

Birmingham City Council

Report to City Council

3 December 2024



Title:	SENIOR OFFICER RESTRUCTURE - AMENDMENT TO CONSTITUTION; PART E SCHEME OF DELEGATIONS
Lead Cabinet Portfolio:	Councillor Rob Pocock, Cabinet Member for Transformation, Governance and HR
Relevant Overview and Scrutiny Committee:	Corporate and Finance Overview and Scrutiny Committee
Report Author:	Julia Lynch, Assistant Director Legal Services - Litigation Law & Deputy Monitoring Officer Legal and Governance
Authorised by:	Marie Rosenthal, City Solicitor & Monitoring Officer Legal and Governance
Is this a Key Decision?	No
If this is a Key Decision, is this decision listed on the Forward Plan?	Not Applicable
Reason(s) why not included on the Forward Plan:	Not Applicable
Is this a Late Report?	No
Reason(s) why Late:	Not Applicable
Is this decision eligible for 'call in?'	No
If not eligible, please provide reason(s):	Not Applicable

Wards:

Not Applicable

Does this report contain exempt or confidential information?

No

Has this decision been included on the Notification of Intention to consider Matters in Private?

No

Reasons why not included on the Notification:

Not Applicable

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 This report sets out proposed amendments to Part E of the Council's Constitution, Scheme of Delegations, and asks Full Council to approve the changes.

2 COMMISSIONERS' REVIEW

- 2.1 Commissioners have no observations on this report.

3 RECOMMENDATIONS

That Council

- 3.1 Approves the proposed revisions to Part E of the Constitution, as detailed in Appendix 1 and the structure chart in Appendix 2.

4 KEY INFORMATION

Context

- 4.1 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.
- 4.2 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.
- 4.3 Officer designations in the scheme of delegation have been revised to reflect recent changes to the Chief Officer structure, which redefines Strategic Directors as Executive Directors, deletes the positions of Director of Strategy, Equality and Partnerships and Chief Operating Officer, creates the positions of Deputy Chief Executive and Executive Director of Corporate Services, Executive Director of HR, Organisation Development and Payroll and redefines other roles.
- 4.4 A structure chart will be included within the Constitution, as detailed in appendix 2.

5 RISK MANAGEMENT

- 5.1 Based on the recommendations in this report there are no risk management implications.

6 IMPACT AND IMPLICATIONS

Finance

- 6.1 Based on the proposals outlined in this report, there are no additional financial implications.

Legal

- 6.2 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.

Equalities

- 6.3 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.4 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.

People Services

- 6.5 Chief Officers with delegations within the amended scheme will need to ensure that they are acting within their delegated powers and that they are familiar with their roles and responsibilities. Some support from people services may be required to clarify the new Senior structure and the functions and services that sit within the redefined directorates.

7 APPENDICES

- 7.1 Appendix 1: Part E Scheme of Delegations
- 7.2 Appendix 2: Structure Chart

8 BACKGROUND PAPERS

None.

ENDS