

Manchester City Council Report for Resolution

Report to: Executive – 26 June 2019

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

Report of: City Solicitor

Summary

To record the decision of the Leader of the Council to delegate all of the Council's executive functions to the Executive from 15 May 2019.

To ask the Executive to note and endorse the arrangements agreed by the Leader for the discharge of all of the Council's executive functions:-

- recorded at the revised Part 3, Section A of the Council's Constitution;
- recorded at the revised Part 3, Section F of the Council's Constitution.

Recommendations

That the Executive:

1. Notes the decision of the Leader of the Council to exercise his power under Section 9(E)(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. Subject to 3 below, notes and endorses the arrangements agreed by the Leader to delegate to officers the discharge of all of the Council's executive functions recorded at Part 3, Section F of the Council's Constitution as set out in the version of that section presented to Council at its Annual Meeting on 15 May 2019;
3. Notes and endorses subsequent minor amendments made to Part 3, Section F of the Council's Constitution by the City Solicitor under Article 15.2(a) of the Constitution;
4. Notes and endorses the consequential amendments to the delegations of executive of functions to officers recorded at Part 3, Section A of the Council's Constitution, made by City Solicitor under delegated authority granted by the Leader;
5. In relation to the Scheme of Delegation to Officers set out in Part 3, Section F of the Council's Constitution, the Executive is asked to note that 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.

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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.

Manchester City Council Constitution – 2019

(https://www.manchester.gov.uk/info/100004/the_council_and_democracy/2446/our_constitution)

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, then 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 for the delegations to officers of the Council's various executive functions as recorded at Part 3, Section F of the Council's Constitution as presented to Council at its Annual Meeting on 15 May 2019 (and subject to subsequent minor amendments made by the City Solicitor under Article 15.2(a) of the Council's Constitution).

2.2 The Executive is asked to note and endorse the delegations to officers of the Council's various executive functions recorded at Part 3, Section A of the Council's Constitution as amended by the City Solicitor acting under delegated authority granted by the Leader allowing the making of consequential amendments to that section.

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. Principle 2 of the Council's *Code of Corporate Governance* deals with "Having clear responsibilities and arrangements for accountability", which point 2.1 of the *Code* clarifies as "Ensuring effective leadership throughout the Council and being clear about Executive and Non-Executive functions.

(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.