current maximum hourly rates are shown in the Appendix.</p> <p>CARERS' ALLOWANCES  Independent care – hourly rate 9.90  Professional care with supporting documentation – hourly rate 10.32</p> <p>The Leader has sent a letter to Government seeking the reinstatement of the Elected Office Fund to be reinstated.</p>
10.	9 Jan 2024	<p>This Council resolves to:</p> <ol style="list-style-type: none"> <li>Further lobby the Government to reconsider significant long-term investment in the city's roads and highways infrastructure. Call on the Mayor of the West Midlands to use all of the powers at his disposal to speed up the extension of the Metro to</li> </ol>	Cabinet Member for Transport	

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		<p>East Birmingham and to bring about a franchising model for the bus network.</p> <p>2. Lobby the Mayor and the Government to bring forward meaningful rail solutions that will ease the burden on our existing lines, deliver the full complement of platforms at Curzon Street and London Euston, and put Birmingham at the centre of a modern, high-speed network and ensure that we get our fair share of transport funding.</p> <p>3. Call upon the Government, and future Governments, to reinstate the HS2 development between Birmingham and Manchester”.</p>		

