



Constitutional and Nomination Committee

Date: Wednesday, 2 October 2019

Time: 9.30 am

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Chamber

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

Membership of the Constitutional and Nomination Committee

Councillors - Karney (Chair), Curley, Flanagan, Lanchbury, Leech, Leese, N Murphy, S Murphy, Razaq and Reeves

Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

4. Minutes

To approve as a correct record the minutes of the meeting held on 10 July 2019.

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5. Revision of the Council's Constitution

The report of the City Solicitor is enclosed. The sections of the Constitution where revisions are being proposed are published as a supplementary set of papers for this meeting, as it is a substantial document in its own right.

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6. Membership of Council Committees and representation on other authorities, joint boards and joint committees

To consider proposed changes to the membership of committees, other authorities, joint boards and joint committees.

(Note if the changes proposed involve re-consideration of a decision taken by the Council with the previous 6 months the Committee will need to request the Council to suspend Procedural Rule 25.1).

7. Review of Polling Districts and Polling Places - request for an additional meeting of the Committee

The request the Committee to agree to hold an additional meeting Wednesday 23 October 2019 as part of the timetable for completion of the formal Review of Polling Districts and Polling Places.

Information about the Committee

The Constitutional and Nomination Committee deals with the appointment of councillors to serve on committees and certain external organisations.

The Committee also considers proposed changes to the Council Constitution and recommendations for the granting of civic honours to individuals and organisations. Business for consideration at a meeting is set out on the agenda sheet.

Copies of the agenda are available beforehand from the reception area at the Main Entrance of the Town Hall in Albert Square and may be viewed on the Council's website up to seven days prior to the date of the meeting (see web information below). Some additional copies are available at the meeting from the Committee Officer.

It is the Council's policy to consult people as fully as possible before making decisions which affect them. Members of the public do not have a right to speak at meetings but may do so if invited by the Chair. If you have a special interest in an item on the agenda and want to speak, tell the Committee Officer, who will pass on your request to the Chair.

Agenda, reports and minutes of all Council meetings can be found on the Council's website www.manchester.gov.uk

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Further Information

For help, advice and information about this meeting please contact the Committee Officer:

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This agenda was issued on **Tuesday, 24 September 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA.

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Constitutional and Nomination Committee Minutes of the meeting held on 10 July 2019

Present: Councillor Karney - In the Chair

Councillors: Curley, Flanagan Lanchbury, Leech, S Murphy, and N Murphy

CN/19/15 Minutes

Decision

To approve as a correct record, the minutes of the meeting held on 15 May 2019.

CN/19/16 Admission to the Roll of Honorary Aldermen

Decision

To recommend to Council that a special meeting of the City Council be convened on 2 October 2019 for the purpose of adopting a resolution, to be proposed by the Lord Mayor and seconded by the Deputy Lord Mayor, that Mr Hugh Barrett is admitted as an Honorary Alderman of the City of Manchester in recognition of the long and eminent service that he has rendered to the Council, and thereafter to install Mr Hugh Barrett as an Honorary Alderman.

CN/19/17 Compulsory Review of Polling Districts and Polling Places

The Committee considered a report of the Chief Executive which sought approval for the initiation of the compulsory review of polling districts and polling places within the city. The Committee took into consideration the requirement by the Electoral Administration and Registration Act 2013, that compulsory reviews of parliamentary polling districts and polling places must take place every 5 years and the Authority's last compulsory review came into effect in February 2014. The Council was therefore required to undertake the next compulsory review within the 16 month period between 1 October 2018 and 31 January 2020.

Decisions

1. To note the background to the review and the proposed timetable/process including the consultation arrangements.
2. To authorise the initiation of the compulsory review of polling districts and polling places within the Council's area beginning on 15 July 2019.
3. To note the role of the existing Elections and Registration Member Working Group in assisting the Council in developing detailed proposals for the boundaries of polling districts and the location of polling places, taking into account the Acting Returning Officer's submission and consultation responses received.

