

## REPORT OF THE COUNCIL BUSINESS MANAGEMENT COMMITTEE

### AMENDMENTS TO THE CONSTITUTION

It is recommended that City Council approve the changes to the Constitution as indicated in the appendix to the report now submitted (changes highlighted in red).

A full review of the Constitution is underway and will be submitted to City Council in July 2019.

#### Summary of Changes

The changes relate to Part B of the Constitution as approved by City Council in September 2018:

- 2. Cabinet Portfolios:
  - Special Educational Needs and Disability (SEND) and Inclusion to move to Cabinet Member, Children's Wellbeing portfolio (formerly shared with Cabinet Member, Education, Skills & Culture);
  - Cabinet Member, Clean Streets, Waste and Recycling to be changed to Cabinet Member, Street Scene and Parks;
  - Parks and Allotments to move from the Homes and Neighbourhoods portfolio to the Street Scene portfolio, with specific reference to grounds maintenance.
  - Register office functions to be added to the Homes and Neighbourhoods portfolio.
- 5.5 Overview & Scrutiny Committees:
  - Scrutiny of schools and education to move to the Children's Social Care O&S Committee and that committee to be re-titled: Education and Children's Social Care O&S Committee. The co-opted members for education to be appointed to the Education and Children's Social Care O&S Committee;
  - The Learning, Culture & Physical Activity O&S Committee to be re-titled Commonwealth Games, Culture & Physical Activity O&S Committee and to be the lead O&S committee for Commonwealth Games matters;
  - Scrutiny of parks and allotments to move to the Housing and Neighbourhoods O&S Committee.
- 5.1 The Full Council – appointments
  - Appointments to Safety at Sports Grounds Advisory Groups, currently made by the Licensing and Public Protection Committee, to be made by Full Council.
  - West Midlands Joint Committee, Transport for West Midlands and Employee Consultative Forum (Teachers) to be removed as no longer in existence.

### MOTION

That approval be given to the necessary changes to the City Council's Constitution as indicated in the appendix to the report and that the City Solicitor be authorised to implement the changes with immediate effect.

## **Appendix 1: Amendments to Constitution (approved September 2018)**

**Pages 24-33**

# **2. CABINET PORTFOLIOS**

## **2.1 Leader's Portfolio**

The Leader has ultimate political responsibility for the Council, and accountability for the following strategic functions:-

Strategic policies	Development and implementation of the Council Business Plan and Medium Term Financial Strategy/Budget
Structure and Governance of the Council	Overall organisational design of the Council, including corporate governance arrangements.
Lord Mayor's office	Appropriate support to the Lord Mayor and other holders of civic office.
Communications	Internal and external stakeholder engagement and formal consultation on Council performance and use of resources.
Financial strategy	In conjunction with the Cabinet Member for Finance & Resources, the Council's strategic approach to the use of financial resources and budget, including alignment between other local authority bodies (e.g. Combined Authority), partners (e.g. Health, LEP etc), the BCC General Fund, Housing Revenue Account, capital spending and the use of reserves.
Council Wide Efficiency and Improvement	Jointly, with the Deputy Leader, to take a strategic lead in relation to efficiency and improvement across all Council services and to foster lean governance in all areas of Council work.
Policy and Partnerships	Promotion of collaborative working relationships with stakeholders and partners as part of the city's 'Civic Family', whilst positioning Birmingham as a leader in public policy development at city, regional, national, European and international levels. Representing the Council's policy agenda as appropriate through proactive engagement with Government, national policy networks and relations with the media.
West Midlands Combined Authority	Appropriate arrangements for the Council's response and review to changes in the Constitution, consultation and devolution deals. Representing the City Council on the West Midlands Combined Authority Board.

Major projects	Responsibility for major physical regeneration and infrastructure projects in the city and engagement with key economic growth partners, partnerships and investors.
Promotion of the city and Inward Investment	Promotion of Birmingham regionally, nationally and internationally. This includes work with partners such as the West Midlands Growth Company, the universities and cultural organisations of citywide, regional or national significance. Marketing strategies to encourage investment in Birmingham.
Commonwealth Games, Sports and Events Development	Development, delivery and promotion of sports, events and festivals.  Delivery of Birmingham Commonwealth Games 2022 and its legacy.
Council land use and property assets	Oversight of the Council's land use and property strategy and asset management plan including framework for reuse, disposal and requisition of land and property in the Council's priorities – including assets of heritage and community value.  Including oversight of Council owned land and property facilities, amenities and services including markets.
Economic growth and jobs	Strategic approach to economic growth and regeneration programmes and strategic planning policy. Representing the City Council on the Local Enterprise Partnership Board.
Business Improvement Districts	Partnerships with the Business Improvement Districts, including city centre management opportunities.
Land Use Planning	Local Development Plan, Neighbourhood Plans, Development Briefs and Supplementary Guidance; including advice to Planning Committee.
Housing Development	To review the supply of housing and tenure based on an analysis of housing need.
Commissioning	Strategic approach to, and compliance with, the Council's commissioning approach.

