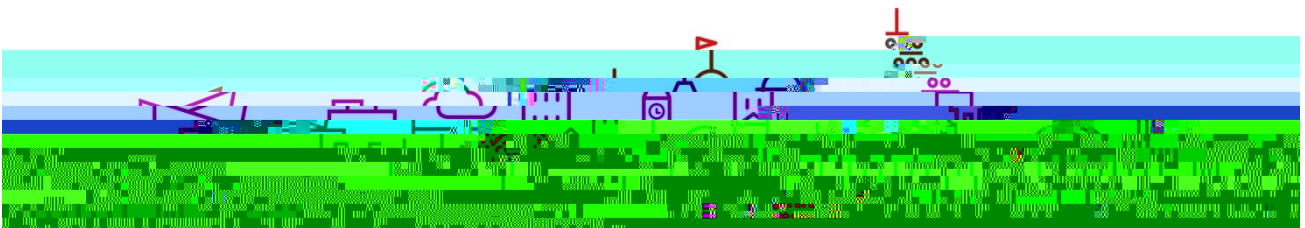




Birmingham City Council Constitution

Part E Scheme of Delegations
May 2023



Contents

E1.	SUMMARY AND EXPLANATION	4
E2.	OFFICER DELEGATED DECISION MAKING.....	4
2.1	General Notes	4
2.2	Process and Recording of Delegated Decisions	7
E3.	DELEGATIONS TO CHIEF OFFICERS.....	8
3.1	Summary.....	8
3.2	General Delegations.....	8

- E7. CITY SOLICITOR..... 20
 - 7.1 Executive Functions 20
 - 7.2 Non-Executive Functions: Monitoring Officer 20
 - 7.3 Non-Executive Functions: Other

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4. References to any Act, Regulation, Order or Byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.
5. Any reference to any Act of Parliament includes reference to Regulations or subordinate

E3. DELEGATIONS TO CHIEF OFFICERS¹

3.1 Summary

The Council, its Committees and the Executive will make decisions on matters of significant policy. The Chief Executive and Directors are given express authority to take all necessary actions to implement Council, Committee and Executive decisions that commit resources within agreed budgets in the case of financial resources, as set out below.

In relation to all delegated authorities conferred on Chief Officers, the Chief Executive may allocate or reallocate responsibility for exercising particular powers in the interests of effective corporate management as he or she thinks fit.

Chief Officers may take all routine and day-to-day operational service decisions within agreed policies provided they are met from within overall approved budgets in relation to the services for which they are responsible, subject to any other requirements imposed by the Constitution.

Chief Officers may take all decisions necessary to give effect to implement the contents of any approved Pol

employment (the Birmingham Contract) or additional payments to any individual member of staff above the general financial threshold delegated to officers (£200k).

- (iii) To approve tender strategies and award contracts in accordance with the Procurement Governance Arrangements where the supplies, materials, or services to be purchased or the works to be executed are between the Procurement Threshold (see Procurement and Contract Governance Rules set out in Part D of the Constitution) and £10,000,000 in value, over the contract length.
- (iv) Where no other viable alternative exists to approve contract extensions, where no

Birmingham City Council Constitution

E4. CHIEF EXECUTIVE

4.1 Overall Responsibility

The Chief Executive shall be the Head of Paid Service and be provided by the authority with such resources as s/he deems necessary to perform that role. The Head of Paid Service shall have overall corporate management and operational responsibility for the way in which the organisation delivers its services.

4.2 Emergency Reports

Part B6.6 of the Constitution provides that the Chief Executive may make decisions that are of special urgency.

The Chief Executive may decide that a special urgency situation arises when:

- (i) A decision must be made before the next scheduled meeting of the Cabinet; or
- (ii) A recommendation to the Cabinet should be implemented prior to the next scheduled meeting of the Cabinet by which it could be approved.

In either case, if the Chief Executive is satisfied that the making of the decision is urgent and cannot reasonably be deferred then the following shall apply:

Where the decision is a "key decision" pursuant to B3.1 vi) the Chief Executive, (or may designate a Chief Officer) shall obtain agreement that the making of the decision is urgent and cannot be reasonably deferred, from the following:

- (i) the Leaders of each of the Political Groups; and
- (ii) the Chair of the relevant Overview and Scrutiny Committee; or
- (iii) if there is no such person, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Lord Mayor (or in their absence the Deputy Lord Mayor).

As soon as is reasonably practicable after the Chief Executive, or delegated Chief Officer, has obtained agreement pursuant to (i) – (iii) above they must:

- (i) Make available at the Council offices a notice setting out the reasons that the decision is urgent and cannot be reasonably deferred; and
- (ii) Publish that notice on the Council's website.

