

**Manchester City Council
Report for Resolution**

Report to: Constitutional and Nomination Committee – 26 March 2014

Subject: Delegation of non-executive functions to the Deputy Chief Executive (Growth and Neighbourhoods)

Report of: City Solicitor

Summary

The purpose of this report is to enable the Committee to make recommendations to Council to delegate to the post of the Deputy Chief Executive (Growth and Neighbourhoods) the non-executive functions that are set out in the Appendix to the report.

Recommendations

That the Committee:

1. recommends that Council delegates to the post of the Deputy Chief Executive (Growth and Neighbourhoods) the discharge of those of the Council's functions that are designated as "Non-Executive Functions" in the Appendix to this report;
 2. recommends that Council delegates to the post of the Deputy Chief Executive (Growth and Neighbourhoods) the discharge of those of the Council's functions that are designated as "General Functions" in the Appendix to this report, insofar as these are non-executive functions; and
 3. notes the Leader has approved the delegations to the post of Deputy Chief Executive (Growth and Neighbourhoods) in relation to the discharge of those of the Council's functions that are designated as "Executive Functions" in the Appendix to this report.
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Financial consequences for revenue budget:

None directly

Financial consequences for capital budget:

None directly

Wards affected:

All

Implications for

Antipoverty	Equal Opportunities	Environment	Employment
No	No	No	No

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

1. Report of the City Solicitor to Council on 15 May 2013 entitled "Constitution of the Council"
2. Report of the Chief Executive to Personnel Committee on 26 June 2013.

1.0 Introduction

- 1.1 On 26 June 2013 the Personnel Committee agreed to create a new Directorate of Growth and Neighbourhoods with consequent changes in senior management arrangements and requested the City Solicitor to report to the Council and (in relation to executive functions) the Leader and Executive on changes to delegations required by the restructuring.
- 1.2 Section 9D of the Local Government Act 2000 (as amended) provides that every function of the Council is the responsibility of the Executive unless a statute says differently, or the function is identified as a “non-executive” function by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
- 1.3 The Chief Executive’s report to Personnel Committee of the 26 June 2013 sets out the role of the new post of Deputy Chief Executive (Growth and Neighbourhoods). The post of Deputy Chief Executive (Growth and Neighbourhoods) will be responsible for the discharge of the Council’s functions that were previously delegated to the post of Deputy Chief Executive (Neighbourhoods) and Assistant Chief Executive (Regeneration) which have now effectively been disestablished. The proposed delegations to the post of Deputy Chief Executive (Growth and Neighbourhoods) are attached at the Appendix to this report.

2.0 The Delegation of Non-Executive Functions

- 2.1 The Committee is asked to recommend to Council the delegations to the post of the Deputy Chief Executive (Growth and Neighbourhoods) of the discharge of those of the Council’s functions that are designated as “Non-Executive Functions” in the Appendix to this report and those of the Council’s functions that are designated as “General Functions” in the Appendix to this report, insofar as these are non-executive functions.

DEPUTY CHIEF EXECUTIVE (GROWTH AND NEIGHBOURHOODS)

The holder of the post of Deputy Chief Executive (**Growth and Neighbourhoods**) shall be responsible for the management of the **Directorate of Growth and Neighbourhoods** and without prejudice to the foregoing, shall have the powers set out below subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements.

General Functions

These functions can be either Executive or Non-Executive depending on the circumstances.

1. Without prejudice to the specific delegations of the **Head of Neighbourhood Delivery, Head of Planning, Building Control and Licensing**, the Director of Commercial Services, the Head of Community and Cultural Services and the Head of Business Units, to exercise a strategic overview of the Council's functions and services relating to private sector housing, environmental health, environmental services, waste, environmental protection, street management and enforcement, licensing, operational services, **regeneration**, highways, environmental strategy and community and cultural services, including Art Galleries, Museums, Libraries, Theatres, Sport and Leisure.
2. To support and assist the Chief Executive in his responsibilities in relation to civil contingencies, emergencies and disasters, and to take day to day responsibility for such matters.
3. To discharge the Council's functions as a "responsible authority" as defined by Section 13(4)(za) of the Licensing Act 2003
4. To take any urgent action in connection with the functions delegated to **the Deputy Chief Executive (Growth and Neighbourhoods)** after consultation with the appropriate Chair or Executive Member, subject to any such action taken under this power being reported to the next ordinary meeting of the Executive or appropriate committee.
5. **At the request of the Chief Executive, to exercise any power delegated to the Chief Executive relating to economic development and regeneration.**

Art Galleries and Museums

6. To discharge the functions of the Council in relation to Art Galleries and Museums and to oversee the management of the City Galleries Service.

Without prejudice to the generality of 6 above:

7. To approve the purchase of works of art using monies from the Art Fund up to a maximum of £25,000 in consultation with the Executive Member for Culture and Leisure.

8. To determine grants, contributions, subscriptions or loans in appropriate cases to bodies or organisations for the provision of artistic activities in the City.
9. To approve the acceptance of gifts, donations, deposits or offers of grant.
10. To make arrangements in relation to exhibitions including the borrowing of works of art from other collections and temporary loan of works of art from Manchester City Galleries collections.
11. To maintain war memorials and public statues.

Non-Executive Functions

12. To exercise the functions of the Council in relation to Manchester Art Gallery under Section 149 of the Greater Manchester Act 1981 ("the Local Act") (with the exception of Section 149(3) of the Local Act which in the case of the proposed sale or exchange of any works or objects of art worth more than £25,000 shall be approved by the Art Galleries Committee).
13. To consider and determine, in consultation with the Executive Member for Environment, objections and representations in respect of the proposed granting of licences under Section 115E of the Highways Act 1980 (provision of amenities on highways).
14. To discharge the functions of the Council in relation to the suspension of licences under section 55A (premises licence) and section 92A (club premises licence) of the Licensing Act 2003.

Executive Functions

Flood and Water Management

15. To discharge the functions of the Council as a "lead local flood authority" under the Flood and Water Management Act 2010 ("the Flood Act").
16. Without prejudice to the generality of paragraph 15 above, to discharge the Council's functions in relation to:-
 - (a) the "local flood risk management strategy" under section 9 of the Flood Act;
 - (b) "investigations" under section 19 of the Flood Act.
 - (c) establishing and maintaining a "register" of flood risk structures and features under section 21 of the Flood Act.
17. To determine plans relating to schemes for culverting watercourses.
18. To perform the enforcement functions of the Council regarding reservoirs.
19. To exercise the Council's remedial and enforcement functions in relation to watercourses, non-main rivers classified as streams, brooks and ditches etc.

Miscellaneous

20. To consider and determine, in consultation with the **Executive Member for Environment**, objections and representations in respect of proposed traffic regulation orders, speed limits, on-street parking places orders and traffic calming measures; and disposal or appropriation of open spaces.
21. To consider and determine, in consultation with the **Deputy Leader**, objections and representations in respect of proposed gating orders under Section 129A-G of the Highways Act 1980.
22. To consider and determine, in consultation with the **Executive Member for the Environment** objections and representations of proposed Orders concerning pay and display car parks.
23. To prepare where necessary statutory statements for works carried out by the DLOs /DSOs within the department including street cleansing, grounds maintenance, fleet management, vehicle maintenance, street lighting, highways, building cleansing.
24. Subject to consultation with the City Solicitor to enter into Agreements in relation to any of the above matters.