

**REPORT OF THE COUNCIL BUSINESS MANAGEMENT COMMITTEE**

**CONSTITUTIONAL CHANGES**

Council Business Management Committee considered a report relating to changes to the City Council's Constitution.

The proposed amendments are:

**1. To discontinue the District Committees and the role of Executive Members for Local Services (District Committee Chairs) and enhance the role of Ward Forums.**

Appendix 1 sets out the proposed amended description of Ward Forums, which now refers only to Ward Forums and not to District Committees, to replace the sections headed "District Committees" and "Ward Forums" on pages 52-54 of the Constitution;

Appendix 2 sets out the proposed revised terms of reference for Ward Forums, to replace the section headed "Terms of Reference for Districts and Wards" on pages 132-135 of the Constitution. This now sets out the terms of reference for Ward Forums alone and not for District Committees. Ward Forums cannot be constituted as single member wards. CBM will bring forward further proposals for arrangements for ward forums post-May 2018.

Appendix 3 sets out other consequential amendments to the Constitution, including removing references to District Committees in other sections of the Constitution and removing reference to Ward Forums under Executive processes, as these bodies do not have Executive decision-making authority.

**2. To remove the Cabinet Committee Local Leadership Committee from the Council's Executive governance arrangements (as agreed by Cabinet on 12<sup>th</sup> December 2017).**

Appendix 3 sets out the consequential amendments to the Constitution, removing references to Cabinet Committee Local Leadership.

**3. To enable the appointment of Cabinet Advisers.**

Appendix 3 sets out the consequential amendments to the Constitution, inserting a new section entitled "Cabinet Advisers" on page 27.

For ease of reference, Appendix 3 shows the new additions as highlighted and the deletions show the text crossed through.

It is recommended that City Council agrees and adopts the revisions set out above and that the City Council's Constitution be amended accordingly.

### **MOTION**

That the Council adopts the following changes to its constitution:

- To discontinue the District Committees and the role of Executive Members for Local Services (District Committee Chairs) and enhance the role of Ward Forums;
- To remove the Cabinet Committee Local Leadership from the Council's Executive governance arrangements;
- To enable the appointment of Cabinet advisers;

and authorises the City Solicitor to implement the changes to the Constitution set out in the Appendices with immediate effect.

<b>Report to:</b>	<b>COUNCIL BUSINESS MANAGEMENT COMMITTEE</b>
<b>Report of:</b>	<b>City Solicitor</b>
<b>Date of Meeting:</b>	<b>22 January 2018</b>
<b>Subject:</b>	<b>AMENDMENTS TO THE CITY COUNCIL'S CONSTITUTION</b>
<b>Wards affected:</b>	<b>ALL</b>

<b>1. Purpose of report:</b>	
1.1	This report presents proposed changes to the City Council's Constitution for approval at the February 6 <sup>th</sup> meeting of the Council.
1.2	<p>The proposed amendments have the effect of:</p> <ul style="list-style-type: none"> <li>Discontinuing the District Committees and the role of Executive Members for Local Services (District Committee Chairs) and enhancing the role of Ward Forums;</li> <li>Removing the Cabinet Committee Local Leadership Committee from the Council's Executive governance arrangements (as agreed by Cabinet on 12<sup>th</sup> December 2017);</li> <li>Enabling the appointment of Cabinet advisers.</li> </ul>

<b>2. Decision(s) recommended:</b>	
2.1	CBM to agree that the proposed amendments to the Constitution set out below and in Appendices 1 to 3, be presented to the next meeting of the City Council for approval.

<b>Contact Officers:</b>	<p>Catherine A. Parkinson Interim Assistant City Solicitor and Monitoring Officer 0121 303 8217 <a href="mailto:catherine.parkinson@birmingham.gov.uk">catherine.parkinson@birmingham.gov.uk</a></p> <p>Tony Smith Policy Executive 0121 303 4550 <a href="mailto:tony.smith@birmingham.gov.uk">tony.smith@birmingham.gov.uk</a></p>
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<b>3. Relevant background/chronology of key events.</b>	
3.1	<p>The model of devolution involving localisation of service budgets and political oversight to district committees, through a range of models suited to different services became operational in May 2004 following two years of planning and policy development. Aspects of the approach, such as the service level agreements used to oversee some services, have proved problematic since the start. Resource reductions since 2011/12 have placed an increasing pressure on this model, with specific services being effectively recentralised and dedicated resources for the districts being steadily eroded. Some districts struggled to operate within reduced budget envelopes.</p>

