

**Manchester City Council
Report for Resolution**

Report to: Council – 20 May 2015
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 3 below, the attached Parts of the Constitution of the Council, namely –

Part 2
Part 3
Part 4 (Sections A, B, C and F)
Part 5
Part 6 (Sections A C, and G)
Part 8
 2. To re-adopt the existing Part 1, Part 4 (Sections D and E), Part 6 (Sections B, D, E and F), and Part 7
 3. 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 and Capital Budgets:

None

Implications for:

Equal Opportunities	Risk Management	Legal Consideration
No	Yes	Yes

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Background Documents

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.

Constitution of the Council	May 2014
Reports to Personnel Committee	24 March 2015
Report to Personnel Committee	16 July 2014
Report to Personnel Committee	30 July 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.
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 which are attached to this report. 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. New wording appears in bold.
3. It should be noted that under the 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 10.

Part 2 – Articles of the Constitution

5. The amendments to the Articles of the Constitution are minor changes, to the provisions relating to standards committee to remove the need for the attendance of an Independent Member as part of the quorum unless the Committee is considering member code of conduct matters or dispensations.

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, changes in legislation and to add changes to delegations previously agreed by Council. Major restructure changes are in progress in particular in the Growth and Neighbourhoods Directorate and it is recognised that once these have been completed there will need to be further changes in the delegations.

Part 4 – Rules of Procedure

- 7.1 The main changes in the Council Procedure Rules and Access to Information Procedure Rules (Sections A and B of Part 4) reflect the new rules relating to

filming of meetings and publication of papers in respect of certain decisions taken by officers under delegated powers.

- 7.2 A minor change has been made to the Budget and Policy Framework Procedure Rules relating to in year changes to the capital budget to reflect the financial regulations and the City Treasurer's delegations.
- 7.3 Changes have been made to the Officer Employment Procedure Rules (Section F) relating to procedures for dismissal of the Council's Head of Paid Service, Monitoring Officer and Chief Finance Officer consequent upon new regulations. The regulations provide that before a decision is taken to dismiss these officers the Council must appoint a special Panel and must take into account the Panel's views before reaching a decision (instead of the previous requirement for an investigation by an Independent Person).

Part 5 – Financial Regulations

8. There are a number of minor changes which clarify financial arrangements, accounting terms and procurement arrangements. The most significant of the proposed changes are the inclusion of trading organisations within the business for their respective Directorate, provisions following on from abolition of the Audit Commission; changes relating to capital spend, capital budgets, virement approval, removal of references to targeted surpluses – now referred to as budgeted surpluses and approval for carry forward requests; and changes to reflect current procurement practices.

These changes have been made in accordance with instructions received from the Finance Department.

Part 6 – Codes and Protocols.

- 9.1 A small change has been made to the definition of 'director' in the Code of Conduct for Members to reflect new legislation. The revised Use of Council Resources Guidance for Members approved by Council at its last meeting has been inserted at Section C.
- 9.2 The revised Code of Corporate Governance is attached for approval by Council.

Part 8 – Management Structure

10. The Management Structure has been updated to reflect the current position. Where necessary, consequential changes to reflect new posts have been made throughout the Constitution

Recommendations

The recommendations appear at the front of this report.