



MANCHESTER
CITY COUNCIL

MANCHESTER CITY COUNCIL

CONSTITUTION OF THE COUNCIL

MAY 2014

Amended sections for Council

CONSTITUTION OF THE COUNCIL

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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 Executive's 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 (referred to in Manchester as 'Scrutiny')

There are 6 overview and scrutiny committees (**referred to in Manchester as '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 on its policies, budget and service delivery. 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 or the Council 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 individual's 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;

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- 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 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 **and the Environmental Information Regulations 2004** 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
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- 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, **or those who occupy any land or premises 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.

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(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 Section B 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 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 **and the Environmental Information Regulations 2004** to obtain information held by the Council.
- (c) **Participation.** Citizens have the right to submit petitions to the Council in accordance with the Council's petition scheme, and questions to Executive members and contribute to investigations by 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 law to be adopted by the Council:

- Sustainable Community Strategy under Section 4 of the Local Government Act 2000;
- Crime and Disorder Reduction Strategy under Sections 5 and 6 of the Crime and Disorder Act 1998;
- Youth Justice Plan under Section 40 of the Crime and Disorder Act 1998.
- Development Plan Documents under Section 15 of the Planning and Compulsory Purchase Act 2004, and Plans and Alterations which together comprise the Development Plan under Part 2 of, and Schedule 8 to, the Planning and Compulsory Purchase Act 2004;
- Licensing Authority Policy Statement under Section 349 of the Gambling Act 2005;

(ii) those other plans and strategies which the Council has determined should be adopted by the Council as part of the Policy Framework:

- The Council's Corporate Plan;
- Code of Corporate Governance;
- Work and Skills Plan;
- Housing Strategy (under Section 87 of the Local Government Act 2003);
- Tenancy Strategy (under Section 150 of the Localism Act 2011);
- The plan and strategy which comprise the Housing Investment Programme;
- Manchester Joint Health and Wellbeing Strategy (under the Health and Social Care Act 2012);
- Manchester Strategy for Improving Outcomes for Children, Young People and their Families;

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- Climate Change Action Plan;
 - Cultural Strategy;
 - Neighbourhood Focus Strategy;
 - Asset Management Plans;
 - ICT Strategy and Information Strategy;
 - Food Enforcement Policy;
 - Licensing Policy Statement (under the Licensing Act 2003)
 - Policies relating to Periodic Electoral Reviews, Local Government Reviews and reviews of parliamentary constituencies
 - Other plans and strategies determined by the Council.
- (b) **Budget.** The budget includes the **calculations required under section 31A, 31B and 36 of the Local Government Finance Act 1992 and in particular the council tax requirement, the basic rate of council tax and the setting of council tax for respective bands** 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 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, **or otherwise authorised by any provision of this Constitution**) 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 of the Town and Country Planning (Development Plans) (England) Regulations 1999, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan;

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- (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 **or the Budget and Policy Framework Policy 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 alderwoman 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 bye-laws 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) making requests for single-member electoral areas;
- (r) 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;
- (s) deciding the term of office of the Leader;

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- (t) including a provision in executive arrangements to remove the executive leader by resolution and passing such a resolution;
- (u) making an order giving effect to recommendations made in a community governance review;
- (v) duty to make a change in governance arrangements;
- (w) 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);
- (x) preparing and amending the annual Pay Policy Statement under Section 38 of the Localism Act 2011;
- (y) making determinations in relation to the remuneration of posts **(including coroner posts)** whose remuneration is, or is proposed to be, or would become, £100,000 p.a. or above, and severance packages of £100,000 and above;
- (z) adopting a Code of Conduct for elected and co-opted members of the Council under section 27 of the Localism Act 2011;
- (za) making or revising a council tax reduction scheme under section 13 A (2) of the Local Government Finance Act 1992; and
- (zb) 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 Section A 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

Scrutiny Committees

6.1 Terms of Reference

The Council will appoint the scrutiny committees set out below to discharge the functions conferred by section 9F of the Local Government Act 2000.

Committee

Young People and Children

Communities

Neighbourhoods

Economy

Health

Finance

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

6.2 General Role

Within their terms of reference, 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) 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;
- (iii) make reports and/or recommendations to the full Council and/or the Executive on any matter affecting the area or its inhabitants;
- (iv) 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;
- (v) arrange for its function under (i) above as regards any decision to be exercised by the full Council;
- (vi) require members of the Executive or officers of the authority to attend before it to answer questions, and invite other persons to attend;

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- (vii) 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.** 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 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.** 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 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 scrutiny committees.
- (d) **Annual report.** Scrutiny committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

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6.4 Crime and Disorder Committee

(a) One 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” include: -**

- Manchester City Council;
- every provider of probation services operating within Manchester in pursuance of arrangements under Section 3 of the Offenders Management Act 2007 which provide for it to co-operate with responsible authorities;
- the Chief Constable of Greater Manchester Police;
- the Greater Manchester Fire and Civil Defence Authority;
- every Clinical Commissioning Group (CCG), the whole or any part of whose area lies within the City of Manchester.

(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 and reduction of re-offending in the area.

6.5 Health Scrutiny Committee

One scrutiny committee will be designated as the Health Scrutiny Committee to discharge the health scrutiny functions of the Council under Regulations 21 to 23, 26 and 27 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Its responsibilities will include:-

- To review and scrutinise any matter relating to the planning, provision and operation of the health service in Manchester City Council’s area.
- To make reports and recommendations to relevant NHS bodies and health service providers.

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6.6 Proceedings of scrutiny committees

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

6.7 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 scrutiny committee;
- to assist in forward planning of the work programmes of the Executive and the scrutiny function;
- to overview the Council's best value programme to consider proposals for the use of the scrutiny budget.

(b) **Membership**

The Joint Co-ordinating Panel will comprise the Chairs of the Scrutiny Committees, the Leader and two other members of the Executive.

6.8 **Chairs**

Chairs of 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.

6.9 **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 scrutiny committees;
- (b) to provide support for the Council's 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 scrutiny committees.

Article 7

The Executive

7.1 Role

The Executive Leader ("the Leader") and 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 Council will decide the term of office of the Leader which must expire no later than the day on which the Council holds its first annual meeting after the Leader's normal day of retirement as a councillor.
- (c) The Leader's term of office will end on the day determined by the Council under (b) above, unless before that date -
 - (i) he/she resigns from the office;
 - (ii) he/she is no longer a councillor for any other reason; or
 - (iii) 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.
- (d) If there is a vacancy in the office of Leader as a result of a resolution under 7.3(c) (iii) above, the Council shall elect another councillor as Leader at the meeting **at** which the Leader is removed from office or at the next subsequent meeting of the Council.
- (e) If there is a vacancy in the office of Leader for any other reason, the Council shall elect another councillor as Leader at the first meeting after the vacancy occurs, provided that if the vacancy occurs after the issue of the summons and agenda for the meeting the election shall take place at the next subsequent meeting.

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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 before that date -
 - (i) he/she resigns from the office; or
 - (ii) he/she is no longer a councillor for any other reason; or
 - (iii) he/she is no longer a member of the Executive; or
 - (iv) 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 the 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 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;

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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 before that date -
 - (i) he/she resigns from the office; or
 - (ii) he/she is no longer a councillor for any other reason; or
 - (iii) 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 Scrutiny Committees.

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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 Section D of this Constitution.

7.10 Responsibility for functions

- (a) 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) another member of the Executive;
 - (iii) a committee of the Executive
 - (iv) an officer of the Council
 - (v) an area committee
- (b) 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.
- (c) 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

ARTICLES OF THE CONSTITUTION

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 Health and Wellbeing Board

(a) The Council will establish a Health and Wellbeing Board to discharge the functions described in Part 3 of this Constitution.

(b) The Health and Wellbeing Board will be composed of:

- The Leader of the Council;
- At least one councillor appointed by the Leader;
- The Director of Adult Social Services;
- The Director of Children's Services;
- The Director of Public Health;
- One representative appointed by the Local Healthwatch organisation;
- One representative appointed by the North Manchester Clinical Commissioning Group (CCG);
- One representative appointed by the Central Manchester CCG;
- One representative appointed by the South Manchester CCG;
- One representative appointed by the NHS Commissioning Board;
- Such other persons, or representatives of such persons, as the Council considers appropriate (provided that in the case of appointments after the Board is established the Council first consults the Board);
- Such additional persons as the Board considers appropriate.

8.3 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 as follows:

- Six elected Members of Manchester City Council (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);
- One Member of Ringway Parish Council who is not a Member of Manchester City Council (the Parish Member); and
- Two people appointed by the Council who are not councillors or officers of the Council (Independent Members).

b) Independent Members

Independent Members will not be entitled to vote at meetings;

c) Parish Member.

The Parish Member must be present when matters relating specifically to Ringway Parish Council or its Members are being considered.

d) 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 the other Independent Member, and in the absence of both Independent Members will be chaired as determined by the Committee.

e) 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).

f) 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.

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9.3 Role and Functions

The Council has delegated to the Standards Committee the following powers to deal with matters of conduct and ethical standards, and the Council's Standards Committee has the following role and functions:

- a) Promoting and maintaining high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives;
- b) Assisting Councillors, Co-opted Members and church and parent governor representatives to observe the Council's Code of Conduct for Members;
- c) Advising the Council on the adoption, revision or replacement of the Council's Code of Conduct for Members and the Council's Arrangements for dealing with Complaints that Council Members have failed to comply with the Council's Code of Conduct for Members ("the Council's Arrangements");
- d) Monitoring the operation of the Council's Code of Conduct for Members and the Council's Arrangements;
- e) Advising, training or arranging to train Councillors and Co-opted Members and church and parent governor representatives on matters relating to the Council's Code of Conduct for Members and other issues relating to Standards and Conduct;
- f) To determine in accordance with the Council's Arrangements whether a Council Member has failed to comply with the Council's Code of Conduct for Members and, if so, to determine what action (if any) to take;
- g) To take decisions in respect of a Council Member who is found on a hearing held in accordance with the Council's Arrangements to have failed to comply with the Council's Code of Conduct for Members ("the Subject Member"), such actions to include:–
 - (i) Publication of the findings of the Standards (Hearing) Sub-Committee in respect of the Subject Member's conduct;
 - (ii) Reporting the findings of the Standards (Hearing) Sub-Committee to Council for information;
 - (iii) Recommendation to Council that the Subject Member should be censured;
 - (iv) Recommendation to the Subject Member's Group Leader (or in the case of ungrouped Members to Council) that the Subject Member should be removed from any or all Committees or Sub-Committees of the Council for a recommended period;

ARTICLES OF THE CONSTITUTION

- (v) Recommendation to the Leader that the Subject Member should be removed from the Executive, or removed from their Portfolio responsibilities;
 - (vi) Instructing the Monitoring Officer to arrange training for the Subject Member;
 - (vii) Recommendation to Council that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the Council;
 - (viii) Withdrawal of facilities provided to the Subject Member by the Council, such as a computer, website and/or e-mail and Internet access; or
 - (ix) Placing such restrictions on the Subject Member's access to Council staff, buildings or parts of buildings as may be reasonable in the circumstances.
- h) To grant dispensations from section 31(4) of the Localism Act 2011 (after consultation with one of the Council's Independent Persons) if having had regard to all relevant circumstances, the Standards Committee: -
- (i) considers that granting the dispensation is in the interests of persons living in the Council's area, or
 - (ii) considers that it is otherwise appropriate to grant a dispensation.
- i) To determine appeals against the Monitoring Officer's decision on the grant of dispensations.
- j) to deal with any reports from the Monitoring Officer on any matter which is referred to it for determination;
- k) to deal with reports of the Monitoring Officer regarding breaches of the protocols/guidance to Members accompanying the Council's Code of Conduct for Members which do not in themselves constitute a breach of that Code;
- l) to report **from to time to time** 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;

ARTICLES OF THE CONSTITUTION

- 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 and the Leader may appoint Area Committees as they think fit, if they are 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 and the Leader 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 Scrutiny Committees

(a) Conflict of interest

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

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10.4 **Area Committees - access to information**

Area Committees will comply with the Access to Information Rules in Part 4 Section B 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 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. The political balance requirements apply to such appointments if the Council has 3 or more seats on the joint committee.
- (b) The Leader or 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) Where (b) above applies, except as set out below, the Leader or 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 Leader or 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.

11.2 Access to information

- (a) The Access to Information Rules in Part 4 Section B 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.

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11.3 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority.
- (b) **The Council may make arrangements with another local authority to discharge that authority's non-executive functions.**
- (c) The Leader or the Executive may delegate executive functions to another local authority or the Executive of another local authority.
- (d) **The Leader or the Executive may make arrangements with another local authority to discharge that authority's executive functions.**

11.4 Contracting out

The Council (for functions which are not executive functions) and the Leader or 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.

11.5 Joint Committees

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)
- Transport for Greater Manchester Committee
- AGMA Joint Scrutiny Pool
- Joint Committee for the Joint Waste Development Plan Document for Greater Manchester
- **Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC)**
- Bus Lane Adjudication Service Joint Committee
- Mersey Valley Joint Committee
- Manchester Area Pollution Advisory Council (MAPAC)
- Greater Manchester Police and Crime Panel

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) **Director of Public Health.** The Council, acting jointly with the Secretary of State will appoint a Director of Public Health.
- (e) **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.

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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. The Council has delegated to the Monitoring Officer the following powers to deal with matters of conduct and ethical standards:
 - (i) To act as the Council's Proper Officer to receive complaints that Council Members have failed to comply with the Council's Code of Conduct for Members;
 - (ii) To determine, after consultation with the Independent Person and in accordance with the Council's Arrangements for dealing with Complaints that Council Members have failed to comply with the Council's Code of Conduct for Members ("the Council's Arrangements") whether to reject, informally resolve or investigate a complaint;
 - (iii) To seek informal resolution of complaints that Council Members have failed to comply with the Council's Code of Conduct for Members wherever practicable;
 - (iv) To refer decisions dealing with a complaint against a Council Member to the Standards Committee in exceptional circumstances;
 - (v) To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with an Independent Person) determines that a complaint merits formal investigation;
 - (vi) To issue guidance to be followed by an Investigating Officer on the investigation of complaints;
 - (vii) To confirm, after consultation with an Independent Person and in accordance with the Council's Arrangements, an Investigating Officer's finding of no failure to comply with the Council's Code of Conduct for Members;

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- (viii) Where an Investigating Officer's report finds that the Subject Member has failed to comply with the Council's Code of Conduct for Members, to determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, either to seek a local resolution or to send a matter for local hearing.
- (ix) To grant dispensations from section 31(4) of the Localism Act 2011 if, having had regard to all relevant circumstances, the Monitoring Officer:-
- considers that without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
 - considers that without the dispensation each Member of the Council's Executive would be prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business to be transacted by the Executive; or
 - considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
- (d) **Maintaining the Council's Register of Members' Interests.** The Monitoring Officer will establish and maintain the Council's Register of Interests of Members and Co-Opted Members as required by section 29(1) of the Localism Act 2011 and ensure that it is available for inspection and published on the Council's website as required by the Act;
- (e) **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 publically available as soon as possible in accordance with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;
- (f) **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.
- (g) **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.
- (h) **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.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

ARTICLES OF THE CONSTITUTION

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 Section E 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 Section F 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) 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) a member of the Executive;
 - (iii) a committee of the Executive;
 - (iv) an officer of the Council;
 - (v) an area committee.

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

13.2 Principles of decision making

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

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

Decisions relating to the functions listed in Article 4.2 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 Section B 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 Section A 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 Section D of this Constitution when considering any matter.

13.6 **Decision making by scrutiny committees**

Scrutiny committees will follow the Scrutiny Procedure Rules set out in Part 4 Section E 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 Section A 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

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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 the Delegation 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 18.5 and 18.6 of the Council Procedure Rules in Part 4 Section A 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 Section A 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, 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 website and is updated as necessary.

Schedule 1

Description of Executive Arrangements

The following parts of this Constitution constitute the Executive arrangements:

1. Article 6 (Scrutiny committees) and the 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 Leader or the Executive;
4. Article 11 (Joint arrangements) insofar as any joint committee is determining matters delegated to it by the Leader or 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

INTRODUCTION

Part 3 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 **9D** 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).

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) another member of the Executive; or
- (iii) a committee of the Executive; or
- (iv) an officer of the Council; or
- (v) an area committee.
- (vi) another local authority or the executive of another local authority**
- (vii) joint arrangements with one or more other local authorities, including the establishment of a joint committee with such authority (ies)**

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 Part 2, 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 (a "non-executive" function). Part 3, Section A sets out these "local choice functions", designates them as "executive" or "non-executive", and shows who is authorised to discharge them.

CONTENTS

- Section A.** Local Choice Functions
- Section B.** Executive Functions
- Section C.** Council (Non-Executive) Functions
- Section D.** Area Committees
- Section E.** Scrutiny Committees
- Section F.** Scheme of Delegation to Officers

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 | [.....] | | | |
| 7 | [.....] | | | |
| 8 | Any function relating to contaminated land. | Executive | Executive | Head of Neighbourhood Delivery |
| 9 | The discharge of any function relating to the control of pollution or the management of air quality. | Executive | Executive | Head of Neighbourhood Delivery |
| 10 | The service of an abatement notice in respect of a statutory nuisance. | Non-Executive | Licensing and Appeals Committee | Head of Neighbourhood Delivery |
| 11 | The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area. | Non-Executive | Full Council | Not Delegated |
| 12 | The inspection of the Authority's area to detect statutory nuisance. | Non-Executive | Licensing and Appeals Committee | Head of Neighbourhood Delivery |
| 13 | The investigation of any complaint as to the existence of a statutory nuisance. | Non-Executive | Licensing and Appeals Committee | Head of Neighbourhood Delivery |
| 14 | Obtaining information under section 330 of the Town and Country Planning Act 1990 as to interests in land. | Non-Executive | Head of Planning | |

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

| | | | | |
|-------------|--|----------------------|----------------------------|---|
| 15 | Obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. | Non-Executive | All Chief Officers | |
| 16 | Making agreements for the execution of highway works. | Executive | Executive | Head of Neighbourhood Delivery |
| 17.1 | The appointment of any individual – (a) to any office other than an office in which he is employed by the authority (b) to any body other than (i) The Authority (ii) A Joint Committee of 2 or more Authorities or (c) to any Committee or Sub-Committee of such a body, in connection with executive functions and the revocation of any such appointment. | Executive | Executive | Chief officer as provided in the Scheme of Delegation at Part 3 |
| 17.2 | The appointment of any individual – (a) to any office other than an office in which he is employed by the authority (c) to any body other than (i) The Authority (ii) A Joint Committee of 2 or more Authorities or (c) to any Committee or Sub-Committee of such a body, in connection with non-executive functions and the revocation of any such appointment. | Non-Executive | Full Council | Committee or chief officer, as provided in the Scheme of Delegation at Part 3 |
| 17.3 | The appointment of the senior coroner, area and assistant coroners under Schedule 3 of the Coroners and Justice Act 2009 | Non-Executive | Personnel Committee | City Solicitor |
| 18 | The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities. | Non-Executive | Personnel Committee | Chief Executive |
| 19 (i) | Functions under section 106(1) of the Local Government and Public Involvement in Health Act 2007 (to approve draft Local Area Agreement for submission) | Non-Executive | Full Council | Not Delegated |
| 19 (ii) | Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements (other than functions under section 106(1) relating to approval of draft Local Area Agreement) | Executive | Executive | Chief Executive |

ANNEX 1

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

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 | Non-Executive | Full Council | Not Delegated |
| 2 | Section 12 | Closure of Parks | Executive | Executive | Head of Community and Cultural Services |
| 3 | Section 13 | Provision of Parking Places in Parks, etc | Executive | Executive | Head of Community and Cultural Services |
| 4 | Section 14 | Provision of Vehicles in Parks etc. | Executive | Executive | Head of Community and Cultural Services |
| 5 | Section 15 | Contribution towards Provision of Recreational Facilities | Executive | Executive | Head of Community and Cultural Services |
| 6 | Section 21 | Recovery of Street Works Charges Where Owner Unknown | Executive | Executive | Head of Neighbourhood Delivery |
| 7 | Section 22 | Street Numbers | Executive | Executive | Head of Neighbourhood Delivery |
| 8 | Section 24 | Provision of Trees and Shrubs | Non-Executive | Planning and Highways Committee | Head of Neighbourhood Delivery |
| 9 | Section 26 | Prohibition of Parking of Goods Vehicles in Residential Streets | Executive | Executive | Head of Neighbourhood Delivery |
| 10 | Section 27 | Control of Verges | Executive | Executive | Head of Neighbourhood Delivery |
| 11 | Section 28 | Temporary Stoppage of Footpaths and Bridleways | Executive | Executive | Head of Neighbourhood Delivery |
| 12 | Section 29 | Vesting of Former highway Land | Executive | Executive | Head of Planning, Building Control and Licensing |
| 13 | Section 30 | Hairdressers and Barbers | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 14 | Section 32 | Acupuncturists, Tatoists, Ear Piercers, Electrolysis etc. | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 15 | Section 34 | Dust etc. from Building Operations | Non-Executive | Licensing and Appeals Committee | Head of Neighbourhood Delivery |
| 16 | Section 35 | Carrying or Storage of Waste Food | Executive | Executive | Head of Neighbourhood Delivery |
| 17 | Section 36 | Power to Order Alteration of Chimneys | Non-Executive | Licensing and Appeals Committee | Head of Neighbourhood Delivery |
| 18 | Section 37 | Control of Rats and Mice | Executive | Executive | Head of Business Units |
| 19 | Section 38 | Powers of Entry for Prevention of Damage by Pests Act 1949 | Executive | Executive | Head of Neighbourhood Delivery |
| 20 | Section 42 | Control of Stray Dogs | Executive | Executive | Head of Neighbourhood Delivery |
| 21 | Section 43 | Repair of Walls etc. of Yards | Non-Executive | Licensing and Appeals | Head of Planning, Building Control and Licensing |

