

MANCHESTER CITY COUNCIL

REPORT FOR RESOLUTION

Report to: City Council – 7 October 2009
Constitutional & Nomination Committee – 6 October 2009

Subject Executive Arrangements

Report of: The City Solicitor

Summary

The report advises the Constitutional and Nomination Committee and the City Council of the results of the public consultation on changes to the Council's executive arrangements. The report presents the Committee and the Council with draft proposals for changing the Council's executive arrangements drawn up by the City Solicitor in consultation with the Leader of the Council and the Leader of the Opposition, and based upon the results of the public consultation exercise and other statutory considerations ("the Draft Proposals"). The report sets out the next steps that the Council must take if it resolves to approve the Draft Proposals in order to implement the changes to the Council's executive arrangements.

Recommendations

The Council is recommended:

1. To note and consider the outcome of the public consultation into whether the Council should adopt the Elected Mayor and Cabinet form of executive or the "new-style" Leader and Cabinet form of executive as set out in Appendix 2 to this report.
2. To consider, having regard to the public consultation and the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way the Council's functions are exercised, whether to approve the City Solicitor's Draft Proposals set out at Appendix 3 to this report, including in particular-
 - (a) that the Council's executive form should be the "new-style" Leader and Cabinet executive (England)
 - (b) that the Council should have the power to remove the leader by way of resolution by a simple majority, in accordance with the current provisions for the removal of

the leader in Article 7.4(e) of Part 2 of the Council's Constitution

- (c) that the "local choice" functions should be discharged as set out in Section A of Part 3 of the Council's Constitution
 - (d) that the change in governance arrangements should not be the subject of a referendum
3. If the draft proposals are approved, to agree the proposed timetable attached as Annex 2 of the Draft Proposals set out at Appendix 3 to this report.
 4. To delegate to the City Solicitor the publication of the Draft Proposals in accordance with Section 33E(8) of the Local Government Act 2000.

Wards Affected: All

Implications for:

| <u>Equal Opportunities</u> | <u>Risk Management</u> | <u>Legal Considerations</u> |
|-----------------------------------|-------------------------------|------------------------------------|
| No | No | Yes, as set out in report |

Financial Consequences for the Revenue Budget

Cost of the public consultation exercise and publication of the Council's proposals is likely to be in the region of £60,000

Cost of a referendum if the Council were to decide that the change in governance arrangements should be subject to a referendum is likely to be in the region of £357,000 if the referendum was held at a different time to other elections.

Cost of holding an election for an elected mayor if the Council were to decide that the Council should move to an elected mayor and cabinet form of executive:

- likely to be in the region of £194,000 if the mayoral election was held at the same time as another election (e.g. the local government elections)
- likely to be in the region of £435,000 if the mayoral election was held at a different time to other elections

Financial consequences for the Capital Budget

None

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Background documents (available for public inspection)

Constitution of the Council – May 2009
City Solicitor's Report on Executive Arrangements made to Council – 8 July
2009

EXECUTIVE ARRANGEMENTS

1. Background

1.1. At its meeting on 8 July 2009 the Council received a report from the City Solicitor on the new executive arrangements introduced by the Local Government and Public Involvement in Health Act 2007. The report advised that the Council must resolve by 31 December 2009 to change to one of two model forms of executive, namely:-

- elected mayor and cabinet
- “new-style” leader and cabinet (England)

1.2. That report set out the main differences between the forms, which are:

- the elected mayor is directly elected, has a four-year term and cannot be removed by the Council. Under the elected mayor and cabinet model, the executive submits the budget and strategic policies to the Council, which can only amend or overturn them by a two-thirds majority.
- The leader is elected by the Council from among Manchester’s 96 directly elected councillors and will have a four-year term (unless their term of office as a councillor has less than four years left when they are elected as leader). The Council may make provision in its executive arrangements for the leader to be removed from office by resolution of the Council. Under the leader and cabinet model, the executive recommends the budget and strategic policies to the Council, which may amend or overturn them by a simple majority.

1.3 The report also set out the procedure for changing executive arrangements. The Council is required to:

- Consult local government electors and other interested persons in Manchester before drawing up proposals for a change in form
- Draw up proposals
- Decide whether the change in executive arrangements should be subject to approval by a referendum
- Publicise the proposals
- Resolve to change the form of executive before 31 December 2009
- Publicise the change to the form of executive
- Implement the new executive arrangements which must come into operation no later than the third day after the local government elections on 6 May 2010.

- 1.4 The Council at its meeting on the 8 July 2009 delegated the following functions relating to the change in executive arrangements to the City Solicitor:
- To draw up a public consultation document in consultation with the Leader of the Council and the Leader of the Opposition and finalise the public consultation process;
 - Following the public consultation and taking into account the results of the public consultation, to draw up the draft proposals as to the change in executive arrangements in consultation with the Leader of the Council and the Leader of the Opposition

2 The Consultation Exercise

- 2.1 The Local Government Act 2000 provides that “**Before** drawing up its proposals” for change to the form of the Executive, the Council “must take reasonable steps to consult the local government electors for, and other interested persons in” the Council’s area.
- 2.2 However, the 2000 Act does not provide either for any specific form of public consultation, or for any specific period of consultation. In addition, the Department for Communities and Local Government decided not to issue any Guidance to local authorities as to what the Department considers would constitute “reasonable steps” in relation to the public consultation required by the 2000 Act. As a result each local authority has had to reach its own decision as to the form and level of public consultation that it considers to be appropriate.

3. Public Consultation

- 3.1 Whilst many local authorities decided that it was sufficient to consult on the change to executive arrangements by way of posting a notice of the consultation in their local authority newspaper and on their local authority website, the City Council resolved to more to engage public interest and therefore decided to send copies of its consultation leaflet to Manchester residents.
- 3.2 Due to the legal restrictions on the use of the full electoral register for the purposes of consultation, it would not have been possible to deliver consultation materials to named individuals. It was therefore determined that the most effective distribution method was to deliver a consultation leaflet to every household in the city. The consultation leaflet advised that additional leaflets for other members of a household were available in local libraries and that responses to the consultation could also be submitted online.
- 3.3 The consultation leaflet was drawn up by the City Solicitor in consultation with the Leader of the Council and the Leader of the Opposition. It outlined the two forms of new executive arrangements that are possible under the 2000 Act and asked for views on which of

these two options the Council should adopt to be returned to a Freepost address. More than 213,000 leaflets were distributed to households across the City, supported by a media release leading to reports in the Manchester Evening News, North East Manchester Advertiser and South Manchester Reporter.

- 3.4 The leaflet provided a summary of the purpose of the consultation, an overview of the City Council's current governance arrangements, key points about the "new-style" Leader and cabinet executive model (Option A) and elected Mayor and cabinet executive model (Option B) and a summary of common features of both models.
- 3.5 Respondents were asked to confirm their name and postcode and that they were over 18 and a Manchester resident before selecting their preferred option via a tick box. Respondents were given the opportunity to make additional comments where they wished to do so.
- 3.6 The online consultation was posted on the home page of the City Council's website. It followed the format of the consultation leaflet and provided information on the City Council's current governance arrangements, features of the 'new-style' Leader and cabinet executive and elected Mayor and cabinet executive models of governance plus common features of both models. Again, respondents were asked to confirm that they are over 18 and a Manchester resident before selecting their preferred option and had the opportunity to make additional comments where they wished to do so.
- 3.7 The public consultation ran from 3rd August to 22nd September 2009 and Appendix 1 to this report sets out in detail all communications activity undertaken in relation to the consultation during this period.

