

**Manchester City Council  
Report for Resolution**

**Report to:** Executive – 1 June 2016

**Subject:** Delegation of Executive Functions to Council Officers

**Report of:** City Solicitor

---

**Summary**

To record the decision of the Leader of the Council to delegate all of the Council's executive functions to the Executive from the 18 May 2016.

To enable the Executive to arrange for the discharge of all of the Council's executive functions:-

- recorded at Part 3, Section A of the Council's 2016 Constitution to be delegated as set out in the 2016 Constitution.
- Recorded at Part 3, Section F of the Council's 2016 Constitution to be delegated as set out in the 2016 Constitution.

**Recommendations**

That the Executive:

1. notes the decision of the Leader of the Council to exercise his power under Section 9(E) (2) of the Local Government Act 2000 (as amended) to delegate the discharge of all of the Council's functions to the Executive;
  2. formally delegates to officers the discharge of all of the Council's executive functions recorded at Part 3, Section A of the Council's 2016 Constitution as set out in the Council's Constitution presented to Council at its Annual Meeting on 18 May 2016
  3. formally delegates to officers the discharge of all of the Council's executive functions recorded at Part 3, Section F of the Council's 2016 Constitution as set out in the Council's 2016 Constitution presented to Council at its Annual Meeting on 18 May 2016.
  4. in relation to the Scheme of Delegation to Officers set out in Part 3 Section F of the 2016 Constitution, the Executive is asked to agree that such delegations include those functions that are designated as "Executive Functions" and those functions that are designated as "General Functions" insofar as these are executive functions.
- 

**Wards Affected: All**

**Financial Consequences – Revenue**

None directly.

**Financial Consequences – Capital**

None directly.

---

**Contact Officers:**

Name: Liz Treacy  
Position: City Solicitor  
Telephone: 0161 234 3087  
E-mail: liz.treacy@manchester.gov.uk

Name: Poornima Karkera  
Position: Group Manager Democratic Services Legal Group  
Telephone: 0161 234 3719  
E-mail: p.karkera@manchester.gov.uk

**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.

Manchester City Council Constitution – 2016

## **1.0 Introduction**

1.1 Section 9E(2) of the Local Government Act 2000 (as amended) provides that when a Council operates a Leader and Cabinet form of Executive, then it is for the Leader of the Council to allocate responsibility for the exercise of all of the Council's executive functions. The Leader may decide to discharge any of the Council's executive functions personally, or may arrange for the discharge of any of the Council's executive functions by -

- the Executive;
- another member of the Executive;
- a Committee of the Executive;
- an Area Committee; or
- an officer of the Council.

1.2 Section 9E(3) of the Local Government Act 2000 (as amended) provides that where the Leader has arranged for the discharge of any of the Council's Executive functions to be delegated to the Executive, then (unless the Leader directs otherwise), the Executive may arrange for the discharge of any of the Council's executive functions that have been delegated to it by -

- a Committee of the Executive;
- an Area Committee; or
- an officer of the Council.

1.3 Section 9E(7) of the Local Government Act 2000 (as amended) provides that any arrangements that are made by -

- the Leader for the discharge of any of the Council's executive functions by the Executive, or
- the Executive for the discharge of any of the Council's executive functions by a Council Officer,

do not prevent the Leader or the Executive whom the arrangements have been made by from exercising the executive functions concerned.

## **2.0 The Delegation of Executive Functions**

2.1 The Executive is asked to agree the delegations to officers of the Council's various executive functions as recorded at Part 3, Section A of the Council's 2016 Constitution as presented to Council at its Annual Meeting on 18 May 2016.

2.2 The Executive is asked to agree the delegations to officers of the Council's various executive functions recorded at Part 3, Section F of the Council's 2016 Constitution as presented to Council at its Annual Meeting on 18 May 2016.

## **3.0 Key Policies and Considerations**

### **(a) Equal Opportunities**

None

### **(b) Risk Management**

The Council's Constitution is a key document that ensures effective

corporate governance of the Council. Principle 2 of the Council's *Code of Corporate Governance* deals with "Having clear responsibilities and arrangements for accountability", which point 2.1 of the *Code* clarifies as "Ensuring effective leadership throughout the Council and being clear about Executive and Non-Executive functions.

**(c) Legal Considerations**

Ensuring that the discharge of the Council's executive functions has been delegated to the appropriate Council officers in accordance with the law, and that such delegation has been accurately recorded in the Council's Scheme of Delegation in the Constitution is of importance in ensuring that Council officers do not take actions for which they do not have the appropriate delegated authority.