

**MANCHESTER CITY COUNCIL**

**REPORT FOR RESOLUTION**

**DATE:** 1 MARCH 2006

**SUBJECT** CONSTITUTION OF THE COUNCIL – SCHEME OF  
DELEGATION TO CHIEF OFFICERS

**REPORT OF** CITY SOLICITOR

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**PURPOSE OF REPORT**

To enable the Council to consider temporary variations to the Scheme of Delegation to Chief Officers in Part 3 of the Constitution of the Council. ("the Constitution")

**RECOMMENDATIONS**

That the City Council adopts the temporary variations set out in the Appendix to this report.

**FINANCIAL CONSEQUENCES FOR THE REVENUE AND CAPITAL BUDGETS**

None

**CONTACT OFFICERS:**

Susan Orrell	City Solicitor	234 3087
Rodney Lund	Assistant City Solicitor	234 4019

**BACKGROUND DOCUMENTS**

Constitution of the Council operative from 18 May 2005.

**WARDS AFFECTED:**

All

**IMPLICATIONS FOR:**

<b><u>Employment</u></b>	<b><u>Anti-Poverty</u></b>	<b><u>Equal Opportunities</u></b>	<b><u>Environment</u></b>
No	No	No	No

## **1. BACKGROUND**

- 1.2 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. The City Council adopted a Constitution on 12 September 2001 when it began operating executive arrangements. It was recognised at that time that amendments would need to be made to reflect operational needs, changing circumstances and new statutory requirements and guidance.
- 1.3 The City Solicitor is required to monitor and review the operation of the Constitution on an on-going basis and, where necessary seek the Council's approval to amendments.

## **2. OPERATIONAL CHANGES**

- 2.1 On 10 November 2005, Personnel Committee revised strategic management arrangements for the Council and new arrangements for the management of the Manchester Improvement Programme.
- 2.2 The change included the Strategic Director (Operations) taking overall responsibility for the co-ordination, management and delivery of the Manchester Improvement Programme and the establishment of a new post of Strategic Director of Neighbourhood Services. The Committee also approved the temporary re-assignment of the line management responsibilities of the Strategic Director (Operations) to other senior officers.
- 2.3 As a result of these changes, it has been necessary to review the Scheme of Delegation in order to ensure that the powers which were previously delegated to the post of Strategic Director (Operations) are transferred to the appropriate alternative Chief Officers.
- 2.4 The proposed variations to the Scheme of Delegation are detailed in the Appendix. This identifies the powers which are currently delegated to the post of Strategic Director (Operations), and the Chief Officer to whom it is proposed they should be delegated following the changes.
- 2.5 These interim amendments to the Constitution's scheme of delegation are to take effect immediately. They will be reviewed when the Strategic Director of Neighbourhood Services is appointed.

## **3. RECOMMENDATIONS**

- 3.1 It is recommended that the City Council adopt the temporary variations to the Scheme of Delegation to Chief Officers set out in the Appendix.

## APPENDIX

	<b>Strategic Operations (Director)</b>	<b>Delegation to Chief Officer</b>
1	To Manage City Works	City Treasurer
2	To tender for and carry out functional works of maintenance and new construction for the City Council and other public bodies.	City Treasurer
3	To procure security services within approved budgets.	City Treasurer
4	To vary the City Works employee establishment to reflect tender results and workload prospects, in consultation with the Executive Member for Finance and Human Resources.	City Treasurer
5	To incur expenditure in accordance with the approved City Works Business Plan	City Treasurer
6	To vary approved expenditure in City Works Business Plan to reflect tender results and workload properties in consultation with the Executive Member for Finance and Human Resources.	City Treasurer
<b>Parking</b>		
7	To determine applications for operational car parking spaces in the Council's car parks and to reserve car parking spaces in off-street car parks for exhibitions and other events, subject to capacity being available.	Head of Environmental Services
8	To discharge the functions of the Council relating to on-street and off-street parking, except those delegated to the Head of Engineering Services.	Head of Environmental Services
9	To instruct the City Solicitor to advertise the intention of making Orders concerning pay and display car parks and, where no objections are maintained, to cause the orders to be made. [Where objections are raised, these will be determined by the Head of Parking Services].	Head of Environmental Services
10	To set charges for parking at on street parking places and Council controlled off street car parks and to instruct the City Solicitor to carry out the necessary formalities to implement these changes	Head of Environmental Services
10A	To authorise the removal and immobilisation of vehicles in accordance with the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997, to authorise the City Solicitor to take proceedings in connection therewith and to store and dispose of such vehicles.	Head of Environmental Services
<b>Waste and Cleansing</b>		
11	To manage community based clean up campaigns.	Head of Environmental Services
12	To manage measures for litter abatement and environmental education	Head of Environmental Services

