

**Manchester City Council
Report for Information**

Report to: Executive – 15 December 2021

Subject: The Leader of the Council's Review of the Allocation of Responsibilities for the Discharge of Executive Functions

Report of: The City Solicitor

Summary

The purpose of this report is to ask the Executive to note that the Leader of the Council has undertaken a review of the allocation of responsibilities for the discharge of executive functions recorded in Part 3 of the Council's Constitution and to note that the Leader has reaffirmed the existing arrangements under Part 3.

In addition, the Executive is asked to note that the Leader has also reaffirmed any other arrangements for the discharge of executive functions that were in place at the time of her predecessor's resignation as Leader.

Recommendations

That the Executive:

1. Notes that, in accordance with Article 7.10(c) of the Council's Constitution, the Leader of the Council has undertaken a review of the allocation of responsibilities for the discharge of executive functions recorded in Part 3 of the Council's Constitution.
 2. Notes that following that review the Leader has reaffirmed the existing allocation of such responsibilities set out in Part 3 of the Council's Constitution.
 3. Notes that the allocation of responsibilities so reaffirmed includes the:
 - i) delegation of the discharge of all of the Council's executive functions to the Executive, as per paragraph (A) of Part 3, Section B of the Council's Constitution;
 - ii) delegation to officers of the discharge of the Council's executive functions recorded at Part 3, Sections A and F of the Council's Constitution, including both those functions that are designated as "Executive Functions" and, insofar as they are executive functions, those that are designated as "General Functions".
 4. Notes that the Leader has also reaffirmed any other arrangements for the discharge of executive functions that were in place at the time of her predecessor's resignation as Leader.
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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

Where 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.

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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.

- “Arrangements for the Discharge of Executive Functions” – record completed by the Leader following Article 7.10(c) review, dated 1 December 2021
- Manchester City Council Constitution, as adopted by the Council on 3 February 2021 (and amended April 2021)

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.

1.4 Article 7.10(c) of the Council's Constitution provides that:

At the earliest opportunity following the election of a Leader, the Leader will review the allocation of responsibilities for the discharge of executive functions recorded in Part 3 of this Constitution. Any alterations that the Leader wishes to make to the allocation of responsibility for the discharge of executive functions will be dealt with in accordance with Executive Procedure Rule 1.4 in Part 4, Section D of the Constitution.

2.0 The Delegation of Executive Functions

2.1 As required by Article 7.10(c) of the Council's Constitution, the newly elected Leader of the Council has undertaken a review of the allocation of responsibilities for the discharge of executive functions recorded in Part 3 of

the Constitution. Having completed that review, the Leader has determined that, for the time being, the existing arrangements are to be unchanged and are reaffirmed. This means that:

- The discharge of all of the Council's executive functions remains delegated to the Executive, as per paragraph (A) of Part 3, Section B of the Council's Constitution;
- The discharge of the Council's executive functions remain delegated to officers as recorded at Part 3, Sections A and F of the Council's Constitution, including both those functions that are designated as "Executive Functions" and, insofar as they are executive functions, those that are designated as "General Functions".

2.2 As no changes have been made to the arrangements for the discharge of executive functions set out in Part 3 of the Constitution, the notification process set out in Executive Procedure Rule 1.4 in Part 4, Section D of the Constitution has not been engaged. Notwithstanding this, to ensure that the position is clearly recorded, the Leader has made a written record of her reaffirmation of the existing arrangements and delivered it to the Monitoring Officer. In that notice the Leader has also reaffirmed any other arrangements for the discharge of executive functions that were in place at the time of Sir Richard Leese's resignation as Leader.

2.3 While there is no constitutional requirement to do so, for the purposes of clarity and transparency the Leader's reaffirmation of the existing arrangements is brought before the Executive for its attention.

3.0 Recommendations

3.1 The recommendations are set out at the beginning of this report.