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

| | | | | | |
|----|----------------------------|---|---------------|---------------------------------|---|
| | | | | Committee | |
| 22 | Section 44 | Temporary Repair of Defective premises | Executive | Executive | Head of Neighbourhood Delivery |
| 23 | Section 47 | Urgent Repairs to Water, Gas and Electricity apparatus | Executive | Executive | Head of Neighbourhood Delivery |
| 24 | Section 48 | Artificial Lighting in Habitable Rooms etc. | Non-Executive | Licensing and Appeals Committee | Head of Neighbourhood Delivery |
| 25 | Section 49 | Trees impeding Natural Light to Houses, Shops and Offices | Non-Executive | Licensing and Appeals Committee | Head of Neighbourhood Delivery |
| 26 | Section 50 | Weatherproofing of Property | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 27 | Section 53 | Prohibition of Interference with Bird Traps | Non-Executive | Licensing and Appeals Committee | Head of Business Units |
| 28 | Section 54 | Dealings in Second Hand Goods | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 29 | Section 55 | Safety of Ceilings in Bingo Halls | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 30 | Section 58 | Safety of Stands | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 31 | Section 59 | Bye-laws with regard to Certain Temporary Structures | Non-Executive | Full Council | Not Delegated |
| 32 | Section 60 | Touting, Hawking, Photographing etc. | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 33 | Sections 61 & 63 and 65-66 | Fire Precautions | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 34 | Sections 67-73 | Storage of Flammable Material | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 35 | Sections 74-81 | Entertainment Clubs | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 36 | Section 98-106 | Aviation | Executive | Executive | Not Delegated |
| 37 | Section 117 | Power to Compound to Payment of Tolls | Non-Executive | Licensing and Appeals Committee | Director of Commercial Services |
| 38 | Section 118 | Power to require information to allow Council to discharge its duties and powers in relation to markets | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 39 | Section 119 | Power to permit market places to be used for Public Meetings etc. | Non-Executive | Licensing and Appeals Committee | Director of Commercial Services |
| 40 | Section 120 | Market Bye-laws | Non-Executive | Full Council | Not Delegated |
| 41 | Section | Night Cafes in | Non- | Licensing | Head of Planning, Building |

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

| | | | | | |
|----|-------------|---|---------------|---------------------------------|---|
| | 136-144 | Manchester | Executive | and Appeals Committee | Control and Licensing |
| 42 | Section 148 | Appointment of Art Galleries Committee | Non-Executive | Full Council | Not Delegated |
| 43 | Section 149 | Manchester Central Art Gallery | Non-Executive | Art Galleries Committee | Deputy Chief Executive (Growth and Neighbourhoods) (with the exception of Section 149(3) which in the case of the proposed sale or exchange of any work of art worth more than £25,000 the proposed sale or exchange shall be approved by the Art Galleries Committee) |
| 44 | Section 152 | North Western Museum of Science and industry | Executive | Executive | Not Delegated |
| 45 | Section 162 | Restriction on the use of Armorial Bearings | Executive | Executive | Not Delegated |
| 46 | Section 163 | Unauthorised Activities on Playing Fields (education) | Executive | Executive | Strategic Director of Children's Services |
| 47 | Section 164 | Pedal Cycles | Executive | Executive | Head of Neighbourhood Delivery |
| 48 | Section 165 | Prohibition of Entry of Goods Vehicles in Front Gardens | Executive | Executive | Not Delegated |
| 49 | Section 166 | Hackney Carriage Fares | Executive | Executive | Not Delegated |
| 50 | Section 167 | Signs on Vehicles | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

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. | Non-Executive | Licensing and Appeals Committee | Not Delegated |
| 2 | To determine appeals against the decisions of Chief Officers to remove companies from approved lists of contractors in relation to the execution of works and the supply of goods and services. | Non-Executive | Licensing and Appeals Committee | City Treasurer |
| 3 | To determine appeals by market traders where the trader's licence has been revoked. | Non-Executive | Licensing and Appeals Committee | Director of Commercial Services |
| 4 | To determine any other appeals referred to the Committee against any decision made by or on behalf of the authority. | Non-Executive | Licensing and Appeals Committee | All Chief Officers |
| 5 | To determine appeals against dismissal. | Non-Executive | Employee Appeals Committee | Not Delegated |

Section B

Executive Functions

SECTION B: RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

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) another member of the Executive; or
 - (iii) a committee of the Executive; or
 - (iv) an officer of the Council; or
 - (v) an area committee
 - (vi) another local authority or the executive of another local authority**
 - (vii) joint arrangements with one or more other local authorities including a joint Committee with such authority (ies)**
- (A) The Leader has delegated all executive functions to the Executive under Section 9E of the Local Government Act 2000, as amended, but this does not prevent the Leader from discharging such functions personally.
- (B) Officers may discharge the executive functions delegated to them in the Scheme of Delegation to Officers, subject to the terms of the delegation.
- (C) Where 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.
- (D) Where executive functions are delegated by the Leader or the Executive to be discharged by another local authority or the executive of another authority, that authority or executive may discharge such functions (subject to the terms of the delegation), but this will not prevent the Leader (or the Council's Executive) discharging such functions themselves.
- (E) The Leader or the Executive may make arrangements with the Leader/Mayor or Executive of another local authority to discharge the executive functions of that authority and, subject to the terms of such arrangements may further delegate the exercise of such functions to an officer of the Council**

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 by the Leader for the discharge of executive functions by the Executive, a committee of the Executive, or a member of the Executive do not prevent the Leader from exercising those functions.

RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- (iv) Any arrangements made by the Leader or the Executive for the discharge of executive functions by an officer do not prevent the Leader or, as the case may be, the Executive from exercising those functions.

- (v) By an Operating Agreement dated 1 April 2011, the discharge of the following Executive functions has been delegated to Transport for Greater Manchester (Joint) Committee –
 - (a) carrying out actions to facilitate the performance by local traffic authorities of their duty to manage road traffic on their own roads and facilitating the same on other local authorities' roads pursuant to sections 16 and 17 (except for sub-sections 17(2) and (3)) of the Traffic Management Act 2004

 - (b) preparing and carrying out a programme of measures designed to promote road safety, including carrying out road safety studies, studies into accidents, accident prevention campaigns, the dissemination of information and advice relating to the use of roads, and arranging for the giving of practical training to road users pursuant to sections 39(2) and 39(3)(a) and (b) of the Road Traffic Act 1988.

Section C

Council (Non-Executive) Functions

SECTION C: RESPONSIBILITY FOR NON - EXECUTIVE FUNCTIONS

To discharge non-executive functions which are not reserved to full Council alone, the Council has established the following ordinary committees.

- **PLANNING AND HIGHWAYS COMMITTEE**
- **LICENSING AND APPEALS COMMITTEE**
- **LICENSING COMMITTEE**
- **LICENSING POLICY COMMITTEE**
- **ART GALLERIES COMMITTEE:** - consisting of at least 14 members of the Council and 7 non-voting co-opted members appointed by the University of Manchester.
- **AUDIT COMMITTEE**
- **CONSTITUTIONAL AND NOMINATION COMMITTEE**
- **EMPLOYEE APPEALS COMMITTEE**
- **PERSONNEL COMMITTEE**
- **HEALTH AND WELLBEING BOARD**

The terms of reference of these Committees and their delegated powers are set out in the following pages.

Where the Council has delegated responsibility for the discharge of non-executive functions to officers, these delegations will appear in the Scheme of Delegation to Officers.

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

PLANNING AND HIGHWAYS COMMITTEE

| Function | | Provision of Act or Statutory Instrument | Delegation to Officers |
|-----------|--|---|---|
| I. | Functions relating to town and country planning and development control | | |
| 1 | Power to determine applications for planning permission. | Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990. | Head of Planning, Building Control and Licensing (hereafter referred to as 'Head of Planning') * See note below |
| 2 | Power to determine applications to develop land without compliance with conditions previously attached. | Section 73 of the Town and Country Planning Act 1990. | Head of Planning* See note below |
| 3 | Power to grant planning permission for development already carried out. | Section 73A of the Town and Country Planning Act 1990. | Head of Planning * See note below |
| 4 | Power to decline to determine application for planning permission. | Section 70A of the Town and Country Planning Act 1990. | Head of Planning |
| 5 | Duties relating to the making of determinations of planning applications. | Sections 69 and the Town and Country Planning (Development Management Procedure) (England) Order 2010/2184 and directions made thereunder. | Head of Planning |
| 6 | Power to determine applications for planning permission made by a local authority, alone or jointly with another person. | Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I.1992/1492). | Head of Planning* See note below |
| 7 | Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights. | Parts 6,7,11,17,19,20,21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I.1995/418). | Head of Planning |
| 8 | Power to enter into agreement regulating development or use of land. | Section 106 of the Town and Country Planning Act 1990. | Head of Planning |
| 9 | Power to issue a certificate of existing or proposed lawful use or development. | Sections 191(4) and 192(2) of the Town and Country Planning Act 1990. | Head of Planning |
| 10 | Power to serve a completion notice. | Section 94(2) of the Town and Country Planning Act 1990. | Head of Planning |
| 11 | Power to grant consent for the display of advertisements. | Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783). | Head of Planning |
| 12 | Power to authorise entry onto land. | Section 196A of the Town and Country Planning Act 1990. | Head of Planning |
| 13 | Power to require the discontinuance of a use of land. | Section 102 of the Town and Country Planning Act 1990. | Not Delegated |

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

| | | | |
|----|--|--|--|
| 14 | Power to serve a planning contravention notice, breach of condition notice or stop notice. | Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990. | Head of Planning |
| 15 | Power to issue a temporary stop notice | Section 171E of the Town and Country Planning Act 1990. | Head of Planning |
| 16 | Power to issue an enforcement notice. | Section 172 of the Town and Country Planning Act 1990. | Head of Planning |
| 17 | Power to apply for an injunction restraining a breach of planning control. | Section 187B of the Town and Country Planning Act 1990. | Head of Planning |
| 18 | Power to determine applications for hazardous substances consent, and related powers. | Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10). | Head of Planning |
| 19 | Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject. | Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of schedule 14 to that Act. | Head of Planning |
| 20 | Power to require proper maintenance of land. | Section 215(1) of the Town and Country Planning Act 1990. | Head of Planning |
| 21 | Power to determine application for listed building consent, and related powers. | Section 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9). | Head of Planning* See note below |
| 22 | [.....] | | |
| 23 | Duties relating to applications for listed building consent. | Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I.1990/1519). | Head of Planning |
| 24 | Power to serve a building preservation notice, and related powers. | Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. | Not Delegated |
| 25 | Power to issue enforcement notice in relation to demolition of [listed] building in conservation area. | Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990. | Head of Planning |
| 26 | Powers to acquire a listed building in need of repair and to serve a repairs notice. | Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990. | Head of Planning |
| 27 | Power to apply for an injunction in relation to a listed building. | Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990. | Head of Planning |
| 28 | Power to execute urgent works. | Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990. | Head of Planning subject to consultation with the Chair of Planning and Highways Committee |

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

Note: Functions marked with an * are delegated to the Head of Planning, Building Control and Licensing to approve (including approvals subject to conditions) the applications either where there is no objection from third parties of a planning nature or where there are objections from third parties of a planning nature but the proposal is clearly in accordance with approved Council planning policies.

| II | Miscellaneous Functions relating to highways. | | |
|----|--|---|--|
| 1 | Power to create footpath, bridleway or restricted byway by agreement. | Section 25 of the Highways Act 1980. | Head of Neighbourhood Delivery * see note below |
| 2 | Power to create footpaths, bridleways and restricted byways. | Section 26 of the Highways Act 1980. | Head of Neighbourhood Delivery * see note below |
| 3 | Duty to keep register of information with respect to maps, statements and declarations. | Section 31A of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 4 | Power to stop up footpaths bridleways and restricted byways. | Section 118 of the Highways Act 1980. | Head of Neighbourhood Delivery * see note below |
| 5 | Power to make a rail crossing extinguishment order. | Section 118A the Highways Act 1980. | Head of Neighbourhood Delivery * see note below |
| 6 | Power to make a special extinguishment order. | Section 118B the Highways Act 1980. | Head of Neighbourhood Delivery * see note below |
| 7 | Power to divert footpaths bridleways or restricted byways. | Section 119 of the Highways Act 1980. | Head of Neighbourhood Delivery * see note below |
| 8 | Power to make a rail crossing diversion order. | Section 119A of the Highways Act 1980. | Head of Neighbourhood Delivery * see note below |
| 9 | Power to make a special diversion order. | Section 119B of the Highways Act 1980. | Head of Neighbourhood Delivery * see note below |
| 10 | Power to make SSSI diversion order. | Section 119D of the Highways Act 1980. | Head of Neighbourhood Delivery * see note below |
| 11 | Duty to assert and protect the rights of the public to use and enjoyment of highways. | Section 130 of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 12 | Duty to serve notice of proposed action in relation to obstruction. | Section 130A of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 13 | Power to apply for variation of order under Section 130B of the Highways Act 1980. | Section 130B(7) of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 14 | Power to authorise temporary disturbance of surface of footpath bridleways or restricted byways. | Section 135 of the Highways Act 1980. | Head of Neighbourhood Delivery |

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

| | | | |
|----|--|---|--|
| 15 | Powers relating to the removal of things so deposited on highways as to be a nuisance. | Section 149 of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 16 | Power to extinguish certain public rights of way. | Section 32 of the Acquisition of Land Act 1981. | Head of Neighbourhood Delivery * see note below |
| 17 | Duty to keep a definitive map and statement under review. | Section 53 of the Wildlife and Countryside Act 1981. | Head of Neighbourhood Delivery |
| 18 | Power to include modifications in other orders. | Section 53A of the Wildlife and Countryside Act 1981. | Head of Neighbourhood Delivery |
| 19 | Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981. | Section 53B of the Wildlife and Countryside Act 1981. | Head of Neighbourhood Delivery |
| 20 | Power to prepare map and statement by way of consolidation of definitive map and statement. | Section 57A of the Wildlife and Countryside Act 1981. | Head of Neighbourhood Delivery |
| 21 | Power to designate footpath as cycle track. | Section 3 of the Cycle Tracks Act 1984. | Head of Neighbourhood Delivery |
| 22 | Power to extinguish public right of way over land acquired for clearance. | Section 294 of the Housing Act 1985. | Head of Neighbourhood Delivery |
| 23 | Power to make applications for orders for stopping up or diversion of highway. | Section 247 of the Town and Country Planning Act 1990 | Head of Neighbourhood Delivery * see note below |
| 24 | Power to authorise stopping up or diversion of footpath, bridleway or restricted byways. | Section 257 of the Town and Country Planning Act 1980. | Head of Neighbourhood Delivery * see note below |
| 25 | Power to extinguish public rights of way over land held for planning purposes. | Section 258 of the Town and Country Planning Act 1980. | Head of Neighbourhood Delivery * see note below |
| 26 | Power to enter into agreements with respect to means of access. | Section 35 of the Countryside and Rights of Way Act 2000. | Head of Neighbourhood Delivery |
| 27 | Power to provide access in absence of agreement. | Section 37 of the Countryside and Rights of Way Act 2000. | Head of Neighbourhood Delivery |
| 28 | Power to permit deposit of builders' skips on highway. | Section 139 of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 29 | Power to license planting, retention and maintenance of trees etc. in part of highway. | Section 142 of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 30 | Power to authorise erection of stiles etc. on footpaths or bridleways. | Section 147 of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 31 | Power to license works in relation to buildings etc. which obstruct the highways. | Section 169 of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 32 | Power to consent to temporary deposits or excavations in streets. | Section 171 of the Highways Act 1980. | Head of Neighbourhood Delivery |

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

| | | | |
|----|--|--|---|
| 33 | Power to dispense with obligation to erect hoarding or fence. | Section 172 of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 34 | Power to restrict the placing of rails, beams etc. over highway. | Section 178 of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 35 | Power to consent to construction of cellars etc. under street. | Section 179 of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 36 | Power to consent to the making of openings into cellars etc. under streets, pavement lights, ventilators. | Section 180 of the Highways Act 1980. | Head of Neighbourhood Delivery |
| 37 | Power to grant a street works licence. | Section 50 of the New Roads and Street Works Act 1991. | Head of Neighbourhood Delivery |
| 38 | Power to grant permission under Section 115E of the 1980 Act (except in relation to the provision of refreshment facilities on highway (‘ table and chairs licences’)) and related powers under Sections 115E and 115F of the 1980 Act but subject to the referral of objections/representations to any Section 115E proposals to the Deputy Chief Executive (Growth and Neighbourhoods) and to take any enforcement action under Section 115K in respect of failure to comply with the terms of any permission granted under Section 115E. | Sections 115E, 115F and 115K of Highways Act 1980. | Head of Neighbourhood Delivery (except ‘table and chairs’ licences which are delegated to the Head of Planning, Building Control and Licensing) Deputy Chief Executive (Growth and Neighbourhoods) – objections and representations. |
| 39 | Duty to publish notice in respect of proposal to grant permission under S115E of the Highways Act 1980. | Section 115G of Highways Act 1980. | Head of Neighbourhood Delivery |

Note: Functions marked with a * are delegated to the **Head of Neighbourhood Delivery** subject to consultation with the Chair of the Planning and Highways Committee.

| III Trees and Hedgerows | | | |
|--------------------------------|---|--|------------------|
| 1 | Powers relating to the preservation of trees. | Sections 197 to 214D of the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012 (2012/605) . | Head of Planning |
| 2 | Powers relating to the protection of important hedgerows. | The Hedgerows Regulations 1997. | Head of Planning |
| 3 | Powers relating to complaints about high hedges. | Part 8 of the Anti-Social Behaviour Act 2003. | Head of Planning |

| IV Local Choice Functions | | | |
|----------------------------------|--------------------------------|---|---------------------------------------|
| 1 | Provision of trees and shrubs. | Section 24 Greater Manchester Act 1981. | Head of Neighbourhood Delivery |

| V Conditions etc. and Enforcement | | | |
|--|--|--|--|
|--|--|--|--|

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

| | | |
|---|---|---|
| 1 | <p>The Functions of -</p> <p>(a) Imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of any of the functions set out in sections I, II, III and function 2 in section IV above, and</p> <p>(b) determining any other terms to which any such approval, consent, licence, permission or registration is subject.</p> | Delegated to the same officer who has been delegated the power to approve, consent, licence permit or register in the exercise of any of the above functions. |
| 2 | <p>The function of determining whether, and in what manner, to enforce -</p> <p>(a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned in sections I, II, III and function 2 in section IV above;</p> <p>(b) any contravention or failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.</p> | Delegated to the same officer who has been delegated the power to approve, consent, licence permit or register in the exercise of any of the above functions |
| 3 | <p>The function of -</p> <p>(a) amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned at sections I, II, III and function 2 in section IV above, or any condition, limitation or term to which it is subject, or</p> <p>(b) revoking any such approval, consent, licence, permission or registration.</p> | Delegated to the same officer who has been delegated the power to approve, consent, licence permit or register in the exercise of any of the above functions. |
| 4 | <p>The function of determining -</p> <p>(a) Whether a charge should be made for any approval, consent, licence, permit or registration as is mentioned at sections I, II, III and function 2 in section IV above; and</p> <p>(b) Where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.</p> | Delegated to the relevant officer in consultation with the Chair. |

DELEGATION

In exercising the above powers and responsibilities, the Committee and, unless the Committee or this Constitution provides otherwise, the relevant Officer shall have delegated powers to make decisions and act on behalf of the Council, PROVIDED THAT neither the Committee nor the relevant Officer shall exercise their delegated powers (but shall submit recommendations to the Council) in relation to any item which the Council calls in for determination.

[Note: the Committee may refer items to the Council for determination.]

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

LICENSING AND APPEALS COMMITTEE

| Function | | Provision of Act or Statutory Instrument | Delegation to Officers |
|-----------------|---|--|---|
| I. | Licensing and Registration Functions | | |
| 1 | Power to issue licences authorising the use of land as a caravan site ("site licences"). | Section 3(3) of the Caravan Sites and Control of Development Act 1960. | Head of Planning, Building Control and Licensing |
| 2 | Power to license the use of moveable dwellings and camping sites. | Section 269(1) of the Public Health Act 1936. | Head of Planning, Building Control and Licensing |
| 3 | Power to licence hackney carriages and private hire vehicles. | (a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. | Head of Planning, Building Control and Licensing |
| 4 | Power to license drivers of hackney carriages and private hire vehicles. | Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. | Head of Planning, Building Control and Licensing |
| 5 | Power to license operators of hackney carriages and private hire vehicles. | Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. | Head of Planning, Building Control and Licensing |
| 6 | Power to register pool promoters. | Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act 2005 (Commencement No 6 and Transitional Provisions) Order 2006 (S.I. 2006/3272) ("the Gambling Act Order"). | Head of Planning, Building Control and Licensing |
| 7 | Power to grant track betting licences. | Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order. | Head of Planning, Building Control and Licensing |
| 8 | Power to license inter-track betting schemes. | Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(e) and (4) of the Gambling Act Order. | Head of Planning, Building Control and Licensing |
| 9 | Power to grant permits in respect of premises with amusement machines. | Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article (4)(2) (l) and (m) of the Gambling Act Order. | Head of Planning, Building Control and Licensing |
| 10 | Power to register societies wishing to promote lotteries. | Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article (5)(2) (a) and (3) of the Gambling Act Order. | Head of Planning, Building Control and Licensing |
| 11 | Power to grant permits in respect of premises where amusements with prizes are provided. | Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article (5)(2)(d) and (5) of the Gambling Act Order. | Head of Planning, Building Control and Licensing |
| 12. | Power to institute proceedings for failing to provide for safety of children at entertainments. | Section 12 of the Children and Young Persons Act 1933. | Head of Planning, Building Control and Licensing |

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

| | | | |
|----|--|---|---|
| 13 | Power to license sex shops and sex cinemas, and sexual entertainment venues. | Section 2 & Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended). | Head of Planning, Building Control and Licensing (limited to power to renew existing licences) |
| 14 | Power to license performances of hypnotism. | The Hypnotism Act 1952. | Head of Planning, Building Control and Licensing |
| 15 | Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis. | Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982. | Head of Planning, Building Control and Licensing |
| 16 | Power to license pleasure boats and pleasure vessels. | Section 94 of the Public Health Acts Amendment Act 1907. | Head of Planning, Building Control and Licensing |
| 17 | Power to license market and street trading. | Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982. | Head of Planning, Building Control and Licensing (Street trading); In relation to Market Trading – Head of Business Units (power to license) and Director of Commercial Services (appeals on revocation) |
| 18 | Duty to keep list of persons entitled to sell non-medicinal poisons. | Section 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972. | Head of Planning, Building Control and Licensing |
| 19 | Power to register and license premises for the preparation of food. | Section 19 of the Food Safety Act 1990. | Head of Planning, Building Control and Licensing |
| 20 | Power to license scrap yards and powers in respect of licences. | Section 1 of the Scrap Metal Dealers Act 1964 and the Scrap Metal Dealers Act 2013 | Head of Planning, Building Control and Licensing |
| 21 | Power to issue, amend or replace safety certificates (whether general or special) for sports grounds. | The Safety of Sports Grounds Act 1975. | Head of Planning, Building Control and Licensing |
| 22 | Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds. | Part III of the Fire Safety and Safety of Places of Sport Act 1987. | Head of Planning, Building Control and Licensing |
| 23 | Power to license premises for the breeding of dogs. | Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999. | Head of Planning, Building Control and Licensing |
| 24 | Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business. | Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding of Dogs (Welfare) Act 1999. | Head of Planning, Building Control and Licensing |
| 25 | Power to register animal trainers and exhibitors. | Section 1 of the Performing Animals (Regulation) Act 1925. | Head of Planning, Building Control and Licensing |
| 26 | Power to license zoos. | Section 1 of the Zoo Licensing Act 1981. | Head of Planning, Building Control and Licensing |