- 3.2 The Kerslake report in December 2014 noted that the existing arrangements were “not sustainable” and suggested that if the districts were continued at all then they should no longer have service budgets or management roles and instead focus on public engagement, community leadership and “scrutiny”. In response to this the role of District Committees was redefined and service budgets recentralised in May 2015. This included a stronger emphasis on community leadership and an informal scrutiny role (Neighbourhood Challenge).
- 3.3 A supplementary submission by the Executive to the Boundary Commission on its review of ward boundaries in June 2015 set out how the future role of the Council might develop in the years ahead including alternatives to the district model.
- 3.4 In May 2016 Council approved the creation of the four Assistant Leader roles and the Cabinet Committee Local Leadership to oversee the transition to a new approach during the interim phase to boundary changes in May 2018. It was stated in the report of the Independent Remuneration Panel that the role of Executive Members Local Services (District Committee Chairs) would be discontinued in due course.
- 3.5 The Assistant Leaders have been working with councillors from all parts of the city and across all three parties to develop proposals for the way ahead. An interim presentation was made to the Cabinet Committee Local Leadership in April 2017, confirming the intention to bring about a shift from a district to a ward focus.
- 3.6 In July 2017, following further work with the Leader, Assistant Leaders and key cabinet members, the Corporate Director Place brought a paper to the Cabinet Committee Local Leadership setting out further details on how the evolution of devolution within the city would proceed during 2017/18 and into 2018/19. This included the proposal to wind up the District Committee arrangements.

#### *District Committees*

- 3.7 The proposed changes move the City Council’s local democratic arrangements on to the next phase of the process of change outlined above. This will involve many changes which are not of a constitutional nature and therefore not covered by this report, for example the member development programme to strengthen members’ ability to carry out a community leadership role, new arrangements to support ward based working and ward planning and arrangements to ensure that initiatives in areas such as employment and skills and wellbeing are taken forward at a level above the ward but below the city.
- 3.8 The changes are also intended to be an evolution through stages rather than a sudden leap forward. Preparations will be made for the next step of changes to the new ward boundaries in May 2018, ensuring that the Council deploys resources effectively and uses savings from the abolition of the district arrangements to improve support at the more local level. These arrangements will mean that there is not a “step into the void” following the discontinuation of the districts.
- 3.9 Appendix 1 is a replacement for the text on Districts and Wards at pages 52-54 of the constitution which now refers only to Ward Forums and not to District Committees.

- 3.10 Appendix 2 is a replacement for the Terms of Reference for District Committees and Ward Forums at pages 132-135 of the constitution, which now sets out the terms of reference for Ward Forums alone and not for District Committees. Some of the broad roles of District Committees, such as producing local plans setting out the priorities for the local area, promoting service integration and making representations to executive and scrutiny functions will now be part of the remit of the Ward Forums.
- 3.11 Appendix 3 sets out the other consequential changes to various pages of the constitution (extracts). These are presented as tracked changes.
- 3.12 Further proposals will be brought forward for arrangements for ward forums post-May 2018.

***Cabinet Committee Local Leadership***

- 3.13 On 12<sup>th</sup> December 2017, Cabinet agreed to the removal of the Cabinet Committee Local Leadership Committee from the Council's Executive governance arrangements on the basis that in future ongoing development of devolved community governance will be determined by Cabinet. Specifically Cabinet agreed:
- To remove Cabinet Committee Local Leadership from the Council's Executive governance arrangements with effect from 21st December 2017;
  - That the City Solicitor and Monitoring Officer sets out all relevant changes to the Council's Constitution at the next meeting of Council Business Management Committee and Full Council thereafter in order to enact the decision above;
  - To note that ongoing development of devolved community governance ("Evolution of Devolution") will be determined by Cabinet and/or a Cabinet Member.
- 3.14 Appendix 3 sets out the consequential changes to various pages of the Constitution (extracts). These are presented as tracked changes.

***Cabinet Advisers***

- 3.15 At the last CBM meeting in December, the Leader notified the Committee of his intention to bring forward proposals to enable the appointment of Cabinet advisers.
- 3.16 Cabinet Advisers will be a new role, and will be appointed to support Cabinet Members. The positions will not be paid and will not have any delegated decision-making authority. Cabinet Advisers will be invited to attend Cabinet as required.
- 3.17 Appendix 3 sets out the consequential changes to the Constitution (extracts). These are presented as tracked changes.

**Signature: C.A.Parkinson**

**On behalf of  
Chief Officer:  
KATE CHARLTON, CITY SOLICITOR**

## **Appendix 1**

### **Text for insertion (replacement) at pages 52-54 of the constitution**

#### **Ward Forums**

Ward Forums will be constituted to encourage and facilitate dialogue between the Council and local people within their area. Cabinet has assigned roles to the Ward Forums.

#### **Meetings**

Councillors may appoint a councillor as Chair of their Ward Forum.

Ward Forums will have a leadership responsibility for 'place' matters within their ward including:

- Production of a Ward Plan setting out locally determined priorities and issues;
- Working closely with the Assistant Leaders to advance the council's policies on local leadership and with other Ward Forums to progress issues across a larger geographical area;
- Working closely with appropriate officers to ensure services are responsive to local needs and priorities.