4. To delegate authority for undertaking the review to the Chief Executive.
5. To request that the Chief Executive reports back to the Committee upon completion of the review, so that the Committee can make final recommendations on polling districts and polling places to the City Council.

CN/19/18 Review of Polling Districts and Polling Places – Request for an additional meeting of the Committee

The Committee was asked to agree to hold an additional meeting in week commencing Monday 21 October 2019 as part of the timetable for completion of the formal Review of Polling Districts and Polling Places.

Decision

To agree to hold an additional meeting in the week commencing Monday 21 October 2019, as part of the timetable for completion the formal Review of Polling Districts and Polling Places.

CN/19/19 Membership of Council committees and representation on joint boards and joint committees

Decisions

1. To request the Council to agree to suspend Procedural Rule 25.1 to allow the following decisions which involve reconsideration of a decision taken by the Council within the previous six months.
2. To recommend the Council to make the following changes in appointments to Committees and Joint Committees of the Council, and to the membership of GM bodies and committees.

COMMITTEE	MEMBER APPOINTED	MEMBER REMOVED
Resources and Governance Scrutiny Committee	Councillor Wright Councillor Rowles	Councillor O'Neil
Health Scrutiny Committee	Councillor O'Neil Councillor Clay	
Communities Scrutiny Committee	Councillor Rawlins	
Children and Young People Scrutiny Committee	Councillor Cooley	Councillor Rawlins
Licensing Committee	Councillor Flanagan Councillor Andrews Councillor Hassan	
Licensing and Appeals Committee	Councillor Flanagan Councillor Andrews	

	Councillor Hassan	
Constitutional and Nomination Committee	Councillor Flanagan	
Employee Appeals Committee	Councillor Whiston Councillor Wheeler Councillor Cooley Councillor Azra Ali Councillor Collins Councillor Andrews Councillor Andrew Simcock	
Joint Bodies / GM Bodies and Committees		
GMCA Audit Committee	Councillor Russell	
AGMA Executive Board	Councillor S Murphy (substitute) Councillor N Murphy (substitute)	
Health and Social Care Partnership Board	Councillor Ilyas (substitute)	
GM Culture and Social Impact Fund Committee	Councillor Stone	
Health and Wellbeing Board	To appoint Michael McCourt (Chief Executive Manchester Local Care Organisation) to the Health and Wellbeing Board for the 2019/20 municipal year.	
Manchester Port Health Authority	Councillor Andrews	

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**Manchester City Council
Report for Resolution**

Report to: Constitutional and Nomination Committee – 2 October 2019
Council – 2 October 2019

Subject Review of the Constitution of the Council

Report of: City Solicitor

Summary

To enable the Constitutional and Nomination Committee to consider and the Council to adopt proposed amendments to the Constitution of the Council.

Recommendation – Constitutional and Nomination Committee

The Constitutional and Nomination Committee is requested to note and recommend that the Council agree the recommendations below.

Recommendations - Council

The Council is requested to

1. Agree to suspend Procedural Rule 25.1 that relates to decisions made within the last six months
 2. Adopt, subject to 3 below, the attached revised Sections of the Constitution of the Council, namely:
 - a) Part 2
 - b) Part 3: Sections A, B, C and F
 - c) Part 4: Sections A, B, D and E
 - d) Part 5
 - e) Part 6: Sections B, C, E, F and G
 - f) Part 8
 3. Readopt the remainder of the Constitution
 4. Note in relation to Part 3 of the Constitution 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 set out in Part 3 (Sections A and F) are for the information of the Council only.
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Wards Affected: All

Contact Officers:

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Background Documents (available for public inspection):

- Constitution of the Council – as amended in May 2019 and October 2018;
- Report of the Deputy Chief Executive to Council – Draft Code of Corporate Governance – 30 January 2019;
- Report of the Deputy Chief Executive and City Treasurer to Audit Committee – Review of Effectiveness of Internal Audit – 15 April 2019;
- Report of the City Solicitor and Interim Director of HROD to Standards Committee – Review of Member/Officer Relations Protocol – 13 June 2019;
- Report of the City Solicitor to Standards Committee – Planning Protocol – 13 June 2019; and
- Reports (3) of the Chief Executive to Personnel Committee – Senior Management Capacity – 26 June 2019.