4. Consultation with other Stakeholders

- 4.1 The future governance arrangements of Manchester City Council will affect not only the City Council but also key stakeholders and partners in the public and third sector.
- 4.2 Consultation on the two available options was therefore undertaken by way of a letter to public and third sector partners and trades unions asking for their comments as to which governance model the organisation would prefer and why.
- 4.3 A full list of those organisations who were asked for their views on the Council's future governance arrangements as part of the stakeholder consultation process is set out in Appendix 1 to this report.

5. Results of the Consultation

5.1 A summary of the response rates and headline outcomes of the consultation process is set out below. More detailed statistical information and analysis of the results of the consultation is set out in Appendix 2 to this report.

Outcome of the Public Consultation

| | Option A 'New-style' Leader and Cabinet | Option B Elected Mayor and Cabinet | Neither Option A or B | Total |
|---------------------------------|--|---|----------------------------------|--------------|
| Manchester Residents | | | | |
| Post | 1683 | 719 | 37 | 2439 |
| Online | 340 | 216 | 1 | 557 |
| Non-Manchester Residents | | | | |
| Post | 2 | 1 | 0 | 3 |
| Online | 17 | 33 | 0 | 50 |
| TOTAL | 2042 | 969 | 38 | 3049 |
| Percentage | 67% | 32% | 1% | ////////// |

Of Manchester residents expressing a preference, 68% preferred Option A.

Reasons for preferences

5.2 In addition to selecting a preferred option from the two possible forms of executive arrangement, consultees were invited to submit additional comments should they wish to do so.

5.3 Comments submitted by respondents who expressed a preference for Option A include:

- the additional costs associated with an elected Mayor are undesirable and would involve an additional layer of bureaucracy
- the new-style Leader and cabinet executive model would be more democratic than the elected Mayor model because the Leader would be elected by representatives of people from each ward
- concern at vesting significant power in one individual and that the City Council would have no power to remove an elected Mayor within their four-year term and the requirement of a two-thirds majority to overturn budget and policy decisions taken by an elected Mayor
- concern at the potential for the elected Mayor and cabinet executive model becoming a 'personality' contest
- satisfaction with the City Council's current governance arrangements

5.4 Supporting reasons and comments submitted by those who expressed a preference for Option B:

- A directly elected Mayor would be more democratic by being accountable directly to the public rather than the Council
- An elected Mayor would act as a figurehead and would provide a greater sense of identity for the city
- An election for a Mayor may generate more interest in the democratic process
- Desire for changes to the established system

5.5 Respondents expressing preferences for both options made reference to the London-style model of elected Mayor, both positive and negative. Although sub-regional governance was not the subject of the consultation, there was some support for an elected Mayor for Greater Manchester from respondents supporting both Option A and Option B.

5.6 Whilst the total number of respondents is low as a proportion of the local electorate (just under 1%) and much lower than the 12,320 Manchester residents who responded to the consultation on the Transport Innovation Fund Proposals conducted by AGMA/GMITA, this should be put in context. The response rate is significantly higher than in 2001 when the Council last conducted an extensive consultation on executive arrangements and an elected Mayor and received 2385 responses.

5.7 Moreover, the number of respondents would appear to be substantially higher than in other local authorities which have reported the results of their consultations on their executive arrangements pursuant to the 2007 Act. The next highest after Manchester would appear to be Leeds, which has a higher population and has reported 719 responses. Several other authorities have reported less than 100 respondents (including Newcastle).

5.8 More information about comments received in support of option A, option B or otherwise is set out in appendix 2.

Outcome of the Stakeholder Consultation process

| | Option A 'New-style' Leader and Cabinet | Option B Elected Mayor and Cabinet | Neither Option A or B | Total |
|-----------------------|--|---|----------------------------------|--------------|
| Stakeholder Responses | 12 | 1 | 4 | 17 |

Reasons for preferences

5.9 12 of 17 stakeholders opted for Option A, 'new-style' Leader and elected Mayor and the majority of stakeholders provided explanations

in support . Supporting comments provided by key stakeholders in support of Option A include:

- The 'new-style' Leader and cabinet Executive represents the most effective use of resources and is the closest to the current system, which works well
 - The new-style Leader and Cabinet Executive system of governance would facilitate effective working relationships with the City Council, particularly at a sub-regional level and retains important relationships between the executive functions of the council and key partners
 - the new style Leader and cabinet Executive would ensure that decision making is not protracted and would provide more flexibility in budget planning
- 5.10 The stakeholder expressing a preference for Option B cited their commitment to increasing participation in the democratic process as the reason why they supported the Elected Mayor and Cabinet Executive.
- 5.11 Those indicating that they have no preference for either governance model confirmed their commitment to working with the city council regardless of which model is adopted.

Other Interested Persons

- 5.12 Responses received by individual elected members online or by post were included in the results of the public consultation.
- 5.13 Manchester City Council's Liberal Democrat Group formally responded to the consultation and expressed a preference for the 'new-style' Leader and Cabinet Executive model of governance, citing the group's view that this model represents a more collegiate style of decision-making and that the elected Mayor model gives too much power to one individual.

6. The Proposals

- 6.1 The general public and the City Council's partners and stakeholders have through the consultation process expressed a clear preference for the Leader and Cabinet form of executive.
- 6.2 However, Section 33E(7) of the 2000 Act provides that in drawing up proposals for its change in executive arrangements the Council must also
...consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

6.3 The leadership of the Council is of crucial importance in securing continuous improvement in the exercise of the Council's functions. Manchester City Council is generally regarded as a successful council, although of course there is always room for further improvement. There is no clear evidence that adopting an elected Mayor and cabinet model would produce greater improvements than the Leader and cabinet model and there is always a downside risk in electing a Mayor who could not be removed for four years.

6.4 Taking into account both the public consultation process and the Council's "best value" duty, the City Solicitor in consultation with the Leader of the Council and the Leader of the Opposition has drawn up the Draft Proposals attached at Appendix 3 to this report for consideration by the Consultation and Nomination Committee and the Council.

6.5 Timetable and transitional arrangements

6.5.1 The Draft Proposals must include:

- a timetable with respect to implementation of the proposals; and
- details of any transitional arrangements that are necessary for the implementation of the proposals

6.5.2 In relation to the timetable, it is proposed that the Council approve the Draft Proposals at its meeting on 7 October 2009, taking into account the recommendations of the Constitutional and Nomination Committee.

6.5.3 The Council's proposals must then be published in accordance with the statutory requirements set out in Section 33E(8) of the 2000 Act.

6.5.4 The Council must resolve before 31 December 2009 to change its executive form, taking into account any representations received following the publicity about the proposals. This must be done at a specially convened meeting. Unless the Council resolves to hold a referendum (see paragraph 3.6 below), it is proposed that it meets to change its executive on 2 December 2009, the date of a scheduled Council meeting.

6.5.5 The Council must stop operating its current form of executive and start operating the new form of executive three days after the relevant elections. If a leader and cabinet form of executive is adopted, these will be the first elections of councillors after December 2009 (i.e. those due to be held on 6 May 2010). For an elected mayor and cabinet form, the relevant election is the first election of a mayor.

