

Birmingham City Council

City Council

18 April 2023



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

Report of: Janie Berry, City Solicitor and Monitoring Officer

Report author: Christian Scade, Head of Scrutiny and Committee Services, 07517 550013, christian.scade@birmingham.gov.uk

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 second report to be submitted on a quarterly basis, covering the period 6 December 2022 to 6 March 2023.

2 Recommendation

- 2.1 That City 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 6 December 2022 to 6 March 2023.

Late Reports Not on Forward Plan

- 3.6 For the period in question, there were 2 key decisions not included on the Forward Plan. There were:
- Use of Household Support Fund (13 December 2022)
 - Adult Social Care Discharge Fund (17 January 2023)
- 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 The same two reports were authorised for immediate implementation.
- 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, for consideration by Full Council, is required under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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