## 2.2 Deputy Leader's Portfolio

The Deputy Leader will act as Council Leader where the Leader is not available and has accountability for the review and improvement of all council services, management of all corporate resources of the Council, and oversight of the management of services and delivery of outcomes on:

Business Change	All major business change programmes.
Efficiency and improvement for the Council – including governance and performance of third-parties	<p>Jointly, with the Leader, to take a strategic lead in relation to efficiency and improvement across all Council services and to foster lean governance in all areas of Council work.</p> <p>Oversight of good governance in relation to Council representation on outside bodies; Trading Services; Council-owned companies; and strong 'client' governance for externalised services (when Executive decisions needed).</p>
Risk Management	Strategic risk management, internal audit and holding senior officers to account on the management of risks.
Revenues and Benefits Service	To ensure effective management of the Revenues and Benefits service.
Customer Services	To take a strategic lead in the provision of the City Council's customer services functions.
External Scrutiny and Local Government Ombudsman	To take appropriate action in response to external scrutiny of the Council through inspectorate, peer or Government improvement and / or local government ombudsman reports.
Open data and Information systems	To provide strategic leadership and advising all Cabinet members of initiatives that need to be taken in relation to the development of world class technological capability and connectivity in Birmingham.
Whistleblowing and Corporate Complaints Procedure	To take a corporate lead in relation to Whistleblowing and complaints.
Emergency Planning	Arrangements for the Council's response to emergencies including chairing the Contest Board.
Impact and implications of Brexit	Assessment of the implications of Brexit for Birmingham and co-ordination of requisite strategies by way of response.
To take a lead on information law and data protection matters	Overall leadership and organisation of information law and data protection matters for the Council.

To challenge any lack of transparency in all work carried out by the Council.	To ensure transparency in all areas of Council work.
ICT	Oversight of the Council's ICT strategy, information Governance and General Data Protection Regulations (G.D.P.R.)
Legal	Oversight of the Council's legal services function including political engagement with the Council's monitoring officer.

## 2.3 Cabinet Member for Education, Skills and Culture

The Cabinet Member has accountability for:

Education of Children and Young People	Political leadership on strategic and statutory duties, including school improvement, school places and travel to and from school. Oversight of Direct Schools Grant.
Arts and Culture and Tourism	Sustaining and promoting art, culture and tourism, including management of grants and associated economic opportunities.
The Library of Birmingham and Community Libraries	Oversight of the regional and city-wide role of the Library of Birmingham and the community library service; including the vital part libraries play in communities, learning and skills.
Museums	Oversight of the provision and activity of the Birmingham Museums Trust.
Skills, expansion for key growth sectors enterprise and innovation	Developing the skills and employability of Birmingham's workforce, thereby enabling each citizen to realise their potential. Engaging with the skills agenda throughout the Council and Birmingham in liaison with local, regional and national partners.
Youth Engagement and Youth Service, along with Lifelong Learning (post 14 skills and adult education)	Clear progression and vocational pathways from education into further and higher education and employment.  Provision of all-age guidance, skills development, training and work experience to meet the economic needs of the city now and in the future.
Skills and Entrepreneurship in Schools	Development of 14-19 career pathways, enterprise and entrepreneurship in Birmingham schools.

Special Educational Needs and Disability (SEND) and Inclusion	<del>Working with the Cabinet Member for Children's Wellbeing, on the SEND agenda across children's agencies and holding officers and partners to account in the delivery of the Birmingham SEND strategy.</del>
Employment Opportunities	Enabling all residents to access employment through the development and delivery of local employment plans.

