

Manchester City Council
Report for Resolution

Report to: Executive – 17 February 2021

Subject: Delegation of Executive Functions to the Executive and Council Officers

Report of: City Solicitor

Summary

To ask the Executive to note the decision of the Leader of the Council to delegate all of the Council's executive functions to the Executive.

To ask the Executive to note and endorse the decision of the Leader of the Council to arrange for the discharge of all of the Council's executive functions recorded at Part 3, Sections A and F of the Council's February 2021 Constitution to be delegated as set out in that version of the Constitution.

Recommendations

That the Executive:

1. Notes the decision of the Leader of the Council to exercise his power under Section 9E(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. Notes and endorses the decision of the Leader of the Council to delegate to officers the discharge of all of the Council's executive functions recorded at Part 3, Sections A and F of the Council's February 2021 Constitution as set out in the version of those sections presented to Council at its meeting on 3 February 2021; and
 3. In relation to the Scheme of Delegation to Officers set out in Part 3, Section F of the Council's February 2021 Constitution, note that such delegations of executive functions 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:

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: poornima.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.

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, 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 by a Council Officer, 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 note and endorse the arrangements agreed by the Leader of the Council for the delegation to officers of the Council's various executive functions as recorded at Part 3, Sections A and F of the Council's February 2021 Constitution, as presented to Council at its meeting on 3 February 2021.

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, in accordance with the Council's *Code of Corporate Governance*.

(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.