6.5.6 Until the new form of executive comes into operation, the old arrangements will continue to apply.

- 6.5.7 If the Council moves to a “new-style” leader and cabinet form, the leader must be elected at the first annual meeting of the Council following the adoption of the new arrangements and their term of office will start that day. There will therefore be a number of days between the date of adoption of the new form of executive (which must be no later than 9 May 2010) and the date on which the new leader is elected at the Council’s annual meeting on 19 May 2010.
- 6.5.8 In terms of transitional provisions therefore, the Draft Proposals provide for the Leader in office at the time of the local elections on 6 May 2010 to remain in place until the annual meeting of the full Council on 19 May 2010, provided that person is still a councillor, (even though the form of executive itself must have changed by the 9 May 2010). The Draft Proposals also provide that the delegations in respect of the Council’s executive functions that are set out at Section F, Part 3 of the Council’s Constitution at the time of the local elections on 6 May 2010 are to remain in place until such time as the Council’s new administration may decide to make amendments to them.
- 6.5.9 If the Council were to decide to move to an elected mayor and cabinet form of executive, the mayor would be elected on the ordinary day of election. Given the more significant change in form, further consideration would need to be given to transitional arrangements if the Council were minded to move to this form of executive.
- 6.5.10 The Draft Proposals at Appendix 3 provide a suggested timetable at Annex 2 if the Council is minded to move to the “new-style” leader and cabinet form of executive in accordance with the clear preference expressed by the results of the public consultation.

6.6 Local Choice Functions

- 6.6.1 The Council’s proposals must also deal with the allocation of the Council’s “local choice” functions, which the Council may choose to be the responsibility of the executive or the Council. The Council’s various “local choice” functions and their current allocations are listed at Section A of Part 3 of the Constitution. The Council should therefore review these allocations.
- 6.6.2 The City Solicitor is not aware of any concerns about the current allocations of the Council’s “local choice” functions, and does not recommend any amendments. The Draft Proposals therefore provide that the current allocations of the Council’s “local choice” functions between executive and non-executive functions should continue. (Where such functions are executive functions, then under the new executive arrangements it will be for the “new-style” leader or elected mayor to determine appropriate delegations).

6.7 Referendum

6.7.1 The Council may decide that its proposals should provide for the change in form of the executive to be subject to approval in a referendum. The results of any referendum would be binding on the Council.

6.7.2 In considering whether or not to have a referendum the Council should have regard to the following:

- the results of the public Consultation carried out by the Council have shown a clear preference on the part of the general public for the leader and cabinet form of executive. Although the total number of responses that the Council received was relatively low, there was a marked preference among those who did respond for the leader and cabinet form;
- despite the fact that the Council delivered more than 213,000 Consultation leaflets to Manchester residents, the Council only received 2966 Freepost and online responses from Manchester residents to this public Consultation. The relatively low number of responses suggests that this is not an issue that is of high concern to Manchester residents;
- if the Council decides to approve the Draft Proposals and adopts the leader and cabinet form of executive, this does not prejudice the ability of Manchester residents to make a petition calling for a referendum on whether or not to have an elected mayor in accordance with the provisions of section 34 of the 2000 Act. (The fact that the response to the Council's public Consultation exercise fell far short of the 5% of the electorate (which for the period from 1 April 2009 to 31 March 2010 is set at 17,140) that would be required to support a petition for a referendum under Section 34 of the 2000 Act, again indicates that this is not an issue of high concern to Manchester residents;
- additional costs would arise from having a referendum of the Council were to choose to hold one. The Council's Electoral Services Manager has advised that the costs of holding a referendum on the change in the Council's form of executive would be in the region of £357,000 if the referendum was not held at the same time as another election.

6.8 Arrangements to remove the Leader

6.8.1 If the Council is minded to adopt the leader and cabinet form of executive, the Council may also include provisions in its Constitution whereby the Council may remove the leader from office at any time. (If the Council does not include provisions for the mid-term removal of the leader in its Constitution, the leader would remain in office for their full term).

6.8.2 Article 7.4(e) of the Council's Constitution currently provides that the leader may be removed mid-term

...by resolution of Council provided that no such resolution may be moved unless it is delivered to the Chief Executive 14 days before the meeting at which it is to be debated and signed by 50% of the members (for the time being) of the Council.

6.8.3 Some of the responses to the public Consultation in support of the leader and cabinet form of executive indicated that one of the reasons why they preferred the leader and cabinet form was that the Council had the ability to remove the leader mid-term. In these circumstances the Draft Proposals have been prepared on the basis that the Council will retain the ability to remove the leader mid-term by a simple majority.

6.8.4 As set out at 2.2 above, there is no provision under the 2000 Act to remove an elected mayor mid-term.

6.9 Constitutional amendments

6.9.1 Constitutional amendments will be required, whichever form of executive the Council decides to adopt. The main amendments would be to:

- Article 7 (which relates to the Executive)
- Council Procedure Rules
- Executive Procedure Rules
- Responsibility for the Council's executive functions

6.9.2 There will also be a number of consequential minor amendments throughout the Constitution.

6.9.3 If the Council approves the Draft Proposals to move to the "new-style" leader and cabinet form of executive, then responsibility for the Council's executive functions will not be finally determined until after the election of the "new-style" leader on 19 May 2010. This is because under the new form of executive it is the leader (and not the Council) who will decide the allocation of the Council's executive functions.

7. Recommendations

The recommendations appear at the front of the report.

Details of the Consultation Process

Appendix One

| Stakeholder Group | Key message/ question | How contacted | Measure |
|------------------------------------|---|--|---|
| <p>Manchester Residents</p> | <p>Information about the new governance arrangements and deadline for comments</p> <p>Key question:</p> <p>Which of the two options prescribed by law do you prefer?</p> | <p>Door to door leaflet drop to all households in Manchester with a free reply mechanic - delivery complete to between 95-97% of households</p> <p>Approximately 20,000 leaflets were also delivered across libraries, GP surgeries, leisure centres, advice centres and partner organisations.</p> <p>A specific webpage was set up and was positioned prominently on the MCC home page, the door drop also referenced the website as well as media articles. Comments could be captured on the website and people could choose their preferred option</p> <p>Leaflet distribution via library staff was encouraged (4th Sept) and staff were on hand to answer questions and collect forms</p> <p>Press Release to local media including community radio (2nd August and 11 September).</p> <p>Media coverage in the Manchester Evening News, North East Manchester Advertiser, South Manchester Reporter,</p> | <p>Direct mail (DM)</p> <p>68% of government Direct Mail (DM) is read and 16% of it is glanced which is significantly higher than other sectors e.g. finance DM only 25% read.</p> <p>Our mailing was not direct as it was not personalised /enveloped etc however the household response rate was 1.44% a reasonable return for a consultation of this nature and the responses were geographically spread across the 15 zones of the city.</p> <p>Stats for the webpages are:</p> <p>4367 unique page views: Traffic Sources for Governance pages: 44% came direct to the Council website 36% from the Intranet 10% from Google</p> <p>PR worked well with local media covering this story several times during the consultation via local news papers, regional television news and radio shows.</p> |

| Stakeholder Group | Key message/ question | How contacted | Measure |
|---|---|---|--|
| Manchester Residents (continued) | | Advertisements were placed in North East Manchester Advertiser, South Manchester Reporter, Wythenshawe World and Manchester Evening News | Over 50% of residents receive these free weekly publications to their door and the MEN has a circulation of approximately 98,455 in the region. |
| MCC Staff and staff in public and third sector organisations | Information about the new governance arrangements and deadline for comments Key question: Preferred option and link to more detail on the website. | Staff intranet and internal bulletins to all staff/members with computer access Broadcast emails | 36% of traffic on the Governance pages came from the intranet (1572 of 4367 total) 1,921 (44% of total) came direct to Council website Responses received from staff who are Manchester residents were received as part of the public consultation |
| Local forums and networks | Information about the new governance arrangements and deadline for comments Key question: Preferred option and reference to more detail on the website. | Forums and networks in the community and specific groups were encouraged to take part in the consultation: CN4M, Manchester LINK, Commitment in Communities, BME Network, Novas Scarman Group, Manchester Alliance for Community Care, MCCR, YPSF Ward coordinators and Support officers briefed in writing and verbally at meetings. | Responses received from: Community Network for Manchester Commitment in Communities Manchester Council for Community Relations YPSF Merci |

