

Birmingham City Council

Council Business Management Committee

22 January 2024



Subject: Decisions Not on the Forward Plan and Those Authorised for Immediate Implementation

Report of: Marie Rosenthal, Interim City Solicitor (Monitoring Officer)

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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 This report, which is required under Part B6.2 of the Constitution, sets out key decisions not included on the Forward Plan and any decisions which were authorised for immediate implementation.
- 1.2 Following amendments to the Constitution in 2022 this is the fifth report to be submitted, covering the period 11 November 2023 to 9 January 2024.

2 Recommendation

- 2.1 That the Committee notes the report and agrees it should be included on the agenda for consideration by Full Council on 6 February 2024.

3 Background

- 3.1 Key decisions should be included on the Forward Plan not less than 28 clear calendar days in advance of the proposed decision. If a matter, which is likely to be a key decision has not been included on the Forward Plan, but it is impracticable to defer the decision, the decision may still be taken provided it meets the requirements set out in the Constitution (Part B6.2).
- 3.2 Where there is an intention for Cabinet to consider matters in private, i.e. information that is confidential or exempt, 28 days' notice must also be given. This is done through inclusion on the "Notification of intention for Cabinet to consider matters in private" form. Any report containing confidential or exempt information that is not included requires agreement from the Chair of the relevant

Overview and Scrutiny Committee that the report is urgent and cannot reasonably be deferred.

- 3.3 There is also a requirement for the Leader of the Council to provide details on any reports authorised for immediate implementation: i.e. where the interests of the Council are jeopardised unless an executive decision is implemented immediately and when its implementation cannot wait until the expiry of the call-in period.
- 3.4 In an emergency, as set out under Part B6.6 of the Constitution, an executive decision may be agreed by the Chief Executive, following consultation with the Group Leaders, as long as the requirements set out in Part E4.2 are met.
- 3.5 There were no emergency or urgent decisions taken by the Chief Executive for the period in question.

4 Key Decisions Not on the Forward Plan

- 4.1 For the period in question, 1 key decision was not included on the Forward Plan. This was for Cabinet Committee Property, held on 20 December 2023, concerning the Proposed Sale of Surplus Freehold Property Assets by Public Auction. Further information is provided at Appendix 1.

5 Decisions Authorised for Immediate Implementation

- 5.1 The same decision was authorised for immediate implementation by the Cabinet Committee for Property on 20 December 2023. Further information is provided at Appendix 1.

6 Exempt Information

- 6.1 The same report also contained some exempt information which was not notified 28 days in advance of the proposed decision.

7 Late Reports

- 7.1 For completeness, for the period 11 November 2023 to 9 January 2024, there were 3 Cabinet reports listed on the agenda but due to special circumstances were not available until after the agenda had been published. These key decision reports, listed below, were all included on the Forward Plan but were published via a second agenda despatch:

- Section 151 Officer Update on the Financial Position of the Council (Cabinet, 14 November 2023);
- Additional Grant Funding for the Typhoo Building Redevelopment (Cabinet, 14 November 2023);
- Section 151 Officer Update on the Financial Position of the Council (Cabinet, 12 December 2023).

8 Legal Implications

- 8.1 This report, for consideration by Full Council, is required under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

9 Financial Implications

- 9.1 There are no direct financial implications arising from this report.

10 Appendices

- 10.1 Appendix 1 – Decisions Not on the Forward Plan

11 Background Papers

- 11.1 None.