Background

- 1.1 Section 9P of the Local Government Act 2000, requires the Council to prepare and keep up-to-date a Constitution.
- 1.2 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. This report details certain matters that have arisen since the Council considered the full review of the Constitution set out in the City Solicitor's report to the Council meeting on 3 October 2018 and the interim review in May 2019. Attached to this report, and summarised below, are revised versions of certain sections of the Constitution that the City Solicitor brings forward for approval. New wording appears in bold text in the attached revised sections.
- 1.3 It should be noted that under the Leader and Cabinet form of executive governance, 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). The Leader has approved the in-year changes to delegation of executive functions set out in the attached revised sections of the Constitution. Consequently, the recommended delegations of executive functions set out in Part 3: Sections A and F of the Constitution are for the purpose of information only; recommended delegations of non-executive functions set out in those sections remain, however, a matter for the Council.

Part 2 of the Constitution – Articles

- 2.1 Following discussions at Standards Committee it is proposed that approval of the Council's whistleblowing policy should rest with the Audit Committee as it is considered this policy aligns more closely with the remit of the Audit Committee. The 'Our Manchester Industrial Strategy' has been added to the Policy Framework in Article 4

Part 3 of the Constitution – Responsibility for Functions

- 3.1 A number of proposed changes have been made to:
- Section A ("Responsibility for Local Choice Functions");
 - Section B ("Responsibility for Executive Functions");
 - Section C ("Council (Non-Executive) Functions"); and
 - Section F ("Scheme of Delegation to Officers")

of Part 3 ("Responsibility for Functions") of the Constitution. These proposed changes primarily result from the changes to the Council's senior management structure and the realignment of senior management portfolios, as detailed in

the Chief Executive's three reports to the 26 June 2019 Personnel Committee regarding senior management capacity. At that meeting the Committee noted that the City Solicitor would report to Council on the required amendments to the Constitution arising as a result of the revised arrangements set out in the proposals.

- 3.2 Some additional proposed amendments have also been made to Part 3 of the Constitution to reflect changes to legislation, provide clarity in respect of some existing delegations, for consistency and deal with a limited number of identified omissions from the Scheme of Delegation. The posts of Deputy City Treasurer and Director of Planning, Building Control and Licensing have been moved from Chapter 3B to Chapter 3A primarily to enable these post holders to exercise delegations in relation to management of their departments.

Part 4 – Rules of Procedure

- 4.1 It is proposed to make changes to the Council Procedure Rules (Part 4 Section A) to clarify and to simplify the rules relating to questions at Council, in particular who can be asked questions relating to Joint Authorities and Joint Committees. Rule 24 is deleted and Rule 23 amended to provide that questions about any matter which relates to the work of the Greater Manchester Combined Authority, the Greater Manchester Transport Committee or the Greater Manchester Police and Crime Panel may be addressed to the Leader of the Council or a member of the Executive (as appropriate) under existing Rule 23.2 (rather than to the "nominated spokesperson" of the joint authority or joint committee as previously provided for by Rule 24). Rule 13.4 concerning the business of ordinary Council meetings is amended accordingly.
- 4.2 The Access to Information Procedure Rules in Section B of Part 4 are proposed to be amended to clarify that the City Solicitor should identify the relevant Scrutiny Committee for the purposes of urgent decisions.
- 4.3 Minor Changes are proposed to the Executive Procedure Rules (Part 4 Section D of the Constitution) to clarify the position regarding reports from Scrutiny Committees to the Executive and to remove the requirement for a standing item for such reports in order to reflect the current practice that such reports are taken to the Executive as and when issued.
- 4.4 It is proposed to amend the Scrutiny Procedure Rules (Part 4 Section E) for clarification and to align with current practices to make it clear that the Chair of any Scrutiny Committee may call-in a decision for scrutiny and that the Chief Executive shall notify the chair of the relevant scrutiny committee of a call-in before the item is placed on the agenda for the next relevant scrutiny committee meeting

Part 5 – Financial Procedures

- 5.1 It is proposed to amend Part 5 of the constitution throughout to update out of date references, to reflect statutory changes and name changes to senior

officer roles. All changes to Part 5 have been made in accordance with instructions received from the Deputy Chief Executive and City Treasurer.

