

## REPORT FOR RESOLUTION

**Report to:** Constitutional and Nomination Committee – 24 March 2010  
Council – 24 March 2010

**Subject:** Amendments to the Constitution of the Council

**Report of:** The City Solicitor

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### Purpose of the Report

The report proposes various revisions to the Constitution of the Council largely arising as a result of the change in the Council's Executive arrangements under the Local Government and Public Involvement in Health Act 2007.

### Recommendations

1. That the Council adopt the Parts of the Constitution attached as an appendix to this report to give effect to changes in the Council's executive arrangements under the Local Government and Public Involvement in Health Act, namely:  
  
Part 1  
Part 2  
Part 3 (Sections A and B)  
Part 4 (Sections A and D)
2. That these changes take effect on 9 May 2010 (that is three days after the local elections in 2010) in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007.
3. That the Council note that the remaining Parts of the Constitution remain in force but that the City Solicitor will be bringing forward a further report to the annual meeting of the Council with any amendments required in relation to those remaining Parts.

**Financial Consequences for the Revenue Budget:** None

**Financial Consequences for the Capital Budget:** None.

**Wards Affected:** All.

### Implications for:

Antipoverty	Equal Opportunities	Environment	Employment
No	No	No	No

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### Background Documents (available for public inspection)

Constitution of the Council – May 2009

## **Background**

- 1.1 Section 37 of the Local Government Act 2000 requires a local authority which is operating executive arrangements to prepare and keep up to date a Constitution. Manchester City Council adopted a Constitution on 12<sup>th</sup> September 2001 when it began operating executive arrangements. Since then, several changes have been made to the Constitution at and between subsequent annual meetings.
- 1.2 The City Solicitor will submit a report to the annual meeting of the Council on 19 May bringing forward for approval further revisions to the Constitution to reflect changing operational needs and statutory requirements.
- 1.3 However, changes to the executive arrangements adopted by full Council on 2 December 2009 require changes to be made to the Council's Constitution which must come into effect no later than the third day after the local elections in 2010 (i.e. 9<sup>th</sup> May 2010). To bring these changes into effect, Council is asked to adopt Parts 1, 2, 3 (sections A and B) and 4 (sections A and D) of the Constitution, which are detailed below and set out in the appendix to this report.

## **Changes to Executive Arrangements**

- 2.1 The Local Government and Public Involvement in Health Act 2007 introduced amendments to the Local Government Act 2000 (LGA 2000). These include a requirement for the executive of a local authority in England to take one of the two forms specified in sections 11 (2) and 11 (2A) of the LGA 2000 (as amended) – either a “new-style” Leader and Cabinet Executive or an elected Mayor and Cabinet Executive.
- 2.2 Following a wide-ranging public consultation held in late Summer 2009, Manchester City Council formally resolved to adopt the “new-style” Leader and Cabinet executive model of governance at a meeting specially convened for that purpose on 2 December 2009.
- 2.3 Section 11 (2A) of the LGA 2000 (as amended) provides that where a local authority in England decides to operate a “new-style” Leader and Cabinet executive, then this is to consist of:
  - (a) a councillor of the authority (referred to as the executive leader) elected as leader of the executive by the authority, and
  - (b) two or more councillors of the authority appointed to the executive by the executive leader.

Section (3) of Schedule 1 to the LGA 2000 (as amended) provides that the executive leader must appoint one of the members of the executive to act as the deputy executive leader.

- 2.4 Section 13 of the LGA 2000 (as amended) determines which of the functions of a local authority are to be exercised by an executive of the authority under executive arrangements (“the executive functions”). Regulation 3 and Schedule 2 to the Local Authorities (Functions and Responsibilities) (England)

Regulations 2000 enable local authorities to decide whether certain specified functions of the local authority are to be responsibility of the executive or of the Council (so-called "Local Choice functions"). At its meeting on the 2 December 2009 the Council resolved that its "Local Choice" functions should be discharged as set out in the report to Council of 2 December 2009.

- 2.5 Section 14 of the LGA 2000 (as amended) provides that where a local authority in England decides to operate a "new-style" Leader and Cabinet Executive, the Leader may determine to exercise any of the executive functions of the local authority personally, or may arrange for the exercise of any of the local choice functions by:
- (a) the executive
  - (b) by another member of the executive
  - (c) by a committee of the executive
  - (d) by an officer of the authority.

- 2.6 In summary, the main features of the "new-style" Leader and Cabinet governance arrangements adopted by the Council are:

- (a) that the "new-style" Leader will be elected by the full Council
- (b) the normal term of office of the "new-style" Leader will be the shorter of four years or expiry of their term of office as a Councillor
- (c) the Council shall have the power to remove the "new-style" Leader before the end of their term of office by way of resolution in accordance with the provisions of the Council's Constitution;
- (d) the "new-style" Leader will appoint Cabinet members, including a Deputy Leader, and will determine their portfolios (currently the Leader and Cabinet are both elected by full Council);
- (e) the "new-style" Leader will be responsible for discharging the Council's executive functions or arranging for their discharge by others.

### **3.0 Constitutional amendments**

- 3.1 The main amendments needed to the Council's Constitution as a result of the Council's resolution to change its executive arrangements are to:

- Article 7 (which relates to the executive);
- the Council Procedure Rules;
- the Executive Procedure Rules.

#### **Article 7**

This article relates to the Executive. The proposed amendments reflect the statutory requirements relating to:

- The term of office of the "new-style" Leader (Article 7.3);
- The requirement for the "new-style" Leader to appoint a Deputy Leader (Article 7.4);

- The requirement of the “new-style” Leader to appoint, in addition to the Deputy Leader, between one and eight further Executive Members to hold such Portfolios as the Leader shall determine (Article 7.5);
- The fact that from 19 May 2010 onwards the Leader of the Council will be responsible for discharging the Council’s executive functions or arranging for their discharge by others (Article 7.10(b)). Article 7.10(c) provides that the Monitoring Officer should maintain a Register of Delegations of Executive Functions and record any alterations to the allocation of responsibility for the discharge of executive functions.

3.3 Article 7.4(e) gives effect to the statutory provisions that if the Leader or Deputy Leader are unable to act, the Executive must either act in the Leader’s place or arrange for an Executive member to act in the Leader’s place. The Executive may wish to determine in advance which Executive Member would act in the Leader’s place in these circumstances.

3.4 Article 7 also provides that where the Leader appoints, removes or makes substantive changes to the detailed remits of the Deputy Leader or Executive Members, he or she will report this to the Executive and to Council.

### **The Council Procedure Rules**

3.5 Council Procedure Rules 7.1, 7.2 and 13.3(e) have been amended to reflect the statutory position that the “new-style” Leader will not be appointed at every Annual Meeting.

3.6 Council Procedure Rule 7.3 has been amended to reflect that the “new-style” Leader (and not the full Council) will appoint a Deputy Leader and up to eight further members of the Executive.

### **The Executive Procedure Rules**

3.6 Executive Procedure Rule 1.1 and 1.2 have been amended to reflect the new governance arrangements.

3.7 Executive Procedure Rule 1.4 has been inserted to reflect the statutory position that the Leader may alter the delegations in respect of the discharge of the Council’s executive functions in accordance with the procedure set out in this rule.

### **Other Amendments**

3.8 A new introduction has been written for Part 3 of the Constitution, which provides an explanation of how the Local Government Act 2000 divides the Council’s functions into “Executive”, “Non-Executive” and “Local Choice”.

3.9 In addition to the main amendments to the Constitution that are referred to above, there will also be a number of minor amendments to the Constitution that are required as a result of the Council’s change in its governance arrangements.

#### **4.0 Conclusions**

The proposed amendments to Parts 1, 2, 3 (sections A and B) and Part 4 (sections A and D) of the Constitution are required to reflect the revised statutory position following the Council's resolution to adopt the "new-style" Leader and Cabinet form of executive. These amendments are shown in bold in the appendix to this report.

#### **5.0 Recommendations**

Recommendations are set out at the front of the report.

# **PART 1**

## **SUMMARY AND EXPLANATION**

# The Council's Constitution

Manchester City Council has agreed a new constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at **Parts 3 to 9** of the **Constitution**.

## What's in the Constitution?

Article 1 of the Constitution sets out the purpose of the Constitution. Articles 2 - 16 explain how the key parts of the Council operate, and the rights of citizens.

These Articles are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and scrutiny of decisions (Article 6)
- The Executive (Article 7)
- Regulatory and other committees (Article 8)
- The Standards Committee (Article 9)
- Area committees (Article 10)
- Joint arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

## How the Council Operates

The Council is composed of 96 councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct. **The Code of Conduct for Members is set out at Part 6 Section A of the Constitution.**

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year.

## **How decisions are made?**

The Executive is part of the Council which is responsible for most day-to-day decisions. The Executive is made up of a Leader appointed by the Council and a cabinet of **up to 9** other councillors (**including a Deputy Leader**) whom the **Leader** appoints. When major decisions are to be discussed or made, these are published in the Executives' forward plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide (except in the case of urgency).

## **Overview and Scrutiny**

There are 6 overview and scrutiny committees which support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole **and the Council's Partners** on policy, budgets and service delivery. Overview and scrutiny committees also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by, the Executive, the Council **or Council Partners** on forthcoming decisions and the development of policy.

## **The Council's Staff**

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. **The Member/Officer Relations Protocol which is set out at Part 6 Section F of the Constitution governs the relationships between officers and members of the council.**

## **Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in the Constitution.

### **Citizens have the right to:**

- vote at local elections if they are registered;

- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council, its committees and public meetings of the Executive except where, for example personal or confidential matters are being discussed;
- inspect agendas and reports except those which contain, for example, personal and confidential matters;
- petition to request a referendum on a mayoral form of Executive;
- participate in the Council's question time and contribute to investigations by the overview and scrutiny committees;
- find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- exercise their rights under the Freedom of Information Act 2000 to obtain information held by the Council;
- complain to the Council under the Council's own complaints process;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Standards Committee if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work.

## **PART 2**

# **ARTICLES OF THE CONSTITUTION**

# CONTENTS

- Article 1.** The Constitution
- Article 2.** Members of the Council
- Article 3.** Citizens and the Council
- Article 4.** The Full Council
- Article 5.** Chairing the Council
- Article 6.** Overview and Scrutiny Committees
- Article 7.** The Executive
- Article 8.** Regulatory and other Committees
- Article 9.** The Standards Committee
- Article 10.** Area Committees
- Article 11.** Joint Arrangements
- Article 12.** Officers
- Article 13.** Decision Making
- Article 14.** Finance, Contract and Legal matters
- Article 15.** Review and Revision of the Constitution
- Article 16.** Suspension, Interpretation and Publication of the Constitution
- Schedule 1.** Description of Executive Arrangements

# **Article 1**

## **The Constitution**

### **1.1 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### **1.2 The Constitution**

This Constitution, and all its appendices, is the Constitution of Manchester City Council.

### **1.3 Purpose of the Constitution**

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision making;
3. help councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

### **1.4 Review of the Constitution**

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

## Article 2

### Members of the Council

#### 2.1 **Composition and eligibility**

- (a) **Composition.** The Council comprises 96 members, otherwise called councillors. Three councillors are elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the area or those living or working in the area are eligible to hold the office of councillor.

#### 2.2 **Election and terms of councillors**

**Election and terms.** The whole Council was elected in June 2004. Thereafter, beginning in 2006 there will be an ordinary election of one third of all councillors held on the first Thursday in May each year, except that in 2009 and every fourth year after there will be no regular election. From 2006 the terms of office of councillors (except those elected in by-elections) will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

#### 2.3 **Roles and functions of all councillors**

- (a) **Key roles.** All councillors will:
- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - (ii) bring views of their communities into the Council's decision-making process;
  - (iii) effectively represent the interests of their ward and of individual constituents;
  - (iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - (v) respond to constituents' enquiries and representations, fairly and impartially;
  - (vi) participate in the governance and management of the Council;
  - (vii) be available to represent the Council on other bodies; and
  - (viii) maintain the highest standards of conduct and ethics.

