

Appendix 1; Birmingham City Council Constitution – Change Log November 2020

Part A

Section	Proposed Change	Reason
Page 3 and 10	Removed references to A6 and A1 respectively	Sections no longer numbered
Page 9	<p>Amended section relating to City Solicitor powers:</p> <p>Legal Proceedings</p> <p>The City Solicitor is duly authorised to institute, defend or participate in any <u>actual or threatened</u> legal proceedings or settle <u>the same</u> (up to the value of £500,000), if appropriate, any actual or threatened legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the City Solicitor considers that such action is necessary to safeguard and protect the Council's interests. Decisions above this financial threshold will be made by the Chief Finance Officer and/or the Chief Executive in consultation with the City Solicitor.</p> <p>Part D of this Constitution (Financial Regulations) governs the arrangements for signing of contracts and sealing of relevant documents.</p>	Re-wording at request from Legal – to make it clearer

Part B

Section	Change	Reason
Part B1 v	<p>Amend Returning Officer role:</p> <p>Returning Officer and Electoral Registration Officer – This will be the Assistant Director, Governance.</p>	Following Robert Connelly's appointment to the Assistant Director role

Section	Change	Reason
Part B1 vi	References to CMT changed to CLT and add Chief Executive, Children's Trust and Programme Director, CWG	Following changes introduced by the Acting Chief Executive (October 2019)
Part B3.1, B6.1, B6.2, B6.5, B11.2 B4/B5	Wording amended to clarify Cabinet Member with Chief Officer decision-making, and Cabinet delegations; amend references to standing orders	Following feedback from officers
B3.1 and 6.6	Amend "emergency decisions" to "urgent decisions"	See Part E below
B4.2	Add new para iii "Recorded vote on the Council's budget and council tax: In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote will be taken at Full Council and Cabinet on any vote in respect of the Council's budget and council tax. The names of Members who voted for or against such a decision or abstained shall be recorded and entered into the minutes of the relevant meeting. A recorded vote shall also be taken on any proposed amendments relation to the budget and council tax."	For clarity, in line with regulations NOTE: this has been the practice in previous years, but not set out in the Constitution.
B4.4A	To amend text: "In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March , April or May June "	In line with regulations
B4.4B vi	Amend text: vi. The order of business and the time limit allocated to items on the Agenda may be varied <u>by agreement of the three political groups at Council Business Management Committee or, in the absence of such agreement,</u> by a resolution passed on a Motion which, after being moved and seconded, shall be put to the vote without discussion.	To reduce need for procedural motions to vary council timings in the council meeting itself
B4.4C iii	Amend wording	For clarity

Section	Change	Reason
	“iii. The City Solicitor in consultation with the Lord Mayor shall determine the time and day of any Extraordinary Meeting in accordance with the Constitution and following consultation with the group leaders, but shall endeavour to arrange any such meeting to be held, where possible reasonably practical, at 2:00 pm on a Tuesday, within 10 working days of the request being received, subject to any statutory requirements. “	
B5.2	Add “Membership shall include the Chair of the Co-ordinating O&S Committee”	As agreed by CBM on 21 st October 2019
B5.3	Delete “Lord Mayor’s Advisory Group” from CBM sub-committee	As agreed by CBM on 10 th February 2020
B6.2	Add new para iii “Recorded vote on the Council’s budget and council tax: In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote will be taken at Full Council and Cabinet on any vote in respect of the Council’s budget and council tax. The names of Members who voted for or against such a decision or abstained shall be recorded and entered into the minutes of the relevant meeting. A recorded vote shall also be taken on any proposed amendments relation to the budget and council tax.”	For clarity, in line with regulations
B7	Add “Oversight of the use of consultants” to portfolio of Finance and Resources	
B7	Remove “Domestic Violence” from health portfolio (sits with social Inclusion, and Equalities)	To remove repetition
B10.1	Amend as follows:	As requested by Directorate