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

| | | | |
|----|---|---|--|
| 27 | Power to license dangerous wild animals. | Section 1 of the Dangerous Wild Animals Act 1976. | Head of Planning, Building Control and Licensing |
| 28 | Power to license the employment of children. | Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963. | Strategic Director of Children's Services and Commissioning |
| 29 | Power to approve premises for the solemnisation of marriages and civil partnerships. | Section 46A of the Marriage Act 1949, Section 28 of the Civil Partnerships Act 2004, and The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I.2005/3168). | City Solicitor |
| 30 | Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to - (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or (b) an order under section 147 of the Inclosure Act 1845. | Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I.1969/1843). | Chief Executive |
| 31 | Power to register variation of rights of common. | Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I.1966/1471). | Chief Executive |
| 32 | Power to license persons to collect for charitable and other causes. | Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, and section 2 of the House to House Collections Act 1939. | Head of Planning, Building Control and Licensing |
| 33 | Power to grant consent for the operation of a loudspeaker. | Schedule 2 to the Noise and Statutory Nuisance Act 1993. | Head of Planning, Building Control and Licensing |
| 34 | [.....] | | |
| 35 | Power to register motor salvage operators. | Part I of the Vehicle (Crime) Act 2001. | Head of Planning, Building Control and Licensing |
| 36 | Functions relating to the registration of common land and town or village greens. | Part 1 of the Commons Act 2006 (c.26) and the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2008 (S.I. 2007/457) | Chief Executive |
| 37 | Functions Relating to Smoke Free Premises - Duty to enforce Chapter 1 and regulations made under it. | Section 10(3) of the Health Act 2006 | Head of Neighbourhood Delivery |
| 38 | Functions Relating to Smoke Free Premises - Power to authorise officers. | Section 10(5) of the Health Act 2006 | Head of Neighbourhood Delivery |
| 39 | Functions Relating to Smoke Free Premises - Functions relating to fixed penalty notices. | Paragraphs 13,15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760) | Head of Neighbourhood Delivery |

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

| | | | |
|----|--|---|---------------------------------------|
| 40 | Functions Relating to Smoke Free Premises - Power to transfer enforcement functions to another enforcement authority. | Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368) | Head of Neighbourhood Delivery |
| 41 | Power to make order identifying place as a designated public place for purposes of police powers in relation to alcohol consumption. | Section 13 (2) of Criminal Justice and Police Act 2001. | Not Delegated |
| 42 | Power to make or revoke an order designating a locality as an alcohol disorder zone. | Section 16 of the Violent Crime Reduction Act 2006 | Not Delegated |
| 43 | Power to apply for an enforcement order against unlawful works on common land. | Section 41 of the Commons Act 2006 | City Solicitor |
| 44 | Power to protect unclaimed registered common land and unclaimed town or village greens | Section 45(2)(a) of the Commons Act 2006 | City Solicitor |
| 45 | Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens. | Section 45(2)(b) of the Commons Act 2006 | City Solicitor |

| | | | |
|-----------|--|--|---------------------------------------|
| II | Functions relating to health and safety at work | | |
| | Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health & Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer. | Part I of the Health & Safety at Work etc. Act 1974. | Head of Neighbourhood Delivery |

| | | | |
|------------|---|------------|---|
| III | Local Choice Functions | | |
| 1 | Hairdressers and Barbers. | Section 30 | Head of Planning, Building Control and Licensing |
| 2 | Acupuncturists, Tattooists, Ear Piercers, Electrolysis etc. | Section 32 | Head of Planning, Building Control and Licensing |
| 3 | Dust etc. from Building Operations. | Section 34 | Head of Neighbourhood Delivery |
| 4 | Power to Order Alteration of Chimneys. | Section 36 | Head of Planning, Building Control and Licensing |
| 5 | Repair of Walls etc. of Yards. | Section 43 | Head of Planning, Building Control and Licensing |
| 6 | Artificial Lighting In Habitable Rooms etc. | Section 48 | Head of Neighbourhood Delivery |
| 7 | Trees impeding Natural Light to Houses, Shops and Offices. | Section 49 | Head of Neighbourhood Delivery |
| 8 | Weatherproofing of Property. | Section 50 | Head of Planning, Building Control and Licensing |
| 9 | Prohibition of Interference with Bird Traps. | Section 53 | Head of Business Units |
| 10 | Dealings in Second Hand Goods. | Section 54 | Head of Planning, Building Control and Licensing |
| 11 | Safety of Ceilings in Bingo Halls. | Section 55 | Head of Planning, Building Control and Licensing |

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

| | | | |
|----|--|--------------------|--|
| 12 | Safety of Stands. | Section 58 | Head of Planning, Building Control and Licensing |
| 13 | Touting, Hawking, Photographing etc. | Section 60 | Head of Planning, Building Control and Licensing |
| 14 | Fire Precautions. | Sections 61, 63-66 | Head of Planning, Building Control and Licensing |
| 15 | Storage of Flammable Material. | Sections 67-73 | Head of Planning, Building Control and Licensing |
| 16 | Entertainment Clubs. | Sections 74-81 | Head of Planning, Building Control and Licensing |
| 17 | Aviation. | Section 98-106 | Not Delegated |
| 18 | Power to Compound to Payment of Tolls. | Section 117 | Director of Commercial Services |
| 19 | Power of Council to require information to allow Council to discharge its duties and powers in relation to markets | Section 118 | Director of Commercial Services (where information required in relation to functions of the Council delegated to the Director of Commercial Services). Head of Planning, Building Control and Licensing (where information required in relation to functions of the Council delegated to the Head of Planning, Building Control and Licensing) |
| 20 | Power to permit market places to be used for Public Meetings etc. | Section 119 | Director of Commercial Services |
| 21 | Night Cafes in Manchester. | Section 136-144 | Head of Planning, Building Control and Licensing |
| 22 | Signs on Vehicles. | Section 167 | Head of Planning, Building Control and Licensing |

| IV Appeals | | |
|-------------------|--|---------------------------------|
| 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. | 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. | City Treasurer |
| 3 | To determine appeals by market traders where the trader's licence has been revoked. | 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. | All Chief Officers |

| V Conditions etc. and Enforcement | | |
|--|--|-----------------------------------|
| 1 | The functions of imposing any condition, limitation or other restriction on any approval, consent, licence, permission or registration granted in the exercise of any of the above functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject. | Officer relevant to the function. |
| 2 | The function of determining whether, and in what manner, to enforce - (a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned above; or (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject. | Officer relevant to the function. |

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

| | | |
|---|---|--|
| 3 | The function of - (a) amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned above, or any condition, limitation or term to which it is subject, or (b) revoking any such approval, consent, licence, permission or registration. | Officer relevant to the function. |
| 4 | The function of determining - (a) Whether a charge should be made for any approval, consent, licence, permit or registration as is mentioned above; and (b) Where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge. | Officer relevant to the function in consultation with the Chair. |

DELEGATION

In exercising the above powers and responsibilities, the Committee and, unless the Committee directs otherwise, the relevant Officer shall have delegated powers to make decisions and act on behalf of the Council, except that in the following matters, neither the Committee nor the relevant Officer shall exercise their delegated powers, but shall submit recommendations to the Council:

- (1) decisions on the control of hackney carriage numbers.
- (2) any item which the Council calls in for determination

[Note: the Committee may refer any items to the Council for determination].

[Note: The members of the Licensing and Appeals Committee will also act as an advisory committee under section 102(4) of the Local Government Act 1972 to advise the Executive on the discharge of the functions of the Council relating to:-

- (1) *Stands (ranks) for hackney carriages pursuant to section 63 of the Local Government (Miscellaneous Provisions) Act 1976 ("the Act");*
- (2) *Fixing of fares for hackney carriages pursuant to section 65 of the Act.]*

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

LICENSING COMMITTEE

1. To discharge the functions of the Council as licensing authority under the Licensing Act 2003, with the exception of any function conferred on the Council under Section 5 of the Act (statement licensing policy).
2. Without prejudice to the generality of the above the Committee may arrange for the sub-delegation of the functions to sub committee(s) established by it or (subject to the exceptions in Section 10 (4) of the Act) to an officer of the licensing authority.

| Matter to be dealt with | | Subcommittee (Licensing Panel) | Head of Planning, Building Control and Licensing |
|-------------------------|--|---|---|
| 1 | Application for personal licence. | In cases of police objection | If no objection made |
| 2 | Application for personal licence with unspent convictions. | In cases of police objection | If no objection made |
| 3 | Application for premises licence/club premises certificate. | If relevant representation made and not withdrawn | If no relevant representation made |
| 4 | Application for provisional statement. | If relevant representation made and not withdrawn | If no relevant representation made |
| 5 | Application to vary premises licence/club premises certificate. | If relevant representation made and not withdrawn | If no relevant representation made |
| 6 | Application to vary designated premises supervisor. | In cases of police objection | All other cases |
| 7 | Application for transfer of premises licence. | In cases of police objection | All other cases |
| 8 | Applications for interim authority. | In cases of police objection | All other cases |
| 9 | Application to review premises licence/club premises certificate. | All cases | |
| 10 | Decision to object when local authority is a consultee and not the relevant authority considering the application. | All cases | |
| 11 | Decision about police objection to temporary event notice. | All cases | |
| 12 | Decisions on applications for minor variations | All Cases | All cases (in consultation with the Chair of the Licensing Committee) |

Note: Where no representations are received in respect of an application, the licensing officer will deal with the application under delegated authority without the need for a hearing.

3. The Licensing Committee has delegated to the Deputy Chief Executive (**Growth and Neighbourhoods**) the function of discharge the functions of the Council in relation to the suspension of licences under section 55A (premises licence) and section 92A (club premises licence) of the Licensing Act 2003.

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

4. To discharge the functions of the Council as licensing authority under the Gambling Act 2005 and Regulations made thereunder with the exception of any function conferred on the Council under sections 166, and 349 of the Act.
5. Without prejudice to the generality of the above the Committee may arrange for the sub-delegation of the functions to sub-committee(s) established by it or (subject to the exceptions in Section 154(4) of the Gambling Act 2005) to an officer of the licensing authority.

| Matter to be dealt with | | Full Council | Sub-committee of licensing committee | Head of Planning, Building Control and Licensing |
|-------------------------|--|--------------|--|---|
| 1 | Three year licensing policy. | ✓ | | |
| 2 | Policy not to permit casinos. | ✓ | | |
| 3 | Fee setting (when appropriate). | | | ✓ |
| 4 | Application for premises licences. | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| 5 | Application for a variation to a licence. | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| 6 | Application for a transfer of a licence. | | Where representations have been received from the Commission | Where no representations received from the Commission |
| 7 | Application for a provisional statement. | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| 8 | Review of a premises licence. | | ✓ | |
| 9 | Application for club gaming/club machine permits. | | Where objections have been made (and not withdrawn) | Where no objections made/objections have been withdrawn |
| 10 | Cancellation of club gaming/club machine permits. | | ✓ | |
| 11 | Applications for other permits. | | | ✓ |
| 12 | Cancellation of licensed premises gaming machine permits. | | | ✓ |
| 13 | Consideration of Temporary Use Notice. | | | ✓ |
| 14 | Decision to give a counter notice to a Temporary Use Notice. | | ✓ | |

6. To establish one or more sub committees consisting of three members of the Committee.

NOTE

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

Where the committee is unable to discharge any function delegated to it because of the number of members who are unable to take part in the consideration or discussion of any matter or vote on any question, the committee must refer the matter back to the licensing authority and the authority must discharge the function.

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

LICENSING POLICY COMMITTEE

1. To monitor and keep under review the Council's policy with respect to its licensing functions during the three year period of the policy.
2. To make arrangements for consulting the statutory consultees and other appropriate persons or bodies in relation to the Council's policy.
3. To make recommendations to the Council as licensing authority as to any proposed revisions to its licensing policy during the period of that policy and in relation to any new policy for a subsequent three year period.

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

ART GALLERIES COMMITTEE

1. To discharge the functions of the Council under section 149 of the Greater Manchester Act 1981 and, insofar as they relate to art galleries, [sections 12-15 of the Public Libraries and Museums Act 1964] and section 145 of the Local Government Act 1972.
2. To provide such financial and other information as is required by the Executive and the Council to enable them to exercise their functions in relation to the revenue and capital budgets.

Delegation

In exercising the above powers and responsibilities, the Committee shall have delegated power (subject to Council Procedure Rule 9 – Reference to Council of Decisions taken under Delegated Powers) to make decisions and act on behalf of the Council.

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

AUDIT COMMITTEE

1. To receive and approve the authority's statement of accounts, including the Annual Governance Statement in accordance with the Accounts and Audit (England) Regulations 2011.
2. To consider external audit and inspection reports in the Audit Commission's Annual Audit and Inspection Letter in accordance with the Accounts and Audit (England) Regulations 2011 and to monitor the Council's response to individual issues of concern identified.
3. To consider and approve the findings of the Council's annual review of the effectiveness of its system of internal control under the Accounts and Audit (England) Regulations 2011, including the effectiveness of its system of internal audit.
4. In furtherance of the Council's duty to make arrangements for the proper administration of its financial affairs and the Committee's responsibilities under the Accounts and Audit (England) Regulations 2011 set out above:
 - 4.1 To obtain assurance over the Council's corporate governance and risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
 - 4.2 To review and approve (but not direct) the terms of reference for internal audit and an Internal Audit Strategy.
 - 4.3 To review and approve (but not direct) the internal annual audit programme considering the effectiveness of proposed and actual coverage in providing adequate assurance over the Council's arrangements for governance, risk management and system of internal control.
 - 4.4 To monitor the implementation and outcomes of the Council's internal audit programme and where required, to review summary and individual audit reports with significant implications for financial management and internal control.
 - 4.5 To seek assurance on the adequacy of management response to internal audit advice, findings and recommendations in the form of implementation of agreed action plans.
 - 4.6 To receive the Annual Report of the Head of Internal Audit.
 - 4.7 To consider the external auditor's annual letter, relevant reports and the annual report to those charged with governance on issues arising from the audit of the Statement of Accounts.
 - 4.8 To engage with the external auditor and external inspection agencies and other relevant bodies to ensure that there are effective relationships between external and internal audit.

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

- 4.9 To make recommendations to the Chief Finance Officer and Monitoring Officer in respect of Part 5 of the Council's Constitution (Financial Regulations).
- 4.10 To consider the Code of Corporate Governance.
- 4.11 To monitor the performance of the Treasury Management function including:
- **approval of / amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices**
 - **budget consideration and approval**
 - **approval of the division of responsibilities**
 - **receiving and reviewing regular monitoring reports and acting on recommendations**
 - **approving the selection of external service providers and agreeing terms of appointment.**
- 4.12 To consider and advise the Council on the Annual Governance Statement.

Delegation: In exercising the above powers and responsibilities, the Committee shall have delegated power to make decisions and act on behalf of the Council.

Note: The Committee may itself determine not to exercise its delegated powers and instead make recommendations to the Council.

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

CONSTITUTIONAL AND NOMINATION COMMITTEE

Delegations

1. To discharge the functions relating to elections set out in schedule 1(D) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

| | Function | Provision of Act | Delegation to Officers |
|----|--|---|-------------------------------|
| 1 | Duty to appoint an electoral registration officer. | Section 8(2) of the Representation of the People Act 1983. | Not Delegated |
| 2 | Power to assign officers in relation to requisitions of the registration officer. | Section 52(4) of the Representation of the People Act 1983. | Chief Executive |
| 3 | Duty to appoint returning officer for local government elections. | Section 35 of the Representation of the People Act 1983. | Not Delegated |
| 4 | Duty to provide assistance at European Parliamentary elections. | Section 6(7) & (8) of the European Parliamentary Elections Act 2002. | Chief Executive |
| 5 | Duty to divide constituency into polling districts. | Sections 18A to 18E of, and Schedule A1 to, of the Representation of the People Act 1983. | Not Delegated |
| 6 | Power to divide electoral divisions into polling districts at local government elections. | Section 31 of the Representation of the People Act 1983. | Not Delegated |
| 7 | Powers in respect of holding of elections. | Section 39(4) of the Representation of the People Act 1983. | Chief Executive |
| 8 | Power to pay expenses properly incurred by electoral registration officers. | Section 54 of the Representation of the People Act 1983. | Chief Executive |
| 9 | Power to fill vacancies in the event of insufficient nominations. | Section 21 of the Representation of the People Act 1985. | Chief Executive |
| 10 | Duty to declare vacancy in office in certain cases. | Section 86 of the Local Government Act 1972. | Chief Executive |
| 11 | Duty to give public notice of a casual vacancy. | Section 87 of the Local Government Act 1972. | Chief Executive |
| 12 | Power to make temporary appointments to parish councils. | Section 91 of the Local Government Act 1972. | Not Delegated |
| 13 | Power to submit proposals to the Secretary of State for an order for pilot schemes for local elections in England and Wales. | Section 10 of the Representation of the People Act 2000. | Not Delegated |
| 14 | Duties relating to publicity. | Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007. | Chief Executive |
| 15 | Duties relating to notice to Local Government Boundary Commission . | Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007. | Chief Executive |

2. To make payments and provide other benefits in cases of maladministration.

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

Referred to make recommendations

3. To consider reports from time to time of the Monitoring Officer on the Council's Constitution and to make reports to Council on proposed amendments.
4. To make recommendations to Council on:
 - 4.1 the power to dissolve small parish councils under Section 10 of the Local Government Act 1972.
 - 4.2 the power to make orders for grouping parishes, dissolving groups and separating parishes from groups under Section 11 of the Local Government Act 1972.
 - 4.3 the duty to consult on change of scheme for elections under Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007.
 - 4.4 the power to alter the years of ordinary elections of parish councillors under Section 53 of the Local Government and Public Involvement in Health Act 2007.
 - 4.5 functions relating to the change of the name of an electoral area under Section 59 of the Local Government and Public Involvement in Health Act 2007.
 - 4.6 the power to confer the title of honorary alderman or honorary alderwoman, or admit to be an honorary freeman or honorary freewoman, under Section 249 of the Local Government Act 1972.
 - 4.7 making, amending, revoking, re-enacting **or enforcing** of byelaws.
 - 4.8 the power to promote or oppose local or personal Bills under Section 239 of the Local Government Act 1972.
 - 4.9 the power to appoint of "proper officers" for particular purposes under Section 239 of the Local Government Act 1972.
 - 4.10 the appointment, removal, and substitution of members on committees of the Council and on joint authorities.
 - 4.11 the appointment, removal, and substitution of members to serve on joint committees and other bodies, insofar as they are not concerned with executive functions.
 - 4.12 the appointment of the Chairs of Scrutiny Committees, Ordinary Committees and Advisory Committees.
 - 4.13 establishing and control of the political balance requirements.
 - 4.14 functions relating to changing governance arrangements under Part 1A of the Local Government Act 2000.

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

4.15 functions relating to community governance under the Local Government and Public Involvement in Health Act 2007 in relation to:

- community governance reviews under Section 79 of the 2007 Act;
- community governance petitions under Sections 80, 83 to 85 of the 2007 Act;
- terms of reference of review under Sections 81(4) to (6) of the 2007 Act;
- power to undertake a community governance review under Section 82 of the 2007 Act;
- making of recommendations under Sections 87 to 92 of the 2007 Act;
- duties when undertaking review under Section 93 to 95 of the 2007 Act;
- duty to publicise outcome of review under Section 96 of the 2007 Act;
- duty to send two copies of order to Secretary of State and **Local Government Boundary** Commission under Section 98(1) of the 2007 Act; and
- power to make agreements about incidental matters under Section 99 of the 2007 Act.

EMPLOYEE APPEALS COMMITTEE

Delegations

1. To determine appeals against dismissal.

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

PERSONNEL COMMITTEE

1. To establish at the appropriate time panels of members to act as appointment panels for the appointment of the Chief Executive, Chief Officers and designated Deputy Chief Officers.
2. To determine which Deputy Chief Officer posts should be designated to be appointed by a panel of members.
3. To determine collective and corporate terms and conditions of staff.
4. To consider major Staffing and Organisational Reviews.
5. To provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such staff as are in their opinion sufficient to allow their statutory duties to be performed.
6. To determine "market rates" supplements.
7. To determine the assignment and re-grading of posts:
 - above SCP57 (Grade 12) and below £100,000 p.a.; or
 - up to and including SCP57 (Grade 12) where there is disagreement between the Chief Executive or Director of Human Resources and the relevant Chief Officer, or where the Chief Executive considers that the matter has corporate significance.
8. To determine the payment of honoraria exceeding 12 months duration in respect of posts above Grade 12.
9. To determine claims arising under the Scheme of Allowances for employees injured in the course of their employment above £10,000.
10. To determine policies relating to local government pensions and discretionary compensation for early termination of employment.
11. To constitute the Employers' side of any Local Joint Committee with the relevant trade unions.
12. To make recommendations to Council in relation to the annual Pay Policy Statement and any amendments to such statement.
13. To make recommendations to Council in relation to decisions affecting the remuneration of any post whose remuneration is or is proposed to be or would become £100,000 p.a. or more and in relation to proposed severance packages with a value of £100,000 or more.
14. **To make recommendations to Council in relation to the appointment of the senior coroner for the coroner area of Manchester (City) and to make recommendations to Council in accordance with the provisions of paragraph 15 of Schedule 3 to the Coroners and Justice Act 2009 in relation to agreeing**

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

the salary to be paid to the senior coroner where the salary is or is proposed to be or would become £100,000 p.a. or more.

15. To determine whether the Council should appoint an area coroner for the coroner area of Manchester (City), and to determine the number assistant coroners to be appointed for the coroner area of Manchester (City);
16. To agree in accordance with the provisions of paragraphs 16 and 17 of Schedule 3 to the Coroners and Justice Act 2009
 - the salary to be paid to any area coroner; and
 - the amount of the fees to be paid to any assistant coroners.

Delegation

In exercising the above powers and responsibilities, the Committee shall have delegated power (subject to Council Procedure Rule 9 – Reference to Council of decisions taken under Delegated Powers) to make decisions on behalf of the Council, except in relation to delegations 12 and 13 or any matter where:

- (a) the Head of the Paid Service determines the matter should be considered by full Council, or
- (b) the Council has resolved to determine the matter

Note: The Committee may itself determine not to exercise its delegated powers and instead make recommendations to Council.