| Stakeholder Group | Key message/ question | How contacted | Measure |
|-------------------------|---|---|--|
| Key Stakeholders | <p>Information about the new governance arrangements and deadline for comments</p> <p>Key question: Preferred option and link to more detail on the website.</p> | <p>Letter from the Chief Executive inviting comment from the following organisations:-</p> <ul style="list-style-type: none"> - Greater Manchester Chamber of Commerce - Business Leadership Team - Greater Manchester Passenger Transport Executive - GMITA - Trade Unions (UNITE/UNISON/GMB) - Business Link - Marketing Manchester - Midas - Cityco - Pro Manchester - GMP - GMPA - GM Fire and Rescue Service - PCT/CCMC/MMHSCT/ - Pennine Acute Hospitals - GM Probation Trust | <p>Responses received from:</p> <ul style="list-style-type: none"> Greater Manchester Police Greater Manchester Police Authority Greater Manchester Fire and Rescue Service Manchester PCT Marketing Manchester MIDAS Community Network for Manchester GMITA UNISON GMB UNITE Pro Manchester |

APPENDIX 2

RESULT OF THE PUBLIC AND STAKEHOLDER CONSULTATION

In total 3,066 responses were received, including 17 from stakeholders.

607 responses were online and 2,442 were postal responses.

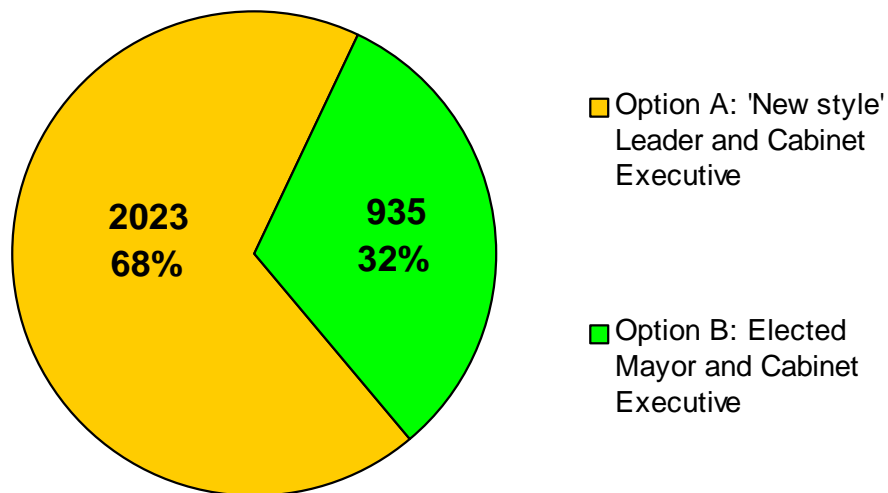
| | Option A New Style Leader and Cabinet | Option B Elected Mayor and Cabinet | Neither Option A or B | Total |
|---------------------------|--|---|--------------------------------------|--------------|
| Manchester | | | | |
| Post | 1683 | 719 | 37 | 2439 |
| Online | 340 | 216 | 1 | 557 |
| Outside Manchester | | | | |
| Post | 2 | 1 | 0 | 3 |
| Online | 17 | 33 | 0 | 50 |
| Total | 2055 | 970 | 38 | 3049 |
| Percentages | 67% | 22% | 1% | ////////// |

| | Option A New Style Leader and Cabinet | Option B Elected Mayor and Cabinet | Neither Option A or B | Total |
|-------------|--|---|--------------------------------------|--------------|
| Stakeholder | 13 | 1 | 3 | 17 |

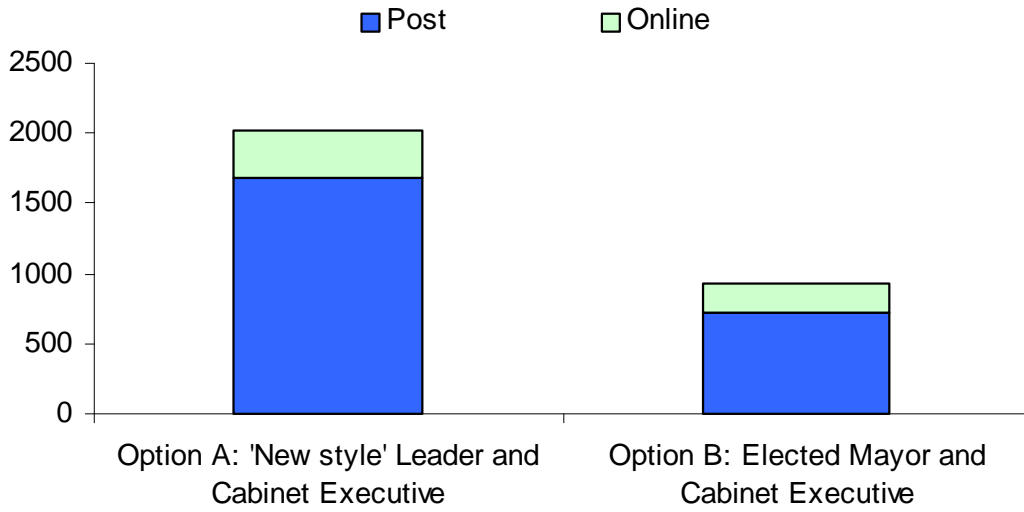
The consultation was open to any resident aged 18 or over and any other interested persons, including key stakeholders. 2,996 Manchester residents responded, which equates to a 0.9% response rate based on an electorate 342,746 (at 1 December 2008).

68% of Manchester residents choosing an option preferred option A. 38 residents did not choose either of the two options. Preferences for Option A were slightly higher amongst postal respondents (70%) than those responding online (61%).

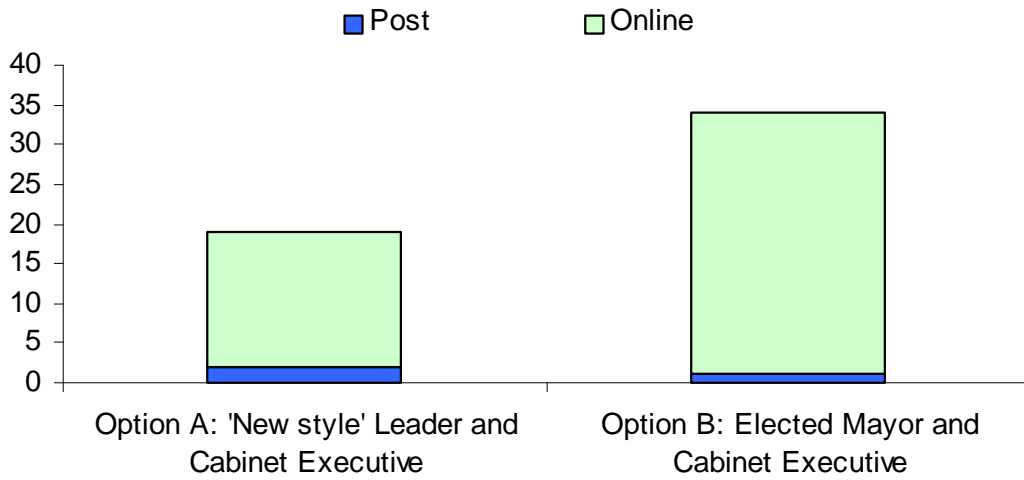
Manchester Residents (postal and on-line responses)