**(b) Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (iii) Subject to the Code of Conduct for Members, the common law rule against bias and the Council Procedure Rules, Councillors have a right to speak and vote on any item before the Council and Councillors who are members of a committee have a right to speak and vote on any item before that committee.
- (iv) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

**2.4 Conduct**

Councillors will at all times observe the Code of Conduct for Members set out in Part 6 of this Constitution.

**2.5 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 7 of this Constitution.

## Article 3

### Citizens and The Council

#### 3.1 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more details in the Access to Information Rules in Part 4 of this Constitution:

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) **Information.** Citizens have the right to:
  - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) attend meetings of the Executive when key decisions are being considered; except where confidential or exempt information is likely to be disclosed; find out from the forward plan what key decisions will be taken by the Executive and when;
  - (iii) see reports and background papers (except where confidential or exempt), and any records of decisions made by the Council and the Executive;
  - (iv) inspect the Council's accounts and make their views known to the external auditor; and
  - (v) exercise their rights under the Freedom of Information Act 2000 to obtain information held by the Council.
- (c) **Participation.** Citizens have the right to submit questions to Executive members and contribute to investigations by overview and scrutiny committees.
- (d) **Complaints.** Citizens have the right to complain to:
  - (i) the Council itself under its complaints scheme;
  - (ii) the Ombudsman after using the Council's own complaints scheme;
  - (iii) the Standards Committee about a breach of the Code of Conduct for Members.

#### 3.2 Citizens' responsibilities

Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

## Article 4

### The Full Council

#### 4.1 Meanings

- (a) **Policy Framework.** The policy framework means the following plans and strategies: -
- (i) those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to be adopted by the Council:
    - Annual Library Plan;
    - Best Value Performance Plan;
    - Children and Young People’s Plan
    - Sustainable Community Strategy;
    - Crime and Disorder Reduction Strategy;
    - Development Plan documents;
    - Licensing Authority Policy Statement under Section 349 of the Gambling Act 2005;
    - Plans and alterations which together comprise the Development Plan;
    - Youth Justice Plan.
  - (ii) those other plans and strategies which Chapter 2 of DETR Guidance recommends should be adopted by the Council as part of the Policy Framework:
    - Council's Corporate Plan;
    - Food Enforcement Policy;
    - The plan and strategy which comprise the Housing Investment Programme;
    - Adult Learning Plan;
    - Local Agenda 21 Strategy;
    - Quality Protects Management Action Plan.
  - (iii) other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice.

- Neighbourhood Renewal Strategy
  - Asset Management Plans
  - Cultural strategy
  - Post 16 Education and Training Strategy
  - Behaviour Support Plan
  - Environmental Action Plan
  - Housing Strategy
  - Parks Strategy
  - Sports Policy
  - **ICT Strategy and Information Strategy**
  - Treasury Management Policy Statement
  - Submissions relating to Periodic Electoral Reviews, Local Government Reviews and reviews of parliamentary constituencies.
  - Licensing Policy Statement
  - Code of Corporate Governance
  - Other plans and strategies determined by the Council.
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the determination of the budget requirement, the setting of the council tax and decisions relating to the control of the Council's borrowing, capital expenditure, treasury management, annual investment strategy and minimum revenue provision strategy.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or for disposal of land used for residential purposes where consent is required under sections 32 or 43 of the Housing Act 1985.

#### 4.2 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution, **including the determination of which of the Council’s “Local Choice” functions (as defined in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000) should be executive functions and which should be non-executive functions;**
- (b) approving, adopting, amending, modifying, revising, varying, withdrawing or revoking (unless, by law, expressly the responsibility of the Executive) any plan or strategy which forms part of the policy framework or budget;
- (c) the approval, for the purposes of public consultation in accordance with regulation 10 or 22 or the Town and County Planning (Development Plans) (England) Regulations 1999, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan;
- (d) the approval, for the purpose of its submission to the Secretary of State for independent examination under Section 20 of the Planning and Compulsory Purchase Act 2004, of a development plan document;
- (e) approving any application to the Secretary of State in respect of any Housing Land Transfer;
- (f) determining, as licensing authority, its policy with respect to the exercise of its licensing functions under the Licensing Act 2003, and making revisions to such policy at such times as it considers appropriate;
- (g) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (h) appointing the Leader;
- (i) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (j) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (k) adopting a members' allowances scheme;
- (l) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (m) resolving under Section 166 of the Gambling Act 2005 not to issue casino premises licenses;
- (n) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

- (o) making requests for single-member electoral areas;
- (p) passing a resolution to change a scheme for elections;
- (q) deciding whether to make proposals for a change in governance arrangements *[as to form of Executive]*, deciding whether the change should be subject to approval in a referendum and passing a resolution to make a change;
- (r) including a provision in executive arrangements to remove the executive leader by resolution and passing such a resolution;
- (s) making an order giving effect to recommendations made in a community governance review
- (t) duty to make a change in governance arrangements.
- (u) all local choice functions set out in Part 3 of this Constitution , which the Council has decided should be undertaken by itself (including approving the draft local area agreement for submission under Section 106(1) of the Local Government and Public Involvement in Health Act 2007); and
- (v) all other matters which, by law, must be reserved to Council.

### 4.3 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

### 4.4 Responsibility for functions

The Council will allocate responsibilities for and maintain a record in Part 3 of this Constitution setting out the responsibilities for the discharge of:

- (a) the Council's functions which are not the responsibility of the Executive.
- (b) local choice functions **which are not the responsibility of the Executive.**

## **Article 5**

### **Chairing The Council**

#### **5.1 Role and function of the Lord Mayor.**

The Lord Mayor and in his/her absence, the Deputy Lord Mayor will have the following roles and functions:

1. to uphold and promote the purposes of the Constitution;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. to endeavour to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive are able to hold the Executive to account;
4. to promote public involvement in the Council's activities;
5. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.2 The Lord Mayor and Deputy Lord Mayor will be elected annually at the Annual Meeting of the Council.

5.3 Without prejudice to 5.2 above, the Leaders of the political groups represented on the Council may agree a protocol for determining which political group will provide the Lord Mayor and Deputy Lord Mayor in future years.

## Article 6

# Overview and Scrutiny Committees

### 6.1 Terms of Reference

The Council will appoint the overview and scrutiny committees set out below to discharge the functions conferred by section 21 of the Local Government Act 2000.

#### Committee

Children & Young People

Citizenship and Inclusion

Communities and Neighbourhoods

Economy, Employment and Skills

Health and Well-being

Resources and Governance

The specific remit and terms of reference of the above Committees are set out in Part 3 of this Constitution.

### 6.2 General Role

Within their terms of reference, overview and scrutiny committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) **discuss the decisions or actions of other public bodies to ensure the needs of local people are enhanced through collaborative working;**
- (iii) make reports and/or recommendations to the full Council and/or the Executive and/or any joint or area committee in connection with the discharge of any functions;
- (iv) make reports and/or recommendations to the full Council and/or the Executive on any matter affecting the area or its inhabitants;
- (v) **make reports and/or recommendations to other public bodies in relation to the delivery of Local Improvement Targets in the Local Area Agreement;**
- (vi) exercise the right to call-in decisions made but not yet implemented by the Executive and to recommend that the decision be reconsidered by the person who made it.

- (vii) arrange for its function under (i) above as regards any decision to be exercised by the full Council.
- (viii) require members of the Executive or officers of the authority to attend before it to answer questions, and invite other persons to attend.
- (ix) appoint one or more sub-committees and arrange for the discharge of any of its functions by such a sub-committee.

### 6.3 Specific functions

- (a) **Policy development and review.** Overview and scrutiny committees may:
  - (i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues.
  - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
  - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  - (iv) question members of the Executive and/or committees and chief officers **and other public bodies** about their views on issues and proposals affecting the area; and
  - (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** Overview and scrutiny committees may:
  - (i) review and scrutinise the decisions made by and performance of the Executive and/or committees and council officers both in relation to individual decisions and over time;
  - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - (iii) question members of the Executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
  - (iv) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
  - (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and

performance, and question and gather evidence from any person (with their consent).

- (c) **Support.** Strategic directors will provide the necessary support for overview and scrutiny committees.
- (d) **Annual report.** Overview and scrutiny committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

#### 6.4 **Crime and Disorder Committee**

- (a) One overview and scrutiny committee will be designated as the Crime and Disorder Committee. Its responsibilities will include
  - ❖ to review or scrutinise decisions or actions taken in connection with the discharge by the responsible authorities of their crime and disorder functions
  - ❖ to make reports and recommendations to the Council or Executive with respect to the discharge of those functions
- (b) **“Responsible authorities” are:**
  - ❖ Manchester City Council
  - ❖ the Chief Constable of Greater Manchester Police
  - ❖ the Greater Manchester Police Authority
  - ❖ the Greater Manchester Fire and Civil Defence Authority
  - ❖ the Manchester Primary Care Trust
- (c) **“Crime and Disorder Functions” are**
  - ❖ reducing crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment), and
  - ❖ combating the misuse of drugs, alcohol and other substances in the area.

#### 6.5 **Proceedings of overview and scrutiny committees**

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

#### 6.6 **Joint Co-ordinating Panel**

(a) **Role**

There will be a Joint Co-ordinating Panel whose role will be:

- to act as a mechanism to allow for dialogue between the Executive and the overview and scrutiny committees.
- to assist in forward planning of the work programmes of the Executive and the overview and scrutiny function.

- to overview the Council's best value programme to consider proposals for the use of the overview and scrutiny budget.

(b) **Membership**

The Joint Co-ordinating Panel will comprise the Chairs of the overview and scrutiny committees, the Leader and two other members of the Executive.

6.7 **Chairs**

Chairs of overview and scrutiny committees will receive a standing invitation to attend public meetings of the Executive and receive the relevant papers, including parts of the meeting where exempt matters are being discussed.

6.8 **Scrutiny Officer**

**The Council will designate one of their officers to act as the Council's Scrutiny Officer who will discharge the following functions:**

- (a) **to promote the role of the Council's overview and scrutiny committees;**
- (b) **to provide support for the Council's overview and scrutiny committees and the members of those committees;**
- (c) **to provide support and guidance to –**
  - (i) **members of the Council;**
  - (ii) **members of the Executive; and**
  - (iii) **officers of the Council,**

**in relation to the functions of the Council's overview and scrutiny committees.**

## Article 7

### The Executive

#### 7.1 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

#### 7.2 Form and composition

The Executive will consist of the Leader, together with **between two and nine** councillors appointed to the Executive **by the Leader (one of whom will be appointed by the Leader to act as Deputy Leader)**.

#### 7.3 Leader

- (a) The Leader will be a councillor elected to the position of Leader by the Council.
- (b) **The Leader's term of office will end on the day when the Council holds its first Annual Meeting after the Leader's normal day of retirement as a councillor, unless:**
  - (i) he/she resigns from the office;
  - (ii) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
  - (iii) he/she is no longer a councillor; or
  - (iv) he/she is removed 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.