13	To liaise with the Chief Executive, the Waste Disposal Authority and other local authorities in the preparation and revision by the Waste Disposal Authority of waste disposal plans.	Head of Environmental Services
14	To claim establishment revenue for soft landscape schemes	Head of Engineering Services
15	To manage the cleaning of Council owned buildings	City Treasurer
16	To be responsible for grounds maintenance functions (excluding schools, parks and gardens).	Head of Engineering Services
17	To manage the storage, collection and transportation of final disposal of domestic, commercial and industrial refuse, certain classes of hazardous wastes, liquid wastes, bulky items and waste, clinical waste, garden refuse and building materials.	Head of Environmental Services
18	To arrange for the provision, hire or sale of refuse receptacles, the provision, hire or sale of receptacles for clinical waste, and the provision of litter bins.	Head of Environmental Services
19	To arrange for the sweeping of highways, streets and passages, the removal of fallen leaves, the removal of litter from landscaped areas, and the emptying of litter bins.	City Treasurer
20	To serve statutory notices in respect of the removal of abandoned motor vehicles and the collection, removal and disposal of unwanted or abandoned motor vehicles.	Head of Engineering Services
20A	To issue street litter control notices.	Head of Environmental Services
21	To participate in the recycling of waste materials.	Head of Environmental Services
22	To remove refuse abandoned on land in the open air	Head of Engineering Services
23	To maintain and repair of Council owned and Council operated vehicles and to be responsible for the testing of Hackney Carriages and Private Hire vehicles, and the M.O.T testing of private motor vehicles.	City Treasurer
24	To purchase refuse containers, compactors and skips in accordance with the needs of the service.	Head of Environmental Services
25	To manage the Council's vehicle fleet, including the disposal of surplus vehicles	City Treasurer
26	To authorise the City Solicitor to prepare and serve Notices under Section 215 of the Town and Country Planning Act 1990, take proceedings for non-compliance, respond to appeals and deal together with the City Solicitor with all matters consequent thereon.	Head of Environmental Services
27	To administer and enforce all relevant legislation relating to waste and environmental protection, including	Head of Environmental Services

	authorisation of officers, service of notices, making of orders, authorisation of entry on to land and premises, carrying out of works in default, authorisation of legal proceedings and any other matters required or available under the legislation.	
	<b>Highways</b>	
28	To maintain and repair highways within approved revenue budgets (with the exception of highway bridges and other structures).	Head of Engineering Services
28A	To authorise officers to enter land and premises and exercise any other related powers in pursuance of the Council's functions as a highway authority	Head of Engineering Services
29	To protect highways and streets, highway/street users and their rights and to deal with interference to highways and streets including the taking of enforcement action.	Head of Engineering Services
30	To be responsible for the control of work and the placing of items in, over, under, on or adjacent to highways and streets including the taking of action in relation to nuisances on neighbouring land which affect highways and streets and the granting of refusal of permissions and licences.	Head of Engineering Services
31	To manage the Council's rights of way network including the exercise of the Council's functions in respect of such matters and the definitive map under the Wildlife and Countryside Act 1981	Head of Engineering Services
32	To exercise the Council's functions under the New Roads and Street Works Act 1991.	Head of Engineering Services
33	To make temporary traffic orders and issue temporary notices under the Road Traffic Regulation Act 1984 and to make Orders under the Town Police Clauses Act 1847.	Head of Engineering Services
34	To exercise the Council's function in relation to the naming and numbering of streets and their renaming and renumbering.	Head of Engineering Services
35	To provide amenities and facilities on the highway and to authorise the provision of such amenities/facilities subject to the referral of objections/representations to any such proposal to the Strategic Director (Regeneration) for consideration	Head of Engineering Services
36	To provide street trees and highway grass verges and their removal and replacement.	Head of Engineering Services
37	To determine applications for street performances /displays etc.	Head of Engineering Services
38	To determine applications for Homewatch/Business Watch signs.	Head of Engineering Services
39	To keep and update the Council's list of	Head of Engineering Services

	adopted streets.	
40	To carry out urgent repairs to private streets or to require such urgent repairs to be carried out.	Head of Engineering Services
41	To provide or approve the provision of temporary directional signing for events	Head of Engineering Services
42	To exercise remedial and enforcement functions in respect of watercourses, non-main rivers classified as streams, brooks and ditches etc.	Head of Engineering Services
42A	To keep a register of information with respect to maps, statements and declarations pursuant to Section 31A of the Highways Act 1980.	Head of Engineering Services
43	Subject to consultation with the City Solicitor to enter into Agreements in relation to any of the above matters	Head of Engineering Services
44	To take urgent action in relation to highways/traffic matters subject to any such action under this power being reported to the next Ordinary Meeting of the Executive/Planning and Highways Committee, as appropriate.	Head of Engineering Services
	<b>General</b>	
45	To prepare where necessary statutory statements for works carried out by the DLO/DSOs within the department including refuse collection and street cleansing, grounds maintenance, fleet management, vehicle maintenance, street lighting, highways, building cleansing.	City Treasurer
46	In consultation with the Executive Member for Direct Services, as appropriate to offer the services of the DLO/DSOs within the department to undertake works for external agencies.	City Treasurer
47	To arrange and undertake public and private burials and associated activities under the Local Government Act 1972 and Local Authorities' Cemeteries Order 1977 (as amended).	Head of Engineering Services
48	To arrange and undertake cremations and associated activities under the Regulations as to Cremation 1930 (as amended) and the Environmental Protection Act 1990.	Head of Engineering Services
49	To arrange for the provision of a municipal funeral service under the Local Government Act 1972.	Head of Engineering Services
50	To be responsible for provision of public conveniences.	City Treasurer