RESPONSIBILITY FOR NON-EXECUTIVE FUNCTIONS

HEALTH AND WELLBEING BOARD

1. To encourage, for the purpose of advancing the health and wellbeing of people in Manchester, persons who arrange for the provision of any health or school care services in Manchester to work in an integrated manner.
2. To provide such advice, assistance or other support as appropriate for the purpose of encouraging partnership arrangements under section 75 of the National Health Service Act 2006 between the Council and NHS bodies in connection with the provision of health and social care services.
3. To encourage persons who arrange for the provision of health-related services (i.e. services which are not health or social care services but which may have an effect on the health of individuals) to work closely with the Board and with persons providing health and social care services.
4. To exercise the functions of the Council and its partner Clinical Commissioning Groups in preparing a joint strategic needs assessment under section 116 of the Local Government and Public Involvement in Health Act 2007 and a joint health and wellbeing strategy under section 116A of that Act.
5. To give the Council the opinion of the Board on whether the Council is discharging its duty to have regard to the joint strategic needs assessment and joint health and wellbeing strategy in discharging the Council's functions
6. To exercise such other Council functions which are delegated to the Board by the Council or the Leader.
7. To appoint such sub-committees or joint sub-committees as the Board considers appropriate.

Section D

Area Committees

SECTION D: RESPONSIBILITY FOR FUNCTIONS BY AREA COMMITTEES

WYTHENSHAW AREA COMMITTEE

Pursuant to Article 10 of Part 2 of this Constitution, the Council has established a Wythenshawe Area Committee. The Committee consists of the 15 councillors representing the following wards:

Baguley
Brooklands
Northenden
Sharston
Woodhouse Park

The Committee has the terms of reference and responsibilities set out below.

Delegations

1. To fulfil the role as the primary vehicle for consultation with the local community on all issues affecting the Wythenshawe area and to represent the views of the area on problems, needs and deficiencies which ought to be dealt with and to which the Council should direct its attention.
2. To determine applications for development within Wythenshawe, including applications for consent to display advertisements and proposals for Crown Development, but excluding applications where the Committee is minded to take a decision contrary to the professional opinion of the Head of Planning, **Building Control and Licensing**, applications for listed building and conservation area consent and applications for planning permission where by reason of their scale or the provisions of City Council policies the proposals are considered by the Head of Planning, **Building Control and Licensing** to be of more than local significance.
3. To call public meetings to discuss any question relating to the area.

Recommendations

4. To review and report to the Executive on the means by which the Council's assets in Wythenshawe can be channelled to meet community objectives.
5. To make comments to the Planning and Highways Committee on major development proposals as they relate to the area.
6. To refer to the Planning Committee individual development proposals within Wythenshawe where members of the Area Committee are minded to vote against the recommendation of the Head of Planning, **Building Control and Licensing** in the report.
7. To oversee and advise the Executive on the input of the various Departments into management of Wythenshawe Forum and the Civic Centre area.

Section E

Scrutiny Committees

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| SECTION E: RESPONSIBILITY FOR SCRUTINY COMMITTEES |
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Pursuant to Article 6 of Part 2 of this Constitution, the Council has established 6 Scrutiny Committees to discharge the functions set out in Section 9F of the Local Government Act 2000 and in Article 6.

The Scrutiny Committees, membership and the specific remit of each committee is as set out below:

| Committee | Membership | Remit |
|--|--|---|
| Young People and Children | <ul style="list-style-type: none"> ▪ At least ten elected members of the Council ▪ One representative of the Diocese of Manchester ▪ One representative of the Diocese of Salford and Shrewsbury ▪ Three elected parent governor representatives ▪ Two teacher representatives as non-voting co-opted members | <p>To exercise scrutiny functions in relation to the Council's Children's Services functions and other matters affecting children and young people, including –</p> <ul style="list-style-type: none"> ▪ School Standards and Improvement ▪ Children and Families ▪ Early Years (0-5's) and Play ▪ Children with Special Educational Needs ▪ Safeguarding Arrangements ▪ Education and Skills Development (for ages 0-15) ▪ Disabled Children ▪ Valuing Young People |
| Communities (the designated Crime and Disorder Committee) | <ul style="list-style-type: none"> ▪ At least ten elected members of the Council | <p>To exercise scrutiny functions in relation to matters concerning citizenship and inclusion, including –</p> <ul style="list-style-type: none"> ▪ Community Cohesion ▪ Respect Agenda ▪ Equality and Inclusion ▪ Older People ▪ Information and Advice Services ▪ Youth Offending/Disorder ▪ Domestic Violence/Abuse ▪ Crime and Policing <p>To review and scrutinise decisions or actions taken in connection with the discharge by the responsible authorities of their crime and disorder functions, namely-</p> <ul style="list-style-type: none"> ▪ Reduction of crime and disorder (including anti-social and other behaviour adversely affecting the local environment) ▪ Combating the misuse of drugs, |

SCHEME OF DELEGATION TO OFFICERS

| | | |
|-----------------------|---|---|
| | | alcohol and other substances and reducing re-offending |
| Neighbourhoods | <ul style="list-style-type: none"> ▪ At least ten elected members of the Council | <p>To exercise scrutiny functions in relation to matters concerning communities and neighbourhoods, including –</p> <ul style="list-style-type: none"> ▪ Waste ▪ Street Management ▪ Carbon Emissions and Climate Change ▪ Planning ▪ Highways ▪ Culture, Libraries and Theatres ▪ Housing ▪ Leisure and Sport ▪ Neighbourhood Working ▪ Flood Management |
| Economy | <ul style="list-style-type: none"> ▪ At least ten elected members of the Council | <p>To exercise scrutiny functions in relation to matters relating to the economy, employment and skills, including –</p> <ul style="list-style-type: none"> ▪ Economic Growth ▪ Strategic Transport ▪ Employment ▪ Regeneration ▪ Tourism ▪ Voluntary Sector ▪ City Region ▪ Core Cities ▪ Skills Development (aged 16+) ▪ Worklessness |
| Health | <ul style="list-style-type: none"> ▪ At least ten elected members of the Council | <p>To exercise scrutiny functions in relation to any matter relating to the planning, provision and operation of health services in Manchester, to issues affecting the health and well-being of the community, including -</p> <ul style="list-style-type: none"> ▪ Adult Social Care ▪ Aspiration and Well-being ▪ Health Services ▪ Health Inequalities ▪ Health Protection and Safeguarding ▪ Public Health and Healthy Living ▪ Mental Health and Well-being ▪ Patient and Public Involvement ▪ CQC Inspections of Health and |

SCHEME OF DELEGATION TO OFFICERS

| | | |
|-----------------------|---|---|
| | | <p>Social Care Provision</p> <ul style="list-style-type: none"> ▪ Any matter relating to health or social care services or providers referred by Healthwatch |
| <p>Finance</p> | <ul style="list-style-type: none"> ▪ At least ten elected members of the Council | <p>To exercise scrutiny functions in relation to resources and governance including those not falling within the remit of the other Scrutiny Committees and -</p> <ul style="list-style-type: none"> ▪ Finance and Budget Setting ▪ Capital Programme ▪ Procurement & Commissioning ▪ Property Management ▪ Human Resources ▪ Corporate and Partnership Governance ▪ City Region Governance ▪ Revenue and Benefits ▪ ICT |

SECTION F

Scheme of Delegation to Officers

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CHAPTER 1

INTRODUCTION

1. Officers may only exercise the delegated powers in this Scheme in accordance with:
 - 1.1 statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice.
 - 1.2 the Constitution, the Council's Register of the Delegation of Executive Functions, Standing Orders and Financial Regulations of the Council.
 - 1.3 the revenue and capital budgets of the Council, subject to any variation thereof which is permitted by the Council's financial regulations.
2. Officers may not exercise delegated powers where -
 - 2.1. the matter is reserved to the Council by law or by the Council's Constitution.
 - 2.2. the matter is a function which cannot by law be discharged by an officer.
 - 2.3. the Council, a Committee or Sub-committee (in the case of a non-executive function), or the Leader or the Executive (in the case of an executive function), has determined that the matter should be discharged otherwise than by an officer.
 - 2.4. the relevant Executive Member or the Leader of the Council (in the case of an executive function) has directed that the matter should be referred to the Executive or the appropriate committee or sub-committee for determination.
 - 2.5. the Chief Executive has directed that the officer concerned should not exercise a delegated function in special circumstances.
3. Subject to 1 above, officers may not exercise delegated powers in a way contrary to the policies and plans approved by or on behalf of the Council.
4. Before exercising delegated powers, particularly on matters involving the reputation of the Council, officers should consider the advisability of consulting the Chief Executive or the appropriate Strategic Director and/or the appropriate Executive Member.
5. Before exercising delegated powers, on matters of significance to a particular ward or wards, officers should consult, where practicable, the relevant ward councillors.
6. The delegated powers of Officers set out in this Scheme may be exercised by other officers authorised by the Officer with the delegated power to act on their behalf and in their name, provided that administrative procedures are in place to record the authorisation and to record and monitor decisions so taken.

SCHEME OF DELEGATION TO OFFICERS

7. Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment to or re-enactment of the same.
8. For the purposes of this Scheme, the term "Chief Officer" will be defined as any of those officers included in Chapter 2 of this Scheme.
9. Where an officer has delegated authority to discharge functions by virtue of any other provision of this Constitution or a specific decision of the Council, a committee, a sub-committee (in the case of a non-executive function) or the Leader or the Executive (in the case of an executive function) whether made before or after the adoption of this Scheme, the absence of that delegation from this Scheme shall not be treated as preventing the exercise of that delegation.
10. Where an officer takes a "key decision", a record of that decision must be made in accordance with Rule 22 of the Access to Information Procedure Rules in Part 4 Section B of this Constitution.
11. Where, in relation to an item before the Council, the Executive or a Committee, an officer is given specific authority to determine a particular matter, the officer should ensure that there is an appropriate audit trail to evidence such determination.
12. Where an officer has delegated authority to discharge functions in consultation with an Executive member, in the absence of that Executive member the officer may discharge such function in consultation with the Leader instead (or in the Leader's absence, in cases of urgency, with the Deputy Leader).
13. Where the delegation provides for discharge of a function in consultation with the Leader, in the absence of the Leader the officer may discharge the function in case of urgency in consultation with the Deputy Leader instead.
14. Where an officer who is not a Strategic Director (as defined in Part 8 of this Constitution) has delegated authority to discharge a function ("the delegated function") by virtue of this Constitution, the relevant Strategic Director in relation to that officer or post may discharge the delegated function where that officer is unable to act, through absence or otherwise, or where the post with the delegated function is vacant.
15. The delegations in this Scheme of Delegation include the discharge of both executive and non-executive functions.
16. The Scheme describes particular functions as executive functions and non-executive functions for illustrative purposes only, and misattribution of a function as executive or non-executive shall not be treated as preventing the exercise of the delegation.

**GENERAL DELEGATIONS TO ALL CHIEF OFFICERS/STRATEGIC DIRECTORS
AND
OFFICERS INCLUDED IN CHAPTER 3A**

The delegations below may only be exercised by Officers in connection with their own service.

General Functions

These functions can be either Executive or Non-Executive depending on the circumstances.

1. To determine officer attendance on visits (including visits abroad).
2. To determine officer and Member attendance at Conferences/Seminars, (including those held abroad) in consultation with the appropriate Chair or Executive Member.
3. To determine Member attendance on visits (including visits abroad) in consultation with the appropriate Chair or Executive Member.
4. Subject to any delegations to specific Chief Officers, the appointment and removal of representatives to serve on relevant outside organisations.
5. To determine fees and charges (where there is an express power to charge) in consultation with the appropriate Chair or Executive Member.
6. To reduce elements of fees and charges for individual events or items whereby such action will increase, overall, the income to the Council.
7. To agree, in consultation with the appropriate Chair or Executive Member, increases in fees and charges.
8. Service of statutory notices or orders and/or arranging for the execution of work consequent on non-compliance with such notices or orders in relation to aspects of their service in consultation where appropriate with the Chief Executive.

Non-Executive Functions

Financial

9. To agree payments not exceeding £1000 in cases of maladministration.
10. To maintain a departmental register of interests in which is recorded any hospitality or gifts which are accepted by an employee or any pecuniary interest in a contract which is declared by an employee and authorised by a Strategic Director in accordance with the Code of Conduct for Employees set out in Part 6 Section E of this Constitution.
11. To approve financial assistance for private legal proceedings on behalf of employees, on the advice of the City Solicitor, where the police/Crown Prosecution Service have declined to prosecute in cases of violence to employees.

SCHEME OF DELEGATION TO OFFICERS

Human Resources

12. Assignment of temporary posts which are for a period not exceeding 12 months.
13. Filling of vacant posts within approved establishments except Chief Officer and Deputy Chief Officer posts, subject to the approval of the Deputy Chief Executive (Performance).
14. Assignment of additional posts at grades up to and including Spinal Column Point 31 or equivalent in categories of posts where there is already an agreed job description and a grade fixed for the post by the Chief Executive.
15. Agreement to employees progressing beyond the competency bar.
16. In exceptional circumstances granting acceleration of increments for any staff within their substantive grade for merit and ability, in consultation with the Assistant Chief Executive (People).
17. The determination of applications for paid and unpaid leave: -
 - 17.1 for trade union training with special regard to the Council's policies on equal opportunities and to courses directed towards equal opportunity issues;
 - 17.2 for health and safety training;
 - 17.3 for paid leave for an employee to discharge her/his duties of the office of President of a Trade Union;
 - 17.4 for an employee to attend meetings etc with pay as a Member of another local authority, or similar public body on condition that the employee only receives the difference between pay and any amount receivable under Local Government Regulations etc. This does not include an employee attending such a body in their official capacity which would be as part of their official duties;
 - 17.5 for personal or domestic reasons;
 - 17.6 for maternity and paternity leave;
18. Determination of extensions of sickness allowance up to a maximum of one year on full pay, in consultation with the Assistant Chief Executive (People).
19. Determination of casual or essential car users allowances to officers.
20. In exceptional circumstances determination of planned overtime for officers above Spinal Column Point 31, in consultation with the City Treasurer.
21. Determination of the payment of removal expenses, lodging allowances or travelling allowances.

SCHEME OF DELEGATION TO OFFICERS

22. Determination of requests for the reimbursement of post-entry training and examination fees.
23. Determination of proposals to attend training courses.
24. Determination of proposals for the retention fees for trainers.
25. Determination of staff grievances.
26. Discipline, suspension and/or dismissal of employees.
27. Authority to assimilate staff on appointment, promotion or regrading where appropriate within the approved grade having regard to all the circumstances, on the basis of a clear business case and in consultation with the Assistant Chief Executive (People).

Miscellaneous

28. Compliance with the provisions of the Health and Safety policy of the Council.
29. To require information as to interests in land under Section 16 of Local Government (Miscellaneous Provisions) Act 1976.
30. To submit applications for deemed planning consent in respect of development by the Council.

Executive Functions

Business Plan/Policy

31. Implementation in conjunction with Heads of Service of Departmental Business Plans and delivery of service as defined therein within the annual cash limited net budget allocation identified to a particular service area within the overall approved Council budget.

Financial

32. To accept tender(s) or bid(s) for the carrying out of works for the Council, the purchase, leasing or hiring of goods, materials and equipment by the Council, or the supply of services to the Council, where the estimated contract value does not exceed £250,000 or where it does exceed £250,000 with the agreement of the Chief Executive and the City Treasurer, provided in all cases that budget provision is available.
33. To enter into contract documentation following tender/bid acceptance (subject to the provisions of Financial Regulations relating to contract formalities and the execution of contracts under seal).
34. To negotiate and agree price increases where a contract provides for price increases to be negotiated and agreed by the parties, subject to the agreement of the City Treasurer.

SCHEME OF DELEGATION TO OFFICERS

35. The assignment or novation of a contract.
36. The approval of the appointment of or the acceptance of the tender of a sub-contractor or supplier for the specialist work or material provided that this does not result in the budget provision for the works as a whole being exceeded.
37. Provided that authority to let a contract has been obtained: -
 - 37.1 Acceptance of the highest tender or bid for the award of concession/sponsorship contracts and the acceptance of other than the highest tender or bid with the agreement of the Chief Executive and the City Treasurer.
 - 37.2 Entry into contract documentation following tender/bid acceptance (subject to the provisions of Financial Regulations relating to contract formalities and the execution of contracts under seal).
38. To bid and tender for and enter into contract documentation for the supply of works, goods or services to other bodies where provided for in the relevant Business Plan (subject to the provisions of Financial Regulations relating to contract formalities and the execution of contracts under seal).
39. Virement between heads of revenue expenditure of up to £50,000 or capital expenditure of up to £25,000 (or in each case £100,000 with the approval of the City Treasurer) provided that such virement does not result in increased commitment in future years.
40. Subject to the agreement of the City Treasurer: -
 - 40.1 the writing off of debts which are irrecoverable or losses due to burglaries, etc; and
 - 40.2 the writing off or making adjustments in respect of deficiencies or surpluses of stock, equipment, etc.
41. Provision of reasonable hospitality to representatives of other authorities visiting the Department or premises under the Chief Officer's control, subject to agreement by the Chief Executive for expenditure in excess of £500.
42. To make grants and loans to voluntary and other organisations.
43. To vary the price of goods and services supplied, in accordance with changes in the cost incurred by the City Council, in consultation with the City Treasurer.
44. To negotiate and agree variations in contracts arising out of statutory requirements.
45. Determination of ex-gratia claims for damage to, or loss of, personal property subject to the approval of the City Solicitor for claims in excess of £1000.
46. To settle claims not exceeding £1000 in line with the Council's procedure for low value claims handling.

SCHEME OF DELEGATION TO OFFICERS

47. Disposal of surplus or obsolete equipment, (except vehicles) to the highest tenderer.

Land and Property

48. Management of land, property, accommodation and facilities held or used for a purpose within the Chief Officer's remit.
49. Repair and maintenance of buildings and upkeep of grounds.
50. The authorisation of repairs or adaptations by lessees or occupiers in respect of property owned by the Council and under the appropriate Chief Officer's control.
51. Authorising the use of premises for political meetings (other than public election meetings in accordance with the provisions of the Representation of the People Act 1983) but with a discretion for the Chief Officer to refuse any such application, after consultation with the Leader of the Council, the Leader of the Opposition and the Chief Executive, where the Chief Officer is of the opinion that a breach of the peace, injury to persons, damage to the Council's premises or equipment, is likely to arise should such a meeting take place.
52. Temporary closure of premises.
53. Determination of hours of opening of premises and facilities, including seasonal arrangements and closure during holiday periods.

Miscellaneous

54. Production of publications, relating to the service provided, for sale or free distribution to the public, subject to Section 2 of the Local Government Act 1986 and the Code of Recommended Practice on Local Authority Publicity.
55. Authorisation to statutory authorities to carry out essential works.
56. To determine requests for the installation of wireless receiving apparatus, telecommunications installations, electricity sub-stations and other minor works in or on any land or property under their management in consultation with the Chief Executive.
57. To respond to consultation papers relating to matters within the Chief Officer's remit, subject to consultation with the appropriate Executive Member and (where the matter has corporate significance) the Chief Executive.
58. To exercise the functions of the Council pursuant to Section 115 (disclosure of information to a relevant authority) of the Crime and Disorder Act 1998.

CHAPTER 2

CHIEF EXECUTIVE

The holder of the post of Chief Executive shall be responsible for the management of the Chief Executive's Department and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations, and any legal requirements, to:

General Functions

These functions can be either Executive or Non-Executive depending on the circumstances.

1. Discharge any function of the Council and Executive which has not been specifically delegated to another officer, committee or otherwise reserved by full Council or Executive and may direct any Chief Officer not to exercise a delegated function in special circumstances unless they are required to do so by law.
2. Authorise officers to enter premises in exercise of specific statutory powers.
3. Take any action which is required as a matter of urgency in the interests of the Council, in consultation with the Leader, if time permits.
4. Take preliminary steps to protect the rights and interests of the Council subject to consultation with the Leader in relation to any Bill or Statutory Instrument or Order in Parliament.
5. Nominate, appoint and remove, in consultation with the Leader, Council representatives on the board of companies, trusts and other bodies (including those companies, trusts and other bodies on which the Council has representatives who have been nominated by other bodies, such as AGMA) and to agree constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within relevant constitutions.

Non-Executive Functions

6. Discharge the functions of the Council relating to parliamentary, local government and European parliamentary elections and referenda:
 - 6.1 Power to assign officers in relation to requisitions of the registration officer
 - 6.2 Duty to provide assistance at European Parliamentary elections
 - 6.3 Powers in respect of holding of elections
 - 6.4 Power to pay expenses properly incurred by electoral registration officers
 - 6.5 Power to fill vacancies in the event of insufficient nominations
 - 6.6 Duty to declare vacancy in office in certain cases
 - 6.7 Duty to give public notice of a casual vacancy
 - 6.8 Duties relating to publicity
 - 6.9 Duties relating to notice to Electoral Commission

6a. To appoint Deputy Electoral Registration Officers

7. In conjunction with the City Treasurer, administer the scheme of Members' allowances, and to uprate such allowances annually in accordance with the formula agreed by the Council.
8. Agree in consultation with the Leader, starting salaries (within the range determined by the Council) on appointment of Chief Officers and for any assimilations into revised grades if the Chief Officer's post is re-graded.
9. Without prejudice to the power of individual Chief Officers in relation to the assignment of posts up to and including SCP31 (Grade 6), to determine in consultation with the Deputy Chief Executive (Performance) the assignment and regrading of posts up to and including SCP57 (Grade 12), unless there is a disagreement between the Chief Executive or the Deputy Chief Executive (Performance) and the appropriate Chief Officer about the proposals, or, where the proposals have corporate significance, in which cases the matter shall be determined by the Personnel Committee.
10. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981, or an order under section 147 of the Inclosure Act 1845.
11. Power to register variation of rights of common.
12. To discharge the Council's functions relating to the registration of common land and town or village greens pursuant to Part 1 of the Commons Act 2006 and the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations.

Executive Functions

Financial

13. Incur expenditure (including the making of grants and loans) up to £100,000 and above that level (up to £500,000) in consultation with the Leader, for the purposes of promoting or improving economic social or environment well-being of the City consistent with the City Council's Sustainable Community Strategy.
14. Make all decisions relating to the reclaim of capital grants, cessation of revenue grants and variation to any legal agreement (including financial returns to the City Council) in relation to the above expenditure.
15. Determine applications (in consultation with the Leader) for financial assistance for anti-deportation campaigns up to a maximum of £500.
16. Administer, following consultation with the Leader, the economic regeneration fund for the purposes of improving services, keeping and generating jobs, attracting visitors to the City, or raising Manchester's national and international profile.

SCHEME OF DELEGATION TO OFFICERS

17. Be responsible for Capital Investment bids for the refurbishment of property, changes in office layout, replacement of lifts, heating and other plant.

Human Resources

18. Maintain the list of Senior Nominated Officers in connection with establishment arrangements for the protection of children.
19. Authorise the appointment of consultants and professional advisors.

