
**Manchester City Council
Report for Resolution**

Report to: Council – 4 June 2014
Subject Constitution of the Council
Report of: The City Solicitor

Purpose of Report

To enable the Council to adopt a revised Constitution.

Recommendations

The Council is recommended:

1. To adopt, subject to 4 below, the attached Parts of the Constitution of the Council, namely –

Part 1
Part 2
Part 3
Part 4 (Section A)
Part 5 (Sections D and E)
Part 8
 2. To readopt Part 4 Section E replacing references to ‘Overview and Scrutiny Committee(s)’ with references to ‘Scrutiny Committee(s)’.
 3. To re-adopt the existing Part 4 (Sections B, C, D and F), Part 5 (Sections A, B, and C) Part 6, and Part 7
 4. To note in relation to Part 3 that responsibility for the discharge of executive functions and the delegation of such responsibility rests with the Leader of the Council and that the recommended delegations of executive functions as set out in Part 3 (Sections A, B and F) are for the information of Council only.
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Wards Affected: All

Financial consequences for the Revenue Budget: None

Financial consequences for the Capital Budget: None

Implications for:

Equal Opportunities
No

Risk Management
Yes

Legal Consideration
Yes

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Background Documents (available for public inspection)

Constitution of the Council – May 2013
Report to Personnel Committee – 26 June 2013
Report to Executive 11 September 2013
Report to Personnel Committee -12 March 2014

Background

1. Section 9P of the Local Government Act 2000, as amended, requires a local authority which is operating executive arrangements to prepare and keep up-to-date a Constitution. Manchester City Council adopted a Constitution on 12 September 2001 when it began operating executive arrangements. It was recognised at the time that amendments would need to be made to reflect operational needs, changing circumstances and new statutory requirements and guidance. As a result, several changes have been made at and between Annual Meetings of the Council.
2. The City Solicitor is required to monitor and review the operation of the Constitution on an on-going basis, and, where necessary, bring forward amendments to the Council. The City Solicitor has carried out such a review and brings forward for approval revisions to certain parts of the Constitution. In addition, those changes which have been agreed by the Council in the course of the last municipal year have been incorporated into the Constitution. The relevant sections of the constitution have been provided to councillors electronically (paper copies available on request). New wording appears in bold.
3. It should be noted that under the ‘new-style’ Leader and Cabinet form of executive, responsibility for the delegation of executive functions, including those local choice functions which the Council has designated as executive functions, does not rest with the Council, but is the responsibility of the Leader. The Leader may determine to exercise executive functions personally or to delegate their discharge to the Executive, a Committee of the Executive, an Executive Member, an area committee or an officer of the Council (without prejudice to the Leader’s ability to exercise such functions personally) Where the Leader delegates the exercise of functions to the Executive it may in turn delegate to officers. In these circumstances, the recommended delegations of executive functions as set out in Part 3 (Sections A, B and F) of the Constitution (Responsibility for Functions) are for the purpose of information only.
4. The main changes to the Constitution appear in bold and are summarised in paragraphs 5 to 9. The Council is asked to re-adopt the existing Part 4 (Sections B, C, D and F), Part 5 (Sections A, B, and C) Part 6, and Part 7 of the current constitution which is available on the Council’s website.

Part 2 – Articles of the Constitution

5. The amendments to the Articles of the Constitution are minor changes, introduced for clarity (e.g. clarification as to the definition of what constitutes the Council’s “Budget” at Article 4). References to the Council’s Overview and Scrutiny committees have been revised throughout the Constitution to ‘scrutiny committee’ as this is the title used in Manchester.

Part 3 – Responsibility for functions

- 6.1 The main changes in Part 3 are changes to the Scheme of Delegation to Officers consequential on staffing re-organisations, review of executive member portfolios and changes in legislation
- 6.2 Provisions have been inserted regarding the appointment of coroners under the Coroners and Justice Act 2009

Part 4 – Rules of Procedure

- 7 The main change in Part 4 relates to the Council Procedure Rules and incorporates a new statutory requirement for a named vote to be taken at any budget decision of the Council

Part 5 – Financial Regulations

- 8 The main change to the Financial Regulations is to increase from £30,000 to £50,000 the sum which a Chief Officer or Strategic Director may decide can be waived from the requirement to comply with the Council's Contract Procurement Rules. This change has been made in accordance with instructions received from the Finance Department.

Part 8 – Management Structure

9. The Management Structure has been updated to reflect the current position.

Recommendations

The recommendations appear at the front of this report.