Section	Change	Reason
	<p>i. Ward Forums will be constituted to encourage and facilitate dialogue between the Council and local people within their area.</p> <p>i. The Council will establish (or dissolve) Ward Forums on the recommendation of the Council Business Management Committee.</p> <p>ii. 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).</p>	
B13.4	<p>iii. The Licensing functions of the Council shall be carried out by the following bodies:</p> <ul style="list-style-type: none"> • Licensing and Public Protection Committee (15 Members with a quorum of 5) • Sub-Committees to be established by the Licensing and Public Protection Committee, comprising three Members drawn from the full Committee, to deal with matters under the Licensing Act 2003 and the Gambling Act 2003 as assigned and matters in respect of hackney carriages, private hire, vehicles drivers and operators. <i>The Chairs of the Licensing and Public Protection (Licensing Sub)-Committee's role is to chair the licensing sub-committee meetings, deal with subsequent actions of appeals and assist in finding substitutes for members as required.</i> 	<p>Added text in response to Independent Remuneration Panel's suggestion that the Constitution be strengthened with regards to the Chairs of Licensing Sub Committees following the awarding of an SRA</p>

Section	Change	Reason
B14	Audit Committee terms of reference updated	On advice of Audit officers

Part C

Section	Change	Reason
C2.1	Tidying up of language	
C4.4	Amend wording in relation to dispensations: “ix. Dispensations are available by application to the Chair of Standards Committee <u>or nominated deputy</u> , in consultation with the Monitoring Officer in the limited circumstances that apply by law. If required please write to the Monitoring Officer with reasons for the application”	For clarity and to facilitate speedier decision
C9	Licensing Code of Practice – wording amends plus additional clarification on “dealing with correspondence” and complaints	For clarity (from licensing officers)
C10	Member allowance rates updated	Following Full Council on 15 September 2020

Part D

Section	Change	Reason
D1	The Financial Regulations for Birmingham City Council have been updated in line with emerging best practice for simpler more concise financial regulations that clearly set out the responsibilities of Member, Chief Finance Officer and Directors .	See briefing note
D2.3i	Every contract made by the Council shall comply with these Rules and be carried out in a fair, open and transparent manner that treats all contractors equally and without discrimination, provided that this does not include contracts for the appointment of barristers, or legal <u>advice-firm</u> where in the	Following feedback from officers

Section	Change	Reason
	opinion of the City Solicitor urgent advice is needed to protect the interests of the eCouncil.	
D2.3 vi	Additional section noting that services with a UK remit may need exemptions from aspects of the framework.	Following feedback from officers (particularly Illegal money Lending Team)
D2.4	Amend time for contracts to be on FinditinBirmingham to 10 days	Officer recommendation to better accommodate bank holidays etc
D2.5	Amendments to wording on Single and Multiple Contractor negotiations to clarify process	Following concerns raised by members of Resources O&S Committee and in line with officer advice.
D3.4	Amendments to clarify when a decision in PPAR goes back to Cabinet	Officer feedback
All	Wording changes to tidy up language	

Part E

Section	Change	Reason
E2.2, 3.2	Wording amended for clarity.	Following feedback from officers
E4.2 (and Part B3)	<p>Emergency Decisions: Re-name as "Urgent Decisions" Amend text to make clear that decisions are posted on CMIs, and that Cabinet "note" the report. Amendments below: "The exercise by the Chief Executive, Chief Finance Officer, Assistant Chief Executive and Director of any powers under this delegation shall be subject to the following conditions:</p> <p>(i) that the determination of the question or other matter or implementation of the recommendation is capable of determination under law in this manner;</p>	<p>To avoid confusion with powers under Emergency Plan</p> <p>Following points made in Resources O&S committee after consideration of emergency decision made in December 2019</p>

Section	Change	Reason
	<p>(ii) that the Chief Executive, Chief Finance Officer, Assistant Chief Executive or designated Director before making a decision shall consult with the Leader (or in his/her absence the Deputy Leader);</p> <p>(iii) that the Chief Executive, Chief Finance Officer, Assistant Chief Executive or designated Director before making a decision shall consult with the City Solicitor and the Chief Finance Officer or their nominated deputies;</p> <p>(iv) that a record of all decisions made or recommendations implemented, together with the consultations referred to in (ii) and (iii) above shall be recorded <u>published on the Council's website within 10 working days</u> and maintained by the City Solicitor; and</p> <p>(v) that any decisions made or recommendations implemented under this provision shall be reported to the next scheduled meeting of the Cabinet <u>(for noting)</u>. “</p>	
E11.1 (6) E12.2	To add “flood response” to highways delegations under Director, inclusive Growth Amendments to licensing under Director, Neighbourhoods	As requested by Directorate