

B12 –Executive Reports Process

BIRMINGHAM CITY COUNCIL

EXECUTIVE REPORTS PROCESS

(applies to Cabinet, Cabinet Committee, District Committee and Ward Forums and Cabinet Member with Chief Officer Joint Reports)

June 2016

EXECUTIVE REPORTS PROCESS

Context

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- This process applies to all Executive Reports – Cabinet Reports, Cabinet Member/Chief Officer Joint Reports, Cabinet and Committee District and Ward Forums Reports.

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Immediate Changes

1. The following process will apply to late reports
 - (a) Committee Services must be advised that a Report is likely to be submitted late before the usual dispatch date for agenda and reports so that these reports can at least be included in the Cabinet/Committee Agenda.
 - (b) **ALL late reports MUST start at the beginning of the report with two separate headings:-**
 - (i) REASON FOR LATENESS; and
 - (ii) REASON FOR URGENCY

Unless the reasons given demonstrate “special circumstances”, i.e. the special circumstances should be of a financial or legal nature, Cabinet/Committee may postpone consideration of the report as is required by law. Please specifically note that a Reason for Lateness suggesting that there simply has not been enough time to finalise the report for a particular Cabinet is NOT a special circumstance. The Chair of the meeting will decide if special circumstances for lateness do exist as outlined in the heading to the report and proceed if appropriate or otherwise postpone consideration of the report to the next meeting. All late reports must be agreed and authorised by the Leader or the Deputy Leader of the Council as advised by the Monitoring Officer/City Solicitor.

2. The Report Checklist (as amended) should be fully completed for all Cabinet, District and Ward Committee Reports. This also applies for Cabinet Member/Chief Officer Joint Reports recording Decisions by them (£200k to £500k (Revenue) or up to £1M (Capital)).

Please note that if the checklist is not submitted, fully completed with names and dates, the report will not go forward.

3. Cabinet reports and Cabinet Member/Chief Officer Joint reports, need to be signed by the relevant Cabinet Member(s) and the Chief Officer. District Committee and Ward Forum Reports need to be signed by the relevant

Executive Member or Ward Forum Chairman, Cabinet Committee Chairman and the relevant Chief Officer.

4. All reports are to be presented in Arial script and font size 12. Spacing between lines should be 1.5 and 3.0 between paragraphs. The report should preferably not exceed 4 pages for the main text.
5. The assumption should be that reports are public and only private if expressly agreed by the Monitoring Officer/City Solicitor.
6. There will be greater emphasis on compliance with deadlines. Colleagues are reminded of the importance of instilling good discipline amongst authors and avoiding late reports. Please send cleared reports with the completed Checklist to Committee Services.
7. Decisions over £200k are only effective and actionable when posted on the Council's website by Committee Services and following the call-in process.
8. Annexed to the Executive Report Process is the Decision Agenda Management Protocol which should be applied by all officers in the writing of Executive Reports.

REVISED REPORT TEMPLATE for ALL EXECUTIVE REPORTS

BIRMINGHAM CITY COUNCIL

**PUBLIC OR PRIVATE REPORT
(not for publication)**

Report to:	CABINET or DISTRICT COMMITTEE or WARD COMMITTEE or JOINT CABINET MEMBER AND CHIEF OFFICER or JOINT EXECUTIVE MEMBER AND CHIEF OFFICER	<i>Exempt information paragraph number – if private report:</i>
Report of:		
Date of Decision:		
SUBJECT:		
Key Decision: Yes / No	Relevant Forward Plan Ref:	
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>	
Relevant Cabinet Member(s) or Relevant Executive Member:		
Relevant O&S Chairman:		
Wards affected:		

(for late reports insert reason for lateness and reason for urgency)

1. Purpose of report:
1.1
1.2
1.3* This matter was not included in the Forward Plan because ... [<i>insert reasons</i>] <i>* To be completed where a key decision was not included in the Forward Plan</i>

2. Decision(s) recommended:
That the xxxxxxxx (insert decision maker):-
2.1
2.2
2.3

2.4

Lead Contact Officer(s):	
Telephone No: E-mail address:	
3. Consultation	
Consultation should include those that have an interest in the decisions recommended	
3.1	<u>Internal</u>
3.2	<u>External</u>
4. Compliance Issues:	
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u>
4.2	<u>Financial Implications</u> <u>(Will decisions be carried out within existing finances and Resources?)</u>
4.3	<u>Legal Implications</u>
4.4	<u>Public Sector Equality Duty (see separate guidance note)</u>

5. Relevant background/chronology of key events:
5.1
5.2

6. Evaluation of alternative option(s):
6.1
6.2

7. Reasons for Decision(s):
7.1
7.2

Signatures		<u>Date</u>
Cabinet Member or Executive Member or Ward Committee Chairman
Chief Officer:

List of Background Documents used to compile this Report:

List of Appendices accompanying this Report (if any):
1.
2.
3.
4.