#### 7.4 Deputy Leader

- (a) **The Leader will appoint one of the members of the Executive to act as Deputy Leader. The Leader must give written notice of such appointment to both the person who he/she is appointing as Deputy Leader and the Monitoring Officer. The appointment of the Deputy Leader will take effect on receipt of the Leader's written notice by both the person who the Leader is appointing as Deputy Leader and the Monitoring Officer. The Monitoring Officer will keep a written record of the appointment of the Deputy Leader and the Leader will report the appointment to Council and the Executive at the earliest opportunity.**

- (b) **The Deputy Leader will hold office until the end of the Leader’s term of office unless:**
- (i) **he/she resigns from the office; or**
  - (ii) **he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or**
  - (iii) **he/she is no longer a councillor; or**
  - (iv) **he/she is no longer a member of the Executive; or**
  - (v) **he/she is removed by the Leader who must give written notice of such removal to both the Deputy Leader and to the Monitoring Officer. The removal of the Deputy Leader will take effect on receipt of the Leader’s written notice by both the Deputy Leader and the Monitoring Officer. The Monitoring Officer will keep a written record of any removal of the Deputy Leader and the Leader will report any such removal to Council and the Executive at the earliest opportunity.**
- (c) **Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place. The Leader must give written notice of such appointment to both the person who he/she is appointing as Deputy Leader and to the Monitoring Officer. The appointment of the Deputy Leader will take effect on receipt of the Leader’s written notice by both the person who the Leader is appointing as Deputy Leader and the Monitoring Officer. The Monitoring Officer will keep a written record of the appointment of the Deputy Leader and the Leader will report the appointment to Council and the Executive at the earliest opportunity.**
- (d) **If for any reason:**
- (i) **the Leader is unable to act; or**
  - (ii) **the office of Leader is vacant**
- the Deputy Leader will act in his/her place.**
- (e) **If for any reason:**
- (i) **the Leader is unable to act or the office of Leader is vacant; and**
  - (ii) **the Deputy Leader is unable to act or the office of Deputy Leader is vacant**
- the Executive must act in the Leader’s place, or arrange for an Executive member to act in his/her place.**

## 7.5 Other Executive members

- (a) **In addition to the Deputy Leader, the Leader will appoint between one and eight further Executive Members to hold such Portfolios as the Leader shall determine. When appointing an Executive Member the Leader must give written notice of the appointment and of the Portfolio to both the person who he/she is appointing as an Executive Member and to the Monitoring Officer. The appointment of the Executive Member will take effect on receipt of the Leader’s written notice by both the person who the Leader is appointing as an Executive Member and the Monitoring Officer. The Monitoring Officer will keep a written record of the appointment of an Executive Member and the Leader will report the appointment of an Executive Member and their Portfolio to Council and the Executive at the earliest opportunity.**
- (b) **An Executive Member will hold office until the end of the Leader’s term of office unless:**
- (i) he/she resigns from the office; or
  - (ii) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
  - (iii) he/she is no longer a councillor; or
  - (iv) **he/she is removed by the Leader who must give written notice of such removal to both the Executive Member and to the Monitoring Officer. The removal of an Executive Member will take effect on receipt of the Leader’s written notice by both the Executive Member and the Monitoring Officer. The Monitoring Officer will keep a written record of any removal of an Executive Member and the Leader will report any such removal to Council and the Executive at the earliest opportunity.**

## 7.6 Remits of Executive Members

- (a) **The Council shall designate one of the members of the Executive as the lead member for Children’s Services for the purposes of Section 19 of the Children Act 2004.**
- (b) Within the above framework and any statutory requirements, the Leader will determine the detailed remits of Executive Members (including the Deputy Leader) and report such **detailed remits (and any changes thereto) to the Executive Members concerned, the Monitoring Officer, Council and the Executive at the earliest opportunity.**

## 7.7 Assistants to Executive Members

The **Leader** may appoint other councillors to act as Assistants to those Executive members with a specific portfolio, provided that there shall be no more than seven such Assistants. A Councillor may not be an Assistant in respect of the same

portfolio for more than 4 years. Assistants to Executive members **are not members of the Executive** and may not serve on overview and scrutiny committees.

### 7.8 Standing Consultative Panel

There will be a Standing Consultative Panel consisting of no more than 15 councillors with a standing invitation to attend public meetings of the Executive, including parts of the meeting where exempt matters are being discussed. The Panel will include members of opposition political groups. Members of the Panel will be entitled to speak (but not vote) at meetings of the Executive.

The representation of the opposition political groups on the Panel will be calculated in accordance with the following formula:

$$X \times \frac{25}{96} = Y$$

*Where -*

*X = the number of members of the opposition political group on the Council, and*

*Y = the entitlement to representation of that group on the Panel (rounded up or down to the nearest whole number)*

### 7.9 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

### 7.10 Responsibility for functions

- (a) **Until the 19<sup>th</sup> May 2010** the Council will allocate responsibilities for the discharge of executive functions **and these are** recorded in Part 3 of this Constitution.
- (b) **From the 19<sup>th</sup> May 2010 onwards, the Leader of the Council may determine to exercise any of the executive functions of the Council personally, or may arrange for the exercise of any of the Council's executive functions by:**
  - (i) **the Executive;**
  - (ii) **by another member of the Executive;**
  - (iii) **by a committee of the Executive;**
  - (iv) **by an officer of the Council.**

- (c) **The Monitoring Officer will maintain a Register of the Delegation of Executive Functions and will record any alterations to the allocation of responsibility for the discharge of executive functions.**
  
- (d) **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.**

## **Article 8**

### **Regulatory and other Committees**

#### **8.1 Regulatory and other ordinary committees**

The Council will appoint the committees set out below to discharge the functions described in Part 3 of this Constitution.

- Planning and Highways Committee
- Licensing and Appeals Committee
- Licensing Committee
- Licensing Policy Committee
- Employee Appeals Committee
- Art Galleries Committee
- Constitutional and Nomination Committee
- Personnel Committee
- Audit Committee

#### **8.2 Advisory Committees**

The Council may appoint an advisory committee to advise the Council or the Executive in relation to any matter relating to the discharge of their functions.

## Article 9

### The Standards Committee

#### 9.1 Standards Committee

The Council meeting will establish a Standards Committee.

#### 9.2 Composition

(a) **Membership.** The Standards Committee will be composed of:

- at least seven elected councillors (none of whom may be the leader of any political group and no more than one of whom may be a member of the Executive);
- at least three people appointed by the Council who are not councillors or officers of the council or any other body having a standards committee (independent members);
- two members (in total) who are Parish Councillors for parishes for which the Council is responsible and who are not members of the City Council.

(b) **Independent members.** Independent members will be entitled to vote at meetings. The number of independent members appointed must be at least 25% of the Committee's total membership;

(c) **Parish member.** The parish member must be present when matters relating to Ringway Parish Council or its members are being considered;

(d) **Parish Council Sub-Committee.** The Standards Committee may appoint a sub-committee to exercise the function set out in Article 9.3 below in relation to Ringway Parish Council. The sub-committee will include at least one Independent Member and **one** Parish Member.

(e) **Chairing the Committee.** The Council will appoint one of the independent members as chair of the Committee. In the absence of the appointed chair, the Committee will be chaired by another Independent Member, as determined by the Committee.

(f) **Quorum.** The quorum for the Standards Committee shall be three (of whom at least one must be an independent member, provided that there is an independent member who is not prevented or restricted from participating by virtue of the Council's Code of Conduct).

(g) **Questions at Council.** The Committee will appoint one of its elected members for the purpose of answering questions at Council on the discharge of the Committee's functions.

### 9.3 Role and Function

The Standards Committee will have the following roles and functions:

- (a) to promote and maintain high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- (b) to assist the councillors, co-opted members and church and parent governor representatives to observe the Code of Conduct for Members;
- (c) to advise the Council on the adoption or revision of the Code of Conduct for Members;
- (d) to monitor the operation of the Code of Conduct for Members;
- (e) to advise, train, or arrange to train councillors, co-opted members and church and parent governor representatives on matters relating to the Code of Conduct for Members;
- (f) to grant dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Code of Conduct for Members;
- (g) to assess written allegations of breaches of the Code of Conduct for Members;
- (h) to review on the request of the complainant a decision that no action should be taken in respect of an allegation;
- (i) to deal with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred to it for determination by the monitoring officer, an ethical standards officer or the Standards Board for England;
- (j) to deal with reports of the Monitoring Officer regarding breaches of the protocols/guidance to members accompanying the Code of Conduct for Members which do not in themselves constitute a breach of that Code;
- (k) the exercise of (a) to (h) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (l) to report annually to Council on ethical governance within the City Council.

### 9.4 Additional Roles of Standards Committee

- (a) to overview the Council's whistle blowing policy;
- (b) to consider and determine applications for exemptions from political restriction;
- (c) to give directions to the Council requiring it to include a post on its list of politically restricted posts.

- (d) to consider the Code of Corporate Governance and the Annual Governance Statement.

#### 9.5 **Delegation**

The Standards Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions. Any such sub-committee shall be chaired by an Independent Member and shall have a quorum of three.

## Article 10

### Area Committees

#### 10.1 Area Committees

The Council may appoint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

#### 10.2 Form, composition and function

##### (a) Table of Area Committee(s)

The Council will appoint the Area Committee(s) as set out in the first column of the table below, composed as set out in the second column of that table.

Name of Committee	Composition
Wythenshawe Area	Councillors representing the following wards:  Baguley, Brooklands, Northenden, Sharston, Woodhouse Park

##### (b) Terms of Reference and Delegations

The terms of reference of, and the delegations to, the Area Committee(s) are set out in Part 3 of this Constitution

#### 10.3 Conflicts of interest - membership of Area Committees and Overview and Scrutiny Committees

##### (a) Conflict of interest

If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of the Area Committee of which the Councillor concerned is a member, then the Councillor may not speak or vote at the overview and scrutiny committee meeting unless a dispensation to do so is given by the Standards Committee, when permitted under the Local Government Act 2000.

##### (b) General policy reviews

Where an overview and scrutiny committee is reviewing policy generally the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

#### **10.4 Area Committees - access to information**

Area committees will comply with the Access to Information Rules in Part 4 of this Constitution.

Agendas and notices for Area Committee meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will state clearly which items are which.

#### **10.5 Executive members on Area Committees**

A member of the Executive may serve on an Area Committee if otherwise eligible to do so as a councillor.

## Article 11

### Joint Arrangements

#### 11.1 Arrangements to promote well being

The Council or the Executive, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body;  
and
- (c) exercise on behalf of that person or body any functions of that person or body.

#### 11.2 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Executive may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Executive may only appoint Executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Executive may appoint members to a joint committee from outside the Executive where -
  - the joint Committee is discharging a function in relation to five or more authorities, or
  - the function discharged is a function which is required by statute to be discharged by a joint Committee, or
  - the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;

In these circumstances the political balance requirements do not apply to such appointments.

### 11.3 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

### 11.4 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Executive may delegate executive functions to another local authority or the Executive of another local authority.

### 11.5 Contracting out

The Council (for functions which are not executive functions) and the Executive (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

### 11.6 Joint Committees

- (a) Joint arrangements will include the Council's participation in the following joint Committees:
  - \* AGMA Executive Board, and its Commissions and sub-committees (including the Statutory Functions Committee)
  - \* Joint Committee for the Joint Waste Development Plan Document for Greater Manchester
  - \* National Parking Adjudication Service Joint Committee
  - \* Bus Lane Adjudication Service Joint Committee
  - \* Mersey Valley Joint Committee
  - \* Manchester Area Pollution Advisory Council (MAPAC)
- (b) The AGMA Operating Agreement and Constitution is set out in Part 9 of this Constitution.

## Article 12 Officers

### 12.1 Management structure

- (a) **General.** The Council may engage such staff (referred to as officers), as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council will engage persons, who will be designated chief officers and shall include a Director of Children’s Services and a Director of Adult Social Services, for the posts designated as Chief Officers in Part 8 of this Constitution:
- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
City Solicitor	Monitoring Officer
City Treasurer	Chief Finance Officer

Such posts will have the functions described in Article 12.2 -12.4 below.

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 8 of this Constitution.

### 12.2 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### 12.3 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, staff and the public.

- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function - if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers or the Standards Board for England or the Standards Committee and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (i) **Freedom of Information Act.** The Monitoring Officer will determine exemptions under Section 36 of the Freedom of Information Act 2000 relating to information which is prejudicial to the effective conduct of public affairs.
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

#### 12.4 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function- and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully. S/he will also make a report under this section if it appears that the expenditure of the authority

(including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.

- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

#### **12.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in the opinion of these officers sufficient to allow their duties to be performed.

#### **12.6 Conduct**

Officers will comply with the Code of Conduct for Employee's set out in Part 6 of this Constitution.

#### **12.7 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

## **Article 13**

### **Decision Making**

#### **13.1 Responsibility for decision making**

- (a) The Council will issue and keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.
- (b) **From the 19 May 2010 onwards, the Leader of the Council may determine to exercise any of the executive functions of the Council personally, or may arrange for the exercise of any of the Council's executive functions by:**
- (i) **the Executive;**
  - (ii) **by a member of the Executive;**
  - (iii) **by a committee of the Executive;**
  - (iv) **by an officer of the Council.**

**The Monitoring Officer will maintain a Register of the Delegation of Executive Functions.**

#### **13.2 Principles of decision making**

All decisions of the Council should be made in accordance with the following principles:

- (a) Proportionality (meaning the action must be proportionate to the results to be achieved)
- (b) Due consultation (including the taking of relevant professional advice)
- (c) Respect for human rights.
- (d) Presumption in favour of openness.
- (e) Clarity of aims and desired outcomes.
- (f) Due consideration to be given to alternative options.
- (g) Reasons for the decisions to be given provided there is no breach of confidentiality.