Manchester Residents



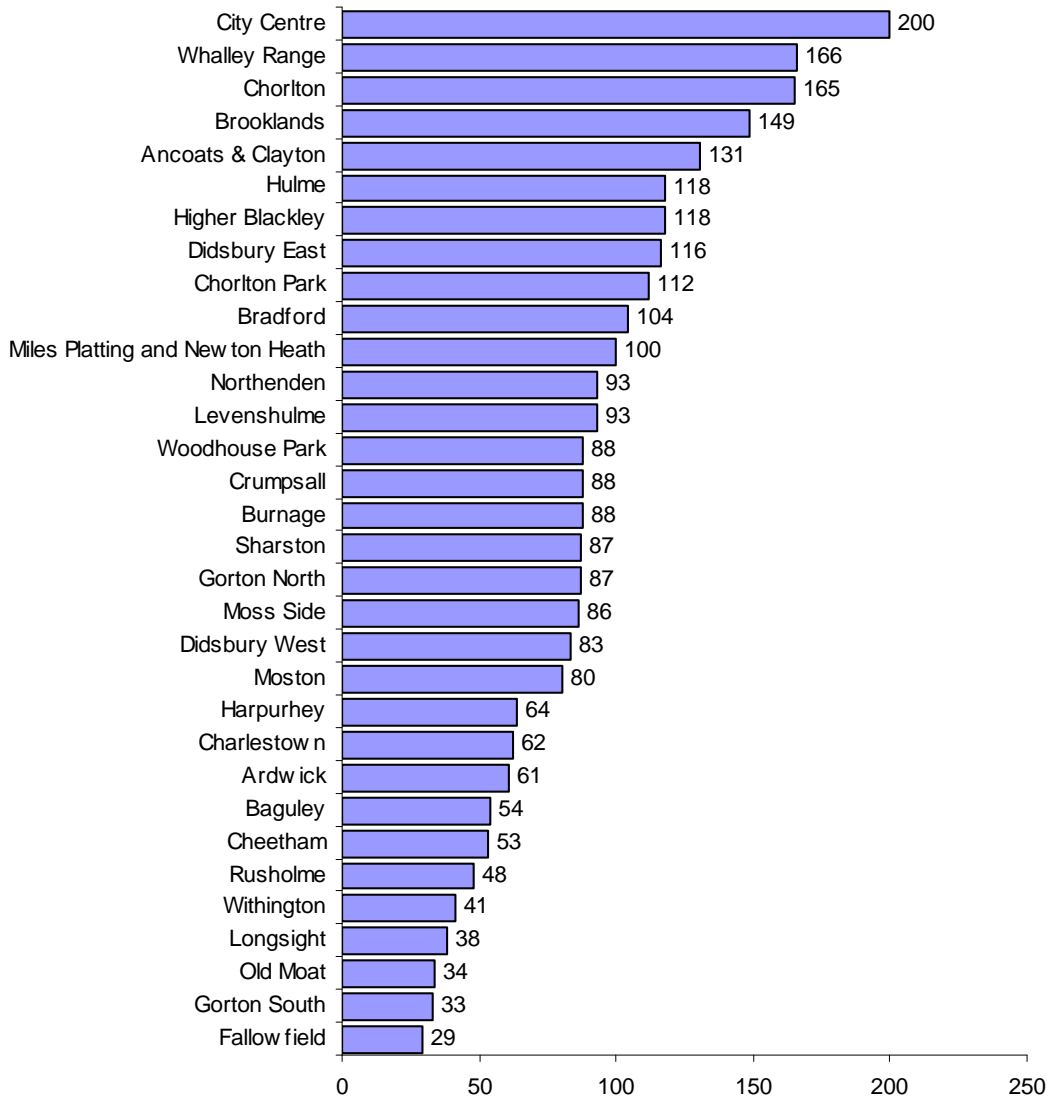
Non Manchester Residents



Responses by ward

| Ward | Responses |
|---------------------------------|------------------|
| Ancoats & Clayton | 131 |
| Ardwick | 61 |
| Baguley | 54 |
| Bradford | 104 |
| Brooklands | 149 |
| Burnage | 88 |
| Charlestown | 62 |
| Cheetham | 53 |
| Chorlton | 165 |
| Chorlton Park | 112 |
| City Centre | 200 |
| Crumpsall | 88 |
| Didsbury East | 116 |
| Didsbury West | 83 |
| Fallowfield | 29 |
| Gorton North | 87 |
| Gorton South | 33 |
| Harpurhey | 64 |
| Higher Blackley | 118 |
| Hulme | 118 |
| Levenshulme | 93 |
| Longsight | 38 |
| Miles Platting and Newton Heath | 100 |
| Moss Side | 86 |
| Moston | 80 |
| Northenden | 93 |
| Old Moat | 34 |
| Rusholme | 48 |
| Sharston | 87 |
| Whalley Range | 166 |
| Withington | 41 |
| Woodhouse Park | 88 |