#### **Establishment and dissolution**

The Council will establish (or dissolve) Ward Forums on the recommendation of the Council Business Management Committee.

## **Appendix 2**

### **Terms of Reference for Ward Forums**

THE ROLE AND PURPOSE OF WARD FORUMS IS MORE PARTICULARLY SET OUT WITHIN THE “TERMS OF REFERENCE” BELOW. THE TERMS OF REFERENCE ARE SUBJECT TO AMENDMENT BY CABINET OR BY COUNCIL BUSINESS MANAGEMENT COMMITTEE, AS APPROPRIATE, TO REFLECT THE EMERGING SHAPE OF THE FUTURE COUNCIL.

#### **TERMS OF REFERENCE FOR WARD FORUMS**

##### **Principles**

The City Council is committed to the retention and the on-going development of its devolved approach to community governance, given the scale, size and diversity of challenges, opportunities and needs across the city.

The operation of new arrangements at the ward level must be consistent with the new resource framework for local governance and services, with a dramatic reduction since the council introduced its devolved arrangements over ten years ago. This means that the support and administration of the refined model needs to take account of this and focus on the key priority of protecting front line service delivery, whilst also helping to shape new approaches to service delivery at a local level through partnership working and co-production.

The new model demands a particular set of cultural, organisational and individual behaviours, values and technical competencies. A key priority for its future operation is to shape a systematic, whole organisation approach to getting this right.

##### **The roles of ward forums**

Members will provide community leadership at the ward level, in particular through engaging the local community and identifying very local issues and priorities (for example through Ward Litter Plans or Neighbourhood Tasking meetings).

In conjunction with the relevant Cabinet Members and Assistant Leaders, the role of Ward Forums is to:

1. Adopt and approve a Ward Plan
2. Provide a forum for community engagement in decisions affecting the local area (through regular meetings including neighbourhood forums, residents associations, parish, community or neighbourhood councils and other local organisations)
3. To advise or make representations to the Council, the Executive or an Overview and Scrutiny Committee on all matters affecting community interests, working in conjunction with Cabinet Members to provide improved accountability in council

and other public services within the area and to support the work of Overview and Scrutiny committees as appropriate

4. Make comments on behalf of residents on significant planning applications within the ward or which have an impact on the ward, subject to the appropriate planning timescales
5. Co-ordinate the work of councillors with neighbourhood forums, residents associations and neighbourhood, community or parish councils to enable local community engagement, debate and action in relation to local issues and priorities
6. Plan work with the other wards or ward clusters to engage with partners such as the police and to work on matters that must be addressed over a larger geographical area
7. Develop and support the community leadership role of councillors and others in the area. This includes roles in relation to governance, community planning, local dialogue, partnership, commissioning and accountability
8. Work with appropriate officers to ensure that council services are responsive to local needs and priorities
9. Promote and influence service improvement, service integration and a focus on prevention across the whole of the local public sector and to consider the performance, integration and co-ordination of public services in the area and make recommendations to the Executive and to the council's partners as appropriate
10. Work in partnership with all local stakeholders to further the needs and priorities of local residents
11. Ensure that city wide and city regional levels of decision making have a good understanding of local needs and priorities in different parts of the city
12. Promote community empowerment and active citizenship and a diversity of local service provision, including community and voluntary organisations and social enterprises and to develop positive working relationships with parish, neighbourhood or community councils
13. To promote and improve the economic, social and environmental well-being of the area



# **Birmingham City Council Constitution**

Adopted: Council Meeting 7<sup>th</sup> November 2017

Amendments proposed: 6<sup>th</sup> February 2018

## ***Pages 9 and 10***

### **How the Council operates**

The Council is composed of 120 Councillors

<https://www.birmingham.gov.uk/councillors/name>, one of whom is elected as Leader (3 Councillors for each of the City's 40 Wards). The Leader is elected by the Councillors, normally for a four-year term of office. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

The Leader and all Councillors meet together as the Council. These meetings are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year.

The Leader appoints the Cabinet which has, as a main role, the task of developing and implementing policy on behalf of the Council. This is made up of Councillors from the controlling party group or groups on the Council. It constitutes the Executive (decision making) part of the Council, though some decisions, such as the approval of the budget, rest with Full Council.

The Council has established ~~Cabinet Committee Local Leadership, District Committees~~, Cabinet Committee Corporate Governance and Ward Forums ~~Ward Committees~~, which provide for public participation, representation and decision making at a local level.

A number of Overview & Scrutiny Committees monitor the decisions of the Cabinet and the implementation of policy. They can also recommend policies to the Cabinet and Council. They allow Citizens to have a greater say in Council matters and are consulted by the Cabinet on developing policies. These Committees are non-executive (not decision making) and cross-party.

Overview & Scrutiny Committees can "call-in" a decision which has been made by Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision.

