

## **REPORT FOR RESOLUTION**

**Report to:** City Council  
**Date:** 19 May 2010  
**Subject:** Constitution of the Council  
**Report of:** The City Solicitor

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### **Purpose of Report**

To enable the Council to adopt a revised Constitution.

### **Recommendations**

The Council is recommended:

1. To adopt, subject to 2, the attached Constitution of the Council for the municipal year 2010/11.
2. To note that responsibility for the discharge of executive functions and delegation of such responsibility now rests with the Leader of the Council.
3. To approve the revised Code of Corporate Governance and its incorporation in Part 6 (Section G) of the attached Constitution.
4. To approve the designation of the Head of Democratic and Statutory Services as the Council's Scrutiny Officer for the purposes of Section 31 of the Local Democracy, Economic Development and Construction Act 2009.

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

**Financial consequences for the Capital Budget:** None

**Wards Affected:** All

### **Implications for:**

**Equal Opportunities**  
No

**Risk Management**  
Yes

**Legal Consideration**  
Yes

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**Background Documents** (available for public inspection)

Constitution of the Council – May 2009

Report to Council - 24 March 2010

**Background**

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 September 2001 when it began operating executive arrangements. It was recognised at the time that amendments would need to be made to reflect operational needs, changing circumstances and new statutory requirements and guidance. As a result, several changes have been made at and between Annual Meetings of the Council, most recently on 24 March 2010, where changes reflected the adoption by the Council of the 'new-style' Leader and Cabinet form of executive.
2. The City Solicitor is required to monitor and review the operation of the Constitution on an on-going basis, and, where necessary, bring forward amendments to the Council. The City Solicitor has carried out such a review and attaches to this report a draft Constitution of the Council for the municipal year 2010/11. In addition, those changes which have been agreed by the Council in the course of the last municipal year, in particular, the changes to reflect the new executive arrangements have been incorporated into the Constitution.
3. It should be noted that under the 'new-style' Leader and Cabinet form of executive, responsibility for the delegation of executive functions, including those local choice functions which the Council has designated as executive functions, no longer rests with the Council, but is now the responsibility of the Leader. The Leader may determine to exercise executive functions personally and to delegate their discharge to the Executive, a Committee of the Executive, an Executive Member or an officer of the Council. In these circumstances, the recommended delegation of executive functions as set out in Part 3 (Sections A, B and F) of the Constitution (Responsibility for Functions) are for the purpose of information only.
4. The draft Constitution now before the Council incorporates
  - i. Changes previously agreed in March 2010
  - ii. New amendments which appear in bold

The new amendments can be summarised as follows:

- a. **The Scheme of Delegation to Officers** on Part 3, (Section F) of the Constitution has been revised to reflect management and legislative changes. It should be noted that delegations are given directly to the Head of Sport and Leisure and the Head of Libraries and Information Services. The Scheme also takes account of the transfer of the personnel function from the Corporate Services Directorate to the Performance Directorate and the transfer of the Head of Highways from the Regeneration Directorate to

- the Neighbourhood Services Directorate. The delegation of the Director of Children's Services reflect the Council's new responsibilities in relation to education and training for 16-19 year olds.
- b. **The Code of Corporate Governance** with minor proposed revisions has been incorporated in Part 6 (Section G) of the Constitution.
  - c. **The Members' Allowance Scheme** in Part 7 has been updated to reflect the 2009/2- NJC pay award.
  - d. **The Management Structure** in Part 8 has been revised to take account of approved management restructures and made more user friendly.
  - e. **Overview and Scrutiny** – Section 31 of the Local Democracy, Economic Development and Construction Act 2009 (LDEDCA) requires the Council to designate one of its officers to act as the Council's Scrutiny Officer to promote the role of the Council's Overview and Scrutiny Committees and provide support to such committees and the members of those committees. The duty has been incorporated in Article 6 of Part 2 of the Constitution. It is also recommended that the Head of Democratic and Statutory Services should be designated as the Council's Scrutiny Officer for the purpose of the LDEDCA.
5. The City Solicitor will continue to keep the Constitution under review having regard to changing operational needs and statutory requirements and will bring forward changed as necessary.

## **RECOMMENDATIONS**

6. The recommendations appear at the front of this report.