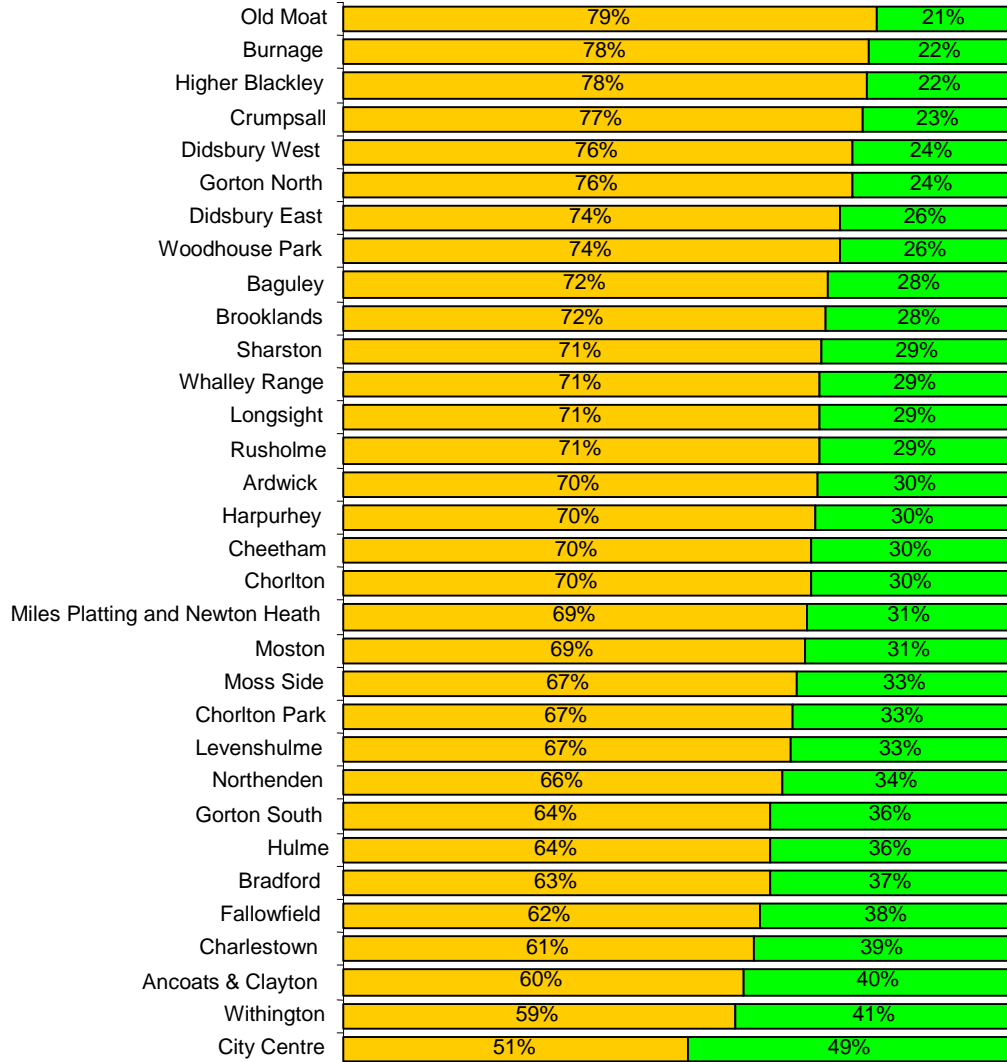
Number of responses by Ward



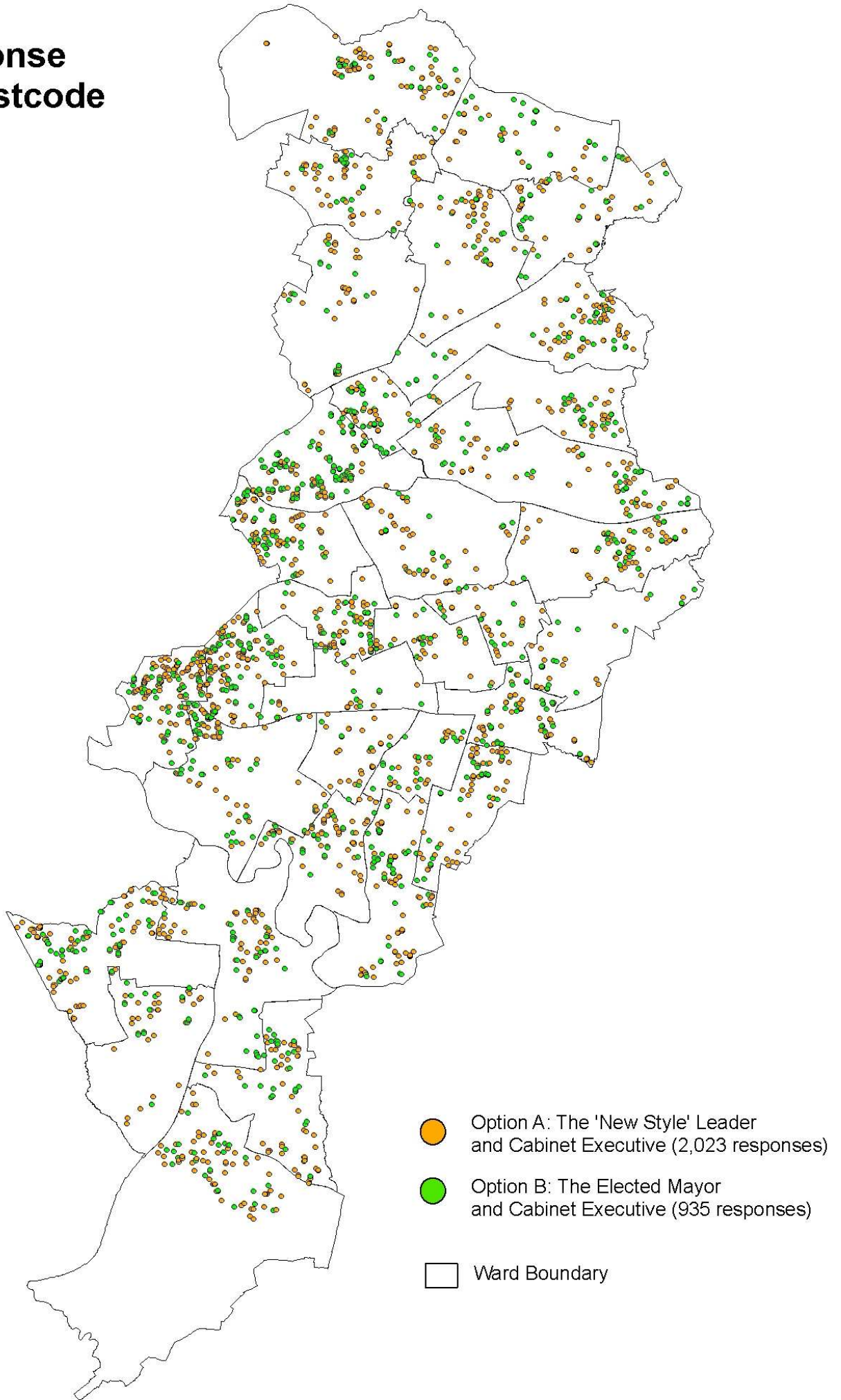
Preferred Option By Ward

| Ward | Option A | Option B |
|---------------------------------|----------|----------|
| Ancoats & Clayton | 60% | 40% |
| Ardwick | 70% | 30% |
| Baguley | 72% | 28% |
| Bradford | 63% | 37% |
| Brooklands | 72% | 28% |
| Burnage | 78% | 22% |
| Charlestown | 61% | 39% |
| Cheetham | 70% | 30% |
| Chorlton | 70% | 30% |
| Chorlton Park | 67% | 33% |
| City Centre | 51% | 49% |
| Crumpsall | 77% | 23% |
| Didsbury East | 74% | 26% |
| Didsbury West | 76% | 24% |
| Fallowfield | 62% | 38% |
| Gorton North | 76% | 24% |
| Gorton South | 64% | 36% |
| Harpurhey | 70% | 30% |
| Higher Blackley | 78% | 22% |
| Hulme | 64% | 36% |
| Levenshulme | 67% | 33% |
| Longsight | 71% | 29% |
| Miles Platting and Newton Heath | 69% | 31% |
| Moss Side | 67% | 33% |
| Moston | 69% | 31% |
| Northenden | 66% | 34% |
| Old Moat | 79% | 21% |
| Rusholme | 71% | 29% |
| Sharston | 71% | 29% |
| Whalley Range | 71% | 29% |
| Withington | 59% | 41% |
| Woodhouse Park | 74% | 26% |

Preferred option by Ward



Response by postcode



Respondents choosing a preference for option A

| Reason | Number of times mentioned |
|---|---------------------------|
| Because of extra cost of elected Mayor | 339 |
| Mayor is not democratic because it gives a lot of power to one person | 165 |
| Closest to existing option/ existing works well | 152 |
| Don't want single issue/ extremist/ elected personality types standing as major | 44 |
| Against another tier/ form of local government/ bureaucracy | 34 |
| Want option A but also further democracy | 23 |
| Apathetic/ no-one will vote in a major election | 20 |
| Other | 125 |
| Would want an elected Mayor if it were for Greater Manchester | 25 |
| Comments on consultation process | 35 |

Respondents choosing a preference for option B

| Reason | Number of times mentioned |
|--|---------------------------|
| An elected Mayor would be more democratic due to direct election | 103 |
| Mayor would be politically impartial/ independent to Council | 49 |
| Good for Manchester/strong figurehead/ higher profile for Manchester | 48 |
| An elected Mayor would engage people in political processes | 33 |
| Shake up established system/any change good | 24 |
| Want option B but also further democracy | 6 |
| Other | 167 |
| Would want an elected Mayor if it were for Greater Manchester | 9 |
| Comments on consultation process. | 27 |

Number of consultation responses received by other local authorities

| Authority | Number of Responses |
|------------------------|----------------------------|
| Camden | 108 |
| Hammersmith and Fulham | 32 |
| Lambeth | 23 |
| Leeds | 719 |
| Merton | 0 |
| Newcastle | 16 |
| Sefton | 22 |
| Westminster | 8 |

APPENDIX 3

DRAFT PROPOSALS FOR CHANGE TO EXECUTIVE ARRANGEMENTS

1. The executive form of Manchester City Council should be the “new style” leader and cabinet executive (England);
2. Manchester City Council should have the power to remove the leader by way of resolution by a simple majority, in accordance with the current provisions for the removal of the leader at Article 7.4(e) of the Council’s Constitution;
3. Manchester City Council’s “local choice” functions listed in Part 3, Section A of the Council’s Constitution should be discharged as set out at Annex 1
4. No referendum as to the executive form of Manchester City Council should be held;

Transitional Arrangements

5. The leader of Manchester City Council who is in office at the time of the local elections on 6 May 2010 should remain in office until the annual meeting of the Council on 19 May 2010
6. The scheme of responsibility for Manchester City Council’s executive functions listed in Part 3 Section F of the Council’s Constitution at the time of the local elections on 6 May 2010 should remain in force until such time as they are amended by the Council’s new administration.