#### **13.3 Types of decision**

- (a) **Decisions reserved to full Council**

Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

**(b) Key decisions**

- (i) A “key decision” means an executive decision which is likely -
  - (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates **(as defined in rule 16.2 of the Access to Information Procedure Rules at Part 4 Section B of this Constitution)**; or
  - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.
- (ii) A decision taker may only make a key decision in accordance with the requirements of the Access to Information Procedure Rules set out in Part 4 of this Constitution.

**13.4 Decision making by the full Council**

Subject to Article 13.8, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

**13.5 Decision making by the Executive**

Subject to Article 13.8, the Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

**13.6 Decision making by overview and scrutiny committees**

Overview and scrutiny committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

**13.7 Decision making by other committees and sub-committees established by the Council**

Subject to Article 13.8, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

**13.8 Decision making by Council bodies acting as tribunals**

The Council, the Executive, any committee, sub-committee, councillor or officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

### **13.9 Decision making by Officers**

Officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers, the Register of Delegations of Executive Functions and other provisions of this Constitution.

## **Article 14**

### **Finance, Contracts and Legal Matters**

#### **14.1 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Rules set out in Part 5 of this Constitution.

#### **14.2 Contracts**

Contracts made by the Council will comply with the Contract Procurement Rules set out in Part 5 of this Constitution.

#### **14.3 Legal proceedings**

The City Solicitor is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the City Solicitor considers that such action is necessary to protect the Council's interests.

#### **14.4 Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the City Solicitor or some other person duly authorised by the Council, the Executive or the City Solicitor, unless any enactment otherwise authorises or requires.

Any contract with a value exceeding £30,000 entered into on behalf of the Council in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by two duly authorised officers of the authority or made under the common seal of the Council attested by an authorised officer. Any contract with a value exceeding £75,000 must be made under the Common Seal of the Council attested by an authorised officer.

#### **14.5 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the City Solicitor. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the City Solicitor should be sealed. The affixing of the Common Seal will be attested by the City Solicitor or some other person authorised by him/her.

## **Article 15**

### **Review and Revision of the Constitution**

#### **15.1 Duty to monitor and review the constitution**

- (a) The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- (b) A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:
  - 1. observe meetings of different parts of the member and officer structure;
  - 2. examine the audit trail relating to a sample of decisions;
  - 3. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
  - 4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.
- (c) Before making any recommendations to amend the Constitution the Monitoring Officer may consult the Constitutional and Nomination Committee.

#### **15.2 Changes to the Constitution**

##### **(a) Approval**

Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer and in accordance with Rules 17.5 and 17.6 of the Council Procedure Rules in Part 4 of this Constitution.

##### **(b) Change from a leader and cabinet form of executive to Mayoral form of executive, or vice versa.**

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a referendum.

## **Article 16**

# **Suspension, Interpretation and Publication of the Constitution**

### **16.1 Suspension of the Constitution**

#### **(a) Limit to suspension**

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended to the extent permitted within those Rules and the law.

#### **(b) Rules capable of suspension.**

The following Rules may be suspended in accordance with Article 16.1(a): -  
Council Procedure Rules

#### **(c) Procedure to Suspend**

The procedure to suspend rules is set out in Rule 2.1 of the Council Procedure Rules in Part 4 of this Constitution. A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved.

### **16.2 Interpretation**

- (a) Except as otherwise provided and subject to (b) below, the ruling of the City Solicitor on the interpretation of the Constitution shall be final.
- (b) In relation to proceedings of Council, the ruling of the Lord Mayor as to the construction or application of this Constitution shall not be challenged at any meeting of the Council.

### **16.3 Publication**

- (a) The Monitoring Officer will give a printed copy of this Constitution to each member of the authority as soon as practicable after the delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Monitoring Officer will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that the Constitution is accessible via the Council's internet site and is updated as necessary.

## **Schedule 1**

### **Description of Executive Arrangements**

The following parts of this Constitution constitute the Executive arrangements:

1. Article 6 (Overview and Scrutiny committees) and the Overview and Scrutiny Procedure Rules;
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 10 (Area Committees) insofar as any Committee is determining matters delegated to them by the Executive;
4. Article 11 (Joint arrangements) insofar as any joint committee is determining matters delegated to it by the Executive;
5. Article 13 (Decision making) and the Access to Information Procedure Rules;
6. Part 3 (Responsibility for Functions **insofar as the function is the responsibility of the Executive**).

# **PART 3**

# **RESPONSIBILITY FOR FUNCTIONS**

# CONTENTS

## Introduction

**Section A.** Local Choice Functions

**Section B.** Executive Functions

**Section C.** Council (Non-Executive) Functions

**Section D.** Area Committees

**Section E.** Overview and Scrutiny Committees

**Section F.** Scheme of Delegation to Officers

## **INTRODUCTION**

**This Part of the Constitution sets out who is responsible for the various functions of the Council.**

**The Local Government Act 2000 divides the Council’s functions into the following categories:**

### **1. Executive Functions**

**By virtue of section 13(2) of the Local Government Act 2000, every Council function is an “executive” function (i.e. the function is to be the responsibility of the Executive), unless a statute says differently or the function is identified as a “non-executive” function by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).**

**From the 19 May 2010 the Leader of the Council may determine to exercise any of the “executive” functions of the Council him or herself, or may arrange for the exercise of any of the Council’s “executive” functions by:**

- (i) the Executive; or**
- (ii) by another member of the Executive; or**
- (iii) by a committee of the Executive; or**
- (iv) by an officer of the Council.**

### **2. Council (Non-Executive) Functions**

**“Non-executive” functions are the responsibility of the Council, which may decide to delegate their discharge to a Council Committee, Joint Committee or Area Committee. They can also be delegated to a Council Sub-Committee or a council officer.**

**There are some non-executive functions that can only be the responsibility of the full Council and cannot be delegated to another body. These are set out in Article 4.2 of this Constitution.**

### **3. Local Choice Functions**

**Some Council functions are “local choice functions”. This means that the Council can decide whether the function is to be the responsibility of the Executive (an “executive function”) or the responsibility of the Council (“non-executive”). Section A sets out these “local choice functions” and designates them as “executive” or “non-executive” and shows who is authorised to discharge them.**

## Section A

### Responsibility for Local Choice Functions

Local Choice Functions		Executive or Non-Executive	Decision Maker	Further Delegation
1	Any function under a Local Act not specifically excepted.	See Annex 1 below	See Annex 1 below	See Annex 1 below
2	The determination of any appeal against any decision made by or on behalf of the Authority.	See Annex 2 below	See Annex 2 below	See Annex 2 below
3	Making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.	Non-Executive	City Solicitor	
4	Making arrangements for school admission appeals.	Non-Executive	City Solicitor	
5	Making arrangements for appeals by governing bodies.	Non-Executive	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
7	Making appointments of Council Members to police authorities.	Non-Executive	Full Council	Not Delegated

8	Any function relating to contaminated land.	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	Not Delegated <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
9	The discharge of any function relating to the control of pollution or the management of air quality.	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	Not Delegated  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
10	The service of an abatement notice in respect of a statutory nuisance.	<b>Non-Executive</b>	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.	<b>Non-Executive</b>	Full Council	Not Delegated
12	The inspection of the Authority's area to detect any statutory nuisance.	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Street Management and Enforcement
13	The investigation of any complaint as to the existence of a statutory nuisance.	<b>Non-Executive</b>	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.	<b>Non-Executive</b>	Head of Planning	
15	Obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	<b>Non-Executive</b>	All Chief Officers	
16	Making agreements for the execution of highway works.	<b>Non-Executive</b>	Planning and Highways Committee	Head of Highway Services
17 (i)	<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            (i) The Authority            (ii) A Joint Committee of 2 or more Authorities or</p> <p>(c) to any Committee or Sub-Committee of such a body,  <b>to outside bodies in connection with executive functions</b> and the revocation of any such appointment.</p>	<b>Executive</b>	<p>Executive (<i>until 19 May 2010</i>)</p> <p><i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i></p>	<p><b>Chief officer as provided in the Scheme of Delegation at Part 3</b></p> <p><i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i></p>

<p>17 (ii)</p>	<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>(c) to any body other than (i) The Authority (ii) A Joint Committee of 2 or more Authorities or</p> <p>(c) to any Committee or Sub-Committee of such a body, <b>to outside bodies in connection with non-executive functions</b> and the revocation of any such appointment.</p>	<p><b>Non-executive</b></p>	<p>Full Council</p>	<p>Committee or chief officer, as provided in the Scheme of delegation</p>
<p>18</p>	<p>The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p><b>Non-Executive</b></p>	<p>Personnel Committee</p>	<p>Chief Executive</p>
<p>19 (i)</p>	<p>Functions under section 106(1),</p>	<p><b>Non-Executive</b></p>	<p>To approve draft LAA for submission under S106(1) – Full Council</p>	<p>Not Delegated</p>
<p>19 (ii)</p>	<p>Functions under section 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements (other than functions under section 106(1) relating to approval of draft Local Area Agreement)</p>	<p><b>Executive</b></p>	<p>Executive <i>(until 19 May 2010)</i></p> <p><b>Exercise of this executive function to be determined by the Leader from 19 May 2010</b></p>	<p>Chief Executive <i>(until 19 May 2010)</i></p> <p><b>Delegation of this executive function to be determined by the Leader from 19 May 2010</b></p>

**ANNEX 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	Further Delegation
1	Section 11	Bye-laws as to Leisure Centres	<b>Non-Executive</b>	Full Council	<b>Not Delegated</b>
2	Section 12	Closure of Parks	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	Assistant Chief Executive (Neighbourhood Strategy and Delivery) <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
3	Section 13	Provision of Parking Places in Parks, etc	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	Assistant Chief Executive (Neighbourhood Strategy and Delivery) <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
4	Section 14	Provision of Vehicles in Parks etc.	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	Assistant Chief Executive (Neighbourhood Strategy and Delivery) <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
5	Section 15	Contribution towards Provision of Recreational Facilities	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	Assistant Chief Executive (Neighbourhood Strategy and Delivery) <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
6	Section 21	Recovery of Street Works Charges Where Owner Unknown	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be</i>	Head of Highway Services <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>

				<i>determined by the Leader from 19 May 2010</i>	
7	Section 22	Street Numbers	Executive	Executive (until 19 May 2010)  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	Head of Highway Services (until 19 May 2010)  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
8	Section 24	Provision of Trees and Shrubs	<b>Non-Executive</b>	Planning and Highways Committee	Head of Highway Services
9	Section 26	Prohibition of Parking of Goods Vehicles in Residential Streets	<b>Executive</b>	Executive (until 19 May 2010)  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	<b>Not Delegated (until 19 May 2010)</b>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
10	Section 27	Control of Verges	<b>Executive</b>	Executive (until 19 May 2010)  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	<b>Not Delegated (until 19 May 2010)</b>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
11	Section 28	Temporary Stoppage of Footpaths and Bridleways	<b>Executive</b>	Executive (until 19 May 2010)  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	Head of Highway Services (until 19 May 2010)  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
12	Section 29	Vesting of Former highway Land	<b>Executive</b>	Executive (until 19 May 2010)  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	<b>Not Delegated (until 19 May 2010)</b>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
13	Section 30	Hairdressers and Barbers	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Street Management and Enforcement
14	Section	Acupuncturists,	<b>Non-</b>	Licensing and	Head of Street Management

	32	Tattooists, Ear Piercers, Electrolysisists etc.	<b>Executive</b>	Appeals Committee	and Enforcement
15	Section 34	Dust etc. from Building Operations	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Street Management and Enforcement
16	Section 35	Carrying or Storage of Waste Food	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	<b>Not Delegated</b> <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
17	Section 36	Power to Order Alteration of Chimneys	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Street Management and Enforcement
18	Section 37	Control of Rats and Mice	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	Head of Street Management and Enforcement <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
19	Section 38	Powers of Entry for Prevention of Damage by Pests Act 1949	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	Head of Street Management and Enforcement <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
20	Section 42	Control of Stray Dogs	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	Head of Street Management and Enforcement <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
21	Section 43	Repair of Walls etc. of Yards	<b>Non-Executive</b>	Licensing and Appeals Committee	<b>Not Delegated</b>
22	Section 44	Temporary Repair of Defective premises	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May</i>	<b>Not Delegated</b> <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>

