

## Appendix 1

### Birmingham City Council Constitution – Change Log for Proposed Changes – July 2022

#### Part A. Summary and Explanation

Section	Change	Reason
A. Summary and Explanation	Information in relation to Cabinet Members updated to reflect portfolios for 2022/23.	To update the Constitution following the Leader’s announcement, made at Full Council on 24 May, in relation to Cabinet responsibilities for 2022/23.

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

Section	Change	Reason
B1. Roles	Amended composition of Council Leadership Team (CLT), set out at B1.7.	To reflect the updated composition of CLT, which is a matter for the Chief Executive to decide.
B2. Responsibility for Functions	Updated the job titles for the officers listed under “Delegation of functions to Committees or officers” in relation to the tables under B2.2 (Local Choice Functions) and B2.3 Council (Non-Executive Functions).	Administrative update to reflect recent changes to the JNC officer structure, including revised job titles agreed by JNC Core Panel on 12 April 2022.
B3. Decision Making	<p>Amended the wording at B3.1 to clarify what is exempt from the definition of a key decision.</p> <p>The following wording has been deleted and will no longer be listed as exempt from the definition of a key decision:</p>	For completeness and to ensure clarity in relation to statutory requirements.

Section	Change	Reason
	<ul style="list-style-type: none"> <li>- A Treasury Management decision in relation to the making, payment or borrowing of a loan or investment in accordance with the treasury management strategy and policy (see <a href="#">B4.2i b</a>);</li> <li>- A decision to purchase energy under the terms of an energy supply contract which has been awarded following the appropriate procurement process;</li> <li>- The settlement of proceedings to which Birmingham City Council is a party;</li> <li>- An urgent decision necessary out of office hours taken in accordance with the Council's Emergency Management Plan by the Officer acting at Gold or Silver level at the relevant time.</li> </ul>	<p>These first two bullet points have been deleted as if they are capital expenditure under £1m they won't be a key decision, and likewise if no revenue in excess of £500,000. The same applies for the now deleted Gold/Silver decisions bullet point below.</p> <p>This third bullet point has been deleted because for confidential settlement proceedings, it doesn't stop it being a key decision. It's just that you can withhold particulars about it that are confidential.</p>
B6. Executive Role, Functions and Procedure	<p>Amended the wording at B6.2, in line with external legal advice, to provide clarity on the rules of procedure for taking a key decision and the steps to be taken if/when key decisions are not published on the forward plan.</p> <p>Amended the wording at B6.6 to define, more clearly, the definition of an emergency and urgent decision.</p>	For completeness and to ensure clarity in relation to statutory requirements.
B7. Cabinet Portfolios	Following the Leader's announcement, as part of the Annual Council Meeting, there has been an additional change to the Deputy Leader's Portfolio, which now includes responsibility for Early Intervention and Prevention.	B7 was updated, and republished on 25 May, after the Annual Council Meeting. As a result, this update only reflects the additional update, in relation to Early Intervention and Prevention, which is a matter for the Leader to decide.

Section	Change	Reason
B18. Summary of Quoracy	Amended to correct a typo to ensure the number of members on Council Business Management Committee is listed as 9, as agreed by Full Council on 24 May 2022, rather than 8.	To correct a typo and reflect what was agreed by Full Council on 24 May 2022.
Throughout document	Wording and minor amends to tidy up and making meaning clearer	

## Part C – Codes and Protocols

It's worth highlighting that Part C was last re-published in February 2022 to reflect the revised Planning Code of Practice (Part C8) which was amended by Planning Committee on 24 February 2022. However, no changes are proposed to Part C at this stage.

## Part D – Procurement and Contract Governance Rules

Please refer to the separate agenda item for proposed changes to Council Procurement and Contract Governance Rules.

## Part E – Scheme of Delegations

Section	Change	Reason
E4. Chief Executive	<p>Part B6.6 of the Constitution provides that the Chief Executive may make decisions that are of special urgency.</p> <p>In addition to existing provisions, changes proposed under E4 will ensure that the Chair of the relevant O&amp;S Chair is also informed, as soon as possible, prior to any such decision being made. In addition, notification will be provided via CMIS of the intention to make any key decision which cannot be reasonably deferred.</p>	<p>For completeness and to ensure clarity in relation to statutory requirements.</p> <p>These changes will sit alongside the existing provisions within the Constitution which require the Chief Executive to consult with the Leaders of each of the Political Groups (which remains unchanged).</p>

Section	Change	Reason
	The changes proposed also distinguish between the rules of procedure for urgent key decisions and urgent non-key decisions.	To provide clarity.
Throughout document	Updated job titles / delegations	Administrative update to reflect recent changes to the JNC officer structure, including revised job titles agreed by JNC Core Panel on 12 April 2022.
Throughout document	Wording and minor amends to tidy up and making meaning clearer.	