

Report to ANNUAL MEETING OF THE COUNCIL

Council Constitution

Officer Contact: Liz Drogan, Head of Democratic Services, Mark Hardman, Constitutional Officer

19th May 2021

Reason for Decision

To invite the Annual Meeting of the Council to re-affirm the Council Constitution as a matter of good governance

Recommendations

1. That the Council re-affirms the Council Constitution, subject to the inclusion of such matters as agreed to be implemented with effect from this Annual Meeting, amendments identified as consequential to those matters, or as agreed at this Annual Meeting.

Council Constitution

1 Background

- 1.1 The Council's Constitution has been subject to review and the final report on the review exercise was considered by the Council at the meeting held on 24th March 2021. Having reached this point, and while the Constitution can be amended by the Council during the course of a Municipal Year, it is suggested that as a matter of good governance the Council should re-affirm the Council Constitution on an annual basis.
- 1.2 The Council's Constitution is published on the Council's website and is up to date with all matters up to and including those agreed at that meeting as were pertinent at that time. A number of matters were agreed for implementation with effect from this Annual Meeting and they will be incorporated into the Constitution following this meeting accordingly. In addition, other matters may be considered at this Annual Meeting that require inclusion in the Council Constitution.
- 1.3 Members will be aware that the provisions of the Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which allowed the Council to hold meetings virtually expired with effect from 6th May 2021. The Government declined requests from the local authorities and professional groups to extend the provisions at this time and so the mandatory provisions (the "A" provisions) under these regulations included in the Council's Procedure Rules no longer apply at this time. However, discussions continue with government with regard to virtual meetings and it proposed to retain the text of these provisions for the time being.
- 1.4 The Council is therefore asked to consider re-affirming the Council's Constitution as published on the Council's website at Council Constitution, subject to –
- (i) the deletion of references to Selection Committee, Overview and Scrutiny Board and Overview and Scrutiny Performance and Value for Money Select Committee from Part 3 of the Constitution and their replacement with terms of reference and related detail for the Employment, Appointment, Investigation and Disciplinary, Policy Overview and Scrutiny, Performance Overview and Scrutiny and Health Scrutiny Committees, and such Officer Delegations dependent upon the establishment of new Committees, as agreed at the Council meeting held on 24th March 2021;
 - (ii) the amendment of Part 2 Article 8 and of Part 5G (Substitute Scheme) by the deletion of Selection Committee and the insertion of reference to the Employment, Appointment and Investigation and Disciplinary Committees; and the deletion of reference to "Overview and Scrutiny Board Chair" and the insertion of "Chair of the relevant Overview and Scrutiny Committee in Part 4B Rule 9.1.3 as consequential amendments following (i) above;
 - (iii) the amendment (if required) of Portfolio and Portfolio Holder details, and any further amendments required pursuant to decisions taken at the Annual Meeting of the Council, 19th May 2021.
 - (iv) Part 4 G Contract Procedure Rules – Changes to the Contract Procedure Rules as detailed at annex A
 - (v) Part 3 9 C – Change to the Officer Scheme Delegation to discharge Section 36 decisions (as defined within the Counter Terrorism and Security Act 2015 and as modified by the Counter Terrorism and Border Security Act 2019) to Manchester City Council

2 Options/Alternatives

- 2.1 Option 1 – To re-affirm the Council Constitution.
Option 2 – Not to agree to re-affirm the Council Constitution.

3 Preferred Option

- 3.1 Option 1 is the preferred option to ensure that the Council's governance framework remains valid and the Constitution can be relied upon in law.

4 Consultation

- 4.1 None on this report specifically which seeks only a re-affirmation of the Council Constitution. Constitutional developments and proposals are considered by the Members' Constitutional Working Group.

5 Legal Services Comments

- 5.1 Legal comments are provided in the body of the report.

6 Background Papers

- 6.1 None.

7 Appendices

- 7.1 Annex A – Report Contract Procedure Rules
Annex B – S.36 to discharge Section 36 decisions (as defined within the Counter Terrorism and Security Act 2015 and as modified by the Counter Terrorism and Border Security Act 2019) to Manchester City Council