- 5.2 Section A (“Status of Financial Regulations”) Paragraph 6 is proposed to be amended by the introduction of additional text to strengthen requirements to declare and review conflicts of interest.
- 5.3 Changes are proposed to Section C (“Policies, Risk Management and External Arrangements”) to add to the remit of the Audit Committee the review and approval of the Internal Audit Strategy and Annual Audit Plan in paragraphs 41 and 42.
- 5.4 Section D (“Financial Systems and Procedures”), Chapter 1 (General) is proposed to be amended as follows:
- In Paragraph 36 by the addition of an additional approval requirement in relation to release of funds approved in the budget but not yet allocated to departmental cash limit.
 - In Paragraph 48 by the inclusion of references to capital projects and project officers.
- 5.5 Section D (“Financial Systems and Procedures”), Chapter 2 (Accountancy) is proposed to be updated:
- By the addition of reference to timescales set by the Deputy Chief Executive and City Treasurer in Paragraph 10.
 - to include reference to accounting policies being reported to the Audit Committee in Paragraph 41
- 5.6 Chapter 3 of this Section (Income and Expenditure) is proposed to be updated to set out roles and responsibilities in relation to money laundering and in relation to Council’s Anti-Fraud Policy and Anti Bribery and Criminal Facilitation of Tax Evasion Policy.
- 5.7 Minor changes have been made to Section D (“Financial Systems and Procedures”), Chapter 4 (Assets) including adding to the responsibility of all Chief Officers and Heads of Service the requirement that Items lost or stolen must be promptly reported to the Council’s in-house Insurance and Claims Service.
- 5.8 A change is proposed to the Contract Procurement Rules in Section E of Part 4 to the Constitution to clarify at Paragraph 9.1 that consultation with potential suppliers pre invitation to tender is subject to the requirement that this does not prejudice **or favour** any potential Candidate.

Part 6 – Codes and Protocols

- 6.1 The Planning Protocol for Members and Officers in Part 6 Section B has been amended to give effect to the changes agreed by the Council's Standards Committee at its meeting held on 13 June 2019 and reported to Council on 10 July 2019 to clarify the position regarding pre and post application discussions with officers and Members .
- 6.2 The Use of Council Resources Guidance for Members (Part 6 Section C) has been updated to give effect to the changes agreed by Standards Committee made at its meeting held on 13 June 2019 (and reported to Council on 10 July 2019) mainly to clarify the procedures that apply when a member leaves the Council.
- 6.3 Very minor changes have been made to the Employee Code of Conduct contained in Part 6 Section E to update web links, policy references and role titles where these have changed in year
- 6.4 The Member/Officer Protocol has been updated to reflect the changes approved by the Standards Committee made at its meeting held on 13 June 2019 and reported to Council in July 2019 namely to strengthen the need for Members to respect that Officers must remain impartial at all times; to add a paragraph that the Monitoring Officer meets regularly with political group leaders or group whips to discuss standards which reflects current good practice; and to bring certain information governance references up to date.
- 6.5 The revised Code of Corporate Governance approved by Council at its meeting held on 30 January 2019 has been inserted in Part 6 Section G.

Part 8 of the Constitution – Management Structure

7. It is proposed that amendments are made to the management structure set out in Part 8 of the constitution to reflect changes to the senior management structure and the realignment of senior management portfolios.

Recommendations

8. The recommendations appear at the beginning of this report.