Land and Property

20. Accept any offer or tender for the disposal of land or property, provided the offer or tender is in the opinion of **Head of Property** the best consideration that can reasonably be obtained.
21. Agree and arrange for, the disposal of land and property, and any other interests in land and property subject to the consent of the Executive in the case of disposals of the freehold (other than freehold disposals for the purposes of the economic well being of the area, or of plots of land of no strategic importance and incapable of being developed on their own, or where the Leasehold Reform Act will eventually require a freehold sale, in which cases Executive consent is not required).
22. Agree terms for the sale of land and property where the Council's property is subject to compulsory purchase by another body.
23. Dedicate where appropriate Council owned land as a highway.

Manchester Airport.

24. Grant consent to the waiver of covenants or to variations to the Leases granted to Manchester Airport plc where these are urgently required to enable the Company to carry out specific development projects.
25. Acquire land and property within the Airport's operational area on behalf of Manchester Airport PLC subject to no net cost to the Council being incurred and to the basis of the purchase and the provisional terms being approved by the Airport Board.
26. Exercise any functions of the Council under the byelaws relating to Manchester Airport, including the authorisation of persons to act on behalf of the Council.

Development Briefs

26. Approve development briefs in consultation with the Leader and other relevant Executive Members.

Miscellaneous

SCHEME OF DELEGATION TO OFFICERS

27. Deal with emergencies and disasters and the carrying out of civil defence functions.
28. Control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations including approval of the issue of all official publicity and official publications.
29. Deal with issues relating to the Commission for Local Administration provided that: -
 - 29.1 Complaints involving Members shall be notified to the Member concerned and the Leaders of the majority and minority parties;
 - 29.2 Complaints involving the Chief Executive shall be undertaken by a Chief Officer nominated by the Leader;
 - 29.3 The Leader shall be consulted about statements to be published with the Local Commissioner.
30. Determine applications to advertise on Council vehicles.
31. Determine arrangements for civic hospitality.
32. Determine attendance at conferences where more than one service is involved in consultation with appropriate Executive Members, Chairs and Chief Officers.
33. The authorisation of officers to serve suspension notices and / or apply for forfeiture on behalf of the City Council under the provisions of the Consumer Protection Act 1987.
34. Attend and vote on behalf of the City Council at Manchester Airport PLC meetings, including meetings of any associated companies of Manchester Airport PLC and to nominate a member of staff to attend and vote where the Chief Executive is unable to do so.
35. Attend and vote on behalf of the City Council at meetings of any other company or organisation of which the Council is a member, and to nominate a member of staff to attend and vote where the Chief Executive is unable to do so.

The CHIEF EXECUTIVE is designated as the Council's HEAD OF PAID SERVICE for the purposes of Section 4 of the Local Government and Housing Act 1989. The duties of the Head of Paid Service are to report to the Council where necessary setting out proposals with respect to the co-ordination of the Council's functions, the number and grades of staff required and the organisation, appointment and proper management of the Council's staff.

The Chief Executive is also:

- a. The electoral registration officer.*
- b. The returning officer for the election of Councillors.*
- c. The proper officer:*

SCHEME OF DELEGATION TO OFFICERS

- a. responsible for the list of politically restricted posts;*
- b. (together with the City Solicitor) in respect of declarations of acceptance of office for the purpose of Section 83 of the Local Government Act 1972;*
- c. for the purpose of any enactment, unless the Council or this Constitution designates another officer for the purpose of a specific enactment.*

CITY SOLICITOR

The holder of the post of City Solicitor shall be responsible for the management of the City Solicitors Division of the Chief Executive's Department and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations, and any legal requirements, to:

General Functions

These functions can be either Executive or Non-Executive depending on the circumstances.

1. To institute, conduct, prosecute and defend any legal proceedings on behalf of the City Council, or where the Council considers it expedient for the protection or the promotion of the interests of the inhabitants of the City, subject to consultation with the Leader in any case where the Council is to appeal to the Court of Appeal or the House of Lords.
2. To settle, if appropriate, and in the interests of the Council, any actual or threatened legal proceedings.
3. To recover debts due to the Council by way of legal proceedings and the levying of distress on goods and chattels.
4. To instruct Counsel and professional advisers, where appropriate.
5. To determine procedural arrangements for the issue of all consents, refusals, decisions and notices on behalf of the Council under statutory power.
6. To give undertakings on behalf of the Council
7. To give indemnities on behalf of the Council to organisations for the use of their facilities or to persons or bodies to whose land access is required by the Council to carry out any development or works.
8. To determine applications made under the Council's Scheme of Allowances to employees injured in the course of their employment up to a maximum of £10,000.
9. To prepare, seal or sign documents.
10. To authorise other officers to seal documents in accordance with Article 14.5 of Part 2 of the Constitution, or to sign documents which are not required to be under seal.
11. To accept on behalf of the Council the service of notices, orders and legal procedures.

Non-Executive Functions

12. To discharge the delegations set out in Article 12.3 (c) of Part 2 of this Constitution in connection with the Code of Conduct for Members and the Council's Arrangements for dealing with complaints that members have failed to comply with the Code of Conduct.

SCHEME OF DELEGATION TO OFFICERS

13. To grant dispensations under Section 31 (4) of the Localism Act 2011 in the circumstances set out in Article 12.3 (c) (ix) of Part 2 of the Constitution.
14. Make arrangements for reviews of the permanent exclusion of pupils.
15. Make arrangements for appeals by governing bodies.
16. Approve premises for the solemnisation of marriages and civil partnerships.
17. Maintain a register of common land and a register of town or village greens.
18. Power to apply for an enforcement order against unlawful works on common land pursuant to Section 41 of the Commons Act 2006.
19. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference pursuant to section 45(2) of the Commons Act 2006.
20. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens pursuant to section 45(2)(b) of the Commons Act 2006.
- 21. To designate an officer of the Council to discharge the functions of the Council's Scrutiny Officer under Section 9FB of the Local Government Act 2000.**
- 22. To appoint (i) a Senior Coroner for the Manchester (City) Coroner area in accordance with paragraph 1 of Schedule 3 of the Coroners and Justice Act 2009, and (ii) area Coroner(s) or any Assistant Coroner(s) to the Manchester (City) Coroner area in accordance with paragraph 2 of Schedule 3 to the Coroners and Justice Act 2009.**

Executive Functions

23. To complete all property transactions and contractual arrangements where terms have been agreed by the Council or Committees or Chief Officers acting under the scheme of delegation.
24. Under Section 223 of the Local Government Act 1972 to authorise officers who are not admitted solicitors to appear in Magistrates' Court on behalf of the Council.
25. Under Section 60 of the County Courts Act 1984, to authorise officers of the Council to conduct actions on behalf of the Council in the County Court before a district judge in respect of: -
 - 25.1 the recovery of possession of houses and other property belonging to the Council;
 - 25.2 the recovery of any rent, mesne profits, damages or other sum claimed by the Council in respect of the occupation by any person of such a house.

SCHEME OF DELEGATION TO OFFICERS

26. To serve Notices to Quit in respect of Council land and properties and other notices required to terminate tenancies or otherwise secure recovery of possession.
27. To serve notices and enter into agreements with respect to the making-up of new streets.
28. To exercise the functions of the Council pursuant to Section 1 of the Crime and Disorder Act 1998 (Anti-Social Behaviour Orders)
29. To determine exemptions under Section 36 of the Freedom of Information Act 2000.
30. To arrange for the discharge of the Council's functions relating to petitions.
31. To arrange for the discharge of the Council's functions relating to Local Land Charges.
32. When authorised by Council, to apply to the Secretary of State for consent to dispose of land under Sections 32 and 43 of the Housing Act 1985.
33. To appoint a secretary to Local Access Forums and to provide administration and support to the same and its members.
34. Without prejudice to the generality of the above delegations: -
 - 34.1 To prosecute any person who places or maintains a notice deterring public use Access Land under Section 14 of the Countryside and Rights of Way Act 2000.
 - 34.2 To make byelaws in relation to Access Land and to prosecute contravention of such byelaws.
 - 34.3 To defend appeals against notices served under Section 36(3) and 37(1) of the Countryside and Rights of Way Act 2000.
 - 34.4 To prosecute for obstruction of persons entering land, pursuant to Section 40 of the Countryside and Rights of Way Act 2000.
35. To maintain a list of assets of community value **and a list of land nominated by unsuccessful community nominations**, pursuant to Part 5 (Chapter 3) of the Localism Act 2011.

The CITY SOLICITOR is designated as the Council's MONITORING OFFICER for the purposes of Section 5 of the Local Government and Housing Act 1989. The functions of the monitoring officer are listed in Article 12.3 in Part 2 of the Constitution and include:

- *Report on contraventions or likely contraventions of any enactment or rule of law.*
- *Report on any maladministration or injustice where the Ombudsman has carried out an investigation.*
- *Appointment of a Deputy.*
- *Power to delegate functions of the Monitoring Officer.*
- *Establish and maintain the Register of Members' interests.*
- *Maintain, monitor and review the Constitution.*
- *Support the Standards Committee.*

SCHEME OF DELEGATION TO OFFICERS

- *Promote and maintain high standards of conduct.*
- *Advise on whether executive decisions are within the Budget & Policy Framework.*
- *Provide advice on vices issues, maladministration, financial impropriety, probity, Budget and Policy Framework issues to all members.*

The City Solicitor is also:

- 1. Authorised to act as Solicitor to the Council.*
- 2. The Clerk to the Independent Education Appeals Panel and authorised to appoint lay members to serve on the Panel.*
- 3. The monitoring officer for Ringway Parish Council.*
- 4. The Senior Responsible Officer on behalf of the Council in relation to Part 1 of the Regulation of Investigatory Powers Act 2000.*
- 5. Responsible for approving and authorising officers to act as: -*
 - a. An Authorising Officer in relation to Part 2 of the Regulation of Investigatory Powers Act 2000, and*
 - b. A designated person and single point of contact in relation to Part 1 of the Regulation of Investigatory Powers Act 2000.*
- 6. The proper officer:*
 - a. for the purposes of Sections 225 (Deposit of Documents) and 229 (Certification of Photocopies) of the Local Government Act 1972.*
 - b. in respect of declarations of acceptance of office for the purpose of Section 83 of the Local Government Act 1972.*
 - c. for the Registration of Births, Deaths and Marriages or to nominate in writing another officer to be the Proper Officer.*
 - d. for Access to Information.*

CITY TREASURER

The holder of the post of City Treasurer shall be responsible for the management of the Corporate Services Department and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to:

General Functions

1. To exercise the responsibilities assigned to the City Treasurer in the Financial Regulations.
2. In consultation with the Executive Member for **Finance and** Human Resources, to determine the Council tax base pursuant to the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base (England) Regulations 2012.
3. To calculate the Council's business rate income, including the share of such income of central government and the GMFRA and such other calculations in relation to business rate income as may be required by the Local Government Finance Acts 1988 and 2012 and any regulations made thereunder.
4. To approve Form NNDR1 and notify relevant business rate calculations to the Secretary of State and the GMFRA.
5. To agree dates for payment of their respective shares of Council tax with the Police and Crime Commissioner and GMFRA and of business rates with central government and GMFRA.

Non-Executive Functions

6. Determine appeals against the decisions of Officers to remove companies from approved lists of contractors in relation to the execution of works and the supply of goods and services.
7. Subject to 8 and 10 below, to exercise the functions of the authority in relation to pensions.
8. In consultation with the Executive Member for Finance and Human Resources and the relevant Chief Officer, to determine applications for voluntary early retirement (including compassionate early retirement and flexible retirement) and to determine discretionary payments/awards in connection with such applications in accordance with the Council's policy statement.
9. In consultation with the Executive Member for Finance and Human Resources and the City Solicitor, to determine requests for guarantees to the Greater Manchester Pension Fund from bodies entering into admission agreements with the Fund.

SCHEME OF DELEGATION TO OFFICERS

10. Be the person specified to determine disputes in the first instance arising from the decisions of the Council as scheme employer under the Local Government Pension Regulations 1997.
- 10A To agree requests or recommendations for honoraria (subject to the approval of the Personnel Committee in the case of honoraria of more than 12 months duration in respect of posts above Grade 12).
11. Determine appropriate arrangements for the reimbursement of expenditure incurred by staff in exercise of Council duties, including establishing petty cash accounts where this is the most appropriate arrangement.
12. To operate the assisted car / bicycle purchase scheme.
13. To discharge the functions of the “Responsible Financial Officer” under the Accounts and Audit (England) Regulations 2011, including the requirement under Regulation 8(2) to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the Council at the end of the year to which it relates and of the Council's income and expenditure for that year.
- 14 To discharge the functions of the Council under the Accounts and Audit (England) Regulations 2011 [with the exception of Regulation 4(3), 6(4) and 8(3)].

Executive Functions

Financial

- 15 To raise loans and make investments (temporary investment of surplus monies and longer term investment of monies held for specific purposes) as and when required at appropriate rates.
16. To complete and sign leasing agreements for items included within the approved capital or revenue budgets.
17. To assess and administer the Council Tax support scheme and Housing and Education benefits.
18. To determine requests for the award of discretionary housing benefit in exceptional circumstances.
19. To grant discretionary rate relief under Section 47 of the Local Government Finance Act 1988.
20. To reduce or remit liability for rates under Section 49 of the Local Government Finance Act 1988.
21. To reduce the liability of a person for council tax under Section 13A of the Local Government Finance Act 1992.
22. To institute and conduct recovery proceedings (including winding up of companies) in relation to council tax, poll tax and national non - domestic rates.

SCHEME OF DELEGATION TO OFFICERS

23. To nominate persons to appear in Courts of Law in connection with any proceedings for distress or other recovery action relating to the National Non-Domestic Rate and Council Tax.
24. To operate the Home Loans scheme including mortgage advances, transfer of mortgages, sales of houses in possession and guarantees to building societies.
25. To provide financial services, either on an agency basis or where required by statute for other authorities or bodies.
26. To determine and declare local average rates in accordance with legislation and the interest rate for loans to housing associations.
27. To organise (in consultation with the Leader, Executive Member for Finance and Human Resources and the Chief Executive) the letting of capital contracts through MANSAT Developments Ltd; subject to: -
 - schemes let to MANSAT already having approval in accordance with Financial Standing Regulation 4.7; and
 - the approval of the MANSAT Board of Directors to undertake the projects concerned.
28. To sign certificates under the Local Government (Contracts) Act 1997.
29. To authorise persons to act for the Council at Company and creditors meetings.
30. In accordance with Section 38 of the Local Government Finance Act 1992, to publish within 21 days in the local newspaper notice of the amount of Council tax set by the authority.
31. To appoint, and determine the rate of remuneration, of any accountant employed by the Council concerning gaming, lotteries and amusements after consultation with a registered pool betting promoter or the occupier of a licensed betting track.
32. To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder.
33. To determine an amount (not exceeding the sterling equivalent of 15,000 euros) being the maximum sum which the Council will receive in cash without the express written consent of the City Treasurer.
34. **To determine (in consultation with the relevant Executive Member) whether to accept, reject or modify any expression of interest in providing a relevant service that is made to the Council under the Localism Act 2011 (Community Right to Challenge).**

VAT

SCHEME OF DELEGATION TO OFFICERS

35. Where appropriate, to elect for VAT status on particular land and property.

The CITY TREASURER is designated as the Council's CHIEF FINANCE OFFICER for the purposes of Section 151 of the Local Government Act 1972. The functions of the chief finance officer are listed in Article 12.4 in Part 2 of the Constitution and include:

- 1. Responsibility for the administration of financial affairs under Section 151 Local Government Act 1972*
- 2. Exercise of the duties of the Chief Finance Officer under Section 114, 114A, 115 & 116 of the Local Government Finance Act 1988 and Section 25 of the Local Government Act 2003, namely ensuring lawfulness and financial prudence of decision-making.*
- 3. Appoint a Deputy*

*In the absence of the City Treasurer, the above **delegations** may be exercised by the Assistant Chief Executive (Finance and Performance).*

DEPUTY CHIEF EXECUTIVE (PERFORMANCE)

The holder of the post of Deputy Chief Executive for Performance shall be responsible for the management of the Performance Division of the Chief Executive's Department and without prejudice to the foregoing, shall have the powers set out below subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements.

Executive Functions

1. Pay compensation in lieu of wages to persons excluded from work on public health grounds.

Non-Executive Functions

2. Administer the car user and bicycle allowance scheme and to vary on an individual basis the bicycle allowance scheme to ensure that disabled people are able to participate.
3. Implement and adopt nationally negotiated decisions on conditions of service and pay awards.
4. To consider grievances which cannot appropriately be resolved at departmental level.
5. To approve the filling of vacant posts within approved establishments (except for Chief Officer and Deputy Chief Officer posts).

The functions delegated to the Deputy Chief Executive (Performance) are to be exercised by the Deputy Chief Executive (People).

DEPUTY CHIEF EXECUTIVE (GROWTH AND NEIGHBOURHOODS)

The holder of the post of Deputy Chief Executive (**Growth and Neighbourhoods**) shall be responsible for the management of the **Directorate of Growth and Neighbourhoods** and without prejudice to the foregoing, shall have the powers set out below subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements.

General Functions

These functions can be either Executive or Non-Executive depending on the circumstances.

1. Without prejudice to the specific delegations of the **Head of Neighbourhood Delivery** the Director of Commercial Services, the Head of Community and Cultural Services, **the Head of Planning, Building Control and Licensing** and the Head of Business Units, to exercise a strategic overview of the Council's functions and services relating to private sector housing, environmental health, environmental services, waste, environmental protection, street management and enforcement, licensing, operational services, **regeneration** highways, environmental strategy and community and cultural services, including Art Galleries, Museums, Libraries, Theatres, Sport and Leisure.
2. To support and assist the Chief Executive in his responsibilities in relation to civil contingencies, emergencies and disasters, and to take day to day responsibility for such matters.
3. To discharge the Council's functions as a "responsible authority" as defined by Section 13(4)(za) of the Licensing Act 2003
4. To take any urgent action in connection with the functions delegated to **the Head of Neighbourhood Delivery** after consultation with the appropriate Chair or Executive Member, subject to any such action taken under this power being reported to the next ordinary meeting of the Executive or appropriate committee.
5. **At the request of the Chief Executive, to exercise any power delegated to the Chief Executive relating to economic development and regeneration**

Art Galleries and Museums

6. To discharge the functions of the Council in relation to Art Galleries and Museums and to oversee the management of the City Galleries Service.

Without prejudice to the generality of 6 above:

7. To approve the purchase of works of art using monies from the Art Fund up to a maximum of £25,000 in consultation with the Executive Member for Culture and Leisure.
8. To determine grants, contributions, subscriptions or loans in appropriate cases to bodies or organisations for the provision of artistic activities in the City.
9. To approve the acceptance of gifts, donations, deposits or offers of grant.
10. To make arrangements in relation to exhibitions including the borrowing of works of art from other collections and temporary loan of works of art from Manchester City Galleries collections.
11. To maintain war memorials and public statues.

Non-Executive Functions

12. To exercise the functions of the Council in relation to Manchester Art Gallery under Section 149 of the Greater Manchester Act 1981 (“the Local Act”) (with the exception of Section 149(3) of the Local Act which in the case of the proposed sale or exchange of any works or objects of art worth more than £25,000 shall be approved by the Art Galleries Committee).
13. To consider and determine, in consultation with the Executive Member for **Environment**, objections and representations in respect of the proposed granting of licences under Section 115E of the Highways Act 1980 (provision of amenities on highways).
14. To discharge the functions of the Council in relation to the suspension of licences under section 55A (premises licence) and section 92A (club premises licence) of the Licensing Act 2003.

Executive Functions

Flood and Water Management

15. To discharge the functions of the Council as a “lead local flood authority” under the Flood and Water Management Act 2010 (“the Flood Act”) **and under associated regulations.**
16. Without prejudice to the generality of paragraph 15 above, to discharge the Council’s functions in relation to:-
- (a) the “local flood risk management strategy” under section 9 of the Flood Act;
 - (b) “investigations” under section 19 of the Flood Act.

SCHEME OF DELEGATION TO OFFICERS

- (c) establishing and maintaining a “register” of flood risk structures and features under section 21 of the Flood Act.
- 17. To determine plans relating to schemes for culverting watercourses.
- 18. To perform the enforcement functions of the Council regarding reservoirs.
- 19. To exercise the Council’s remedial and enforcement functions in relation to watercourses, non-main rivers classified as streams, brooks and ditches etc.

Miscellaneous

- 20. To consider and determine, in consultation with the Executive Member for **Environment** , objections and representations in respect of proposed traffic regulation orders, speed limits, on-street parking places orders and traffic calming measures; and disposal or appropriation of open spaces.
- 21. To consider and determine, in consultation with the **Deputy Leader**, objections and representations in respect of proposed gating orders under Section 129A-G of the Highways Act 1980.
- 22. To consider and determine, in consultation with the Executive Member for the Environment objections and representations of proposed Orders concerning pay and display car parks.
- 23. To prepare where necessary statutory statements for works carried out by the DLOs /DSOs within the department including street cleansing, grounds maintenance, fleet management, vehicle maintenance, street lighting, highways, building cleansing.
- 24. **To review decisions made to include land in the Council’s list of assets of community value under Section 92 of the Localism Act 2011 in consultation with the Deputy Leader (provided the Deputy Leader has not taken part in the decision under review in which case an alternative member of the Executive will be consulted).**
- 25. Subject to consultation with the City Solicitor to enter into Agreements in relation to any of the above matters.

STRATEGIC DIRECTOR OF CHILDREN'S SERVICES AND COMMISSIONING

The holder of the post of Strategic Director of Children's Services and Commissioning is the statutory officer for the purposes of Section 18 of the Children Act 2004 and shall be responsible for the management of the Directorate for Children's Services and Commissioning and without prejudice to the foregoing, shall have the powers set out below subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements.

Non-Executive Functions

1. Power to license the employment of children (Part II of the Children and Young Persons Act 1933 byelaws made under that Part, and Part II of the Children and Young Persons Act 1963).

Executive Functions

2. To discharge the education functions conferred on or exercisable by the Council as set out in Schedule 36A of the Education Act 1996 (as amended).
3. To discharge the functions conferred on or exercisable by the authority, which are Social Services functions (as set out in Schedule 1 of the Local Authority Social Services Act 1970), so far as those functions relate to children.

Without prejudice to the generality of the above:

4. To discharge the functions conferred on the authority under Sections 23B to 24D of the Children Act 1989 (so far as not falling within paragraph 3 above).
5. To discharge the functions conferred on the authority under Sections 10 to 12, 12C 12D, and 17A of the Children Act 2004.
 - 5.1 To make arrangements to promote co-operation between the authority and relevant partners to improve the well-being of children in the area.
 - 5.2 To make arrangements to safeguard and promote the welfare of children.
6. To discharge any function exercisable by the authority under Section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children.
7. To discharge the functions conferred on the authority under Part 1 of the Childcare Act 2006.
8. To discharge the functions of the authority in relation to Early Years and Play and the Youth Service.
9. To exercise the functions of the authority under the Safeguarding Vulnerable Groups Act 2006, so far as those functions relate to children.