				<b>2010</b>	
23	Section 47	Urgent Repairs to Water, Gas and Electricity apparatus	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	<b>Not Delegated</b> <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
24	Section 48	Artificial Lighting Inhabitable Rooms etc.	<b>Non-Executive</b>	Licensing and Appeals Committee	<b>Not Delegated</b>
25	Section 49	Trees impeding Natural Light to Houses, Shops and Offices	<b>Non-Executive</b>	Licensing and Appeals Committee	<b>Not Delegated</b>
26	Section 50	Weatherproofing of Property	<b>Non-Executive</b>	Licensing and Appeals Committee	<b>Not Delegated</b>
27	Section 53	Prohibition of Interference with Bird Traps	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Street Management and Enforcement
28	Section 54	Dealings in Second Hand Goods	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Street Management and Enforcement
29	Section 55	Safety of Ceilings in Bingo Halls	<b>Non-Executive</b>	Licensing and Appeals Committee	<b>Not Delegated</b>
30	Section 58	Safety of Stands	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Planning
31	Section 59	Bye-laws with regard to Certain Temporary Structures	<b>Non-Executive</b>	Full Council	<b>Not Delegated</b>
32	Section 60	Touting, Hawking, Photographing etc.	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Regulatory and Enforcement Services
33	Sections 61 & 63-66	Fire Precautions	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Planning
34	Sections 67-73	Storage of Flammable Material	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Planning
35	Sections 74-81	Entertainment Clubs	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Street Management and Enforcement
36	Section 98-106	Aviation	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	<b>Not Delegated</b> <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
37	Section 117	Power to Compound to Payment of Tolls	<b>Non-Executive</b>	Licensing and Appeals Committee	Director of Commercial Services
38	Section 118	Power to District Council to require information	<b>Non-Executive</b>	Licensing and Appeals	<b>Not Delegated</b>

				Committee	
39	Section 119	As in Public Meetings etc.	<b>Non-Executive</b>	Licensing and Appeals Committee	Director of Commercial Services
40	Section 120	Market Bye-laws	<b>Non-Executive</b>	Full Council	<b>Not Delegated</b>
41	Section 136-144	Night Cafes in Manchester	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Street Management and Enforcement
42	Section 148	Appointment of Art Galleries Committee	<b>Non-Executive</b>	Full Council	<b>Not Delegated</b>
43	Section 149	Manchester Central Art Gallery	<b>Non-Executive</b>	Art Galleries Committee	<b>Director of Culture</b>
44	Section 152	North Western Museum of Science and industry	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	<b>Not Delegated</b> <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
45	Section 162	Restriction on the use of Armorial Bearings	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	<b>Not Delegated</b> <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
46	Section 163	Unauthorised Activities on Playing Fields (education)	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	<b>Not Delegated</b> <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
47	Section 164	Pedal Cycles	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be determined by the Leader from 19 May 2010</i>	<b>Not Delegated</b> <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>
48	Section 165	Prohibition of Entry of Goods Vehicles in Front Gardens	<b>Executive</b>	Executive <i>(until 19 May 2010)</i>  <i>Exercise of this executive function to be</i>	<b>Not Delegated</b> <i>(until 19 May 2010)</i>  <i>Delegation of this executive function to be determined by the Leader from 19 May 2010</i>

				<i>determined by the Leader from 19 May 2010</i>	
49	Section 166	Hackney Carriage Fares	<b>Non-Executive</b>	<b>Full Council</b>	<b>Not Delegated</b>
50	Section 167	Signs on Vehicles	<b>Non-Executive</b>	Licensing and Appeals Committee	Head of Street Management and Enforcement

## Annex 2

Appeals		Executive or Non-Executive	Decision Making Body	Further Delegation
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.	<b>Non-Executive</b>	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.	<b>Non-Executive</b>	Licensing and Appeals Committee	City Treasurer
3	To determine appeals by market traders where the trader's licence has been revoked.	<b>Non-Executive</b>	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.	<b>Non-Executive</b>	Licensing and Appeals Committee	All Chief Officers
5	To determine appeals against dismissal.	<b>Non-Executive</b>	Employee Appeals Committee	Not Delegated
6	To determine in relation to grievances submitted before 1 <sup>st</sup> October 2004 grievance appeals which cannot be resolved by the Chief Executive or at departmental level.	<b>Non-Executive</b>	Employee Appeals Committee	Not Delegated

# **Section B**

## **Executive Functions**

## SECTION B: RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

From the 19 May 2010 the Leader of the Council may determine to exercise any of the executive functions of the Council personally, or may arrange for the exercise of any of the Council's executive functions by

- (i) the Executive; or
  - (ii) by another member of the Executive; or
  - (iii) by a committee of the Executive; or
  - (iv) by an officer of the Council
- (A) Officers may discharge executive functions insofar as any responsibilities delegated to them in the Scheme of Delegation to Officers are executive functions.
- (B) Where the joint arrangements **are established** with one or more local authorities and/ or their executives to exercise functions which are executive functions, any joint committee appointed in accordance with those arrangements may, subject to the terms of those arrangements, discharge those executive functions.
- (C) Where joint arrangements with one or more other local authorities in respect of the discharge of **an** executive function cease or have ceased to have effect by virtue of the Council or another local authority operating or beginning to operate executive arrangements, the Leader shall have power to make new joint arrangements to discharge those functions jointly with other local authorities and/or the executives of other local authorities, as appropriate.

### NOTES

- (i) In exercising delegated powers officers must have regard to the principles set out in the Introduction to the Scheme of Delegation to Officers.
- (ii) Where **the Leader delegates the discharge of executive functions to** the Executive, the Executive may arrange for the discharge of any of those functions by a committee of the Executive or an officer of the authority.
- (iii) Any arrangements made of the discharge of executive functions by an officer, committee of the Executive or under (B) above by the Leader do not prevent the Executive from exercising those functions.

# **PART 4**

# **RULES OF PROCEDURE**

# CONTENTS

- Section A.** Council Procedure Rules
- Section B.** Access to Information Procedure Rules
- Section C.** Budget and Policy Framework Procedure Rules
- Section D.** Executive Procedure Rules
- Section E.** Overview and Scrutiny Procedure Rules
- Section F.** Officer Employment Procedure Rules

# **Section A**

## **Council Procedure Rules**

**SECTION A: COUNCIL PROCEDURE RULES**

**CONTENTS**

**(FOR USE AT COUNCIL AND COMMITTEE AND SUB-COMMITTEE MEETINGS)**

- Rule 1. Interpretation and Chair’s Ruling**
- Rule 2. Suspension and Amendment of Rules**
- Rule 3. Lord Mayor and Deputy Lord Mayor**
- Rule 4. Political Groups and Leaders**
- Rule 5. Establishment of Committees and Sub-Committees**
- Rule 6. Membership of Committees, Sub-Committees, Joint Authorities and Joint Committees**
- Rule 7. The Executive**
- Rule 8. Chairs and Deputy Chairs**
- Rule 9. Decisions Taken under Delegated Powers**
- Rule 10. Convening Meetings**
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- Rule 12. Withdrawal of Items from Agenda**
- Rule 13. Order of Business**
- Rule 14. Notices of Motion to Council**
- Rule 15. Quorum**
- Rule 16. Minutes of Meetings**
- Rule 17. Committee Minutes/Reports Submitted to Council**
- Rule 18. Amendments to be Moved at Council**
- Rule 19. Motions Without Notice at Council**
- Rule 20. Submission of Motions and Amendments**
- Rule 21. Speeches at Council**
- Rule 22. Voting**
- Rule 23. Questions at Council – General**
- Rule 24. Questions at Council about Joint Authorities**
- Rule 25. Previous Decisions and Motions (Six Months’ Rule)**
- Rule 26. Conduct at Meetings**
- Rule 27. Duration of Council Meetings**
- Rule 28. Recording and Filming of Meetings**

## **1. Interpretation and Chair's Ruling**

- 1.1 These Rules apply to meetings of the full Council and, where appropriate, to meetings of committees and sub committees. None of these Rules apply to meetings of the Executive.
- 1.2 References in these Rules to the Lord Mayor, Leader of the Council or chair, include the appointed deputy or any other member acting in their absence.
- 1.3 References in these Rules to the Lord Mayor shall include the chair of any meeting where appropriate.
- 1.4 These Rules should be read in conjunction with other parts of the Council's Constitution.
- 1.5 \*\*\*These Rules are subject to any statute or other enactment whether passed before or after these Rules came into effect.
- 1.6 The ruling of the Lord Mayor on the application and interpretation of these Rules is final.

## **2. Suspension and Amendment of Rules**

- 2.1 \*\*\*With the exception of the Rules marked by an asterisk (\*\*\*) , any Rule may be suspended at Council meetings either by a motion included on the agenda or by a motion put to the meeting without notice and passed by a majority of those present and voting. A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present.
- 2.2 Rules may be changed by Council either at the Annual Meeting or on a proposal of the Constitutional Committee or by a motion on notice made at Council.

## **3. Lord Mayor and Deputy Lord Mayor**

- 3.1 \*\*\*The Lord Mayor will be elected, and the Deputy Lord Mayor will be appointed at the Annual Meeting of Council.
- 3.2 \*\*\*If the Office of Lord Mayor becomes vacant during a Municipal Year it will be filled at the next Council meeting, or, if a vacancy arises within 14 days before that meeting, it will be filled at the next but one meeting.
- 3.3 If the Office of Deputy Lord Mayor becomes vacant during a Municipal Year it will be filled at the next Council meeting, or, if a vacancy arises within 14 days before that meeting, it will be filled at the next but one meeting.

- 3.4 The Lord Mayor will chair meetings of the Council. In the Lord Mayor's absence the Deputy Lord Mayor will chair the meeting. In the absence of both the Lord Mayor and Deputy Lord Mayor, the Council will appoint another member to chair the meeting.

#### **4. Political Groups and Leaders**

- 4.1 A political group will be treated as constituted when the Chief Executive has received a notice in writing signed by two or more members of the Council stating: -
- a) that the members who have signed it wish to be treated as a political group;
  - b) the name of the group; and,
  - c) the name of one member of the group who has signed the notice and who is to act as its leader.
- 4.2 \*\*\*The notice may specify the name of one other member of the group who has signed the notice and who is authorised to act in the place of the leader of the group (This authorised member is referred to as "the representative").
- 4.3 \*\*\*The leader of the group may be changed by a further notice in writing to the Chief Executive signed by a majority of the members of the group.
- 4.4 \*\*\*The name of the group and of "the representative" (see also Rule 4.2) may be changed by a further notice in writing to the Chief Executive signed by the leader of the group or a majority of the members of the group.
- 4.5 \*\*\*A member of the Council is to be treated as a member of a political group if s/he has: -
- a) signed a notice in accordance with Rule 4.1; or
  - b) given the Chief Executive a notice in writing, signed by her/him and by the leader (or representative) of the group or by a majority of members of the group, stating that s/he wishes to join the group.
- 4.6 \*\*\*A person is to be treated as having ceased to be a member of a political group when: -
- a) s/he has ceased to be a member of the authority;
  - b) s/he has notified the Chief Executive in writing that s/he no longer wishes to be treated as a member of the group;

- c) s/he joins another political group;
  - d) the Chief Executive receives a notice in writing signed by a majority of members of the group stating that they no longer wish her/him to be treated as a member of it.
- 4.7 \*\*\*No person shall be treated as a member of more than one political group at any given time.
- 4.8 The Chief Executive will keep and maintain a record of the current membership of each political group.
- 4.9 The Leader of the Council will be elected at the Annual Meeting of the Council.
- 4.10 The leader of the next largest Political Group or combination of Groups (as chosen by the members of the group/s) will be known as the Leader of the Opposition.

