

Manchester City Council Report for Resolution

Report to: Executive – 30 May 2018

Subject: Delegation of Executive Functions to Council Officers

Report of: Interim 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 30 May 2018.

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 2018 Constitution to be delegated as set out in the 2018 Constitution.
- Recorded at Part 3, Section F of the Council's 2018 Constitution to be delegated as set out in the 2018 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 executive functions to the Executive.
2. Delegates to officers the discharge of all of the Council's executive functions recorded at Part 3, Section A of the Council's 2018 Constitution as set out in the Council's Constitution presented to Council at its Annual Meeting on 16 May 2018.
3. Delegates to officers the discharge of all of the Council's executive functions recorded at Part 3, Section F of the Council's 2018 Constitution as set out in the Council's 2018 Constitution presented to Council at its Annual Meeting on 16 May 2018.
4. In relation to the Scheme of Delegation to Officers set out in Part 3 Section F of the 2018 Constitution, 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

Manchester Strategy outcomes	Summary of the contribution to the strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Not directly applicable
A highly skilled city: world class and home grown talent sustaining the city's economic success	Not directly applicable
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Not directly applicable
A liveable and low carbon city: a destination of choice to live, visit, work	Not directly applicable
A connected city: world class infrastructure and connectivity to drive growth	Not directly applicable

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None directly.

Financial Consequences – Capital

None directly.

Contact Officers:

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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.

Manchester City Council Constitution – 2018

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 2018 Constitution as presented to Council at its Annual Meeting on 16 May 2018.
- 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 2018 Constitution as presented to Council at its Annual Meeting on 16 May 2018.

3.0 Contributing to the Manchester Strategy

(a) A thriving and sustainable city

Not directly applicable

(b) A highly skilled city

Not directly applicable

(c) A progressive and equitable city

Not directly applicable

(d) A liveable and low carbon city

Not directly applicable

(e) A connected city

Not directly applicable

4. 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. The Council's *Code of Corporate Governance* states "The Council will have full regard to the extent of its powers and not act beyond them, and will observe specific requirements in legislation as well as general responsibilities of public law. The Council's decision making process will adhere to the principles of good administrative law, respect human rights and demonstrate rationality, legality and natural justice."

(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.