SCHEME OF DELEGATION TO OFFICERS

10. To discharge the functions of the authority in relation to youth justice and youth offending services.
11. To discharge the functions of the authority in relation to parenting contracts and parenting orders in connection with anti social behaviour under Part 3 of the Anti Social Behaviour Act 2003, as amended.
12. To discharge the functions of the authority under the following enactments:
 - Education Act 1973
 - Education Act 1980
 - Education (Fees and Awards) Act 1983
 - Further Education Act 1985 (except sections 4 and 5)
 - Education Act 1986
 - Education Reform Act 1988
 - Further and Higher Education Act 1992
 - Education Act 1994
 - Education Act 1996
 - Education Act 1997
 - Education (Schools) Act 1997
 - School Standards and Framework Act 1998
 - Teaching and Higher Education Act 1998
 - Higher Education Act 2004
 - Children, Schools and Families Act 2010

Financial

13. To grant or refuse financial assistance to students and pupils in accordance with statutory regulations.
14. To increase school Imprest Accounts as appropriate, in consultation with the City Treasurer.

Human Resources

15. To arrange the secondment of Teachers and other Education Service staff to promote the provision of an efficient and effective Education Service.
16. To appoint Representatives to serve on Joint Committees of Recommendation in accordance with Articles of Government in consultation with the Executive Member for Children's Services.
17. To determine recommendations of Governing Bodies/the Council's Joint Committees with education functions for the appointment of teaching staff.

Miscellaneous – Education

18. To exercise the powers of intervention in schools causing concern in accordance with the School Standards and Framework Act 1998.

SCHEME OF DELEGATION TO OFFICERS

19. To exercise the Council's reserve power to prevent a breakdown of discipline in accordance with the School Standards and Framework Act 1998.
20. To authorise the closure of school premises for the purposes of Local and National Elections.
21. To exercise the functions of the Council pursuant to Sections 1, 16 and 115 of the Crime and Disorder Act 1998 (Anti-Social Behaviour Orders, removal of truants and Disclosure of Information to a relevant authority).
22. To appoint and remove the Council's representatives on Governing Bodies.
23. To enforce all relevant legislation relating to the attendance at school of children of compulsory school age, including the investigation of offences under Section 444 of the Education Act 1996, and the issue of fixed penalty notices under Section 444A of the Education Act 1996.
24. To exercise powers in respect of activities on playgrounds, playing fields and sports complexes under Section 163 of the Greater Manchester Act 1981.

Miscellaneous – Children's Social Care

25. To pay the cost of any application for registration as a British Citizen on behalf of a child in the care of the Council.
26. To pay legal fees for adopters where legal representation is necessary (and where there is no possibility of public funding being allowed) and in appropriate circumstances the payment of medical fees in connection with adoption.
27. To pay reasonable legal expenses incurred in relation to applications for Special Guardianship and Residence Orders in accordance with relevant legislation, guidance and policy and where there is no possibility of public funding being allowed.
28. To provide financial support to holders of Special Guardianship and Residence Orders in accordance with relevant legislation, guidance and policy.
29. To act as the next friend of any child in care with regards to insurance claims.
30. To consent to abortion in respect of child in care and approve the separation of siblings in care.
31. To permit the placement of a child in secure accommodation for a period not exceeding 72 hours.
32. To effect a change of name by deed poll of a child in care.
33. To impose requirements to prohibit the accommodating of foster children at specified addresses.

SCHEME OF DELEGATION TO OFFICERS

34. To authorise the placement and cost thereof of older children under the inter agency placement scheme established by the Association of British Adoption and Fostering Agencies on the Adoption Resource Exchange.
35. To decide upon recommendations of Adoption and Fostering Panels.
36. To consent to the making of an application for a Special Guardianship and Residence Order where required.
37. To take any action urgently required to protect the interests of any child in need under the Children Act 1989.
38. To act as Authorised Officer under Children's and Adoption Legislation.

STRATEGIC DIRECTOR FOR ADULTS, HEALTH AND WELLBEING

The holder of the post of Strategic Director for Families, Health and Wellbeing is the statutory officer for the purposes of Section 6 of the Local Authority Social Services Act 1970 as amended (other than those functions for which the Director of Children's Services is responsible under Section 18 of the Children Act 2004) and shall be responsible for the management of the Directorate for Families, Health and Wellbeing and without prejudice to the foregoing, shall have the powers set out below subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements.

Executive Functions

Social Services

1. To discharge the Social Services functions of the Authority as listed in Schedule 1 of the Local Authority Social Services Act 1970 as amended from time to time other than those functions for which the Director of Children's Services is responsible under Section 18 of the Children Act 2004.
2. Without prejudice to the generality of the aforesaid, such functions include but are not limited to powers of the Social Services authority under the following legislation: -
 - National Assistance Act 1948
 - Disabled Persons (Employment) Act 1958
 - Mental Health Act 1959
 - Health Services & Public Health Act 1968
 - Chronically Sick and Disabled Persons Act 1970
 - Supplementary Benefits Act 1976

 - Mental Health Act 1983
 - Health & Social Services & Social Security Adjudications Act 1983
 - Public Health (Control of Disease) Act 1984
 - Housing Act 1996
 - Disabled Persons (Services, Consultation & Representation) Act 1986
 - National Health Service & Community Care Act 1990
 - Carers (Recognition & Services) Act 1995
 - Community Care (Direct Payments) Act 1996
 - Carers and Disabled Children Act 2000
 - Local Government Act 2000
 - Health and Social Care Act 2001
 - Nationality, Immigration and Asylum Act 2002
 - Community Care (Delayed Discharges etc) Act 2003
 - Health & Social Care (Community Health & Standards) Act 2003
 - Carers (Equal Opportunities) Act 2004
 - Mental Capacity Act 2005
 - Health and Social Care Act 2012

SCHEME OF DELEGATION TO OFFICERS

3. Without prejudice to the generality of 1 and 2 above to be accountable for discharging the functions of the Council in relation to Safeguarding Adults and Domestic Violence, and to be accountable for discharging the functions of the Council in relation to the Manchester Multi-Agency Risk Assessment Conference (MARAC) and the Greater Manchester Multi Agency Public Protection Arrangements (MAPPA).

Housing

4. Without prejudice to the generality of 1 and 2 and 3 above to exercise the functions of a Local Housing Authority pursuant to:-
 - Part VII of the Housing Act 1996 (Homelessness)
 - Part 1 Chapter 1 of the Housing Grants and Construction and Regeneration Act 1996 (Disabled facilities grants) and any General Consents given by the Secretary of State.
5. To authorise the City Solicitor to issue notices to quit and commence proceedings for possession of any tenancy or licence granted by the Council pursuant to any function under Part VII of the Housing Act 1996.
6. To manage funds and commission services to support people in residential accommodation.

Financial

7. To set fees for rates of maintenance at homes operated by voluntary and private organisations in consultation with the City Treasurer.
8. To act on behalf of the City Council in relation to the discharge of receivership functions.
9. To agree payments for adaptations to carers' property to facilitate placements.

Miscellaneous

10. To authorise the exercise of all powers of entry vested in the Council as Social Services Authority or Local Housing Authority.
11. To authorise the approval of Approved Mental Health Professionals (AMHP) under the Mental Health Act 1983 (as amended by the Mental Health Act 2007).
12. To administer grants made by the Manchester Immigration Needs Trust.
13. To exercise the functions of the Council pursuant to the Forced Marriage (Civil Protection) Act 2007.
14. To exercise the functions of the Council under the Safeguarding Vulnerable Groups Act, except where such functions relate to children.

SCHEME OF DELEGATION TO OFFICERS

15. Without prejudice to the general delegation of the Director of Children's Services, to exercise the functions of the Council under Section 15B of the Education Act 1996.
16. To discharge any functions exercisable by the authority under Section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to adults.
17. To exercise the functions of the Council in respect of domestic homicide reviews established and conducted under Section 9 of the Domestic Violence, Crime and Victims Act 2004 in partnership with the Assistant Chief Executive (Neighbourhoods) and the Greater Manchester Community Safety Partnership (CSP).

Public Health

18. Without prejudice to the specific delegations to the Director of Public Health to maintain a strategic overview of the discharge of the Council's functions in relation to public health under the Health and Social Care Act 2012 and other legislation.
19. To authorise allowances to persons excluded from work because of notifiable disease in consultation with the Deputy Chief Executive (Performance).
20. To discharge the Supervisory Body (SB) function of the Council for the Deprivation of Liberty safeguards (DOLS) in hospitals **and care homes**, pursuant to Schedule A1 of the Medical Capacity Act 2005 and the Deprivation of Liberty Code of Practice.

STRATEGIC DIRECTOR (STRATEGIC DEVELOPMENT)

The holder of the post of Strategic Director (Strategic Development) shall be responsible for the management of the Property Division of the Directorate of Growth and Neighbourhoods and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements:

Executive Functions

1. To exercise the functions of the Council relating to caravan sites and unauthorised encampments (such functions to include the exercise of the powers of the Council conferred by Sections 77 to 80 of the Criminal Justice and Public Order Act 1994).
2. To exercise the power conferred by the Countryside and Rights of Way Act 2000 on owners of, or persons having an interest in, access land or land proposed to be access land, in consultation with the Chief Officer within whose remit management of the relevant land lies.
3. Where a disposal of open space within the meaning of the Open Spaces Act 1906 is in prospect, to instruct the City Solicitor to advertise in accordance with Section 123 of the Local Government Act 1972 or Section 233 of the Town and Country Planning Act 1990.
4. To accept any offer or tender and agree and arrange for, the disposal of land or property and other interests in land or property provided the offer or tender does not exceed £500,000 and is in the opinion of the Head of Property the best consideration that can reasonable be obtained, subject to the consent of the Executive in the case of disposals of the freehold (other than freehold disposals for the purposes of the economic well-being of the area, or plots of land of no strategic importance and incapable of being developed on their own, or where the Leasehold Reform Act will eventually require a freehold sale, in all of which cases the consent of the Executive is not required).
5. To agree terms for the sale of land and property where the Council's property is subject of compulsory purchase by another body and the consideration does not exceed £500,000.

Estate Management

6. To deal with all matters relating to the management of the Council's interests in land and property without prejudice to Chief Officers' general delegation in relation to the management of operational land and property.
7. To determine appropriate arrangements in relation to the Council's duty to manage asbestos in non-domestic premises in accordance with Regulation 4 of The Control of Asbestos Regulations 2006.

Acquisitions

8. To acquire by agreement or under a compulsory purchase order, land and property (including freehold chief rents) SUBJECT always to the purchase price, or the purchase price when added to other transactions in respect of the same project, being within the estimate of costs included in the capital programme.
9. To agree to the acquisition and renewal of leases of land and property at a rack rent where no credit cover is required for the lease under the capital finance legislation and where provision for the rent is available in the revenue budget.
10. The acquisition of properties which the Council is under a legal obligation to acquire under Town and Country Planning legislation.
11. To accept the surrender of a leasehold interest in land and property where such surrender will lead to a further letting or disposal of the land or property.
12. To acquire land in the interests of economic development, by way of exchanging interests where the land acquired is equal to or less in value than that exchanged (premium also required where less) and the land acquired is no more onerous in terms of title and physical condition than that exchanged.

Appropriations

13. To discharge the functions of the Council in relation to the appropriation of land, in consultation with the relevant Chief Officers, including (where it is proposed to appropriate open space) to instruct the City Solicitor to advertise in accordance with Section 122 of the Local Government Act 1972, and / or Section 232 of the Town and Country Planning Act 1990.

CHAPTER 3A

HEAD OF NEIGHBOURHOOD DELIVERY

The holder of the post of Head of Neighbourhood Delivery shall be responsible for the management of the Neighbourhood Delivery Division within the Directorate of Growth and Neighbourhoods including highways, street scene services (including grounds maintenance), environmental health and protection, consumer protection, and private sector housing and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to:

GENERAL FUNCTIONS

These functions can either be Executive or Non-Executive depending on the circumstances.

1. Without prejudice to the specific delegations of the Deputy Chief Executive (Growth and Neighbourhoods), to exercise the functions of the Council relating to highways and to administer and enforce all relevant legislation relating to the Council's functions as local highway authority, including the authorisation of legal proceedings and the authorisation of officers to enter land and premises and exercise any powers in pursuance of the Council's functions as local highway authority.
2. To exercise the functions of the Council relation to environmental health, waste and environmental protection, pollution control, contaminated land, private sector housing, street scene services (including grounds maintenance), health and safety, food safety, animal welfare, consumer protection, and weights and measures.
3. To administer and enforce all relevant legislation relating to the Council's functions listed at item 2 above, including the authorisation of legal proceedings and the authorisation of officers to enter on to land and premises to carry out their duties.
4. To support and assist the Chief Executive in his responsibilities in relation to civil contingencies, emergencies and disasters, and to take day to day responsibility for such matters.
5. To take any urgent action in connection with the functions delegated to the Head of Neighbourhood Delivery after consultation with the appropriate Chair or Executive Member, subject to any such action taken under this power being reported to the next ordinary meeting of the Executive or appropriate Committee.

NON-EXECUTIVE FUNCTIONS

Highways

SCHEME OF DELEGATION TO OFFICERS

6. Power to create footpath, bridleway or restricted byway by agreement (subject to consultation with the Chair of the Planning and Highways Committee) under Section 25 of the Highways Act 1980 (“the 1980 Act”).
7. Power to create footpaths, bridleways and restricted byways (subject to consultation with the Chair of the Planning and Highways Committee) under Section 26 of the 1980 Act.
8. Duty to keep register of information with respect to maps, statements and declarations under Section 31A of the 1980 Act.
9. Power to grant permission under Sections 115E, of the 1980 Act (**except in relation to the provision of refreshment facilities on highway**) (but subject to the referral of objections / representations to any Section 115E proposals to the Deputy Chief Executive (Growth and Neighbourhoods) **and to take enforcement action under section 115K in respect of failure to comply with the terms of any permission granted under Section 115E.**)
10. Duty under Section 115G of the 1980 Act to publish notice in respect of proposals to grant permission under Section 115E of the 1980 Act.
11. Power to stop up footpaths, bridleways and restricted byways (subject to consultation with the Chair of the Planning and Highways Committee) under Section 118 of the 1980 Act.
12. Power to make a rail crossing extinguishment order (subject to consultation with the Chair of the Planning and Highways Committee) under Section 118A of the 1980 Act.
13. Power to make a special extinguishment order (subject to consultation with the Chair of the Planning and Highways Committee) under Section 118B of the 1980 Act.
14. Power to divert footpaths, bridleways and restricted byways (subject to consultation with the Chair of the Planning and Highways Committee) under Section 119 of the 1980 Act.
15. Power to make a rail crossing diversion order (subject to consultation with the Chair of the Planning and Highways Committee) under Section 119A of the 1980 Act.
16. Power to make a special diversion order (subject to consultation with the Chair of the Planning and Highways Committee) under Section 119B of the 1980 Act.
17. Power to require applicant for order to enter into agreement under Section 119C(3) of the 1980 Act.
18. Power to make SSSI diversion order (subject to consultation with the Chair of the Planning and Highways Committee) under Section 119D of the 1980 Act.
19. Duty to assert and protect the rights of the public to use and enjoyment of highways under Section 130 of the 1980 Act.

SCHEME OF DELEGATION TO OFFICERS

20. Duty to serve notice of proposed action in relation to obstruction under Section 130A of the 1980 Act.
21. Power to apply for variation of order under Section 130B of the 1980 Act.
22. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway under Section 135 of the 1980 Act.
23. **not allocated**
24. Power to license planting, retention and maintenance of trees etc. in part of highway under Section 142 of the 1980 Act and provision of trees and shrubs under Section 24 of the Greater Manchester Act 1981.
25. Power to authorise erection of stiles etc. on footpaths or bridleways under Section 147 of the 1980 Act.
26. Powers relating to the removal of things so deposited on highways as to be a nuisance under Section 149 of the 1980 Act.
27. Power to license works in relation to buildings etc. which obstruct the highway under Section 169 of the 1980 Act.
28. Power to consent to temporary deposits or excavations in streets under Section 171 of the 1980 Act.
29. Power to dispense with obligation to erect hoarding or fence under Section 172 of the 1980 Act.
30. Power to restrict the placing of rails, beams etc. over highways under Section 178 of the 1980 Act.
31. Power to consent to construction of cellars etc. under street under Section 179 of the 1980 Act.
32. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators under Section 180 of the 1980 Act.
33. Power to extinguish certain public rights of way (subject to consultation with the Chair of the Planning and Highways Committee) under Section 32 of the Acquisition of Land Act 1981.
34. Duty to keep definitive map and statement under review under Section 53 of the Wildlife and Countryside Act 1981.
35. Power to include modifications in other orders under Section 53A of the Wildlife and Countryside Act 1981.

SCHEME OF DELEGATION TO OFFICERS

36. Duty under Section 53B of the Wildlife and Countryside Act 1981 to keep a register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.
37. Power to prepare map and statement by way of consolidation of definitive map and statement under Section 57A of the Wildlife and Countryside Act 1981.
38. Power to designate footpath as cycle track under Section 3 of the Cycle Tracks Act 1984.
39. Power to extinguish public right of way over land acquired for clearance under Section 294 of the Housing Act 1981.
40. Power to consider and (subject to consultation with the Chair of the Planning and Highways Committee) to make applications for an Order to authorise stopping up or diversion of highway under Section 247 of the Town and Country Planning Act 1990.
41. Power to authorise stopping up or diversion of footpath, bridleway or restricted byway (subject to consultation with the Chair of the Planning and Highways Committee) under Section 257 of the Town and Country Planning Act 1990.
42. Power to extinguish public rights of way over land held for planning purposes (subject to consultation with the Chair of the Planning and Highways Committee) under Section 258 of the Town and Country Planning Act 1990.
43. Power to enter into agreements with respect to means of access under Section 35 of the Countryside and Rights of Way Act 2000.
44. Power to provide access in absence of agreement under Section 37 of the Countryside and Rights of Way Act 2000.
45. Power to grant a street works licence under Section 50 of the New Roads and Street Works Act 1991.

Environmental Protection

46. The inspection of the Authority's area to detect any statutory nuisance under Section 79 of the Environmental Protection Act 1990.
47. The investigation of any complaint as to the existence of a statutory nuisance under Section 79 of the Environmental Protection Act 1990.
48. The service of an abatement notice in respect of a statutory notice under Section 80 of the Environmental Protection Act 1990.
49. Duty to enforce Chapter 1 of the Health Act 2006 (Smoke-Free Premises, Places and Vehicles) and regulations made under it pursuant to Section 10(3) of the Health Act 2006.

SCHEME OF DELEGATION TO OFFICERS

50. Power to authorise officers to act in matters arising under Chapter 1 of the Health Act 2006 (Smoke-Free Premises, Places and Vehicles) and regulations made under it pursuant to Section 10(5) of the Health Act 2006.
51. To exercise the Council's functions relating to fixed penalty notices pursuant to Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006 and the Smoke-Free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2007/760).
52. Power to transfer enforcement functions to another enforcement authority pursuant to the Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).
53. To exercise the Council's powers to give notice to reduce the emission of dust etc. from building operations under Section 34 of the Greater Manchester Act 1981 ("the Local Act").
54. To exercise the Council's powers to order reduction of gas, vapour or fumes coming from chimneys under Section 36 of the Local Act.
55. To exercise the Council's powers to require owner to provide adequate means of lighting in habitable rooms under Section 48 of the Local Act.
56. To exercise the Council's powers in relation to trees impeding natural light to houses, shops and offices under Section 49 of the Local Act.
57. To exercise the Council's powers in relation to the prohibition of interference with bird traps authorised by the Council under Section 53 of the Local Act.

Health and Safety at work Functions

58. Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

Miscellaneous

59. Obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
60. To prepare and serve notices under Section 215(1) of the Town and Country Planning Act 1990.

EXECUTIVE FUNCTIONS

Highways

SCHEME OF DELEGATION TO OFFICERS

61. To approve the making of permanent and experimental traffic regulation orders, speed limits and on-street parking places orders and their implementation including associated engineering measures subject to:
 - (a) consultation with the Executive Member for **the Environment** in all cases.
 - (b) the referral of objections / representations received in relation to proposed orders to the Deputy Chief Executive (Growth and Neighbourhoods).
62. To approve the construction of road humps and other traffic calming measures subject to:
 - (a) consultation with the Executive Member for **the Environment** in all cases.
 - (b) the referral of objections / representations received in response to proposals for road humps to the Deputy Chief Executive (Growth and Neighbourhoods).
63. To make arrangements for the establishment, alteration and removal of zebra crossings.
64. To consider and to make applications for Orders under Sections 248, 249, 251, 253 to 256, 258, 259 and 261 of the Town and Country Planning Act 1990 and Section 48 of the Civil Aviation Act 1982 and to make orders under Section 294 of the Housing Act 1985.
65. To undertake schemes to improve road safety and pedestrian and cycling facilities.
66. In consultation with the Executive Member for **the Environment** to approve the construction, alteration and removal of highway improvement schemes, including the making of agreements for the execution of works under Section 278 of the 1980 Act.
67. To accept the dedication of land as highways (including for highway widening) and to adopt highways and to approve the entering into of agreements for these purposes.
68. To approve the entering into of Walkway Agreements.
69. To exercise the Council's functions under Part 2 of the Traffic Management Act 2004.
70. To prepare and publish the Rights of Way Improvement Plan.
71. To approve the making of applications to the magistrates court under Section 116 of the Highways Act 1980 for orders stopping up and/or diverting highways, subject to consultation with the Executive Member for **the Environment**, and to take such steps considered appropriate to secure the making of such orders for which no further consultation with the Executive Member is required.
72. To make arrangements for the provision of and authorise the provision of road and directional signing (except temporary direction signing).

SCHEME OF DELEGATION TO OFFICERS

73. To make arrangements for the provision of school crossing patrols in consultation with the Executive Member for Children's Services.
74. To respond to consultation regarding the siting and erection of bus stops and bus shelters.
75. To agree bus timing points.
76. To make application to the Traffic Commissioner for the imposition of traffic regulation conditions in respect of local services.
77. To make objections / representations in relation to the proposed grant of or changes to heavy goods vehicle operators' licences.
78. To undertake maintenance and repair of bridges and other structures.
79. To take action in relation to retaining walls near streets.
80. To determine and issue licences for bridges over the highway.
81. To respond to consultation on the highway / traffic implications of planning proposals.
82. To make minor amendments to the details of approved highways or traffic related proposals.
83. To maintain and repair highways within approved budgets (with the exception of highway bridges and other structures).
84. To be responsible for the control of work and the placing of items in, over, under, on or adjacent to highways and streets (**including without prejudice to the generality of the above exercising functions under section 177 of the Highways Act 1980 and the taking of enforcement action.**)
85. To manage the Council's rights of way network including the exercise of the Council's functions in respect of such matters.
86. To exercise the Council's functions under the New Roads and Street Works Act 1991 (with the exception of Section 50 of that Act).
87. 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 and to carry out associated works.
88. To exercise the Council's functions in relation to the naming and numbering of streets and their renaming and renumbering, including the exercise of the Council's powers in relation to Street Numbers under Section 22 of the Greater Manchester Act 1981.
89. To provide street trees and highway grass verges and their removal and replacement.