## **5. Establishment of Committees and Sub-Committees**

- 5.1 Subject to Rules 5.1 to 5.9 below, the Council may establish such committees as it considers necessary to carry out the work of the Council and may refer to those committees such matters as are considered appropriate.
- 5.2 \*\*\*The Council shall establish a committee to discharge its functions relating to Art Galleries. Such committee should consist of at least 14 elected members and 7 non-voting members appointed by the Victoria University of Manchester. The Council and the University may agree that a lesser number of University members be appointed.
- 5.3 The Council shall establish a Standards Committee in accordance with the Local Government Act 2000, the composition of which will be in line with Article 9 of Part 2 of the Constitution.
- 5.4 The Council shall establish a Licensing Committee with not less than 10 and not more than 15 members.
- 5.5 The Council shall establish a Planning and Highways Committee.
- 5.6 The Council shall establish a Licensing and Appeals Committee.
- 5.7 The Council shall establish a Wythenshawe Area Committee as an area committee consisting of the councillors elected for the wards of Baguley, Brooklands, Northenden, Sharston and Woodhouse Park.
- 5.8 The Council shall appoint a Constitutional and Nomination Committee; a Personnel Committee, an Employee Appeals Committee and an Audit Committee.

- 5.9 The Council shall establish the following overview and scrutiny committees:

Children and Young People  
Resources and Governance  
Communities and Neighbourhoods  
Economy, Employment and Skills  
Citizenship and Inclusion  
Health and Well-Being

- 5.10 Committees may establish standing sub-committees, subject to the approval of the Council, to carry out the work of the committee and may refer to those sub-committees such matters as are considered appropriate. Committees may also establish ad hoc sub-committees to consider any specific matter referred to them.

- 5.11 \*\*\*Subject to Rules 5.12 and 5.13 where a matter is referred to a committee or sub-committee, the decision of the committee must be approved by the Council before it becomes effective.

- 5.12 \*\*\*Except in relation to those decisions which by statute must only be taken by the full Council, the Council may delegate powers to committees or sub-committees. Where a matter has been delegated to a committee, the committee may further delegate the matter to a sub-committee unless the Council otherwise direct.

- 5.13 \*\*\*Subject to Rule 8, where a matter is delegated in accordance with Rule 5.12 above, the decisions of the committee or sub-committee do not require approval by the Council (or committee) unless the delegation has been previously withdrawn in relation to the particular item.

## **6. Membership of Committees and Sub-Committees and Joint Authorities and Joint Committees**

- 6.1 In relation to committees the Annual Meeting of the Council will: -

- a) Subject to Rule 5 above, determine the number of members to serve on them;
- b) Allocate seats on them to the political groups in accordance with the principles of political balance; and
- c) Appoint named members to them giving effect to the wishes (where expressed) of each political group.

- 6.2 \*\*\*Appointments to all sub-committees will be made by their parent committees in accordance with: -

- a) The principles of political balance (as to the allocation of numbers of seats); and

- b) the wishes of the political groups (as to individual appointments).
- 6.3 Members serving on sub-committees are not required to be members of the parent committee.
- 6.4 Where the Council is entitled to seats on a joint authority or on a joint committee with another local authority or local authorities, appointments to such seats will be made by the Council.
- 6.5 \*\*\*Where the Council is entitled to three or more seats on a joint authority or joint committee ("relevant joint authority/joint committee"), the Council in making appointments will: -
- a) allocate seats on them to the political groups in accordance with "the principles of political balance", and
  - b) appoint members to them giving effect to the wishes (where expressed) of the relevant political group.
- 6.6 \*\*\*\*"The principles of political balance" are: -
- a) that not all seats on the committee, sub-committee or relevant joint authority or joint committee ("the body") are allocated to the same political group;
  - b) that the majority of seats on the body are allocated to a political group holding the majority of seats on the Council;
  - c) that, subject to (a) and (b) above, the total number of seats held by each political group on all committees of the Council taken as a whole is proportionate to that group's membership of the authority;
  - d) that, subject to (a) and (c) above, the number of seats held by each political group on individual bodies is proportionate to that group's membership of the Council.
- 6.7 \*\*\*Where a political group wishes to change one of its appointed members on a committee or sub-committee, the Council or parent committee shall give effect to that group's wishes.
- 6.8 \*\*\*Where there is a change in the political balance of the Council, the allocation of seats on committees and sub-committees will be reviewed and changes made: -
- a) to reflect the new political balance; and,
  - b) the wishes of the political groups.

- 6.9 \*\*\*Any overview and scrutiny committee discharging education functions shall also contain, as voting members, three elected representatives of parent governors; one appointed representative each of the Church of England, the Roman Catholic Church and the Jewish Faith.
- 6.10 In addition to Rule 5.2 non-voting co-opted members may be appointed by: -
- a) The Council, to serve on its committees; and,
  - b) Committees to serve on their sub-committees.
- 6.11 As well as allocating seats on committees, the Council may allocate seats in the same manner for substitute members.
- 6.12 For each committee, the Council may appoint **up to** the same number of substitutes in respect of each political group as that group holds seats on that committee.
- 6.13 Substitutes will have all the powers and duties of an ordinary member of the committee but will not be able to exercise any special powers exercisable by the person they are substituting.
- 6.14 Substitute members may attend meetings only in the capacity set out below: -
- a) to take the place of the ordinary members for whom they are designated substitute;
  - b) where the ordinary member will be absent for the whole of the meeting; and
  - c) after notifying the Chief Executive by 9.00am on the day of the meeting of the intended substitution.

## **7. The Executive**

- 7.1 **The Council will elect the Leader at its annual meeting on 19 May 2010 and at any subsequent Annual Meeting held on the date on which the Leader's term of office as leader ends.**
- 7.2 **If before the expiry of the Leader's term of office, the Leader –**
- (a) resigns the office of Leader,**
  - (b) ceases to be a councillor, or**
  - (c) is removed from office by a resolution of the Council under Article 7.3 (b) (iv) in Part 2 of the Constitution,**

**the Council will elect a new Leader as soon as reasonably practicable.**

- 7.3 **The Leader will appoint between two and nine councillors to the Executive (one of whom will be appointed by the Leader to act as Deputy Leader).**

## **8. Chairs and Deputy Chairs**

- 8.1 The Council will appoint an Independent Member of the Standards Committee as Chair of the Committee on the recommendation of the Constitutional and Nomination Committee.
- 8.2 The Council will appoint chairs and (where required) deputy chairs of ordinary committees, overview and scrutiny committees, and advisory committees on the recommendation of the Constitutional and Nomination Committee.
- 8.3 Chairs and (where required) deputies of sub-committees of committees will be appointed by the parent committee.
- 8.4 The Council may at any time remove a chair or deputy of a committee.
- 8.5 Where there is a vacancy for chair, the deputy chair will act as chair until the Council fills the vacancy.
- 8.6 Where there are vacancies for both chair and deputy, the committee or sub-committee will appoint one of its members to be temporary chair until the vacancy is filled by the Council.
- 8.7 Written notice of the resignation of a chair or deputy will be effective on receipt by the Chief Executive.
- 8.8 A Member may not be chair or deputy of the same committee, or of the same sub-committee, for more than four consecutive whole municipal years.
- 8.9 A Member who has been the chair of the same committee for four municipal years cannot be the deputy chair during the following Year.
- 8.10 If the chair and deputy are disqualified from acting, are absent, or decline to act as chair, the meeting will appoint another member to chair the meeting. If that member has to leave, another member should be appointed.
- 8.11 A joint meeting should appoint a member to chair the meeting.

## **9. Decisions Taken Under Delegated Powers**

- 9.1 Rule 9 applies to decisions taken by the Art Galleries Committee and the Personnel Committee (“relevant Committees”) exercising delegated powers.
- 9.2 Decisions taken by a relevant committee exercising delegated powers will become valid decisions of the authority as from the time and date set out below: -
- a) where Rule 9.4 applies, with immediate effect.
  - b) where the Chief Executive has not received a relevant requisition, as from 4.00pm on the fifth day after the day on which the decision was published.
  - c) where the Chief Executive receives a relevant requisition, as from the date when the decision is confirmed by Council, with or without modification or amendment.
- 9.3 A relevant requisition is a written request that a decision should not take effect until confirmed by Council, where such request: -
- a) has been delivered to the Chief Executive before 4.00pm on the fifth day after the day on which the decision was published; and
  - b) has been signed by: -
    - (i) any five members of the Council [this requirement will be satisfied either by individual letters from five members or one requisition signed by five members]; or
    - (ii) the Chair of a Scrutiny Committee whose remit covers the decision in question.
- 9.4 Decisions taken by a relevant committee exercising delegated powers will become valid decisions of the authority with immediate effect: -
- a) where a matter has been approved in principle by Council and specifically delegated to a relevant Committee for detailed implementation, or
  - b) where the relevant Committee determines on the written advice of either the Head of the Paid Service, the Chief Finance Officer or the Monitoring Officer to exercise its urgency powers under paragraph 1 of the General Terms of Reference of Committees on the grounds that the legal or financial position of the Council or the interests of the Council or the residents of Manchester would be prejudiced if action were not taken in advance of the next ordinary Council meeting, or
  - c) where the relevant Committee determines on the advice of the City Solicitor that a matter is quasi-judicial.

- 9.5 Decisions of relevant Committees will be published, including where possible by electronic means, and shall be available at the Town Hall normally within 2 days of being made. The record of the decisions will bear the date on which it is published.

## **10. Convening Meetings**

- 10.1 Subject to rule 10.2, the Chief Executive is responsible for determining the schedule of and convening all meetings.
- 10.2 Dates and times of ordinary meetings of the Council, will be agreed by the Council at the Annual Meeting.
- 10.3 The Annual Meeting of the Council will take place on the second Wednesday following the municipal elections in May unless otherwise agreed by the Council.
- 10.4 \*\*\*A meeting of the Council will take place between 1st March and 10th March each year in order to calculate the budget requirement and set the Council tax.
- 10.5 Council meetings will start at 10.00 am unless otherwise determined by the Lord Mayor.
- 10.6 \*\*\*Those listed below may request the Chief Executive to call extraordinary Council meetings: -
- a) The Council by resolution
  - b) The Lord Mayor
  - c) The Monitoring Officer
  - d) any five members of the Council if they have signed a requisition presented to the Lord Mayor and he/she refused to call a meeting or has failed to do so within seven days of the presentation of a requisition.
- 10.7 Meetings of committees and sub-committees will be convened by the Chief Executive in consultation with the chair.

## **11. Cancelling Meetings**

The Chief Executive may cancel or postpone any meeting, in consultation with the chair (or the Lord Mayor in the case of City Council meetings), prior to the issue of the agenda or subsequently if there is no business to be transacted.

## 12. Withdrawal of Items from Agenda

- 12.1 The Chief Executive may, in consultation with the City Solicitor and the Chair (or the Lord Mayor in the case of City Council meetings) withdraw an item from the agenda for legal reasons.

## 13. Order of Business

- 13.1 Subject to Rules 13.3; 13.4; and 14.8, the Agenda and order of business for meetings will be determined by the Chief Executive in consultation with the appropriate chair and chief officers. Items may be withdrawn from an agenda with the consent of the meeting.

- 13.2 The order of business may be altered at the meeting.

- 13.3 Business at the Annual Meeting of the Council will consist of: -

- a) Special business introduced by the Lord Mayor.
- b) Election of the Lord Mayor and appointment of the Deputy Lord Mayor.
- c) Approval of the minutes of the last meeting as a correct record.
- d) Disclosure of pecuniary and non-pecuniary interests by members.
- e) Election of the Leader of the Council (**only at the Annual Meeting to be held on 19 May 2010, or at any subsequent Annual Meeting held on a day when the Leader's term of office comes to an end by virtue of Section 44E(3) of the Local Government Act 2000 (as amended) (i.e. the first Annual Meeting after the Leader's normal day of retirement as a councillor)**).
- f) Appointment of overview and scrutiny committees, a Standards Committee, an Art Galleries Committee, a Licensing Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 3 of the Constitution.
- g) Appointment of representatives.
- h) Reports of the Executive and questions under Rules 23.2 and 23.3.
- i) Reports or minutes of overview and scrutiny committees, including matters referred to Council by overview and scrutiny committees.
- j) Annual reports of overview and scrutiny committees.
- k) Minutes of other committees and questions under Rules 23.2 and 23.3.