The Council also appoints Regulatory Committees to perform the Council's regulatory functions such as Planning and Licensing. Other specialist committees are appointed by the Council from time to time. As "quasi-judicial" bodies (similar to courts), these Committees are also cross-party and independent of the Executive.

The Council has established a Standards Committee to advise on the adoption and implementation of a Code of Conduct for Councillors. All Councillors have agreed to follow the Code so as to ensure high standards in the way they undertake their duties. The Standards Committee ensures there is appropriate training and advice on the code.

## How decisions are made

The Cabinet have to make decisions which are in line with the Council's overall policy framework and budget. If it wishes to make a decision which is a change to the budget or policy framework, this must be referred to the Council to decide.

The Council has responsibility for all Non-Executive functions and approving the policy framework and budget. The Council, as a whole, retains responsibility for regulatory functions and has a role in holding the Executive to account.

Key decisions are made by Cabinet and are published in the Cabinet's Forward Plan in so far as they can be anticipated.

Non-Key decisions are made by ~~District Committees, Cabinet Committee Local Leadership~~, Cabinet Committee-Group Company Governance and jointly by Cabinet Members and Chief Officers.

Council and Cabinet meetings are open to the public, except where personal or confidential matters are being discussed.

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### 9. Questions

#### (C) Oral Questions

##### (1) Questions from Members of the Public

A member of the public may ask one oral question of any Cabinet Member, Assistant Leader, ~~District Committee Chair~~ or Ward Forum Chair by submitting the question in writing to the Chief Executive no later than 12 noon on the Friday before the Council meeting. No question will exceed 1 minute and no answer will exceed 2 minutes. Members of the public may ask questions as set out in the order of business and in accordance with these standing orders.

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### **ROLES**

#### **Members of the Council (Councillors)**

##### **Roles and Functions of all Councillors**

Key roles:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions for the City Council;
- (ii) contribute to the good governance of Birmingham and actively encourage community participation and citizen involvement in decision making;
- (iii) responsibility to represent the interests of all the residents of the City Council area with special responsibility to the residents of their Ward;
- (iv) respond to constituents' enquiries and representations, fairly, promptly and impartially;
- (v) balance different interests identified within the Ward ~~or District levels~~ and represent the Ward ~~or electoral division as a whole~~;
- (vi) maintain high standards of ethical conduct and behaviour.

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### **Cabinet Members**

Only Councillors may be appointed to the Cabinet. There may be no co-optees and no deputies or substitutes for Cabinet Members. Neither the Lord Mayor nor the Deputy Lord Mayor may be appointed to the Cabinet. Cabinet Members may not be Members of any Overview and Scrutiny arrangements although they are permitted to serve on the Regulatory Committees ~~—and on District Committees~~ and Ward Forums.

Up to nine Cabinet Members may be appointed by the Leader of the Council and one should be designated as Deputy Leader. If it becomes necessary, to appoint replacement(s) the Leader of the Council shall report his/her decision(s) at the next meeting of the Council. Cabinet Members shall hold office until:

- they resign from Office or if they are dismissed, either collectively or individually, by the Leader of the Council; or
- they are disqualified from being Councillors (although they may resume office at the end of the period of disqualification).

### Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

- they otherwise leave or are required to leave office.

Individual Cabinet Members have delegated authority jointly with Chief Officers in respect of all executive decisions and virements between the Chief Officer limit of £200K and £500K (revenue) and £1M (capital).

The functions of individual Cabinet Members are set out in each Cabinet Member Portfolio.

### **FOR INSERTION ON PAGE 27:**

#### **Cabinet advisers**

Cabinet advisers may be appointed by the Leader to support Cabinet Members. The positions will not receive a Special Responsibility Allowance and will not have any delegated decision-making authority. Cabinet Advisers will be invited to attend Cabinet as required.

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### **Assistant Leaders**

The Leader of the Council will set clear success criteria and outcome targets for the Assistant Leaders and the Cabinet Committee, for approval by the Cabinet and these will be monitored alongside officer work programmes to ensure the work remains on track and delivers a successful transition to future arrangements.

The strategic role of the Assistant Leaders will be to:

- Provide leadership to policy development as directed by the Leader and working in conjunction with Cabinet Members, with the aim of realising the full potential of city policies for Place – making a difference in all Birmingham neighbourhoods. This will include the strategic priorities of Local leadership, Every Place Matters (regeneration and investment outside the city centre) and A Better Deal for Neighbourhoods (improving local services)
- Drive forward the review of devolved arrangements within the city and the successful transition to the post 2018 environment as directed by the Cabinet and the Leader.

