

Manchester City Council

Report for Resolution

Report to: Constitutional and Nomination Committee – 15 May 2019
Council – 15 May 2019

Subject: The Constitution of the Council

Report of: City Solicitor

Purpose of Report

To enable the Council to consider recommendations that the Constitution of the Council be amended to:

- reflect changes to the management structure and the responsibilities of senior officers; and
- change the order of business at ordinary meetings of the Council.

Recommendations

The Council is recommended to:

1. adopt, subject to 3 below, the attached Parts of the Constitution of the Council, namely –

Part 3, Section F
Part 4, Section A
Part 8
2. agree that the City Solicitor may make such consequential amendments to other Parts of the Constitution as may be required to reflect the changes made to the Parts referred to in 1 above;
3. note in relation to Part 3 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 as set out in the attached Part 3, Section F (Scheme of Delegation to Officers) are for the information of the Council only;
4. note that the Leader has approved the delegations of executive functions contained in Part 3, Section F and has agreed that the City Solicitor may make any consequential amendments to Part 3, Section A (Local Choice Functions) of the Constitution, insofar as they relate to executive functions; and

5. note that this report represents an interim review of the Constitution and a report on a full review will be brought to the Council's October meeting.
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Wards Affected: All

Financial consequences for the Revenue Budget: None

Financial consequences for the Capital Budget: None

Implications for:

Equal Opportunities

No

Risk Management

No

Legal Consideration

Yes

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Background Documents: (available for public inspection)

Constitution of the Council – October 2018
Report of the Chief Executive to Personnel Committee, 29 January 2019 – ‘Senior Management Capacity Review’

Background

1. Section 9P of the Local Government Act 2000, as amended, requires a local authority which is operating executive arrangements to prepare and keep up-to-date a Constitution which contains a copy of the authority's standing orders for the time being. 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.
2. In previous years a fully revised draft version of the Constitution has been presented to the Council for consideration at its Annual Meeting. This has meant that the version of the Constitution presented at the meeting may not fully reflect changes to the Council's governance arrangements that are often decided at or shortly after the time of the Annual Meeting, thus necessitating later in-year revision of the Constitution.
3. This year only a partial revision of the Constitution is presented to the Council at its Annual Meeting for approval, focused on taking into account the particular matters detailed in paragraphs 6 to 10 below. A fully revised version of the Constitution will be brought before Council at its meeting in October. It is proposed that in future years the October meeting of the Council will be the usual meeting for consideration of a fully revised version of the Constitution.
4. It should be noted that under the Leader and Cabinet form of executive, 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). Where the Leader delegates the exercise of functions to the Executive it may in turn delegate to officers. In these circumstances, the recommended delegations of executive functions as set out in the attached revised Part 3, Section F of the Constitution (Scheme of Delegation to Officers) are for the purpose of information only.
5. The main amendments to the Constitution are summarised below. New wording appears in bold in the attached revised Parts of the Constitution.

Changes to Senior Management Arrangements and the Scheme of Delegation

6. A report to Personnel Committee on 29 January 2019 detailed proposals to realign senior leadership capacity, in the context of impending vacancies in the Strategic Management Team and below, together with the need to develop wider leadership capacity and resilience. The Personnel Committee agreed certain proposals, as previously reported to Council, and made recommendations to Council in respect of the creation of the new senior management posts of Deputy Chief Executive and City Treasurer, Strategic Director (Neighbourhoods) and Director of Policy, Performance and Reform.

The Council agreed those recommendations at its meeting on 30 January 2019.

7. The attached revised versions of Part 3, Section F (Scheme of Delegation to Officers) and Part 8 (Management Structure) of the Constitution are amended to reflect the changes brought about as a result of the proposals contained in the 29 January 2019 report to Personnel Committee. Certain other changes to the Council's management structure are also reflected, along with some other minor amendments.
8. In addition to seeking the Council's approval of the abovementioned revised Parts of the Constitution this report also seeks the Council's agreement for the City Solicitor to make any consequential amendments to other Parts of the Constitution. This would include, for example, changing references to the "City Treasurer" to the "Deputy Chief Executive and City Treasurer" and references to the "Chief Operating Officer – Neighbourhoods" to the "Strategic Director (Neighbourhoods)".

Changes to the Order of Business at Ordinary Meetings of the Council

9. Rule 13.4 of the Council Procedure Rules sets out the order of business at ordinary meetings of the Council. Currently Notices of Motion submitted under Rule 14.1 are listed as the eleventh item of business. As a consequence, it is not uncommon at ordinary Council meetings for a Motion Without Notice to be moved to bring the standing item concerning Notices of Motion to an earlier position in the order of business of the meeting.
10. To streamline the business of the Council it is proposed that Rule 13.4 of the Council Procedure Rules be amended to change the order of business at ordinary meetings of the Council so that the item concerning Notices of Motion becomes the fifth item (therefore immediately following approval of the minutes of the last meeting). The attached revised version of Part 4, Section A of the Constitution (Council Procedure Rules) is revised accordingly.

Recommendations

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