## 2.4 Cabinet Member for Children's Wellbeing

The Cabinet Member has accountability for:

Lead Member for Children's Services (LMCS)	<p>Political accountability for all the local authority children's services, including education and social care.</p> <p>This post is required by law to hold direct local accountability for the effectiveness, availability and value for money of the local authority's children's services (particularly education and children's social care.)</p> <p>This role will therefore require close joint working and formal reporting with the Cabinet Member for Education, Skills and Culture to ensure appropriate accountability for statutory education functions contained within the LMCS role – including fair access to schooling for all children, high quality early years provision and children's involvement in public decision making.</p>
Safeguarding Children and Young People	With statutory partners, the safety and wellbeing of all children.
Children's Services	Leadership, strategy and effectiveness of children's services – responding to the needs of all children and young people, especially the most disadvantaged and vulnerable, and their families and carers.
Overseeing the Children's Trust	Oversight of the 'client side' role of the Children's Trust to ensure the delivery of agreed outcomes, KPIs and finances within the legal and contractual framework agreed
Overseeing Early Years	Ensuring a sufficiency of places and a citywide Early Years Health and Wellbeing offer.
Corporate Parenting	<p>Political leadership on improving the lives of looked after children.</p> <p>Ensuring all Council members, officers and services understand and actively promote the Council's</p>

	responsibilities to looked after children.
Lead Member for Special Educational Needs and Disability (SEND) and Inclusion	Lead Member <del>working with the Cabinet Member for Education, Skills and Culture</del> on the SEND agenda across children's agencies and holding officers and partners to account for the delivery of the Birmingham SEND strategy.

## 2.5 Cabinet Member for Transport and Environment

The Cabinet Member has accountability for:

Transport Strategies	Sustainable transportation policy and strategy, programmes, projects and initiatives to improve connectivity and road safety for the city across all modes of travel.
Highways	Strategic highways matters.  Maintenance of roads and streets, traffic management and car parks and enforcing rights of way.
Advice to Planning Committee (Highways)	Providing advice, where appropriate, including the effect of proposed developments in relation to roads and transport and working in cooperation with the West Midlands Combined Authority and Mayor in relation to the key route network.
Air Quality	Leading the development and delivery of an Air Quality Strategy for Birmingham, to comply with national and pan-national regulations together with key partners.
Green City	Working with partners to develop a strategy for sustainability, liveability and environmental improvement for the city.
Climate Change	Engaging in proactive citywide and national policy development to tackle the causes and consequences of climate change.

## 2.6 Cabinet Member for ~~Clean Streets, Waste and Recycling Street Scene and Parks~~

The Cabinet Member has accountability for:

Waste Strategy and	Development of a financially and environmentally
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Services	<p>sustainable waste strategy for the city and ensuring delivery.</p> <p>Collection and sustainable disposal of waste from residential and other properties within the city and street cleansing.</p>
Pest Control	Provision of the Pest Control Service
Cleaner Neighbourhoods	Street cleansing, litter prevention, fly tipping, graffiti, placarding.
Recycling	Development of a robust reuse and recycle strategy for the city and ensuring delivery.
Enforcement	Ensuring robust enforcement policies and implementation across street cleansing, waste and recycling.
Parks and Allotments	Provision <del>maintenance</del> and usage of facilities including grounds maintenance

## 2.7 Cabinet Member for Health and Social Care

The Cabinet Member has accountability for:

Adult Social Care and Health	<p>Development of the Health and Wellbeing Board and relationships with the NHS and private providers.</p> <p>Strategic leadership of social care services and safeguarding for adults.</p> <p>Development of an integrated health and social care economy in Birmingham and neighbouring local authorities around the relevant Sustainability and Transformation Plan.</p>
Public Health	Leadership on public health services, working with the Health and Wellbeing Board to reduce health inequalities.
Healthy Communities	Championing healthy living through sport and leisure services and influencing resident choices through proactive behaviour change initiatives.
Domestic Violence	Taking the lead on the health implications of domestic violence and advising the Cabinet Member for Social Inclusion, Community Safety and Equalities on these matters.