Within their area of the city Assistant Leaders will:

- Promote and support changes to the practice, culture and capabilities underpinning the role of “front line councillor”
- Shape and support local partnership working and engagement with communities and local stakeholders

## Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

- Shape neighbourhood governance and neighbourhood delivery plans working alongside **local councillors. District Committee Chairs**
- Ensure that arrangements are in place to move **beyond the districts model forward** whilst capturing the learning and the partnerships developed in previous years and supporting the role and contribution of all local councillors
- Ensure that local issues and innovations are reflected in strategic decision making with regard to Local Leadership, Every Place Matters and A Better Deal for Neighbourhoods.

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## 2. CABINET PORTFOLIOS

### Cabinet Member for Jobs and Skills

A successful city is one that has a highly skilled workforce, with access to quality skills and training, to ensure that the learning opportunities within Birmingham are providing for the present and future skills needs of the city, working with the **Executive Members for Districts local areas** where appropriate.

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## 3. MEETINGS ADMINISTRATION

### 3. Council Standing Orders

The order of business and the indicative timescales at every ordinary meeting of the Full Council shall usually be:

Standard Item	Time Limits	Indicative Timetable
Minutes, Lord Mayor's Announcements	10 minutes for Lord Mayor's Announcements - and <u>no</u> presentations.	2.00 – 2.10 p.m.
Lord Mayor's Annual report (AGM only)	15 minutes	
Petitions A schedule of outstanding petitions will be available electronically	15 minutes	2.10 – 2.25 p.m.
Question time	90 minutes	2.25 – 3.55 p.m.

Appendix 3: Changes to Constitution removing reference to Cabinet Committee  
Local Leadership, District Committees and inserting reference to Cabinet Advisers

Questions from members of the public to any Cabinet Member, Assistant Leader, <b>District Committee Chair</b> or Ward Forum Chair.	20 minutes 1 minute for each question 2 minutes for each answer	
Questions from any Councillor to a Committee Chair, Lead Member of a Joint Board or Ward Forum Chair. Each Councillor may ask only one question. No supplementary questions.	20 minutes 1 minute for each question 2 minutes for each answer	
Questions from Councillors other than Cabinet Members and Assistant Leaders to a Cabinet Member or Assistant Leader. Each Councillor may ask one question and one supplementary question.	25 minutes 1 minute for each question 3 minutes for each answer	
Questions from Councillors other than Cabinet Members and Assistant Leaders to the Leader or Deputy Leader. Each Councillor may ask one question and one supplementary question.	25 minutes 1 minute for each question 3 minutes for each answer	
Appointments	5 minutes	3.55 – 4.00 p.m.
Policy Plans or Reports from CBM	15 minutes	4.00 – 4.15 p.m.
Adjournment Break	30 minutes	4.15 – 4.45 p.m.
Overview & Scrutiny Committee reports	60 minutes	4.45 – 5.45 p.m.
<b>Motions submitted by individual Councillors rotated equally between the political groups as determined by CBM</b>	90 minutes  If a meeting has not been concluded by 7.15pm any remaining motions or amendments will be moved and seconded formally (without comment) and be put to the vote without discussion.	5.45 – 7.15 p.m.

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### **4. MEETINGS**

#### **Cabinet**

Cabinet comprises of ten Councillors, including the Leader and Deputy Leader, as follows:

- [Leader](#)
- [Deputy Leader](#)
- Cabinet Member – [Children, Families and Schools](#)
- Cabinet Member – [Commercialism, Commissioning and Contract Management](#)
- Cabinet Member – [Transport and Roads](#)
- Cabinet Member – [Clean Streets, Recycling and Environment](#)
- Cabinet Member – [Health and Social Care](#)
- Cabinet Member – [Housing and Homes](#)
- Cabinet Member – [Jobs and Skills](#)
- Cabinet Member – [Community Safety and Equalities](#)

In addition to taking "key decisions", Cabinet will also consider:-

- (a) The draft Budget and a draft of the Council's "policy framework" plans. The Cabinet's role in relation to these matters will be to consider a draft which will then be presented to the full Council for approval;
- (b) Other decisions which are considered by the Leader of the Council to have significant cross-cutting or corporate implications; and
- (c) Any Cabinet, Cabinet Members jointly with Chief Officers, Cabinet Committee ~~or District Committee, Ward Forum~~ decision(s) 'called-in' by any Overview & Scrutiny Committee.

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### **Non-Cabinet Members attending 'Private Sessions' of Cabinet meetings**

- (a) A maximum of two of the major Opposition Group members and a maximum of one of the other Opposition Group members – to include their Group Leader(s) – may receive notice of Cabinet meetings, the relevant papers and remain and participate during the deliberations of the private sessions of the Cabinet.
- (b) The Chairs of any of the Council's Overview & Scrutiny Committees (or their nominee from the relevant committee) shall be entitled to attend Cabinet meetings and to remain and participate during the deliberations of the Cabinet during any of its 'Private Sessions'.
- (c) The ~~Chairs of all District Committees and~~ Assistant Leaders shall be entitled to attend Cabinet meetings and to remain and participate during the deliberations of the Cabinet during any of its 'Private Sessions'.



## Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

The Terms of Reference relating to ~~District Committees and~~ Ward Forums can be found here.

Executive decisions, whether taken by Cabinet, Cabinet Members jointly with Chief Officers, ~~District Committees, Ward Forums~~ or Chief Officers alone where delegated to them by Cabinet or in any case where the value exceeds £200k, shall all only be taken based upon written reports with a completed checklist in the approved form and after advice from the Monitoring Officer and Chief Finance Officer.

### **Page 48-50**

## **Cabinet Committees**

### **~~Cabinet Committee Local Leadership~~**

~~This Cabinet Committee will be established by the Cabinet with the following membership:~~

- ~~• The Leader~~
- ~~• Another Cabinet Member as deemed appropriate by the Leader~~
- ~~• The Leaders of the official opposition party and the next largest opposition party~~
- ~~• The Chairs of the District Committees~~
- ~~• Four Assistant Leaders~~
- ~~• Assistant Leaders will be able to attend meetings of the Cabinet but will not have a right to vote on any item of Cabinet business.~~

~~The quorum for the Committee shall be six and this number must include both of the Cabinet Members and one of the Leaders of the opposition groups as well as one of the Assistant Leaders.~~

~~The Committee will include four Councillors designated as Assistant Leaders. These councillors will be charged with taking forward the agenda of the Cabinet Committee Local Leadership between meetings, under the management of the Leader of the Council. They will not have decision making powers independently of the Committee. They will each be responsible for an area of the city, to be specified by the Cabinet.~~

~~(i) — These terms of reference are subject to change by Cabinet as and when necessary to reflect the changing shape of the devolution and Future Council agenda. The City Council is committed to the ongoing development of devolved community governance through a process of reviewing devolved ways of working and considering new innovations; it is recognised that further devolution is necessary given the scale, size and diversity of challenges, opportunities and varied needs across the city.~~

~~(ii) — The Cabinet Committee will conduct a review of the existing devolved arrangements consulting and engaging with the community, other stakeholders and Members. During the period of review local areas will be supported in bringing forward and piloting new ways of working in relation to devolved arrangements; the~~

### Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

~~Cabinet Committee with the Assistant Leaders will support, oversee and evaluate the new ways of working for potential wider use within the City.~~

~~(iii) The Cabinet will set out the detailed coverage of this review, but it will include assessing the effectiveness of all existing arrangements for local engagement and partnership working, preparations for the new ward arrangements to be introduced in 2018 and new ways of working such as parish councils.~~

~~(iv) The Assistant Leaders with the Cabinet Committee will play a leading role in taking forward the following council strategic priorities:~~

- ~~• Local Leadership — conducting the review set out above at paragraphs (ii) and (iii) and reporting to Full Council and Cabinet as appropriate~~
  - ~~• Every Place Matters — overseeing the development of area focused policies and programmes to address inequalities between areas of the city~~
  - ~~• A Better deal for Neighbourhoods — the committee will work to improve services in neighbourhoods and responsiveness to local communities and individual service users and to support local initiatives to improve the environment and street scene~~
  - ~~• Supporting local councillors — through the devolution process~~
  - ~~• Fostering and applying new approaches to local leadership.~~
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## Page 56-58

### Overview and Scrutiny Committees

#### Conflicts of interest – Membership of Overview and Scrutiny Committees and District and Ward Forums

- (a) If an Overview and Scrutiny Committee is scrutinising specific decisions in relation to the business of the ~~District Committee and / or~~ Ward Forum of which an Overview and Scrutiny Committee Councillor is a Member, then that Councillor must withdraw from the meeting during the consideration of such matter.
- (b) Where, however, the Overview and Scrutiny Committee is reviewing policy matters, generally, as opposed to a specific decision of the ~~District Committee and/or~~ Ward Forum, the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

#### Overview and Scrutiny Work and Non-Executive Committees

- (a) Overview and Scrutiny Committees are only permitted by law to scrutinise the Executive decisions of the council – Cabinet, Cabinet Committees, Cabinet Members, ~~District and~~ Ward Forums, and officers.
- (b) In terms of the Regulatory Committees, these carry out quasi-judicial functions and, as such, appropriate appeal rights and procedures apply to the same, which do not involve the Overview and Scrutiny Committees arrangements.

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#### “Request for Call-In” and “Call-In”

- (a) When an Executive decision is taken by the Cabinet, Cabinet Member(s) or Chief Officer jointly with Cabinet Members ~~or~~ Cabinet Committees ~~Local Leadership, District Committees or Ward Forums~~, the decision shall be published by electronic means, and copies of it shall be available at the main offices of the Council, normally within three days of being made. All Members and Chief Officers will be sent a notification of all such decisions within the same timescale, by the Committee Services Officer responsible for publishing the decision.

...

