

**Manchester City Council
Report for Resolution**

Report to: Constitutional and Nomination Committee – 1 October 2018
Council – 3 October 2018

Subject Constitution of the Council

Report of: City Solicitor

Summary

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

Recommendations – Constitutional and Nomination Committee

The Constitutional and Nomination Committee is requested to recommend that the Council:

1. Adopt, subject to 3 below, the attached revised Sections of the Constitution of the Council, namely:
 - a) Part 3: Sections A, C, and F
 - b) Part 4: Section F
 - c) Part 5: Section E
 - d) Part 8
2. Note that the remainder of the Constitution remains unchanged.
3. 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.

Recommendations – Council

The Council is requested to agree the recommendations of the Constitutional and Nomination Committee and approve the consequential amendments to the Constitution of the Council.

Wards Affected:

All

Contact Officers:

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
E-mail: fiona.ledden@manchester.gov.uk

Name: Poornima Karkera
Position: Head of Governance, Legal Services
Telephone: 0161 234 3719
E-mail: p.karkera@manchester.gov.uk

Background Documents (available for public inspection)

Constitution of the Council – as amended July 2018
Report of the Chief Executive to Personnel Committee – Senior Management
Arrangements – 27 June 2018

Background

- 1.1 Section 9P of the Local Government Act 2000, as amended, 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 Interim City Solicitor's report to the annual Council meeting on 16 May 2018. 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 3 of the Constitution – Responsibility for Functions

- 2.1 A number of proposed changes have been made to Section A ("Responsibility for Local Choice 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 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 27 June 2018 report to Personnel Committee. 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.
- 2.2 Some additional proposed amendments have also been made to the above sections of Part 3 of the Constitution to reflect changes to legislation, provide clarity in respect of some existing delegations and deal with a limited number of identified omissions from the Scheme of Delegation. Such amendments include:
 - amending the delegations made to the Planning and Highways Committee and the Head of Planning, Building Control and Licensing to reflect the

introduction in the Town and Country Planning Acts of planning permissions in principle;

- making clear contingency provision for the exercise of the delegations that have been made to a Chief Officer where that officer is unable to act or the post is vacant or disestablished; and
- aligning the definition of “Chief Officer” within Part 3: Section F (“Scheme of Delegation to Officers”) with that used elsewhere in Constitution (and with the statutory meaning of that term).

Part 4, Section F of the Constitution – Officer Employment Procedure Rules

- 3.1 To reflect the changes to the senior management structure and the realignment of senior management portfolios referred to above, it is proposed that the references to the “Deputy Chief Executive (People, Policy & Reform)” contained in Annexes 1 and 3 to the Officer Employment Procedure Rules are amended to refer to the “Deputy Chief Executive”.

Part 5, Section E of the Constitution – Contract Procurement Rules

- 4.1 It is proposed to amend the Contract Procurement Rules, as requested by the City Treasurer, primarily to:
- strengthen the focus on pre-procurement commissioning activity;
 - ensure that social value and contract monitoring arrangements are strengthened; and
 - in line with a risk based approach, greater proportionality and easing speed of action, increasing the threshold for the engagement of corporate procurement from £30,000 to £50,000.

Part 8 of the Constitution – Management Structure

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

Recommendations

- 6.1 The recommendations appear at the beginning of this report.