SCHEME OF DELEGATION TO OFFICERS

90. To determine applications for street performance / displays etc.
91. To determine applications for Homewatch / Business Watch signs.
92. To keep and update the Council's list of adopted streets.
93. To carry out urgent repairs to private streets or to require such urgent repairs to be carried out.
94. To provide or approve the provision of temporary directional signing for events.
95. To carry out improvements to private forecourts where this would promote the environmental well-being of the area when the Council undertakes adjoining highway improvement schemes.
96. To prepare, publish, review and make amendments to the Council's Rights of Way Improvement Plan.
97. To establish and appoint members to the Local Access Forum under Section 94 of the Countryside and Rights of Way Act 2000, in consultation with the Executive Member for Neighbourhood Services.
98. To exercise the Council's power in relation to the recovery of street works charges where the owner is unknown under Section 21 of the Greater Manchester Act 1981 ("the Local Act").
99. To exercise the Council's power in relation to the prohibition of parking of goods vehicles in residential streets under Section 26 of the Local Act.
100. To exercise the Council's power in relation to the control of verges under Section 27 of the Local Act.
101. To exercise the Council's power in relation to the temporary stoppage of footpaths and bridleways under Section 28 of the Local Act.
102. To exercise the Council's power in relation to the prohibition of the riding of pedal cycles in any pedestrian area under Section 164 of the Local Act.
103. **Not allocated.**
104. **To exercise the Council's functions as Permit Authority under the Traffic Management Act 2004 in respect of the Greater Manchester Road Activity Permit Scheme (other than functions delegated to the Greater Manchester Combined Authority)**

Crime and Disorder Strategy

SCHEME OF DELEGATION TO OFFICERS

105. To implement the Crime and Disorder Strategy and to discharge or arrange for the discharge of the Council's functions in relation to reduction of crime and disorder and antisocial behaviour.

Without prejudice to the generality of item 105 above:

106. To discharge the functions of the Council in relation to Anti-Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998.
107. To discharge (in consultation with the Director of Children's Services) the functions of the Council in relation to local child curfew schemes under Section 14 of the Crime and Disorder Act 1998.
108. To discharge the functions of the Council in relation to Mediation Services.

Waste and Cleansing

109. To exercise the functions of the Council under Part II of the Environment Protection Act 1990.

Without prejudice to the generality of item 109 above;

110. To be responsible for community based clean up campaigns.
111. To be responsible for litter abatement and environmental education.
112. 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.
113. To manage the storage, collection and transportation for final disposal of domestic, commercial and industrial refuse, certain classes of hazardous wastes, liquid wastes, bulky items of waste, clinical waste, garden refuse and building materials.
114. 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.
115. To participate in the recycling of waste materials.
116. To purchase refuse containers, compactors and skips in accordance with the needs of the service.
117. 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.
118. To serve statutory notices in respect of the removal of waste from land.
119. To discharge the functions of the Council in relation to the control of waste and litter generally and including under Section 2 of the Refuse Disposal (Amenity) Act 1978, Section 33(1)(a) of the Environmental Protection Act 1990 and Section 87 of the Environmental Protection Act 1990.

- 120. To serve statutory notices in respect of the removal of litter from land.
- 121. To remove refuse abandoned on land in the open air.

Housing

- 122. To exercise the functions of the Council in relation to conditions associated with private sector and social residential accommodation and facilities (excluding accommodation owned by the Council), including but not limited to powers derived from the following statutes:
 - a. Public Health Act 1936
 - b. Public Health Act 1961
 - c. Prevention of Damage by Pests Act 1949
 - d. Greater Manchester Act 1981
 - e. Local Government (Miscellaneous Provisions) Act 1976 and 1982

 - f. Building Act 1984
 - g. Environmental Protection Act 1990
 - h. The Water Act 1989
 - i. Health and Safety at Work Act 1974
 - j. Food Safety Act 1990
- 123. To authorise the City Solicitor to make, vary and revoke Gating Orders.

Environmental Health

- 124. To exercise the Council's functions as food authority under EU Food Hygiene Regulations, the Food Safety Act 1990 and the Food Hygiene (England) Regulations 2006 (S.I. 2006/ No. 14).

Without prejudice to the generality of item 124 above;
- 125. To exercise the Council's functions in relation to the grant of approvals to establishments handling, preparing or producing products of animal origin for which requirements are laid down in Regulation (EC) 853/2004.
- 126. To requisition information in connection with environmental health functions generally and including under Section 93 of the Control of Pollution Act 1974, Section 19 of the Environmental Protection Act 1990 and Section 108 of the Environment Act 1995.
- 127. To exercise the Council's functions under The Cattle Identification Regulations 2007 (S.I. 2007/ No. 539).
- 128. To exercise the Council's functions under the Pigs (Records, Identification and Movement) Order 2011 (S.I. 2011/ No. 2154).

SCHEME OF DELEGATION TO OFFICERS

129. To exercise the Council's functions under the Animal By-Products (Enforcement) (England) Regulations 2011 (S.I. 2011 No. 881).
130. To operate disinfection and sharps collection services.
131. To operate a Dog Control Service (including the control of stray dogs).
132. To exercise the Council's powers in relation to the control of the carriage and storage of waste food under Section 35 of the Greater Manchester Act 1981 ("the Local Act").
133. Powers of entry under Section 38 of the Local Act for enforcement under Prevention of Damage by Pests Act 1949.
134. To exercise the Council's powers in relation to the control of stray dogs under Section 42 of the Local Act.
135. To exercise the Council's powers in relation to the temporary repair of defective premises under Section 44 of the Local Act.
136. To exercise the Council's powers in relation to urgent repairs to water, gas and electricity apparatus under Section 47 of the Local Act.
137. To take action for the seizure and retention, or destruction, or disposal of animals in circumstances where emergency action is warranted.
138. To deal with applications relating to the control of noise on construction etc., sites.
139. To exercise powers relating to the prior approval of new furnaces and to the height of chimneys.
140. To exercise powers and regulations made relating to the control and measurement of grit and dust.
141. To exercise powers relating to the cleansing and disinfection of premises and the temporary removal of occupants.
142. To take action necessary for the removal of asbestos.
143. To discharge the functions of the Council under the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2000 No. 2853).

Street Scene Services (including Grounds Maintenance)

144. To discharge the functions of the Council relating to grounds maintenance, street cleansing, arboriculture services and the removal of graffiti etc.
145. To arrange for sweeping of highways, streets and passages, the removal of fallen leaves, the removal of litter from landscaped areas, and the emptying of litter bins.

SCHEME OF DELEGATION TO OFFICERS

146. To be responsible for grounds maintenance functions (excluding schools).

Miscellaneous

147. To exercise the powers of the Council to control street trading under the Manchester City Council Act 2010.

148. Subject to consultation with the City Solicitor to enter into Agreements in relation to any of the above matters.

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DIRECTOR OF COMMERCIAL SERVICES

The holder of the post of Director of Commercial Services shall be responsible for the management of the Commercial Services, Business Units and Parking Divisions of the **Corporate** Services Directorate, and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to:

GENERAL FUNCTIONS

These functions can be either executive or non-executive depending on the circumstances:

1. To be responsible for the strategic direction and development of the outward facing commercial strategy for the Council.
2. Without prejudice to the specific delegations of the Head of Business Units, to exercise a strategic overview of the Council's functions in relation to **Corporate** Services' Business Units, including bereavement services, building cleaning, bus lanes/CCTV, catering services, community transport, depot facilities management, fleet management and supplies, Manchester Contracts, Manchester Markets, parking, pest control, public conveniences, security, storage and archiving and town hall services.
3. To co-ordinate all sponsorship and advertising activity for the Council.

NON-EXECUTIVE FUNCTIONS

Markets

4. To enter into a composition with any person with respect to Payment of Tolls under Section 117 of the Greater Manchester Act 1981 ("the Local Act").
5. To permit any market place or land used for market purposes to be used for public meetings, public services, exhibitions or entertainment purposes etc. under Section 119 of the Local Act.

EXECUTIVE FUNCTIONS

Parking

6. 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.
7. To discharge the functions of the Council relating to on-street and off-street parking including without prejudice to the generality of the foregoing the administration of parking within the Council's remit and dealing with the misuse of permits and the badges on vehicles, including disabled persons' badges (and with the exception of those functions in relation to approval of the making of permanent and experimental on-street parking places orders and their implementation that are delegated to the **Head of Neighbourhood Delivery**).

SCHEME OF DELEGATION TO OFFICERS

8. To discharge the Council's functions relating to bus lane enforcement.
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, to be determined by the Deputy Chief Executive (**Growth and Neighbourhoods**)).
10. To approve the variation of charges for parking by notice under section 46A of the Road Traffic Regulation Act 1984 (in respect of on street parking places) and under section 35C (in respect of off street car parks) subject to consultation with the Executive Member for **the Environment** in all cases and to instruct the City Solicitor to carry out the necessary formalities to implement these changes.
11. 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.
12. To deal with abandoned vehicles and vehicles causing a nuisance and to take whatever action is required, including authorisation of entry onto land and premises.
13. To discharge the Council's functions under Part 6 of the Traffic Management Act 2004 (except those relating to appointment etc. of Adjudicators to be discharged by joint committee arrangements) and in particular to approve and authorise named officers to undertake the function of cancelling Penalty Charge Notices.
14. To provide and maintain parking spaces on the highway and regulate parking on grass verges, central reservations and footways.
15. Subject to consultation with the City Solicitor to enter into Agreements in relation to any of the above matters.

Markets

16. To determine appeals by market traders where the trader's licence has been revoked.

HEAD OF COMMUNITY AND CULTURAL SERVICES

The holder of the post of Head of Community and Cultural Services shall discharge the functions of the Council relating to:-

- sports and recreational facilities;
- sports development;
- parks and recreational open spaces;
- libraries;

and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to:

Executive Functions

Sport and Leisure

1. To determine applications for the concessionary use of recreational facilities.
2. To determine applications for the letting of concessions in parks for special events that fall outside the regular events that are let following receipt of Sealed Tenders.
3. To determine the use of recreational facilities for events under Pleasure Fairs.
4. To determine applications for the hire of bands, concert parties and entertainments in recreational facilities.
5. To approve Programmes of Events.
6. To set tariffs and charges for use of Council controlled leisure facilities.
7. Closure of parks under section 12 of the Greater Manchester Act 1981 ("Local Act").
8. Provision of parking places in parks, etc. under section 13 of the Local Act.
9. Provision of vehicles in parks, etc under section 14 of the Local Act.
10. Contribution towards provision of recreational facilities under section 15 of the Local Act.

Libraries

11. To authorise the selection of books and other materials in accordance with the City Council's policies.
12. To determine the retail price of handbooks and programmes produced by the Department.

SCHEME OF DELEGATION TO OFFICERS

13. To hire out rooms in the departmental premises to suitable external organisations and individuals and power to charge when deemed appropriate a fee for such service.
14. To sell redundant materials held by the service and to determine when necessary the re-sale price thereof.
15. To sell items that are produced for resale.
16. To apply for grants, gifts or sponsorship in promotion and furtherance of the work of the Department.
17. To bar persons from library premises and/or refuse persons borrowing rights in accordance with the byelaws and regulations approved by the City Council.
18. To accept gifts from benefactors to the Department.
19. Authority to make loan arrangements for items in the library collections.
20. To grant permission to reproduce items in the library collections.
21. To offer accommodation in departmental premises where available for the meeting of suitable bodies e.g. societies of educational or cultural nature.

DIRECTOR OF PUBLIC HEALTH

The holder of the post of Director of Public Health shall be responsible for the management of the Public Health Manchester **functions** within the Directorate of **Children and Families**, Health, and the discharge of the statutory responsibilities of the Director of Public Health under section 73A(1) of the National Health Service Act 2006, and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to:

1. Provide the public; elected Members of Manchester City Council and Officers of Manchester City Council with expert, objective advice on health matters.
2. Discharge Manchester City Council's duty under section 2B of the Health and Social Care Act 2006 to take such steps as the Council considers appropriate for improving the health of the people in its area, including:
 - (a) providing information and advice;
 - (b) providing services or facilities designed to promote healthy living (whether by helping individuals to address behaviour that is detrimental to health or in any other way);
 - (c) providing services or facilities for the prevention, diagnosis or treatment of illness;
 - (d) providing financial incentives to encourage individuals to adopt healthier lifestyles;
 - (e) providing assistance (including financial assistance) to help individuals to minimise any risks to health arising from their accommodation or environment;
 - (f) providing or participating in the provision of training for persons working or seeking to work in the field of health improvement;
 - (g) making available the services of any person or any facilities; and
 - (h) providing grants or loans (on such terms as Manchester City Council considers appropriate).
3. Discharge any of the Secretary of State's public health protection or health improvement functions that s/he delegates to Manchester City Council, either by arrangement or under regulations, including those services mandated by regulations made under section 6C of the Health and the National Health Service Act 2006.
4. Ensure that plans are place to protect the health of the local population from threats to health and prevent, as far as possible, threats to health arising.
5. Exercise Manchester City Council's functions in planning for, and responding to emergencies that present a risk to public health.
6. Discharge Manchester City Council's functions in relation to dental public health under section 111 of the National Health Service Act 2006.

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7. Discharge any functions imposed on Manchester City Council in relation to joint working with the prison service under section 249 of the National Health Service Act 2006.
8. Prepare an annual report on the health of the population of Manchester City Council under section 73(B) (5) of the Health Service Act 2006.
9. Commission mandatory public health services on behalf of the Secretary of State and other prevention and health improvement services that meet the needs of the population of Manchester City Council, address the public health outcomes framework and tackle local priorities as set out in Manchester's Health and Wellbeing Strategy.
10. To ensure that public health and population health care advice is provided to the National Health Service.
11. To discharge the functions of Manchester City Council in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders.
12. To ensure that plans are in place to tackle the causes of ill health and reduce health inequalities in Manchester.
13. To support the production of a Joint Strategic Needs Assessment that sets out the current health and wellbeing needs of the population of Manchester City Council.
14. To support the Health and Wellbeing Board in its operation as a Committee of Manchester City Council and in meeting its statutory requirements under section 194 of the Health and Social Care Act 2012 and its partnership aspirations.
15. To support the Health and Wellbeing Board to produce and implement a Joint Health and Wellbeing Strategy.
16. To be responsible for Manchester City Council's public health response as a responsible authority under the Licensing Act 2003.
17. To discharge Manchester City Council's function under the Healthy Start and Welfare Food Regulations 2005 (as amended) in relation to providing Healthy Start vitamins where Manchester City Council provides or commissions a maternity or child health clinic.
18. To authorise the Consultants in Communicable Disease Control of Public Health England and/or their deputies, to act on behalf of the City Council as proper officer in the exercise of statutory functions relating to the control of infections and other disease and food poisoning.
19. To act on behalf of the Council as proper officer for the purposes of section 47 of the National Assistance Act 1948, as amended.

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20. To authorise on behalf of the Council appropriate port Medical Officers in the exercise of the statutory functions relating to the control of infectious and other diseases and food poisoning.
21. To authorise allowances to persons excluded from work because of notifiable disease in consultation with the Deputy Chief Executive (Performance) and (where more than £500) the Executive Member for Finance and Human Resources.

ASSISTANT CHIEF EXECUTIVE (GROWTH)

The holder of the post of **Assistant Chief Executive (Growth)** shall be responsible for the management of the Housing Services within the **Directorate of Growth and Neighbourhoods** and the formulation and review of Housing and Homelessness policy and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to:

Executive Functions

1. Discharge the functions of the Council as a Local Housing Authority (within the meaning of Section 1 of the Housing Act 1985) except those housing functions specifically delegated to the **Head of Neighbourhood Delivery** or the Strategic Director for Families, Health and Wellbeing.

Without prejudice to the generality of 1 to:

2. Manage the Council's interest in any land and property acquired or held for the purpose of fulfilling the functions of the Council as Local Housing Authority, except the authorisation of common law notices to quit, and other notices required to terminate a tenancy which shall be exercised by the City Solicitor.
3. Exercise the functions of the Council in recovering money due to the Council as Local Housing Authority, as a result of the exercise of functions under 2 above.
4. To exercise the functions of the Council under Section 22 of the Housing Act 1996 (promotion of and assistance to Registered Social Landlords).
5. To monitor and review the policy adopted pursuant to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 SI 1860 (home improvement and relocation assistance).
6. In consultation with the Executive Member with responsibility for Housing **and Regeneration**, to make minor amendments to the Housing Allocation Scheme under Section 166A of the Housing Act 1996.

CHAPTER 3B

HEAD OF PLANNING, BUILDING CONTROL AND LICENSING

The holder of the post of Head of Planning, Building Control and Licensing shall be responsible for the management of Planning Division within the Directorate of Growth and Neighbourhoods and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements.

General Functions

(These functions can be either Executive or Non-Executive depending on circumstances.)

1. To determine fees and charges (where there is an express power to charge) in consultation with the appropriate Chair or Executive Member.
2. To discharge the functions of the Council as Local Planning Authority (within the meaning of Section 1(2) of the Town and Country Planning Act 1990) and other functions of the Council under the Building Act 1984 and its regulations except where the matter is:
 - reserved to full Council or the Executive by statute or this Constitution; or
 - delegated exclusively to the Planning and Highways Committee; or
 - delegated to the Joint Committee for the Joint Waste Development Plan Document; or
 - the Council, the Executive or the Planning and Highways Committee or this Constitution has expressly limited the extent of this delegation.
- 3 To exercise the Council's functions in relation to licensing
- 4 To administer and enforce all relevant legislation relating to the Council's licensing functions including the authorisation of legal proceedings .

Without prejudice to the generality of the above:

5. To take any urgent action in relation to planning and building control matters after consultation with the appropriate Chair or Executive Member, subject to any such action taken under this power being reported to the next ordinary meeting of the Executive or appropriate committee.
6. To authorise officers to enter land or premises, to inspect, to investigate and to exercise any other related powers in accordance with the Council's functions in relation to licensing, as Local Planning Authority and the Council's functions under the Building Act 1984 and its Regulations and any other functions delegated to the Head of Planning.

7. To authorise the City Solicitor to take legal proceedings in connection with non-compliance with any statutory notice, and to exercise any other available remedies in connection with the same.
8. To authorise the City Solicitor to take legal proceedings under the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. To authorise the City Solicitor to take injunctive proceedings under Section 222 of the Local Government Act 1972 and Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 214A of the Town and Country Planning Act 1990 in exercise of the Council's functions as Local Planning Authority.
10. To issue decision notices in respect of any application for planning consent and for listed building consent upon receipt of an indication by the Secretary of State that he/she does not require that application to be referred to him/her, such notices to reflect the decision which the Council has already indicated that it is minded to take on the application concerned.
11. To respond to consultations and all other requests relating to planning applications, listed building applications, nationally significant infrastructure projects and any other plans and proposals, and all other matters of a planning nature in accordance with approved planning policies of the Council.
12. To take decisions on applications to determine whether planning permission is required, in consultation with the City Solicitor where appropriate.
13. To exercise the powers of the Council in relation to access and egress to public and other buildings and means of escape in the case of fire.
14. To exercise the powers of the Council as Local Planning Authority (within the meaning of Section 1(2) of the Town and Country Planning Act 1990) to carry out works in default under the Planning (Listed Building and Conservation Areas) Act 1990 and the Town and Country Planning Act 1990 ("the Act").
15. To exercise the powers of the Council as Hazardous Substances Authority (within the meaning of Section 1 of the Planning (Hazardous Substances) Act 1990) to issue notices pursuant to Section 24 of that Act and to authorise the City Solicitor to take injunctive proceedings under Section 26AA of that Act.

Non-Executive Functions

16. To authorise the City Solicitor to prepare and serve notices under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in exercise of the Council's functions as Local Planning Authority.
17. To exercise the Council's powers in relation to the repair of walls etc. of yards under Section 43 of the Greater Manchester Act 1981 ("the Local Act").

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18. To exercise the Council's powers in relation to the weatherproofing of property under Section 50 of the Local Act.
19. To exercise the Council's powers in relation to the safety of ceilings in bingo halls under Section 55 of the Local Act.
20. To exercise the Council's powers in relation to the safety of stands under Section 58 of the Local Act.
21. To exercise the Council's powers in relation to fire precautions under Sections 63 and 66 of the Local Act.
22. To exercise the Council's powers in relation to the storage of flammable material under Sections 67-73 of the Local Act.
23. Power to decline to determine application for planning permission under Section 70A of the Town and Country Planning Act 1990 ("the 1990 Act").
24. To refuse applications for planning consent, listed building consent and for conservation area consent, where the proposal is clearly contrary to approved Council planning policies.
25. To approve (including approvals subject to conditions) applications for planning consent, for listed building consent, for conservation area consent and for development by other Council Committees and to determine applications to vary or delete conditions either where there is no objection from a third party of a planning nature or where there are objections of a planning nature from third parties but the proposal is clearly in accordance with approved Council planning policies.
26. Duties relating to the making of determinations of planning applications under Sections 69, 76 and 92 of the 1990 Act as Articles 13, 14, 16 to 24, 26 to 31 and 36 to 38 of the Town and Country Planning (Development Management Procedure) Order 2010 and directions made thereunder.
27. Power to determine applications for planning permission made by a local authority, alone or jointly with another person under Section 316 of the 1990 Act as well as the Town and Country Planning General Regulations 1992 (to approve (including approvals subject to conditions) applications for planning consent either where there is no objection of a planning nature from third parties or where there are objections of a planning nature from third parties but the proposal is clearly in accordance with approved Council planning policies).
28. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights under Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.
29. Power to enter into agreements under Section 106 of the 1990 Act.

