

Birmingham City Council

City Council

23 May 2023



Subject: Review of the Constitution
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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 Council constitutions provide a framework within which people can understand their own responsibilities, and the responsibilities of others. They allow decision-making, within a democratically elected body, to be consistent, accountable and transparent. They facilitate strong, effective relationships.
- 1.2 A constitution should be a living document – one that reflects not only evolving practice and law, but also one that is periodically strengthened and refined (as a whole document) to ensure it stays both relevant and consistent.
- 1.3 This report sets out proposed amendments to the Council's Constitution and asks Full Council, following consideration by Council Business Management Committee on 9 May, to approve the changes.

2 Recommendation

- 2.1 That approval be given to the amendments to Parts A, B and D of the Constitution, set out via the Change Log at Appendix 1 and the tracked change versions attached at Appendix 2.
- 2.2 That the City Solicitor be authorised to implement the changes with effect from 24 May 2023.

3 Background

- 3.1 During the autumn a cross party working group was established, by Council Business Management Committee (CBMC), to review areas of the Constitution.

This was to help ensure business continues to be well managed and decisions are taken effectively and efficiently, in accordance with statutory requirements and the council's governance framework.

- 3.2 As part of this work, following agreement from Council Business Management Committee in December, Professor Colin Copus, Emeritus Professor of Local Politics, De Montfort University, was invited to consider and research the work and role of Full Council.
- 3.3 This research, which has recently concluded, was based on securing a cross-section of opinion from members, officers and the public on what, if any, changes might be required to full council meetings with the aims of rethinking the purpose of full council meetings and the most effective ways of engaging members, officers and the public in that purpose. Although a draft report is expected from Professor Copus in mid/late May, at this stage proposals and options for the future are not yet available which means any potential changes to the Constitution, as a result of his work, will need to be considered at a later stage.
- 3.4 In addition to reviewing the procedure rules in relation to Council, the working group, with support from officers, has been looking at a wide range of other issues to ensure the Constitution remains fit for purpose. Unfortunately, due to diary availability, it has not been possible to conclude this work before the end of the 2022/23 Municipal Year.
- 3.5 As a result, work in this area will need to continue next year. However, this will provide an opportunity for Members of the working group to consider recent guidance, and technical advice, from the Centre for Governance and Scrutiny which has recently been published ([click here](#)) to:
- introduce key features of modern council constitutions, and the governance framework, to an audience which might not be specialists in those areas;
 - provide officers with responsibility for governance, with general advice to assist them in digging into the technical detail of their constitutional material;
 - ensure that, between members and officers, material exists which gives everyone a common understanding of what good governance is, what its key components are (and what the usual components of a council constitutions are), and to introduce the kinds of technical issues that usually need to be addressed to support it.
- 3.6 As a result, the proposed changes set out in the Constitution Change Log (Appendix 1) and in tracked change versions of the Constitution (Appendix 2) are limited to those that are required, and can be implemented, immediately. Minor amendments to wording for clarity, consistency and accuracy reasons are set out in the tracked change document only.
- 3.7 The changes set out via Appendix 1 and Appendix 2 were all supported by Council Business Management Committee on 9 May. However, it should be

noted that Cllr R. Alden and Cllr G. Moore did not support the changes proposed in relation to the breach procedures, set out in Part D2 of the Constitution.

4 Legal Implications

- 4.1 The Local Government Act 2000 requires the Council to have and maintain a constitution. Full Council is the decision making body with responsibility to adopt and amend the Constitution. The Monitoring Officer must be satisfied that the Council's Constitution continues to fulfil its stated purposes.

5 Financial Implications

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

6 Public Sector Equality Duty

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

7 Background Papers

- 7.1 [The-review-and-redrafting-of-constitutions-v.3.pdf \(cfgs.org.uk\)](#)

8 Appendices

- 8.1 Appendix 1 – Constitution Change Log
- 8.2 Appendix 2 – Constitution with tracked change amendments