#### Call-In Criteria

	<b><i>(a) Is the Executive decision within existing policy?</i></b>
1	<i>the decision appears to be contrary to the Budget or one of the ‘policy framework’ plans or strategies;</i>
2	<i>the decision appears to be inconsistent with any other form of policy approved by</i>

Appendix 3: Changes to Constitution removing reference to Cabinet Committee  
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	<i>the full Council, the Executive or the Regulatory Committees;</i>
3	<i>the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive);</i>
	<b><i>(b) Is the Executive Decision well-founded?</i></b>
4	<i>the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;</i>
5	<i>the Executive appears to have overlooked some relevant consideration in arriving at its decision;</i>
6	<i>the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;</i>
7	<i>the decision appears to be particularly “novel” and therefore likely to set an important precedent;</i>
8	<i>there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council.</i>
	<b><i>(c) Has the Executive decision been properly taken?</i></b>
9	<i>the decision appears to give rise to significant legal, financial or propriety issues;</i>
10	<i>the notification of the decision does not appear to have been in accordance with council procedures;</i>
	<b><i>(d) Does the Executive decision particularly affect a district ward?</i></b>
11	<i>the decision appears to give rise to significant issues in relation to a particular district ward.</i>

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### List of Committees and Quorums

<b>CABINET / COMMITTEE</b>	<b>No. of Members</b>	<b>Quorum</b>
<a href="#"><u>CABINET</u></a>	10	4
<del><a href="#"><u>DISTRICT COMMITTEES</u></a></del>	<del>12</del>	<del>6</del>
<a href="#"><u>WARD FORUMS</u></a>	3	2
<a href="#"><u>SCHOOLS, CHILDREN AND FAMILIES OVERVIEW &amp; SCRUTINY COMMITTEE</u></a> (contains Governor and Parent representatives)	12 + 4	5
<a href="#"><u>ALL OTHER OVERVIEW AND SCRUTINY COMMITTEES</u></a>	12	4
<a href="#"><u>PLANNING COMMITTEE</u></a>	15	5
<a href="#"><u>LICENSING &amp; PUBLIC PROTECTION COMMITTEE</u></a> (and Sub-Committees)	15 3	5 3
<a href="#"><u>COUNCIL BUSINESS MANAGEMENT COMMITTEE</u></a> (and Sub-Committees as determined by the Constitution and the Committee)	8	3
<a href="#"><u>TRUSTS &amp; CHARITIES COMMITTEE</u></a>	8	3
<a href="#"><u>STANDARDS COMMITTEE</u></a>	11	3
<a href="#"><u>AUDIT COMMITTEE</u></a>	8	3

## **9. STANDING ORDERS RELATING TO CONTRACTS**

These amended Standing Orders apply to all new procurement processes which are instituted after **1 March 2016**.

### **1.0 Application and Interpretation**

#### **1.1 Definitions**

In these Standing Orders:-

**“Authorised Recipient”** means the officer responsible for the receipt of tenders and quotations.

**“Best Value”** means the Council's duty under Section 3 Local Government Act 1999.

**“Building Regulation Authority”** means a local authority as defined by Section 126(1) Building Act 1984.

**“Closing Date”** means the time and date specified in the invitation to tender, quote or negotiate (or any later date that is notified to all persons invited to tender, submit a quote or negotiate where such notification is provided at least 24 hours before the previous Closing Date).

**“Competitive Dialogue”** means a procedure in which any Contractor may request to participate and whereby the Council conducts a dialogue with the Contractors admitted to the dialogue with the aim of developing one or more suitable alternative solutions capable of meeting its requirements and on the basis of which the Contractors chosen by the Council are invited to tender.

**“Contract”** means a contract for supplies, services, or for the execution of any works and also includes a Framework Agreement. It excludes contracts for the acquisition or disposal of an interest in land, and the grant of a licence.

**“Contractor”** means any person seeking to enter into a Contract with the Council.

**“Decision Maker”** means the Council, Cabinet, Cabinet Member, Committee or Sub-Committee ~~(including any District Committee)~~, or Authorised Officer to whom a function has been delegated in accordance with the Council's Constitution.

**“Estimated Total Cost”** means the aggregate total cost of the supplies or services to be provided or works to be performed under a Contract estimated prior to its procurement.

**“European Directives”** means the procurement directives of the European Union and any regulations that implement them within the United Kingdom.

**“European List”** means a list of Contractors compiled by another contracting authority following the entry into a Framework Agreement, in accordance with European Directives.

## Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

**“European Threshold”** means the threshold applying to local authorities at which supplies and services Contracts are subject to the European Directives.

**“Framework Agreement”** means a Contract which establishes the terms under which a contractor will enter into contracts with a contracting authority in the period during which the framework agreement applies.

**“LEP Authority”** means the following local authorities:-

Solihull MBC. East Staffordshire Borough Council, Lichfield Borough Council, Tamworth Borough Council, Bromsgrove District Council and Cannock Chase District Council and any other local authority (or authorities) that may join the Greater Birmingham & Solihull Local Enterprise Partnership.

