

Birmingham City Council

City Council

02 November 2021



Subject: Amendments to the Constitution
Report of: Suzanne Dodd, City Solicitor
Report author: Emma Williamson, Head of Scrutiny Services

Does the report contain confidential or exempt information? Yes No

1 Executive Summary

1.1 The Constitution is reviewed on an ongoing basis through the year, with the aim of improving processes, providing further clarity, updating with good practice, guidance and legislation etc. This report sets out proposed amendments to the Constitution and asks Council to approve the changes.

2 Motion

2.1 That Council agrees the proposed amendments set out in this report and the appendices, and that the City Solicitor be authorised to implement the changes with effect from 3rd November 2021.

3 Proposed Changes

3.1 In summary the changes are:

- **Member Code of Conduct** – following the adoption of a revised code in May 2021, there are some additional minor changes resulting from amendments made by the LGA in May 2021. There is also an additional clause in relation to disorder at meetings. See Appendix 1 for a tracked change version of the amendments.
- **Financial Regulations – approval of applying for bids or grant funding:** in light of the often short timescales for bidding for new money, it is proposed to amend the financial regulations so that the relevant Cabinet Member can approve the bid, in consultation with City Solicitor and Director of Council Management. The decision as to whether accept the bid/grant (assuming successful) would then come back to Cabinet. See Appendix 2 for a tracked change version of the amendments.
- **Part B7 under Cabinet Member for Finance and Resources** remove “Internal Trading Operations” on the grounds that the concept and practice of ‘wooden dollars’ is being phased out and is currently held to account within

normal budget management reporting and governance. Any trading by services that provide offers to schools, residents and businesses would be covered by the Commercialisation accountability. See Appendix 3 for a tracked change version of the amendments.

- Part C7.13 – quoracy amended to accurately reflect Part B18 as below;

7.13 Membership of Committee and Virtual Meetings

- i. Membership of the JNC Panel shall comprise the Leaders of the three main political parties (or their nominees), and two other members subject to the proportionality rules. The Chair of the Panel will be the Leader of the Council or his/her nominated deputy.
 - ii. The quorum for each meeting of the JNC Panel is ~~five~~ **three, including a member of main opposition party.**
 - iii. There may be circumstances when a decision of the JNC Panel may be agreed by all five members of that Panel in consultation with the Chief Executive and Director of Human Resources and Monitoring Officer or their nominated deputies without an actual meeting of that Panel taking place. The exercise of such decision shall be noted on the record of decision including setting out the reasons for the urgent circumstances.
- Part C6 Employee Code of Conduct – the text will be removed from the Constitution and replaced with a link to the code on the website, so as to ensure there is only one version in circulation.

For Noting

- 3.2 Members should also note that Part E is being updated by the City Solicitor to reflect changes in council structure notably amendments in relation to the Director of Council Management, Managing Director of City Operations and Managing Director of City Housing posts.
- 3.3 Part B7 Cabinet portfolios was also amended in August to reflect changes announced by the Leader (see Appendix 3 for tracked changes).