Timetable

7. The timetable for the implementation of Manchester City Council’s proposals is set out at Annex 2

ANNEX 1

Local Choice Functions

Responsibility for Local Choice Functions

| Local Choice Functions | | Executive or Non-Executive | Decision Making Body | Delegation to Officers |
|-------------------------------|--|-----------------------------------|-----------------------------|-------------------------------|
| 1 | Any function under a Local Act not specifically excepted. | See Table 1 below | See Table 1 below | See Table 1 below |
| 2 | The determination of any appeal against any decision made by or on behalf of the Authority. | See Table 2 below | See Table 2 below | See Table 2 below |
| 3 | Making of arrangements in relation to appeals against the exclusion of pupils from maintained schools. | Non-Executive | Full Council | City Solicitor |
| 4 | Making arrangements for school admission appeals. | Non-Executive | Full Council | City Solicitor |
| 5 | Making arrangements for appeals by governing bodies. | Non-Executive | Full Council | City Solicitor |
| 6 | Making of arrangements for enabling questions to be put on the discharge of the functions of a police authority. | Non-Executive | Full Council | Not Delegated |

| Local Choice Functions | | Executive or Non-Executive | Decision Making Body | Delegation to Officers |
|------------------------|--|----------------------------|---|---|
| 7 | Making appointments of Council Members to police authorities. | Non-Executive | Full Council | Not Delegated |
| 8 | Any function relating to contaminated land. | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 9 | The discharge of any function relating to the control of pollution or the management of air quality. | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 10 | The service of an abatement notice in respect of a statutory nuisance. | Non-Executive | Licensing and Appeals Committee | Head of Street Management and Enforcement |
| 11 | The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area. | Non-Executive | Full Council | Not Delegated |
| 12 | The inspection of the Authority's area to detect statutory nuisance. | Non-Executive | Licensing and Appeals Committee | Head of Street Management and Enforcement |
| 13 | The investigation of any complaint as to the existence of a statutory nuisance. | Non-Executive | Licensing and Appeals Committee | Head of Street Management and Enforcement |
| 14 | Obtaining information under section 330 of the Town and Country Planning Act 1990 as to interests in land. | Non-Executive | Full Council | Head of Planning |

| Local Choice Functions | | Executive or Non-Executive | Decision Making Body | Delegation to Officers |
|------------------------|---|----------------------------|---|--|
| 15 | Obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. | Non-Executive | Full Council | All Chief Officers Head of Planning, Head of Highway Services and Head of Street Management and Enforcement |
| 16 | Making agreements for the execution of highway works. | Non-Executive | Planning and Highways Committee | Head of Highway Services |
| 17 (i) | The appointment of any individual – (a) to any office other than an office in which he is employed by the authority (b) to any body other than (i) The Authority (ii) A Joint Committee of 2 or more Authorities or (c) to any Committee or Sub-Committee of such a body, (d) and the revocation of any such appointment. (In the case of Appointments to outside bodies in connection with executive functions) | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |

| Local Choice Functions | | Executive or Non-Executive | Decision Making Body | Delegation to Officers |
|-------------------------------|--|-----------------------------------|--|-------------------------------|
| 17(ii) | <p>The appointment of any individual –</p> <p>(a) to any office other than an office in which he is employed by the authority</p> <p>(b) to any body other than</p> <p style="margin-left: 20px;">a. The Authority</p> <p style="margin-left: 20px;">b. A Joint Committee of 2 or more Authorities or</p> <p>(c) to any Committee or Sub-Committee of such a body,</p> <p>and the revocation of any such appointment.</p> <p>(In the case of Appointments other than those to outside bodies in connection with executive functions)</p> | Non-Executive | Full Council, Committee or chief officer, as provided. | |
| 18 | The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities. | Non-Executive | Personnel Committee | Chief Executive |

| Local Choice Functions | | Executive or Non-Executive | Decision Making Body | Delegation to Officers |
|------------------------|---|----------------------------|---|---|
| 19 (i) | Functions under sections 106(1) of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements (approval of draft LAA for submission under s. 106(1)) | Non-Executive | Full Council | Not Delegated |
| 20 (ii) | Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements (apart from (approval of draft LAA for submission under s. 106(1)) | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |

*Under the Local Government and Public Involvement in Health Act 2007, the 'new-style' Leader and not the Council is responsible for the allocation of all the Council's Executive Functions

TABLE 1

There are a number of functions in the Greater Manchester Act 1981 ('the Local Act') and the responsibility for the discharge of these functions should be as follows:

| Function | | | Executive or Non-Executive | Decision Making Body | Delegation to Officers |
|----------|------------|---|----------------------------|---|---|
| 1 | Section 11 | Bye-laws as to Leisure Centres | Non-Executive | Full Council | Not Delegated |
| 2 | Section 12 | Closure of Parks | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 3 | Section 13 | Provision of Parking Places in Parks, etc | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 4 | Section 14 | Provision of Vehicles in Parks etc. | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 5 | Section 15 | Contribution towards Provision of Recreational Facilities | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 6 | Section 21 | Recovery of Street Works Charges Where Owner Unknown | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 7 | Section 22 | Street Numbers | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |

| Function | | | Executive or Non-Executive | Decision Making Body | Delegation to Officers |
|----------|------------|---|----------------------------|---|---|
| 8 | Section 24 | Provision of Trees and Shrubs | Non-Executive | Planning and Highways Committee | Head of Highway Services |
| 9 | Section 26 | Prohibition of Parking of Goods Vehicles in Residential Streets | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 10 | Section 27 | Control of Verges | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 11 | Section 28 | Temporary Stoppage of Footpaths and Bridleways | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 12 | Section 29 | Vesting of Former highway Land | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 13 | Section 30 | Hairdressers and Barbers | Non-Executive | Licensing and Appeals Committee | Head of Street Management and Enforcement |
| 14 | Section 32 | Acupuncturists, Tatoonists, Ear Piercers, Electrolysis etc. | Non-Executive | Licensing and Appeals Committee | Head of Street Management and Enforcement |
| 15 | Section 34 | Dust etc. from Building Operations | Non-Executive | Licensing and Appeals Committee | Head of Street Management and Enforcement |
| 16 | Section 35 | Carrying or Storage of Waste Food | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |

| Function | | | Executive or Non-Executive | Decision Making Body | Delegation to Officers |
|----------|------------|--|----------------------------|---|---|
| 17 | Section 36 | Power to Order Alteration of Chimneys | Non-Executive | Licensing and Appeals Committee | Head of Street Management and Enforcement |
| 18 | Section 37 | Control of Rats and Mice | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 19 | Section 38 | Powers of Entry for Prevention of Damage by Pests Act 1949 | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 20 | Section 42 | Control of Stray Dogs | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 21 | Section 43 | Repair of Walls etc. of Yards | Non-Executive | Licensing and Appeals Committee | Not Delegated |
| 22 | Section 44 | Temporary Repair of Defective premises | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 23 | Section 47 | Urgent Repairs to Water, Gas and Electricity apparatus | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 24 | Section 48 | Artificial Lighting Inhabitable Rooms etc. | Non-Executive | Licensing and Appeals Committee | Not Delegated |
| 25 | Section 49 | Trees impeding Natural Light to Houses, Shops and Offices | Non-Executive | Licensing and Appeals Committee | Not Delegated |

| Function | | | Executive or Non-Executive | Decision Making Body | Delegation to Officers |
|----------|---------------------|--|----------------------------|---------------------------------|---|
| 26 | Section 50 | Weatherproofing of Property | Non-Executive | Licensing and Appeals Committee | Not Delegated |
| 27 | Section 53 | Prohibition of Interference with Bird Traps | Non-Executive | Licensing and Appeals Committee | Head of Street Management and Enforcement |
| 28 | Section 54 | Dealings in Second Hand Goods | Non-Executive | Licensing and Appeals Committee | Head of Street Management and Enforcement |
| 29 | Section 55 | Safety of Ceilings in Bingo Halls | Non-Executive | Licensing and Appeals Committee | Not Delegated |
| 30 | Section 58 | Safety of Stands | Non-Executive | Licensing and Appeals Committee | Head of Planning |
| 31 | Section 59 | Bye-laws with regard to Certain Temporary Structures | Non-Executive | Full Council | Not Delegated |
| 32 | Section 60 | Touting, Hawking, Photographing etc. | Non-Executive | Licensing and Appeals Committee | Head of Regulatory and Enforcement Services |
| 33 | Sections 61 & 63-66 | Fire Precautions | Non-Executive | Licensing and Appeals Committee | Head of Planning |
| 34 | Sections 67-73 | Storage of Flammable Material | Non-Executive | Licensing and Appeals Committee | Head of Planning |

| Function | | Executive or Non-Executive | Decision Making Body | Delegation to Officers | |
|----------|-----------------|--|----------------------|---|---|
| 35 | Sections 74-81 | Entertainment Clubs | Non-Executive | Licensing and Appeals Committee | Head of Street Management and Enforcement |
| 36 | Section 98-106 | Aviation | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |
| 37 | Section 117 | Power to Compound to Payment of Tolls | Non-Executive | Licensing and Appeals Committee | Director of Commercial Services |
| 38 | Section 118 | Power to District Council to require information | Non-Executive | Licensing and Appeals Committee | Not Delegated |
| 39 | Section 119 | As in Public Meetings etc. | Non-Executive | Licensing and Appeals Committee | Director of Commercial Services |
| 40 | Section 120 | Market Bye-laws | Non-Executive | Full Council | Not Delegated |
| 41 | Section 136-144 | Night Cafes in Manchester | Non-Executive | Licensing and Appeals Committee | Head of Street Management and Enforcement |
| 42 | Section 148 | Appointment of Art Galleries Committee | Non-Executive | Full Council | Not Delegated |
| 43 | Section 149 | Manchester Central Art Gallery | Non-Executive | Art Galleries Committee | Not Delegated |
| 44 | Section 152 | North Western Museum of Science and industry | Executive | <i>* To be determined by the Leader</i> | <i>* To be determined by the Leader</i> |

| Function | | | Executive or Non-Executive | Decision Making Body | Delegation to Officers |
|----------|-------------|---|----------------------------|---|---|
| 45 | Section 162 | Restriction on the use of Armorial Bearings | Executive | * <i>To be determined by the Leader</i> | * <i>To be determined by the Leader</i> |
| 46 | Section 163 | Unauthorised Activities on Playing Fields (education) | Executive | * <i>To be determined by the Leader</i> | * <i>To be determined by the Leader</i> |
| 47 | Section 164 | Pedal Cycles | Executive | * <i>To be determined by the Leader</i> | * <i>To be determined by the Leader</i> |
| 48 | Section 165 | Prohibition of Entry of Goods Vehicles in Front Gardens | Executive | * <i>To be determined by the Leader</i> | * <i>To be determined by the Leader</i> |
| 49 | Section 166 | Hackney Carriage Fares | Executive | * <i>To be determined by the Leader</i> | * <i>To be determined by the Leader</i> |
| 50 | Section 167 | Signs on Vehicles | Non-Executive | Licensing and Appeals Committee | Head of Street Management and Enforcement |

*Under the Local Government and Public Involvement in Health Act 2007, the 'new-style' Leader and not the Council who is responsible for the allocation of all the Council's Executive Functions

TABLE 2

| Appeals | | Executive or Non-Executive | Decision Making Body | Delegation to Chief Officers |
|----------------|--|-----------------------------------|---------------------------------|-------------------------------------|
| 1 | To determine appeals where payments of the National Non-Domestic Rate would cause hardship, appeals in function to Discretionary Rate Relief, and appeals to reduce amount of council tax payable. | Non-Executive | Licensing and Appeals Committee | Not Delegated |
| 2 | To determine appeals against the decisions of Chief Officers to remove companies from approved lists of contractors in relation to the execution of works and the supply of goods and services. | Non-Executive | Licensing and Appeals Committee | City Treasurer |
| 3 | To determine appeals by market traders where the trader's licence has been revoked. | Non-Executive | Licensing and Appeals Committee | Director of Commercial Services |
| 4 | To determine any other appeals referred to the Committee against any decision made by or on behalf of the authority. | Non-Executive | Licensing and Appeals Committee | All Chief Officers |
| 5 | To determine appeals against dismissal. | Non-Executive | Employee Appeals Committee | Not Delegated |
| 6 | To determine in relation to grievances submitted before 1 st October 2004 grievance appeals which cannot be resolved by the Chief Executive or at departmental level. | Non-Executive | Employee Appeals Committee | Not Delegated |

ANNEX 2

Proposed timetable – new executive arrangements

| Action | Responsibility | Date |
|---|---|---|
| Make recommendations to full Council on the Draft Proposals prepared by the City Solicitor as a result of the public consultation | Constitutional and Nomination Committee | 6 October 2009 |
| Consider recommendations of Constitutional and Nomination Committee on Draft Proposals. Draw up Proposals. | Full Council | 7 October 2009 |
| Publicise proposals | City Solicitor | Mid October 2009 |
| Make recommendations to full Council on the form of executive, following publicity of the Council's Proposals (including recommendations on constitutional amendments) | Constitutional and Nomination Committee | 2 December 2009 |
| Resolve to adopt new form of executive (and approve constitutional amendments) | Full Council | 2 December 2009 |
| Publicise new arrangements | City Solicitor | Mid-December 2009 |
| New form of executive comes into operation (and constitutional amendments implemented) | | 3 days after relevant municipal elections on 6 May 2010 (if Council decides to adopt Leader and Cabinet form) |
| Leader elected (if Council decides to adopt Leader and Cabinet form) | Full Council | First Annual Meeting of Council after elections on 19 May 2010 |
| <ul style="list-style-type: none"> a) Appointment of Deputy Leader b) Appointment of Cabinet members c) Allocation of responsibility for Council's Executive Functions | Leader | Following the Leader's election on 19 May 2010 |
| Amendments to the Council's Constitution | City Solicitor | Following the Leader's election on 19 May 2010 |