Further:

- (i) that the Chief Executive, or designated Chief Officer, before making a decision shall consult with the City Solicitor and the Chief Finance Officer or their nominated deputies;

E5. DIRECTOR OF STRATEGY, EQUALITY AND PARTNERSHIPS

5.1 Summary

The Director of Strategy, Equality and Partnerships leads the Directorate.

5.2 Non-Executive Functions

The Director of Strategy, Equality and Partnerships is authorised to discharge the following functions:

1. Joint coordination of the Council Plan (with the Strategic Director of Council Management).

5.3 Executive Functions

The Director of Strategy, Equality and Partnerships is authorised to discharge the following functions:

2. Insight, partnerships and strategy, including:

- (i) Strengthening the Council's use of evidence to generate insight, inform decision making and drive improvements across services;
- (ii) Developing the Council's policy agenda;
- (iii) Promotion of collaborative working with stakeholders and partners, including the West Midlands Combined Authority and Core Cities;
- (iv) Strengthening the Council's approach to public participation;
- (v) Third sector partnership and engagement.

3. Tackling inequality and promoting equality within the community and workforce

4. Corporate communications services, including:

- (i) the council's communications strategy and policy;
- (ii) internal and external communications; and
- (iii) Press and media relations.

5.4 Director of Public Health (DPH)

The Director of Public Health is a statutory appointment as a Chief Officer of the Council appointed jointly with the Secretary of State for Health and Social Care.

The DPH has to be a professionally registered Public Health Consultant.

The DPH is accountable for appropriate use of the ring-fence g0 G8 re759 05A5<

The DPH has specific statutory responsibilities; the DPH's specific responsibilities and duties arise directly from Acts of Parliament – mainly the NHS Act 2006 and the Health and Social Care Act 2012 – and related regulations including:

Responsibility to protect and improve the health of the local population;

Responsibility to ensure arrangements for planning for, and responding to, emergencies;

Ensuring co-operation with

Birmingham City Council Constitution

4. Setting,

6.5 Director of People Services

Executive

The Director of People Services is authorised to discharge the following functions:

1. Setting, supporting and monitoring the council's policies and procedures for managing human resources and effective organisational development (including Occupational Health, Safety and Wellbeing).

Non-Executive

2. Employment of staff and terms and conditions.
3. Functions relating to local government pensions, including:

m)	Compensation for maladministration	Section 92 LGA 2000
n)	Advice on vires issues, maladministration, probity and policy framework to all Members	DCLG guidance
o)	Advise on any indemnities and insurance issues for Members / Officers	Section 101 LGA 2000 and Local Authorities (Indemnities for Members and Officers) Order 2004 (SI 2004/3082)

7.3 Non-Executive Functions:

- o Councillors via group support offices;
- o The full Council meeting;
- o Cabinet;
- o Committees appointed by full Council;
- o Overview & Scrutiny;
- o Training and development of councillors.

7.4 Local Choice Functions

The City Solicitor is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part B2 of the Constitution):

To appoint review boards under the Social Security Act 1998;⁴

To amend this Constitution (as set out in Part A6 of this Constitution);

To make arrangements for the appointment of Committees and discharge of Council's functions.

⁴ s34(4) Social Security Act 1998

The control of pollution or the management of air quality jointly with the Strategic Director, City Operations;⁹

To obtain information about interests in land;¹⁰

To obtain particulars of persons interested in land;¹¹

To make agreements for the execution of highways works jointly with the Strategic Director, City Operations¹²

⁹ Pollution Prevention and Control Act 1999; Part IV Environment Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

¹⁰ s330 Town and Country Planning Act 1990

¹¹ s16 Local Government (Miscellaneous Provisions) Act 1976

¹²

- Discharging duties as Lead Local Flood Authority and other duties and responsibilities associated with the Flood Water Management Act;
-

Private water supply monitoring; and
Animal health and welfare enforcement¹⁵.

4. Trading Standards including:

Tackling rogue traders

Product safety

Misleading claims, scams and illegal trading practices.

Underage sales

Illegal advertising

5. Registrars functions including:

Registration of births, deaths, marriages and civil partnerships; and

Provision of civic weddings, civil partnerships and citizenship ceremonies.

6. Public Health Protection and Control of Statutory Nuisance including:

Flytipping, commercial and household Duty of Care and rubbish accumulations;

Domestic, commercial and industrial noise, fumes and odours;

Air quality management; and