- l) Approval of dates of meetings.
- m) Approval **of the delegation of the Council's non-executive functions** in the Scheme of Delegation set out in Part 3 of this Constitution.
- n) Questions to nominated spokespersons of joint authorities (as in Rule 24.1).
- o) Notices of Motion submitted under Rule 14.1 (to be dealt with in their order of receipt by the Chief Executive).
- p) Any other business specified in the summons to the meeting.

13.4 The business at all ordinary Council meetings will consist of: -

- a) the Lord Mayor and Deputy Lord Mayor are absent, to appoint a person to chair the meeting.
- b) Any announcements or special business (including the submission of any urgent business) introduced by the Lord Mayor.
- c) Disclosure of pecuniary and non-pecuniary interests by members.
- d) Approval of the minutes of the last meeting as a correct record.

(The Lord Mayor will move that the minutes be approved and, if so approved, will sign them as a correct record. There will be no discussion on the minutes except as to their accuracy).

- e) Any business remaining from previous meetings.
- f) Report of the Executive and any questions under Rules 23.2 and 23.3.
- g) Reports or minutes of overview and scrutiny committees, including matters referred to Council by overview and scrutiny committees.
- h) Minutes of other committees and any questions under Rules 23.2 and 23.3.
- i) Questions to nominated spokespersons of joint authorities (as in Rule 24.1).
- j) Notices of Motion submitted under Rule 14.1 (to be dealt with in their order of receipt by the Chief Executive).
- k) Any other business specified in the summons to the meeting.

#### **14. Notices of Motion to Council**

- 14.1 Except for the motions listed in Rule 19.1, written notice of every motion must be received by the Chief Executive no later than 12.00 noon on the ninth day before the meeting. (e.g. where the Council meeting is held on a Wednesday, the Monday in the week preceding the Council meeting), unless that day is not a working day in which case the notice must be received by noon on the first working day thereafter).
- 14.2 Motions must be signed by the proposer and four other members.
- 14.3 The proposer of the motion will be taken as being the first signature on the Notice of Motion, unless otherwise indicated on the notice.
- 14.4 The motion will be withdrawn from the agenda if the proposer is not present at the time that it is due to be considered.
- 14.5 The Chief Executive will keep any motion received, together with a record of the time and date of receipt, in a register available for inspection by members of the Council.
- 14.6 Motions must either be about matters which affect the Council or the City, provided that no such motion may seek to take a decision in respect of a matter which is the responsibility of the Executive (other than to make a recommendation).
- 14.7 Following consultation with the Chief Executive, the Lord Mayor may: -
- a) Exclude from the Council agenda any motion which s/he considers to be out of order; or,
  - b) Amend any motion subject to the agreement of the proposer.
- 14.8 Motions will be listed on the Council agenda in the order received.
- 14.9 The proposer may withdraw a motion at any time prior to its consideration. Such a withdrawal must be put in writing to the Chief Executive.
- 14.10 When the proposer of a motion is unable to attend the Council meeting s/he may write to the Lord Mayor authorising another member who signed the motion to move it. If no such authority has been given, the motion falls.
- 14.11 Motions containing proposals which would: -
- a) Increase the capital and / or, revenue expenditure; and / or,

- b) Reduce the income of any committee / must first be referred to the Executive by the Chief Executive prior to consideration by Council.

14.12 Prior to consideration of a motion, the Lord Mayor may invite the meeting to decide whether it should be referred to the Executive or an appropriate committee(s) for a report.

## 15. Quorum

15.1 The minimum number of voting Members necessary for business to be dealt with at each meeting (the "Quorum") is as follows: -

Council	25
Committees (with more than 12 Members)	5
Committees (with 12 or fewer Members)	3
Joint meetings*	Relevant Quorum from each Committee
Sub-Committees	3
Joint meetings*	3 from each sub-committee

[\*In determining that a quorum for a joint meeting is present, a member who sits on more than one of the committees / sub - committees involved shall be counted towards each individual quorum.]

15.2 There must be a quorum within fifteen minutes of the scheduled start time of a meeting, otherwise it cannot take place.

15.3 If, during the course of a meeting, the number of members present falls below the quorum the meeting cannot continue and any outstanding business will be carried forward to the next meeting.

## 16. Minutes of Meetings

16.1 The City Solicitor will prepare the minutes of every meeting.

16.2 \*\*\*The minutes will be submitted for approval and signature as a correct record at the following meeting, unless that meeting is an extraordinary meeting in which case they may be submitted to the next ordinary meeting.

16.3 \*\*\*The names of members present at a meeting will be recorded in the minutes.

## 17. Committee Minutes/Reports Submitted to Council

17.1 When moving approval of committee minutes, a chair may: -

- a) Correct any factual inaccuracy; and / or,
- b) Following an explanation, seek the consent of Council to take back any item for reconsideration by the committee.

There will be no discussion.

- 17.2 \*\*\*If a chair declares a prejudicial interest in part of a committee's minutes, s/he should move them with the exception of that part.
- 17.3 A chair may move part of a committee's minutes, s/he may move them with the exception of any item.
- 17.4 Any excepted items must be moved, after the other proceedings have been dealt with, by another member of the committee who was present at that meeting.

## 18. Amendments to be Moved at Council

- 18.1 Subject to Rules 18.2, 18.3, 18.4, 18.5 and 18.6 amendments to be moved at Council must be in writing and be received by the Chief Executive at least 30 minutes before the meeting.
- 18.2 Amendments to items of urgent business circulated on the day of the meeting must be in writing and received by the Chief Executive within 30 minutes of the item being circulated to members.
- 18.3 When the Executive makes recommendations to the Council in relation to calculating the budget requirement and setting the Council tax, any amendments to those recommendations which affect those calculations or the level of Council tax must be submitted in writing and received by the Chief Executive by 4.00 p.m. on the seventh day after the meeting of the Executive. Any such amendment, together with the recommendations of the Executive, will be referred to the **Resources and Governance** Overview and Scrutiny Committee which will report to the Council meeting in March at which the Council calculates the budget and sets the Council Tax ("the Budget Council").
- 18.4 Nothing in Rule 18.3 will prevent –
- a) Members moving amendments at Budget Council in accordance with Rule 18.1, or
  - b) the Executive reconvening and revising their recommendations to Budget Council,

where such amendments or revised recommendations arise out of the proceedings of the overview and scrutiny committee, nor will anything in Rule 18.3 require a further meeting of the overview and scrutiny committee in such circumstances.

- 18.5 Amendments to the Constitution of the Council (other than amendments proposed by the Monitoring Officer pursuant to Article 15 of Part 2 of this Constitution) must be submitted in writing and received by the Chief Executive not later than 12.00 noon on the ninth day preceding the Council meeting (e.g. where the Council meeting is held on a Wednesday, the Monday in the week preceding the meeting) unless that day is not a working day in which case the amendment must be received by noon on the first working day thereafter.
- 18.6 Where the Monitoring Officer has submitted proposals to change the Constitution pursuant to Article 15 of Part 2 of this Constitution, nothing in Rule 18.5 shall prevent members from: -
- a) disapproving the proposed changes; or
  - b) Moving amendments to the proposed changes at Council in accordance with Rule 18.1.
- 18.7 Amendments must be submitted on the amendment form available from the Chief Executive and: -
- a) Must only refer to matters to be considered at the meeting.
  - b) Must identify the item to be amended and the name of the mover and seconder.
  - c) Must be relevant to the item.
  - d) May refer the item back to the Executive or, as appropriate, to a committee or sub-committee, for further consideration.
  - e) May add words.
  - f) May delete words or, where more than one item is moved at the same time, may delete any item.
  - g) May not be made to decisions of a committee or sub-committee under delegated powers.
- 18.8 Copies of every amendment received will be available to members at the meeting and in the public gallery. Where they are so available they need not be read out.
- 18.9 The Lord Mayor may allow two or more amendments to be debated together if it will help the business to be dealt with more efficiently.
- 18.10 If there is more than one amendment on any item, they will be dealt with in the order in which they were received or in an order determined by the Lord Mayor as being conducive to the efficient conduct of business.

18.11 An amendment must be moved by the member who submitted it.

## **19. Motions Without Notice at Council**

19.1 The following motions may be moved without notice. There will be no discussion: -

- a) To appoint a member to chair the meeting.
- b) To approve or correct the minutes of the previous meeting.
- c) To change the order of business on the agenda.
- d) To combine debates on items on the agenda.
- e) To withdraw an item from the agenda.
- f) To move committee minutes.
- g) To withdraw or amend any motion or amendment (by the mover).
- h) To not hear a member further.
- i) To require a member to leave the meeting.
- j) To extend the time limit on speeches.
- k) To suspend particular Rules. (see Rule 2.1)
- l) To exclude the public during consideration of confidential business.
- m) To go to the next business. If seconded, the vote will then be taken. If carried, the item under discussion will be treated as withdrawn.
- n) To put the question immediately to a vote. If seconded, the vote will then be taken. If carried, the mover of the original motion shall have a right of reply.
- o) To adjourn the debate. If seconded, the vote will then be taken, and if carried, there are no rights of reply. On resuming the debate, the member who moved the original motion to will have the right to speak first.
- p) To adjourn the meeting. If seconded and before taking the vote, the Lord Mayor will deal with any unopposed business (i.e. against which no amendment has been notified in accordance with Rules 18.1 to 18.3) If the motion to adjourn is carried, there will be no right of reply allowed.

(NOTE: During the course of a debate motions (k) to (p) may only be moved by members who have not already spoken in the debate).

- 19.2 A member may not move any of the motions in Rule 19.1 more than once at a meeting. If a motion under that Rule 19.1 is not carried, it cannot be moved again on the same item unless the Lord Mayor decides the circumstances have changed significantly

## **20. Submission of Motions and Amendments**

- 20.1 Motions and amendments must relate to items included on the agenda or accepted by the meeting as urgent business.
- 20.2 An amendment cannot be considered if it is inconsistent with an amendment previously adopted or repeats an amendment previously rejected.
- 20.3 The mover of a motion may, with the consent of the mover of an amendment, incorporate an amendment into the motion. If this happens, the mover of the amendment will have the same speaking rights as if the amendment had been debated separately.
- 20.4 Motions and amendments cannot be debated until they have been moved and seconded.
- 20.5 Subject to Rule 18.9 and Rule 19.1(d) only one amendment may be moved at a time. No further amendments can be moved until the previous amendment has been dealt with.
- 20.6 Each amendment must be voted on separately.
- 20.7 If an amendment is carried, the amended motion becomes the substantive motion to which further amendments may be moved.
- 20.8 If an amendment is lost, other amendments may be moved to the original motion.
- 20.9 The mover may withdraw an amendment at any time in which case no debate will be allowed.
- 20.10 A member may only move one amendment on an item.

## **21. Speeches at Council**

- 21.1 Speeches on motions and amendments will be in the following order: -
- a) Mover then seconder of a motion.
  - b) Mover then seconder of any amendment.

- c) Any other member including those who have reserved the right to speak.
  - d) Right of reply of mover of the original motion.
- 21.2 The right of reply is to enable points made in the debate to be answered. New matters must not be introduced.
- 21.3 A member moving a motion may nominate another member (with the exception of the mover of a defeated amendment) to exercise the right of reply.
- 21.4 A member may only speak once on a motion or an amendment except:-
- a) When exercising a right of reply.
  - b) When raising a point of order. (This is a request for the Lord Mayor to rule on an alleged irregularity in either the constitution or conduct of the meeting).
    - i) A point of order must be raised as soon as it arises.
    - ii) The member must refer to either the Rule in question and how it has been broken.
    - iii) A ruling must be given by the Lord Mayor before the debate continues.
    - iv) There will be no discussion on the ruling.
  - c) When giving a personal explanation (i.e. when a member believes that a later speaker has misunderstood or misquoted him / her).
    - i) The member must ask the permission of the Lord Mayor to interrupt the speaker.
    - ii) There will be no discussion on the Lord Mayor's decision.
  - d) When exercising a reserved right to speak.
- 21.5 The right to speak later in the debate must be reserved when seconding a motion or amendment.
- 21.6 This right is subject to the member being called upon by the Lord Mayor to speak.
- 21.7 A member may only speak about the matter under debate except when raising a point of order or giving a personal explanation.

