

Birmingham City Council

City Council

12 July 2022



Subject: (Other) Changes to the Constitution
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Does the report contain confidential or exempt information? Yes No

1 Executive Summary

- 1.1 The Constitution is reviewed on an ongoing basis through the year, with the aim of improving processes, providing further clarity, updating with good practice, guidance and legislation etc.
- 1.2 This report sets out proposed amendments to the Constitution and asks Council, following consideration by Council Business Management Committee on 27 June, to approve the changes.

2 Recommendations

- 2.1 That approval be given to the amendments to Parts A, B, C and E 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 13 July 2022.
- 2.3 That Council notes that proposed changes to Part D of the Constitution (Council Procurement and Contract Governance Rules) have been set out by the Assistant Director, Procurement via a standalone report (which is also on the agenda for Council to consider).

3 Proposed Changes

- 3.1 The proposed changes are set out in the Constitution Change Log (Appendix 1) and in tracked change versions of the Constitution (Appendix 2). Minor

amendments to wording for clarity, consistency and accuracy reasons are set out in the tracked change document only.

3.2 The most significant changes relate to notice requirements for a key decision, including those that are of special urgency made by the Chief Executive.

3.3 The changes proposed to Part B3, B6 and E4 reflect queries that have been raised by the Conservative Group which have now been reviewed by officers, who sought external legal advice, to ensure best practice moving forward. The main changes can be summarised as follows:

- Any key decisions which are urgent to be notified to the Chair of the relevant Overview and Scrutiny Committee as soon as possible prior to the decision being made; and
- Once permission for the decision to be taken has been received from the Chair of the relevant Overview and Scrutiny Committee, a notice will be provided on CMIS setting out the reasons why giving 28 days' notice of the proposed decision was impracticable.

3.4 Updates have also been provided to provide clarity on what can, and what can't, be exempted from the definition of a key decision.

3.5 In relation to Chief Executive urgent decisions made since the summer of last year, the validity of these or risk to the Council is considered negligible given the vast majority related to Central Government COVID related spend. The other Chief Executive urgent decision from last summer related to the termination of a HTST provider.

3.6 The other changes are predominately administrative relating to:

- **Part A. Summary and Explanation** – updated to reflect Cabinet Portfolios for 2022/2023.
- **Part B1. Roles** – amended composition of the Council's Leadership Team (CLT), which is a matter for the Chief Executive to decide.
- **Part B2. Responsibility for Functions** – updated job titles for the officers listed under "Delegation of functions to Committees or officers" to reflect recent changes to the JNC officer structure, including revised job titles which were approved by JNC Core Panel on 12 April 2022.
- **Part B7. Cabinet Portfolios** – following the Leader's announcement, as part of the Annual Council Meeting, B7 of the Constitution was republished on 25 May 2022 to reflect the new portfolio responsibilities. Since then, there has been an additional change to the Deputy Leader's Portfolio, which now includes responsibilities for early Intervention and Prevention.
- **Part B18. Summary of Quoracy** – this has been amended to correct a typo to ensure the number of members on Council Business Management

Committee is listed as 9, as agreed by Full Council on 24 May 2022, rather than 8.

- 3.7 No changes are proposed to Part C. However, it should be noted that this part of the Constitution was last updated/republished in February 2022 to reflect the revised Planning Code of Practice (Part C8) which was amended by Planning Committee on 24 February 2022.
- 3.8 There are also changes throughout to reflect recent changes to the JNC officer structure, including revised job titles agreed by JNC Core Panel on 12 April 2022.
- 3.9 A wider review of the Constitution is scheduled for the autumn. This will be taken to Full Council in November for consideration.

4 Appendices

- 4.1 Appendix 1 – Constitution Change Log
- 4.2 Appendix 2 – Constitution (Parts A, B, C, E) with tracked change amendments