## 2.8 Cabinet Member for Homes and Neighbourhoods

The Cabinet Member has accountability for:

Council housing management services	Oversight and direction of estate management services and best use of housing stock (across all housing providers).  Repairs and maintenance programmes.
Registered Social Landlords	Liaison with the Birmingham Social Housing Partnership on neighbourhood management initiatives and the housing growth agenda.
Private Rented Sector	Licensing and regulation.  Private Tenancy Unit activities.  Bond and deposit scheme initiatives.
Housing Options	Assessing housing need, options for vulnerable adults, children and young people and offenders.  Temporary accommodation provision.  A coherent strategy to address homelessness, including short-term engagement, education and enforcement with rough sleeping.
Tenant engagement in social housing	Tenant engagement in the management and development of social housing and Housing Liaison Boards.
Neighbourhood Management	Development of the Council's neighbourhood engagement model and work with wider Council and partners to ensure integration at the local level.
Bereavement Services and Register Office	Strategic leadership for the development of Cemeteries, Crematoria and Mortuary and Coroners Court Services; and Register Office services.
<del>Parks and Allotments</del>	<del>Provision, maintenance and usage of facilities.</del>

## 2.9 Cabinet Member for Finance and Resources

The Cabinet Member has accountability for:

Finances	Overall financial direction within the Financial Strategy
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	developed by the Leader, including Best Value and appropriate financial, accounting and audit controls and procedures.
Human Resources	<p>An effective organisational development function for shaping the future workforce of the Council. Development of effective change/transformational programmes deployed corporately.</p> <p>Member development programmes.</p> <p>Processes and procedures to support good staff performance development and equality objectives. Staffing structures at JNC level and personnel procedures that comply with good practice and natural justice (in consultation with the Leader).</p> <p>[The Council Business Management Committee deals with issues around the employment of staff and their terms and conditions of employment].</p>
Birmingham Business Charter for Social Responsibility	Application of the Birmingham Business Charter for Social Responsibility that requires contractors to offer, inter alia, local employment and training opportunities, and to adopt the Birmingham Living Wage policy.
Commercialism	To take the strategic lead in the consideration of all commercial opportunities available to the Council
Procurement	Oversight of procurement management.
Contract Management	Strategic approach to and compliance with contract management policy to ensure best value.
Internal Trading Operations	Effectiveness and holding to account the management of all internal trading operations in conjunction with Deputy Leader

## 2.10 Cabinet Member for Social Inclusion, Community Safety and Equalities

The Cabinet Member has accountability for the following:

Safer Communities	Strategic citywide leadership to community safety in Birmingham, including anti-social behaviour, fear of crime and public spaces and ensuring effective support for victims of crime.
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	<p>Effective relationships and clear shared priorities with the Police and Crime Commissioner and West Midlands Police.</p> <p>Leadership on youth offending issues.</p> <p>CCTV and liaison with Police.</p> <p>Strategic leadership in relation to Prevent.</p>
Social Cohesion and Inclusion	<p>Approaches to ensure that all Birmingham citizens have opportunity across the social and economic life of the city, within a safe city - including in education, employment, housing, health and social care, civil society and political participation – whether these are delivered by the City Council itself, partner agencies, or by private or third sector organisations.</p> <p>Holding to account other relevant Cabinet Members and officers for the delivery of those functions that impact on social cohesion and inclusion.</p>
Tackling Inequality	<p>Strategic approaches to reduce inequalities including around health, education and employment outcomes; ‘access to services’; and participation in civic life.</p> <p>Neighbourhood advice and information services.</p> <p>Holding to account other relevant Cabinet Members and officers for the delivery of those functions that impact on inequalities and inclusion.</p>
Equalities within the Community	<p>Development and promotion of shared values and mutual respect across the diverse communities of Birmingham.</p> <p>Ensuring that community and cultural events promote social cohesion and inclusion</p>
External Challenge	<p>Ensuring that partner agencies, private or third sector organisations are challenged on their contribution to improving social cohesion and inequalities.</p>
Third Sector Partnership and Engagement	<p>Working with and coordination of third sector and partner agencies around equalities, cohesion and inclusivity.</p>
Domestic Violence	<p>All Council activity relating to domestic violence, its</p>

	impact on families and children and implementing a city-wide domestic violence strategy with partners including advice to the Cabinet Member for Homes and Neighbourhoods on the provision of accommodation and taking advice from the Cabinet Member for Health and Social Care on the health implications of domestic violence.
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## **5.5 Overview and Scrutiny Committees**

### *Terms of Reference of Overview and Scrutiny Committees*

There shall be eight Overview and Scrutiny Committees as set out in the terms of reference below.

### *Co-ordinating Overview and Scrutiny Committee*

To plan and co-ordinate the work of all the Overview & Scrutiny Committees. To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning governance (including transparency, regional working and partnerships): citizens (including communications and public engagement); performance; customer services and emergency planning.

