

Birmingham City Council

City Council

10 January 2023



Subject: Decisions Not on the Forward Plan and Those Authorised for Immediate Implementation

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Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential : N/A

1 Executive Summary

- 1.1 This report, which is required under Part B6.2 of the Constitution, sets out 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 July 2022 this is the first report to be submitted on a quarterly basis, covering the period 16 August to 5 December 2022.

2 Recommendation

- 2.1 That Full Council notes the report.

3 Background

- 3.1 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 B6.2).
- 3.2 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.

- 3.3 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.
- 3.4 In an emergency, as set out under Part B6.6 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 E4.2 are met. However, there were no emergency or urgent decisions taken by the Chief Executive for the period in question.
- 3.5 Appendix 1 provides details on all decisions not included on the Forward Plan and those that were authorised for immediate implementation for the period 16 August 2022 to 5 December 2022.

Late Reports Not on Forward Plan

- 3.6 For the period in question, there were 4 key decisions not included on the Forward Plan.
- 3.7 In comparison, last year (2021/22) there were 11 key decisions not included on the Forward Plan, including five urgent decisions taken by the Chief Executive. Overall, this compares with nine in 2020/21, one in 2019/20 and 11 in 2018/19.

Reports Authorised for Immediate Implementation

- 3.8 There were no reports authorised for immediate implementation for the period 16 August – 5 December 2022.
- 3.9 In comparison, last year (2021/22) there were 8 decisions that were not subject to call in. This compares with none in 2020/21, six in 2019/20 and five in 2018/19.

Reports containing confidential or exempt information

- 3.10 For the period in question, there were no reports, containing confidential or exempt information, that were not notified 28 days in advance of the proposed decision.

4 Legal Implications

- 4.1 This report is required under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 4.2 In addition to reporting to Full Council, the information set out in this report will be presented to the Corporate Leadership Team as part of the City Solicitor's Assurance and Performance Report.

5 Financial Implications

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

6 Appendices

- 6.1 Appendix 1 – Decisions Not on the Forward Plan and Those Authorised for Immediate Implementation

APPENDIX 1

LATE REPORTS NOT ON THE FORWARD PLAN AND THOSE AUTHORISED FOR IMMEDIATE IMPLEMENTATION

16 AUGUST – 5 DECEMBER 2022

Table 1 of 2 – Key Decision Reports Not on the Forward Plan¹

Date	Report Title	Decision Taken By	Reason for Lateness – set out via the report
6 Sept 2022	Private Rented Sector Leasing Scheme – Capital Grant	Cabinet	It has been agreed to accept funding (circa £4m) from DLUCH, via WMCA, to support our Homelessness Strategy to reduce the number of families in Bed and Breakfast accommodation. The announcement from DLUCH is expected at the beginning of next week – week commencing Monday 22nd August 2022. Notification of this funding was received too late to enable us to make the 28-day statutory timeframe to achieve the September 2022 Cabinet date.
6 Sept 2022	Family Hubs Best Start for Life – Funding	Cabinet	The senior managers in the directorate understood that as a grant this didn't need Cabinet approval, however finance colleagues reviewing the constitution noted that was not the case. The submission date for the Sign-Up form was the 24th of August, and an urgent decision is needed now.
6 Sept 2022	CWG Legacy Projects	Cabinet	Cabinet approved a report in June 2022 where authorisation was given to bid to host the European Athletics Championships 2026. Information regarding the underspend from the Commonwealth Games was awaited to inform the financial commitment needed for the European Athletics event. This information was not available 28 days before the decision. The bid is now being considered by European Athletics enabling them to provide feedback, seek clarification on matters and enable the city to progress to the final bid stage at the end of September 2022.
11 Oct 2022	Cost of Living Emergency Project	Cabinet	On the 6th of September 2022, the Leader announced his intention for the council to declare a 'Cost of Living Emergency'. Shortly after the announcement, the country went into a national period of mourning following the Queen's death on the 8th of September 2022. The first consideration of the announcement was discussed by the Council's Corporate Leadership Team on the 20th of September, where it was agreed that a Cost-of-Living programme should be established, and agreement sought from Cabinet on the governance, priorities and funding. A public commitment to bring in 'warm banks' as soon as possible and early analysis has shown that there is an immediate priority to have some areas of work delivered and in place ahead of the cold weather setting in, and most significantly ahead of the school October 2022 half term where there will be increased pressure on families to heat their homes all day. Therefore, there was agreement at the 20th of September Corporate Leadership Team that a key decision on the

¹ For clarity, there were no Emergency or Urgent Decisions taken by the Chief Executive across the period 16 August – 5 December 2022

			programme and funding be brought to the 11th of October 2022 (Cabinet) meeting. This would also align with the Leader's intention to announce a Cost-of-Living emergency and provide a strong response in terms of immediate support that will be put in place to support the most vulnerable and those at greatest risk.
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*Further information on each of these decisions can be found on CMIS via: [CMIS > Meetings](#)

Table 2 of 2 – Reports Authorised for Immediate Implementation

Date	Report Title	Decision Taken By	Key/Non-Key Decision	Authorised for Immediate Implementation
There were no reports authorised for immediate implementation for the period 16 August – 5 December 2022				