

Birmingham City Council

Report to Full Council

5 November 2024



Title:	DECISIONS NOT ON THE FORWARD PLAN AND THOSE AUTHORISED FOR IMMEDIATE IMPLEMENTATION
Lead Member:	Councillor John Cotton, Leader
Relevant Overview and Scrutiny Committee:	Not Applicable
Has this report been shared with the relevant Overview and Scrutiny Committee Chair?	Not Applicable
Report Author:	Christian Scade Head of Scrutiny and Committee Services, Legal and Governance 07517 550013 Christian.Scade@birmingham.gov.uk
Authorised by:	Marie Rosenthal Interim City Solicitor and Monitoring Officer
Is this a Key Decision?	Not Applicable
Reason(s) why not included on the Forward Plan and confirm who has authorised it to be considered:	Not Applicable
Is this a Late Report?	No
Reason(s) why Late and confirm who has authorised it to be considered:	Not Applicable
Is this decision eligible for 'call in?'	Not Applicable
If 'call-in' has been dis-applied, please provide reason(s) and confirm who has authorised:	Not Applicable
Wards:	All
Does this report contain exempt or confidential information?	No

1 EXECUTIVE SUMMARY

- 1.1 This report, which is required under Part B6 of the Constitution, sets out any 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 seventh report to be submitted, covering the period 16 May 2024 to 30 September 2024.

2 COMMISSIONERS' REVIEW

- 2.1 No comments from Commissioners, proposals approved.

3 RECOMMENDATIONS

- 3.1 That Full Council notes the report.

4 KEY INFORMATION

Context

- 4.1 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).
- 4.2 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.
- 4.3 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.
- 4.4 In an emergency, as set out under Part B6 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 are met.
- 4.5 There were no emergency or urgent decisions taken by the Chief Executive for the period in question.

Key Decisions Not on the Forward Plan

- 4.6 For the period in question, all key decisions were included in the Forward Plan, not less than 28 clear calendar days in advance of the proposed decision.

Decisions Authorised for Immediate Implementation

- 4.7 For the period in question, there were no decisions authorised for immediate implementation.
- 4.8 However, for completeness, in addition to decisions authorised for immediate implementation, Council Business Management Committee has asked for updates to be provided on any requests for call-in, which were not accepted.
- 4.9 Call-in is intended to be used in exceptional circumstances for decisions believed to be contrary to the authority's decision making principles. It provides an opportunity to reconsider decisions, before they are implemented. Further information on call-in is set out in Part B11.9 of the Constitution.
- 4.10 For the period 16 May to 30 September, there were no requests for call-in, not approved for consideration by an Overview and Scrutiny Committee. However, Council Business Management has asked that the following information be included, at this stage, for the record.
- 4.11 The Interim City Solicitor and Monitoring Officer, was directed by Commissioners, on 2 May to reject a call-in request concerning Travel Assistance Policy. This was rejected, on 2 May 2024, for two reasons:
- It would have breached the terms of the Exceptional Financial Support agreed by the Council to balance its 2024/25 Budget. This required the Council to progress the delivery of the proposed savings identified in the 2024-25 budget without delay.
 - There had been pre-decision scrutiny of the budget proposals, including this one.
- 4.12 A request to call-in the City Centre Public Space Protection Orders decision was rejected by the Interim City Solicitor, in consultation with the Chair of Corporate and Finance OSC, on 14 October 2024 for the following reasons:
- The Decision was within existing Policy and was well founded.
 - The Call-In was premature as the decision was only to consult. The proposal was not to implement a PSPO but to consult on the possibility of introducing PSPOs. Paragraph 4.20 of the report on cycling in pedestrian areas made this clear and it states that "Further consideration is needed with respect to this measure which will be captured in the consultation." The consultation will consider the Active Travel scheme.
 - The Decision has been properly taken as any delay in the consultation would put the renewal of the PSPO at risk as it expires in January 2025.

Late Reports

- 4.13 For the period 16 May 2024 to 30 September 2024, there was 1 Cabinet report listed on the agenda but due to special circumstances was not available until after the agenda had been published.
- 4.14 This was the Section 151 Officer Update on the Financial Position of the Council – July 2024 and General Fund Medium Term Financial Plan Update.
- 4.15 The reasons for lateness were to allow the Medium-Term Financial Plan to reflect the latest financial position of the Council. This allowed additional information within the risk section of this report, to be included.

5 RISK MANAGEMENT

- 5.1 There are no direct risk management implications arising from this report.

6 IMPACT AND IMPLICATIONS

Finance and Best Value

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

Legal

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

Equalities

- 6.3 There are no direct equalities implications arising from this report.

7 APPENDICES

- 7.1 None.

8 BACKGROUND PAPERS

None.