Report Version		Dated	
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PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none">(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) tackle prejudice, and(b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none">(a) age(b) disability(c) gender reassignment(d) pregnancy and maternity(e) race(f) religion or belief(g) sex(h) sexual orientation

PUBLIC OR PRIVATE REPORT
(not for publication)

Report to:		Exempt information paragraph number – if private report:
Report of:		
Date of Decision:		
SUBJECT:		
Key Decision: Yes / No	Relevant Forward Plan Ref:	
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>	
Relevant Cabinet Member(s) or Relevant Executive Member:		
Relevant O&S Chairman:		
Wards affected:		

LATE REPORT
* To be completed for all late reports, ie. which cannot be despatched with the agenda papers ie. 5 clear working days notice before meeting.
<p>Reasons for Lateness [insert reasons]</p> <p>Reasons for Urgency [insert reasons]</p>

BIRMINGHAM CITY COUNCIL EXECUTIVE REPORTS CHECKLIST

Report Title:

Report version:

Cabinet/District/Ward/Joint Cabinet Member and Chief Officer/Joint Executive

Member and Chief Officer Report:

Report Author:

To be completed in respect of all Cabinet, District and Ward Committee Reports. This also applies for Joint Cabinet Member and Chief Officer Reports.

Committee Services have been instructed to return any Report which does not have a fully completed Checklist attached. The purpose is for the author to indicate who has been consulted in the preparation and clearance of the report and when.

CONSULTATION	Names and dates to be inserted
Has the report been discussed and cleared with:	
(a) Relevant Cabinet Member(s)	
OR	
(b) Relevant District/Ward Committee Chairman	
COMPLIANCE ISSUES	
(c) Has the report been cleared with relevant Strategic Director?	Cleared by: Date:
(d) Has report been cleared with the relevant Finance Officer? (see over page)	Cleared by: Date:
(e) Has report been cleared with the relevant Directorate Legal Officer? (see over page)	Cleared by: Date:
(f) Has the report been cleared with the relevant Corporate Procurement Officer? (see over page)	Cleared by: Date:
MEDIA CONSIDERATIONS	
(f) Has relevant Media officer been made aware of report and agreed draft press release/statement?	

Any significant comments for the attention of the Leader / Chief Executive?	
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RELEVANT FINANCE OFFICERS

PEOPLE DIRECTORATE	David Waller
PLACE DIRECTORATE	Sukvinder Kalsi
ECONOMY DIRECTORATE	Alison Jarrett
CORPORATE COUNCIL WIDE	Jon Warlow, Steve Powell, Sarah Dunlavey

RELEVANT DIRECTORATE LEGAL OFFICERS

People Directorate (Adults)	Charmaine Murray
People Directorate (Children)	Sukhwinder Singh
People Directorate (Education)	Ian Burgess
Place Directorate	Lisa Morgan
Economy Directorate (Regeneration)	Stuart Evans
Economy Directorate (Corporate Employment/Corporate HR)	Kate Charlton
Economy Directorate (Commissioning / Procurement)	Rob Barker
Corporate Council Wide (or if above unavailable)	Kate Charlton/Stuart Evans/Wendy Taylor

RELEVANT PROCUREMENT OFFICERS – any can clear reports

AD – Procurement	Nigel Kletz
Head of Procurement Team	Debbie Husler
Head of Strategy & Development	Haydn Brown
Head of Contract Management	Richard Tibbatts
Head of Commissioning Team	Mike Smith

PROTOCOL – CABINET MEMBER/CHIEF OFFICER JOINT REPORTS

These reports will cover more strategic matters and will be completed either at the request of, or in agreement with, the relevant Cabinet Member(s).

Consultation with the Cabinet Member should be continuous from the outset to completion of the final Report.

The process for completion of the Report will usually be as follows but a degree of flexibility is essential to ensure efficiency and effectiveness:

- no Report should be signed off without the Report checklist attached and fully completed (see Executive Reports Protocol)
- all Reports should be from a JNC officer to the Chief Officer and the lead Cabinet Member
- if other Cabinet Members are interested then they should be consulted and their names listed in the relevant 'consultation' section of the Report
- the relevant Overview & Scrutiny Chair should be briefed on the report.
- the lead Cabinet Member should usually sign the report first; no Report will proceed without the signature of the lead Cabinet Member and the Chief Officer
- no one needs to be present when the Cabinet Member / Chief Officer sign the Report but if signatures are such that the name is not clear then the name must be added clearly underneath the signature
- the signed Report with the completed Checklist should then be sent to Committee Services – see Executive Reports Protocol
- the Report will be placed on DiB and is subject to the Call-in procedure *before* the decision(s) can be implemented

If the Checklist is not fully and properly completed then the Report will proceed no further and will be returned to the lead contact officer for correction. This is the clear Governance arrangement to ensure probity and lawful decision-making and should protect the report writer, the Chief Officer, the Cabinet Member(s) and therefore the Council.

Monitoring Officer of Birmingham City Council