**“Restricted Procedure”** means a procedure leading to the award of a Contract where only contractors selected by the Council may submit tenders.

**“Unforeseen Priority”** means a situation where there is an overwhelming and immovable requirement to complete an item of work, such requirement could not have been foreseen within sufficient time to have allowed a competitive procurement, and the adverse consequences of delaying the completion of such work significantly outweigh the consequences of not securing effective competition.

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### 11. DECISION MAKING AND KEY DECISIONS

#### Responsibility for decision making

A record of all decisions over £50k has to be kept, including the name or body having responsibility for making such decisions. The record of public decisions over £200k will be available for inspection by members of the public. The Constitution records those arrangements, so that the public can hold to account the relevant decision-makers.

#### Principles of decision-making

All decisions of the Council will be made in accordance with the following guiding principles:

- (a) Good decision making involves the realistic evaluation of alternatives and public consultation, including public access to decision-making.
- (b) Under Executive arrangements, decisions may be taken by a range of people and bodies – Cabinet, **District** Cabinet Committees, **Ward Forums** and Chief Officers.
- (c) The following principles of effective decision-making require there to be:-

### Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

- (i) legality/power to make decisions;
- (ii) proportionality (i.e. the action must be proportionate to the desired outcome);
- (iii) a proper consideration of available options for action and/or inaction;
- (iv) due consultation and the taking of professional advice from Officers;
- (v) due regard to the public sector equality duty and respect for human rights;
- (vi) a presumption in favour of openness and transparency of decision making;
- (vii) clarity of aims and desired outcomes; and
- (viii) avoidance of conflicts of interest.

#### Types of decision

- (a) **Decisions reserved to full Council.** Decisions relating to the functions listed in the Full Council Policy Framework will be made by the full Council and other non-executive Decisions are delegated to Council Business Management Committee and Regulatory Committees.
- (b) **Decisions reserved to Cabinet and “Key Decisions”**  
“Key decisions” must be taken by Cabinet, unless delegated by Cabinet to a Cabinet Member jointly with the Chief Officer or a Chief Officer or Director alone. A decision will be a “key decision” if:
  - (i) it is an Executive decision relating to the discharge of an Executive function
  - (ii) AND is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant:
    - (a) in the case of capital projects, if they involve entering into new commitments and/or making savings in excess of £1M; or
    - (b) in the case of revenue projects, if they involve entering into new commitments and/or making new savings in excess of £500,000, (gross value).OR is significant in terms of its effect on communities living or working in an area comprising two or more Wards in the area of the local authority and the decision making has not been delegated to any **Area Committees**  
**District Committees**.
- (c) Decisions by Cabinet Members jointly with Chief Officers – namely all executive decisions between the Chief Officer limit of £200K and £500K (revenue) or £1M (capital).
- (d) Decisions delegated by Cabinet to Executive Members
- ~~(e) Decisions delegated by Cabinet to District Committees~~
- ~~(e)~~ Decisions delegated to Chief Officers
- ~~(f)~~ Emergency Decisions - see Meetings Administration.



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# EXECUTIVE REPORTS PROCESS

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

## EXECUTIVE REPORTS PROCESS

### Context

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

### 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, or an alternative reason as agreed by the Monitoring Officer/City Solicitor, 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

### Appendix 3: Changes to Constitution removing reference to Cabinet Committee Local Leadership, District Committees and inserting reference to Cabinet Advisers

authorised by either the Leader or the Deputy Leader of the Council or the Cabinet Member for Commercialism, Commissioning and Contract Management as advised by the Monitoring Officer/City Solicitor.

2. The Report Checklist (as amended) should be fully completed for all Cabinet, ~~District Committee and Ward Forum~~ 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 Chair, Cabinet Committee reports by the Chair~~ 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. Members are reminded of their Corporate Parenting responsibility when considering Cabinet reports. You should always consider what impact a particular decision may have on children in care, whether this is direct or indirect. If there are likely impacts, the Cabinet report should include this in the body of the report. At all times you should be thinking "What does this mean for children in care?" when carrying out council business.
5. If it is proposed to submit a Private Report, approval should be sought from the City Solicitor/Monitoring Officer or their representative at the earliest opportunity and a copy of the Private Report submitted to the Cabinet Member for Community Safety and Equalities and copied to the Cabinet Support Officer.
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)

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

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

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### **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 ~~and District Cabinet Committee and Ward Forum~~ 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:	
Relevant Cabinet Member(s)	
Relevant <del>District Committee</del> Ward Forum Chair	

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### Guide to Cabinet Reports Sequence

Time Required = 10 weeks (minimum 6 weeks)

Example (using a Cabinet meeting on Tuesday 20<sup>th</sup> October)