These functions include:

- (a) giving such guidance to the Overview and Scrutiny Committees in any cases of uncertainty, as to work which they should or should not be undertaking, as may be necessary to achieve such co-ordination, including the allocation of “call-in” to the appropriate Committee;
- (b) determining, in any cases of uncertainty, the allocation of responsibility for specific tasks between the Overview and Scrutiny Committees;
- (c) ensuring (by means, for example, of issuing appropriate guidance and/or instructions) that the Overview & Scrutiny Committees pay proper attention in their work to the consideration of key cross cutting issues, in particular equalities, transparency and improvement;
- (d) publishing each year an Annual Programme of major scrutiny inquiries as suggested by individual Overview and Scrutiny Committees following consideration of the Council Plan and priorities;
- (e) agreeing the establishment of any task & finish groups; and
- (f) considering overview and scrutiny development, working practices and constitutional arrangements.

Membership of the Co-ordinating Overview and Scrutiny Committee will consist of 12 members: the chair of the committee and the seven other Overview and Scrutiny Committee chairs along with 4 places for opposition group members to ensure proportionality.

### ***Resources Overview and Scrutiny Committee***

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning finance (including strategic finance, budget setting and financial monitoring); revenues and benefits; human resources; contracting, commissioning and commercialism.

### ***Health and Social Care Committee***

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning adult safeguarding, social care and public health; and to discharge the relevant overview and scrutiny role set out in the National Health Service Act 2006 as amended by the Health and Social Care Act 2012, including:

- The appointment of Joint Overview and Scrutiny Committees with neighbouring authorities; and
- The exercise of the power to make referrals of contested service reconfigurations to the Secretary of State as previously delegated to the Health and Social Care Overview and Scrutiny Committee by the Council.

### ***Education and Children's Social Care Overview and Scrutiny Committee***

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning **schools and education**, the Children's Trust, vulnerable children, corporate parenting and other child social care and safeguarding functions of the council.

**The Overview and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:**

- (a) Church of England diocese representative (one);**
- (b) Roman Catholic diocese representative (one); and**
- (c) Parent Governor representatives (two).**

### ***Economy and Skills Overview and Scrutiny Committee***

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning strategic economy; skills and apprenticeships; land and property; inward investment; land use planning; business improvement districts and the Local Enterprise Partnership.

### ***Sustainability and Transport Overview and Scrutiny Committee***

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities relating to sustainability; air pollution; transport strategy and highways.

The Committee shall undertake the authority's statutory functions in relation to the scrutiny of flood risk management (Flood and Water Management Act 2010).

### ***Housing and Neighbourhoods Overview and Scrutiny Committee***

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning housing; social cohesion; waste management; neighbourhood management; **parks and allotments**, localisation; bereavement services and community safety.

This Committee shall be the Crime and Disorder Committee (Police and Justice Act 2006).

### ***~~Learning, Commonwealth Games, Culture and Physical Activity Overview and Scrutiny Committee~~***

To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning ~~schools and education~~ the **Commonwealth Games**; arts and culture; libraries and museums; sport; events and physical activity. ~~parks and allotments~~.

~~The Overview and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:~~

- ~~(a) Church of England diocese representative (one);~~
- ~~(b) Roman Catholic diocese representative (one); and~~
- ~~(c) Parent Governor representatives (two).~~

## 5.1 The full council

### *Appointments reserved to the Full Council*

	No. Appointed
Local Government Association (General Assembly)	4
West Midlands Fire & Rescue Authority	10
West Midlands Police and Crime Panel	3
<del>West Midlands Joint Committee</del>	<del>3</del>
West Midlands Shareholders Airport Committee	1 plus 2 observers
Departmental Consultative Committees	1 on each
National Association of Councillors	1
Joint Scrutiny Committee for Supervisory Board of the Greater Birmingham and Solihull Local Enterprise Partnership	1
West Midlands Combined Authority (WMCA) Board (and Boards as required)	1 (and to Boards as required)
WMCA Overview and Scrutiny Committee	3
Transport Delivery Committee	7
WMCA Audit, Risk & Assurance Committee	1
WM Growth Company – Board of Directors	1
<del>Transport for West Midlands (TFWM)</del>	<del>4</del>
Interim Standing Advisory Council on Religious Education	8
<del>Employee Consultative Forum (Teachers)</del>	<del>8</del>
City Housing Liaison Board	3
Safety at Sports Grounds Advisory Groups	Numbers to be advised