- 21.8 Subject to Rule 21.9, speeches must be no longer than six minutes although they may be extended by five minutes if the meeting agrees. The meeting may also change these time limits.
- 21.9 Speeches by the member of the Cabinet for Finance and Human Resources and the finance spokesperson of the opposition group(s) at the meeting referred to in Rule 10.4 to calculate the budget requirement and set Council Tax levels shall be up to 20 minutes duration, but all other speeches shall be subject to the limitations in Rule 21.8 above.
- 21.10 Members should address the meeting through the Lord Mayor.

## **22. Voting**

- 22.1 Members will vote by voice or by show of hands, or by ballot, at the discretion of the Lord Mayor. Where there is a vote by show of hands, all members wishing to vote “for” the motion or amendment should vote before the votes “against” are taken, including the Lord Mayor using his/her first (but not casting) vote.
- 22.2 At Council: -
- a) Ten members may demand before the vote is taken that the names of those voting be recorded in the minutes.
  - b) Members may not vote unless they are in the meeting when the matter is put to the vote.
- 22.3 \*\*\*A member may demand that his / her vote be recorded in the minutes.
- 22.4 \*\*\*Subject to the provisions of any enactment and Rule 22.7 all questions will be decided by a majority of members present and voting.
- 22.5 If there are more than two people nominated for any one position to be filled and there is not a clear majority in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- 22.6 \*\*\*Where there is an equality of votes, the Lord Mayor may exercise a second or casting vote.
- 22.7 \*\*\*A decision to promote or oppose a local or personal Bill in Parliament under Section 239 of the Local Government Act 1972 or to [apply for or] oppose an order under the Transport and Works Act 1992 will require to be passed by a majority of the whole number of the Council (i.e. 49 affirmative votes are required).

## **23. Questions at Council – General**

- 23.1 A member may submit a question to the Leader of the Council or a member of the cabinet in respect of reports of the Executive submitted to Council.
- 23.2 Subject to Rule 23.4, a member of the Council may ask the Leader of the Council, a member of the executive, or the chair of a committee, a question on any matter in relation to which the Council has powers or duties, or which affects Manchester.
- 23.3 Subject to Rule 23.4, a member of the committee or sub committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties, or which affects Manchester, and which falls within the terms of reference of that committee or sub committee.
- 23.4 A member may only ask a question under Rules 23.2 or 23.3 if either: -
- a) they have given at least 48 hours notice in writing of the question to the Chief Executive; or
  - b) the question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Chief Executive at least two hours prior to the start of the meeting.
- 23.5 An answer may take the form of: -
- a) a direct oral answer;
  - b) where the desired information is contained in a publication of the Council or other published work, a reference to that publication; or
  - c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- 23.6 A member asking a question under Rule 23.2 or 23.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.
- 23.7 The submission of a question under Rule 23.2 or 23.3 shall not restrict the right of a member to propose a motion or amendment upon the minutes.

## **24. Questions at Council about Joint Authorities**

- 24.1 A Member may put a written question to the nominated spokesperson of the following joint authorities about any matter which relates to the work of that authority: -
- a) The Greater Manchester Fire and Civil Defence Authority.

- b) The Greater Manchester Passenger Transport Authority.
- c) The Greater Manchester Police Authority.
- d) The Greater Manchester Waste Disposal Authority.

24.2 The nominated spokesperson must receive the question (and a copy must also be given to the Chief Executive) no later than 48 hours prior to the meeting.

24.3 The question will be put, the nominated spokesperson will present his/her reply, there may then be a debate, following which the nominated spokesperson will have a right of reply

## **25. Previous Decisions and Motions (Six Months' Rule)**

25.1 Decisions of the Council made within the last six months may not be changed, unless this Rule is suspended. (see Rule 2.1)

25.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved, unless this Rule is suspended.

## **26. Conduct at Meetings**

26.1 If the Chair calls the meeting to order members shall be silent.

26.2 If a member behaves improperly or offensively or deliberately obstructs business, the Lord Mayor may direct the member to be silent.

26.3 If the member continues such behaviour the Lord Mayor may direct either that the member leave the meeting or that the meeting be adjourned for a specified period.

26.4 If a member of the public interrupts proceedings, the Lord Mayor will warn the person concerned. If the interruption continues, the Lord Mayor may order his / her removal from the meeting.

26.5 If there is a disturbance which interrupts proceedings, or makes business impossible, the Lord Mayor may all for the room to be cleared of those making the disturbance, and may adjourn the meeting for as long as necessary.

26.6 Members of the Council, officers and members of the public shall not permit mobile telephones, pagers, or other such devices with audible operating signals, to be brought into Council, Committee or sub committee meetings unless the audible call function is muted for the duration of the meeting.

## **27. Duration of Council Meetings**

27.1 Unopposed business may be taken if the meeting continues beyond 3.00pm, or such other time as the Lord Mayor may decide.

27.2 Unopposed business is business on which no amendment has been moved.

## **28. Recording and Filming of Meetings**

28.1 Recording and filming may take place with the consent of the meeting.

**OFFICER EMPLOYMENT PROCEDURE RULES**

# **Section D**

## **Executive Procedure Rules**

**SECTION D: EXECUTIVE PROCEDURE RULES**

**CONTENTS**

- Rule 1.      How the Executive operates**
- Rule 2.      The Conduct of Executive Meetings**

## **1. HOW THE EXECUTIVE OPERATES**

### **1.1. Who may make executive decisions**

**The Leader may discharge any executive functions of the Council or he/she may provide for any executive functions of the Council to be discharged by:**

- (a) the executive as a whole;**
- (b) a committee of the executive;**
- (c) an individual member of the executive;**
- (d) an officer of the authority**

### **1.2 Appointments and delegation by Leader**

- (a) At the Annual Meeting of the Council, the Leader will present to the Council the names of the Members appointed to the Executive by the Leader (including the Executive Member who is appointed as the Deputy Leader) and their Portfolios.**
- (b) Either at the Annual Meeting of the Council or as soon as practicable thereafter, the Leader will present to the Monitoring Officer a written record of**
  - (i) the detailed remits of the Portfolios of the Executive Members;**
  - (ii) any delegations made by the Leader in respect of the discharge of executive functions. The document presented by the Leader to the Monitoring Officer will contain the following information about the discharge of the Council's executive functions in relation to the coming year:**
    - The extent of authority of the Executive as a whole;**
    - The extent of any authority delegated to individual Executive Members, including details of any limitation on their authority**
    - The terms of reference and constitution of such committees of the Executive as the Leader appoints and the names of Executive Members appointed to them;**

- **The nature and extent of any delegation of executive functions to Area Committees, or any other authority or any joint arrangements and the names of those Executive Members appointed to any joint committee for the coming year; and**
- **The nature and extent of any delegation to Council officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.**

### 1.3 **Sub-delegation of executive functions**

- (a) **where the Leader delegates an executive function to the Executive then unless the Leader directs otherwise, the Executive may delegate further to a committee of the Executive or to an officer.**
- (b) **Where the Leader delegates an executive function to a committee of the Executive or an individual member of the Executive then unless the Leader directs otherwise, a committee of the Executive or an individual member of the Executive may delegate further to an officer.**
- (c) Even where executive functions have been delegated under (a) or (b) above, that fact does not prevent the discharge of delegated functions by the person or body who **made the delegation.**
- (d) Where the Leader seeks to withdraw delegation from a committee of the Executive, notice will be deemed to be served on that committee of the Executive when he/she has served it on its chair.

### 1.4 **The Scheme of Delegation and executive functions**

**The Leader may amend the Scheme of Delegation set out in Part 3 of this Constitution insofar as it relates to executive functions at any time during the year in accordance with the procedure set out below.**

- (a) **Whenever the Leader wishes to make an alteration to the allocation of responsibilities for the discharge of the Council's executive functions the following procedure shall apply:**

**(i) Where the Leader wishes to delegate the discharge of an executive function that has not been previously delegated**

- to an officer; or
- to the Executive; or
- to a Committee of the Executive; or
- to a Member of the Executive

**the Leader must give written notice of the new delegation to both the person or body to whom the executive function is to be delegated and the Monitoring Officer.**

**The delegation of the executive function will take effect on receipt of the Leader's written notice by both of the parties listed above.**

**The Monitoring Officer will ensure that a record of the delegation of the executive function is entered into the Register of the Delegation of Executive Functions and will report the new delegation to Council at the earliest opportunity.**

**(ii) Where the Leader wishes to transfer the discharge of an executive function that has been previously delegated**

- from one officer to another officer; or
- from an officer to the Executive, a Committee of the Executive, or a Member of the Executive; or
- from the Executive to an officer, a Committee of the Executive or a Member of the Executive; or
- from a Committee of the Executive to an officer, the Executive or a Member of the Executive, or
- from a Member of the Executive, to an officer, the Executive, or a Committee of the Executive;

**then in each case the Leader must give written notice to the person or body from whom the exercise of the executive function is to be transferred, the person or body to whom the exercise of the executive function is to be transferred and the Monitoring Officer.**

**The transfer of the delegation of the executive function will take effect on receipt of the Leader’s written notice by each of the parties listed above.**

**The Monitoring Officer will ensure that a record of the transfer of the executive function is entered into the Register of the Delegation of Executive Functions.**

**(iii) Where the Leader wishes to withdraw the delegation of an executive function that has been delegated to either**

- an officer; or**
- the Executive; or**
- a Committee of the Executive; or**
- a Member of the Executive**

**and to discharge the executive function personally, the Leader must give written notice to the person or body from whom the exercise of the executive function is to be withdrawn and to the Monitoring Officer.**

**The withdrawal of the delegation of an executive function will take effect on receipt of the Leader’s written notice by both of the parties listed above.**

**The Monitoring Officer will ensure that a record of the withdrawal of the executive function is entered into the Register of the Delegation of Executive Functions.**

#### **1.5 Place and Time of Executive Meetings**

The Executive will meet at times to be agreed by the Leader. The Executive shall meet at the Town Hall or another location to be agreed by the Leader.

#### **1.6 Public or private meetings of the executive?**

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings. In addition to the legal requirements, consideration should also be given to the principles of decision-making set out in Article 13 of this Constitution.

#### **1.7 Quorum**

The quorum for a meeting of the executive shall be three. The quorum for a committee of the executive shall be two.

#### **1.8 How are decisions to be taken by the executive?**

- (a) Executive decisions which have been delegated to the executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

## **2. THE CONDUCT OF EXECUTIVE MEETINGS**

### **2.1 Chair of Meeting**

If the Leader is present, he/she will chair the meeting. In his/her absence, the Deputy Leader will chair the meeting. In the absence of **both** a person appointed to do so by those present will chair the meeting.

### **2.2 Attendance Rights**

- (a) The right to attend is set out in the Access to Information Rules in Part 4 of the Constitution. It is a matter for the Executive to determine if these rules should be widened.
- (b) In accordance with Article 7 of Part 2 of this Constitution there will be a standing invitation to members of the Standing Consultative Panel to attend public meetings of the Executive.
- (c) There will be a standing invitation to Chairs of Overview and Scrutiny Committees and Assistant Executive Members (not on the Standing Consultation Panel) to attend public meetings of the Executive, including parts of the meeting where exempt items are being discussed. Such invitees shall be entitled to receive the agenda for the meeting (including exempt matters).

### **2.3 Speaking Rights**

Members of the Standing Consultative Panel will have the right to speak and make propositions, but not to vote. Other persons attending the meeting will be able to speak with the permission of the Chair.

## 2.4 **Business to be Conducted**

At each meeting of the Executive the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declaration of interest, if any;
- (c) matters referred to the Executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (d) consideration of reports from overview and scrutiny committees; and
- (e) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

## 2.5 **Consultation**

All reports to the Executive from any member of the executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders (**if any**) and relevant overview and scrutiny committees, and the outcome of that consultation.

## 2.6 **Rights to place items on the executive agenda**

- (a) The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.
- (b) Any member of the Executive may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If he/she receives such a request the Chief Executive will comply.

- (c) There will be a standing item on the agenda of each meeting of the Executive for matters referred by the Council or overview and scrutiny committees for reconsideration and for reports of Overview and Scrutiny Committees.
- (d) Any member of the Standing Consultative Panel may ask the Leader to put an item on the agenda of an executive meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered.
- (e) The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an executive meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.