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30. **Power to issue a certificate of existing or proposed lawful use or development under Section 191(4) and 192(2) of the 1990 Act.**
31. **Power to serve a completion notice under Section 94(2) of the 1990 Act.**
32. **Power to grant consent for the display of advertisements under Section 220 of the 1990 Act as well as Town and Country Planning (Control of Advertisements) (England) Regulations 2007.**
33. **Power to authorise entry onto land under any relevant provision of the 1990 Act and the Planning (Listed Buildings and Conservation Areas) Act 1990 or Section 36 of the Planning (Hazardous Substances) Act 1990.**
34. **Power to serve a planning contravention notice, breach of condition notice or stop notice under Sections 171C, 187A and 183(1) of the 1990 Act.**
35. **Power to issue a temporary stop notice under Section 171E of the 1990 Act.**
36. **Power to issue an enforcement notice under Section 172 of the 1990 Act.**
37. **Power to apply for an injunction restraining a breach of planning control under Section 187B of the 1990 Act.**
38. **Power to determine applications for hazardous substances consent, and related powers under the Planning (Hazardous Substances) Act 1990.**
39. **Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase 1 or 2 sites, or mineral permissions relating to mining sites, as the case may be, are to be subject under Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of schedule 14 to that Act.**
40. **Power to require proper maintenance of land under Section 215(1) of the 1990 Act.**
41. **To authorise the City Solicitor to prepare and serve Notices under Section 215 of the 1990 Act.**
42. **Power to determine application for listed building consent, and related powers under Sections 16(1) and (2), 17, and 33(1) of the Planning (Listed Buildings in Conservation Areas) Act 1990 (to approve (including approvals subject to conditions) applications for planning consent either where there is no objection of a planning nature from third parties or where there are objections of a planning nature from third parties but the proposal is clearly in accordance with approved Council planning policies).**
43. **Power to determine applications for conversion area consent under Section 16(1) of the Planning (Listed Buildings in Conservation Areas) Act 1990 applied by section 74(3) (to approve (including approvals subject to conditions)**

applications for planning consent either where there is no objection of a planning nature from third parties or where there are objections of a planning nature from third parties but the proposal is clearly in accordance with approved Council planning policies).

44. Duties relating to applications for listed building consent and conservation area consent under Sections 13(1), 14(1) and (4) of the Planning (Listed Buildings in Conservation Areas) Act 1990 as well as Regulations 3 to 6 and 13 of the Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990.
45. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area under Section 38 of the Planning (Listed Buildings in Conservation Areas) Act 1990.
46. Power to apply for an injunction in relation to a listed building under Section 44A of the Planning (Listed Buildings in Conservation Areas) Act 1990.
47. Power to execute urgent works under Section 54 of the Planning (Listed Buildings in Conservation Areas) Act 1990 subject to consultation with the Chair of Planning and Highways Committee.
48. Powers relating to the preservation of trees under Sections 197 to 214D of the 1990 Act as well as Trees Regulations 2012.
49. Powers relating to the protection of important hedgerows under the Hedgerows Regulations 1997.
50. Powers relating to complaints about high hedges under Part 8 of the Anti-Social Behaviour Act 2003.
51. Power to issue amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975.
52. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds under Part 3 of the Fire Safety and Safety of Places of Sport Act 1987.
53. To administer and enforce the requirements in accordance with Articles 25 (d) (i) and (ii) of the Regulatory Reform (Fire Safety) Order 2005 at designated sports grounds requiring a general safety certificate, under section 1(1) of the Safety at Sports Grounds Act 1975 and Regulated Stands within the meaning of section 26(5) of the Fire Safety and Safety of Places of Sports Act 1987.
- 53A Power to grant permission for the provision of refreshment facilities on highways ('table and chairs licences'), and related powers under Sections 115E and 115F of the 1980 Act (but subject to the referral of objections / representations to any Section 115E proposals to the Deputy Chief Executive (Growth and Neighbourhoods)).

- 53B Duty under Section 115G of the 1980 Act to publish notice in respect of proposals to grant permission under Section 115E of the 1980 Act.**
- 53C Power to permit deposit of builder's skips on highway under Section 139 of the 1980 Act.**

Executive Functions

- 54. After consultation with the City Solicitor, to issue certificates of alternative development under the Land Compensation Act 1961.**
- 55. To authorise the City Solicitor to respond to applications to the High Court under Sections 287 and 288 of the Town and Country Planning Act 1990 or to make applications to the High Court under the same sections in respect of decisions by the Secretary of State.**
- 56. On receipt of blight notices, to authorise the City Solicitor to serve a counter-notice under Sections 151 and 152 of the Town and Country Planning Act 1990.**
- 57. On receipt of a purchase notice, to authorise the City Solicitor to serve a response notice under Section 139 of the Town and Country Planning Act 1990.**
- 58. To exercise the functions of the Council as a mineral planning authority as set out in the Environment Act 1995.**
- 59. To adopt screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.**
- 60. To exercise the functions set out in Parts I & II of the Building Act 1984 (Building Regulations and Supervision of Building Work, etc. Otherwise than by Local Authorities).**
- 61. To exercise the functions set out in Section 71 and Section 72 of the Building Act 1984 (Entrances, Exits, etc, to be required in certain cases and Means of Escape in case of Fire).**
- 62. To exercise the functions set out in Sections 77 to 83 of the Building Act 1984 (Dangerous, Ruinous and Dilapidated Buildings and Notices in respect of Intended Demolition).**
- 63. To exercise the functions set out in the Building (Local Authority Charges) Regulations 2010.**
- 64. To provide advice and guidance to Council departments and other organisations about energy conservation, purchasing and efficiency and related promotional activities and, in conjunction with the City Treasurer, to enter into agreements for the purchase and supply of energy and water.**

65. To administer the Council's Disabled Access grants scheme.
66. To progress environmental improvement schemes across the City through to final completion on site following approval of the schemes by the relevant Committees of the Council.
67. To exercise the Council's powers in relation to the vesting of former highway land under Section 29 of the Greater Manchester Act 1981.
68. To approve non material changes to planning permission under Section 96A of the Town and Country Planning Act 1990 (when provision is in force).

Licensing and Registration Functions

Under the Licensing Act 2003

69. To discharge the following Council functions under the Licensing Act 2003:

- (a) To grant an application for personal licence (with or without spent convictions) where no police objection is made.
- (b) To reject an application for personal licence where it appears that the applicant fails to meet the condition in section 120(2)(a), (b) or (c) of the Licensing Act 2003.
- (c) To grant an application for premises licence / club premises certificate where no relevant representations have been made or where all relevant representations have been withdrawn.
- (d) To grant an application for provisional statement where no relevant representations have been made or where all relevant representations have been withdrawn.
- (e) To grant an application to vary premises licence / club premises certificate where no relevant representations have been made or where all relevant representations have been withdrawn.
- (f) To grant or refuse an application for a minor variation to premises licence / club premises certificate (in consultation with the Chair of the Licensing Committee)
- (g) To grant an application to vary designated premises supervisor where no police objection made.
- (h) To approve any request to be removed as designated premises supervisor.
- (i) To grant an application for transfer of premises licence only where no police objection made and in all other cases.
- (j) To grant or refuse an exemption to an applicant for the transfer of a premises licence from obtaining the holder's consent in accordance with section 43(5) and (6) of the Licensing Act 2003
- (k) To grant applications for interim authority only where no police objection made and in all other cases.
- (l) To make a decision as to whether a complaint / representation is irrelevant, frivolous, vexatious etc.

70. To exercise the functions of the Council relating to the enforcement of compliance with the terms of licences, permits, registrations, certificates, consents and authorisations granted by the Council under the Licensing Act 2003 including

the authorisation of legal proceedings and the authorisation of officers to enter on to land and premises to carry out their duties.

Under the Gambling Act 2005

71. To discharge the following Council functions under the Gambling Act 2005:

- (a) To approve an application for premises licence where either no representations have been received or where any representations have been withdrawn.**
- (b) To approve an application for a variation to a licence where no representations are received or any representations have been withdrawn.**
- (c) To approve an application for a transfer of a licence where no representations are received from the Commission.**
- (d) To approve an application for a provisional statement where either no representations are received or any representations have been withdrawn.**
- (e) To approve an application for club gaming / club machine permits either where no objections are made or any objections have been withdrawn.**
- (f) To approve applications for permits.**
- (g) To cancel licensed premises gaming machine permits.**
- (h) To consider Temporary Use Notice.**

72. To discharge the Council's functions in relation to fee setting under the Gambling Act 2005 and the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 in consultation with the Chair of the Licensing Committee and the Executive Member for the Environment and to produce a monitoring report for the information of the Licensing Committee.

73. To exercise the functions of the Council relating to the enforcement of compliance with the terms of licences, permits, registrations, certificates, consents and authorisations granted by the Council under the Gambling Act 2005 including the authorisation of legal proceedings and the authorisation of officers to enter on to land and premises to carry out their duties.

General Licensing and Registration Functions

- 74. The registration of Hairdressers and Barbers under Section 30 of the Greater Manchester Act 1981 ("the Local Act").**
- 75. The registration of Acupuncturists, Tattooists, Ear Piercers, Electrolysis etc under Section 32 of the Local Act.**
- 76. The registration of dealings in Second Hand Goods under Section 54 of the Local Act.**
- 77. The discharge of the functions under Section 60 of the Local Act relating to Touting, Hawking, Photographing etc.**
- 78. The registration of Entertainment Clubs under Sections 74 – 79 and 81 of the Local Act and the power to enter upon, inspect and examine premises used as Entertainment Clubs under Section 80 of the Local Act.**

79. **Power to require information as to goods sold in any market carried on by the Council under Section 118 of the Local Act.**
80. **The registration of Night Cafes in Manchester under Sections 136 – 141 and 143 – 4 of the Local Act and the power to enter upon, inspect and examine premises used as Night Cafes under Section 142 of the Local Act.**
81. **Regulation of Signs on Vehicles (regarding signs that may only be used by hackney cabs and private hire vehicles) under Section 167 of the Local Act.**
82. **Power to issue licenses authorising the use of land as a caravan site (“site licences”) under Section 3(3) of the Caravan Sites and Control of Development Act 1960.**
83. **Power to license the use of moveable dwellings and camping sites under Section 269(1) of the Public Health Act 1936.**
84. **Power to license hackney carriages and private hire vehicles:-**
 - (a) **as to hackney carriages, under the Town Police Clauses Act 1847, as extended by Section 171 of the Public Health Act 1875, and Section 15 of the Transport Act 1985; and Sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;**
 - (b) **as to private hire vehicles, under Sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.**
85. **Power to license drivers of hackney carriages and private hire vehicles under Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.**
86. **Power to license operators of hackney carriages and private hire vehicles under Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.**

Under the Betting, Gaming and Lotteries Act 1963

87. **To discharge the Council’s enforcement functions under the Betting, Gaming and Lotteries Act 1963 (as saved for certain purposes by the Gambling Act 2005 (Commencement No 6 and Transitional Provisions) Order 2006 “the Gambling Act Order”):**
 - (a) **Power to register pool promoters under Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (as saved for certain purposes by article 3(3)(c) of the Gambling Act Order).**
 - (b) **Power to grant track betting licences under Schedule 3 to the Betting, Gaming and Lotteries Act 1963 (as saved for certain purposes by article 3(3)(d) and 4 of the Gambling Act Order).**

SCHEME OF DELEGATION TO OFFICERS

- (c) Power to license inter-track betting schemes under Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 (as saved for certain purposes by article 3(3)(e) of the Gambling Act Order).
 - (d) Power to grant permits in respect of premises with amusement machines under Schedule 9 to the Gaming Act 1968 (as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order).
 - (e) Power to register societies wishing to promote lotteries under Schedule 1 to the Lotteries and Amusements Act 1976 (as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order).
 - (f) Power to grant permits in respect of premises where amusements with prizes are provided under Schedule 3 to the Lotteries and Amusements Act 1976 (as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order).
88. Power to institute proceedings for failing to provide for safety of children at entertainments under Section 12 of the Children and Young Persons Act 1933.
89. Power to renew licences of sex shops, sex cinemas and sexual entertainment venues under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 .
90. Power to license performances of hypnotism under the Hypnotism Act 1952.
91. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis under Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
92. Power to license pleasure boats and pleasure vessels under Section 94 of the Public Health Acts Amendment Act 1907.
93. Power to license street trading under Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
94. Duty to keep lists of persons entitled to sell non-medicinal poisons under Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.
95. Power to register and license premises for the preparation of food under Section 19 of the Food Safety Act 1990.
96. Power to license for scrap yards under Section 1 of the Scrap Metal Dealers Act 1964.
97. Power to license premises for the breeding of dogs under Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.

SCHEME OF DELEGATION TO OFFICERS

98. **Power to license of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business under Section 1 of the Pet Animals Act 1951; Section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; Section 1 of the Breeding of Dogs Act 1973 and Sections 1 and 8 of the Breeding of Dogs (Welfare) Act 1999.**
99. **Power to register animal trainers and exhibitors under Section 1 of the Performing Animals (Regulation) Act 1925.**
100. **Power to license zoos under Section 1 of the Zoo Licensing Act 1981.**
101. **Power to license dangerous wild animals under Section 1 of the Dangerous Wild Animals Act 1976.**
102. **Power to license persons to collect for charitable and other causes under Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939.**
103. **Power to grant consent for the operation of a loudspeaker under Schedule 2 to the Noise and Statutory Nuisance Act 1993.**
104. **Not allocated.**
105. **Power to register motor salvage operators under Part 1 of the Vehicle (Crime) Act 2001.**
106. **Powers in respect of licences under the provisions of the Scrap Metal Dealers Act 2013 .**

HEAD OF BUSINESS UNITS

The holder of the post of Head of Business Units in the **Corporate** Services Directorate shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to:

GENERAL FUNCTIONS

These functions can be either Executive or Non-Executive depending on the circumstances:

Business Units

1. To discharge the functions of the Council relating to the services in **Corporate** Services' Business Units including Bereavement Services, Building Cleaning, Bus Lanes/CCTV, Catering Services, Depot Facilities Management, Fleet Management and Supplies, Manchester Contracts, Manchester Markets, Parking, Pest Control, Public Conveniences, Security, Storage and Archiving and Town Hall Services.
2. To tender for and carry out functional work for the City Council and other public bodies for the services provided by **Corporate** Services' Business Units.
3. To vary the **Corporate** Services' Business Units employee establishment to reflect tender results and workload prospects, in consultation with the Executive Member for Finance and Human Resources.
4. To incur expenditure in accordance with the approved **Corporate** Services' Business Plan.
5. To vary approved expenditure in the **Corporate** Services' Business Units Business Plan to reflect tender results and workload properties in consultation with the Executive Member for Finance and Human Resources.

NON-EXECUTIVE FUNCTIONS

Miscellaneous

6. Obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

EXECUTIVE FUNCTIONS

Bereavement Services

7. 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)
8. To arrange and undertake cremations and associated activities under the Regulations as to Cremation 1930 (as amended) and the Environmental Protection Act 1990.

9. To arrange for the provision of a municipal funeral service under the Local Government Act 1972.

Building Cleaning

10. To be responsible for the cleaning of Council owned buildings.

CCTV / Bus Lanes

11. To operate or commission (in Consultation with the **Head of Neighbourhood Delivery**) the operation of CCTV surveillance systems in connection with the functions of the Council relating to highways / traffic matters, parking, environmental health, environmental protection, pollution control, contaminated land, health and safety, food safety, animal welfare, consumer protection, weights and measures, licensing and implementation of the Council's Crime and Disorder Strategy formulated under Section 5 and 6 of the Crime and Disorder Act 1998 and the Council's Sustainable Community Strategy formulated under Section 4 of the Local Government Act 2000.

Catering Services

12. To manage the service delivery of Manchester Fayre including catering in parks and catering concessions, school meals services and catering for the Directorate for Adults, Health and Wellbeing (e.g. **Day Care Centres**).
13. To exercise or waive the rights to sole and exclusive catering rights within all City Council establishments.
14. To hire bands, discotheques and entertainments in Civic Catering establishments either for special promotional purposes or on behalf of a third party where this is subject to a full recharge.

Fleet Management

15. To arrange for the maintenance and repair of Council and **partner** owned and 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.
16. To arrange for the management of the Council's vehicle fleet including the disposal of surplus vehicles.

Manchester Markets

17. To discharge the functions of the Council relating to Manchester Markets.
18. To revoke and suspend market traders' licences.
19. Without prejudice to the generality of 18 above, to determine the following matters: -
 - 19.1 allocation, letting or revocation of stalls and premises to traders;

SCHEME OF DELEGATION TO OFFICERS

- 19.2 applications for occupants of markets to install equipment in connection with their business;
 - 19.3 routine assignment of tenancies;
 - 19.4 minor variations in type of business and change of names;
 - 19.5 charity collections in markets;
 - 19.6 applications for licences for privately operated specialist markets and the level of licence fees;
 - 19.7 applications for licences for charity car boot sales; and
 - 19.8 legal action as necessary in order to protect the City Council's market rights in consultation with the City Solicitor.
- 19.9 to license market trading under Part III of, and Schedule 4, to the Local Government (Miscellaneous Provisions) act 1982**

Pest Control

20. To be responsible for the Council's pest control service.

Without prejudice to the generality of 20 above:

21. To discharge the Council's functions in relation to the Control of rats and mice under Section 37 of the Greater Manchester Act 1981 ("the Local Act").
22. **To discharge the Council's functions in relation to the prohibition of interference with bird traps under Section 53 of the Greater Manchester Act 1981 ("the Local Act").**

Public Conveniences

23. To be responsible for provision of public conveniences.

Town Hall Services

24. To be responsible for Town Hall Services including Security.

HEAD OF REGENERATION

EXECUTIVE FUNCTION

To determine community nominations of land for inclusion in the Council's list of assets of community value under the Localism Act 2011 in consultation with the relevant Directors/Heads of Service and the relevant Directorate Executive Member.

HEAD OF PROPERTY

EXECUTIVE FUNCTION

To determine claims for compensation from owners or previous owners of land included in the Council's list of assets of community value under Section 99 of the Localism Act 2011.

HEAD OF CAPITAL PROGRAMMES AND PROPERTY

EXECUTIVE FUNCTION

To review decisions made concerning compensation payable to owners or previous owners of land included in the Council's list of assets of community value under Section 99 of the Localism Act 2011 in consultation with the Executive Member for Finance and Human Resources (provided that this Member has not taken part in the decision under review in which case an alternative Member of the Executive will be consulted).

Part 4

Section A

Council Procedure Rules

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

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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 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.

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 on 19 May 2010 and subsequently in accordance with Rules 7.1 and 7.2.
- 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 5.2 to 5.10 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, the composition of which will be in line with Article 9 of Part 2 of the Constitution.
- 5.4 The Council shall establish a Health and Well-being Board in accordance with section 194 of the Health and Social Care Act 2012, the composition of which will be in line with Article 8.2 of part 2 of the Constitution.
- 5.5 The Council shall establish a Licensing Committee with not less than 10 and not more than 15 members.
- 5.6 The Council shall establish a Planning and Highways Committee.
- 5.7 The Council shall establish a Licensing and Appeals Committee.

- 5.8 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.
- 5.9 The Council shall appoint a Constitutional and Nomination Committee, a Personnel Committee, an Employee Appeals Committee and an Audit Committee.
- 5.10 The Council shall establish the following scrutiny committees:
- Young People and Children
 - Communities
 - Neighbourhoods
 - Economy
 - Health
 - Finance
- 5.11 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.
- 5.12 **Subject to Rules 5.13 and 5.14 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.
- 5.13 **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.
- 5.14 ***Subject to Rule 9, where a matter is delegated in accordance with Rule 5.13 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 scrutiny committee discharging education functions shall also contain, as voting members, three elected representatives of parent governors; and one appointed representative each of the Church of England and the Roman Catholic Church.
- 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 Leader and the Executive

- 7.1 The Council will elect the Leader at each Annual Meeting for a period of one municipal year expiring on the date of the next annual meeting.
- 7.2 The Council may re-elect the same Councillor as the Leader on the expiry of his/her term of office.
- 7.3 If before the expiry of the Leader's term of office, the Leader –
 - (a) resigns the office of Leader, or
 - (b) ceases to be a councillor, or
 - (c) is removed from office by a resolution of the Council under Article 7.3 (b)(iii) in Part 2 of the Constitution,

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

- 7.4 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, 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 that a matter is urgent 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

- 11.1 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
- f) Appointment of 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 23.1 and 23.2.
- i) Reports or minutes of scrutiny committees, including matters referred to Council by scrutiny committees.
- j) Annual reports of 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) Consideration by the Council of any Petitions Requiring Debate that have been submitted in accordance with the Council's Petition Scheme and which have been included on the Agenda for the Council meeting.
- f) Any business remaining from previous meetings.
- g) Report of the Executive and any questions under Rules 23.2 and 23.3.
- h) Reports or minutes of scrutiny committees, including matters referred to Council by scrutiny committees.
- i) Minutes of other committees and any questions under Rules 23.2 and 23.3.
- j) Questions to nominated spokespersons of joint authorities (as in Rule 24.1).
- k) Notices of Motion submitted under Rule 14.1 (to be dealt with in their order of receipt by the Chief Executive).
- l) Any other business specified in the summons to the meeting.

13A. Petitions Requiring Debate

13A.1 Presentation of Petition Requiring Debate

Where a Petition Requiring Debate has been properly submitted in accordance with the Council's Petition Scheme and is included on the Agenda for an ordinary or extraordinary Council meeting, the main petition contact (as defined in the Council's Petition Scheme) or a person nominated by the main petition

contact to act on their behalf, will be allowed to speak for a maximum of 5 minutes in order to present their petition to Council.

13A.2 **Petition Debate**

A Petition Requiring Debate under the Council's Petition Scheme will be debated by Council Members. Any Council Member who speaks in a Petition Debate may speak only once and for a maximum of 5 minutes on the issue raised by the Petition Requiring Debate. When chairing a Petition Debate the Lord Mayor will normally seek to ensure that the Petition Debate lasts for a maximum of 25 minutes, although the Lord Mayor has discretion to extend the time for a Petition Debate where he/she considers this to be appropriate.

13A.3 **Council Response to Petitions following a Petition Debate**

At the end of the Petition Debate, the Lord Mayor will ask for motions on how the Council wishes to respond to the Petition Requiring Debate which may include:

- a) Taking the action requested in the Petition, with or without modifications;
- b) Noting the Petition, but not taking the action requested in the Petition;
- c) Commissioning further investigation into the matter;
- d) Deciding whether to make recommendations to the Executive where the matter falls to the Executive to make the final decision.

Members will vote on such motion(s) by voice or by show of hands, or by ballot, at the discretion of the Lord Mayor.

13A.4 **Notification of the Council's Response following a Petition Debate**

The main petition contact will receive written confirmation from the Council of the decision taken by the Council following a Petition Debate and this will be published on the Council's Petition Website (unless under all the circumstances the Council believes that this would be inappropriate).

14. **Notices of Motion to Council**

- 14.1 Except for the motions **which can be moved without notice under** Rule 19.1, and motions in relation to the Council's response to a Petition Requiring Debate under Rule 13A.3, 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 **Notices of** 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 **number each Notice of Motion in the order in which it is received, and provided it is in order will publish the Notice of Motion** together with a record of the time and date of **its** receipt, in a register **open to public** inspection.
- 14.6 Motions must either be about matters which affect the Council or the interests of the City or its residents, 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 **Valid** motions will be listed on the Council agenda in the order **in which they were** 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 of the Council and / or,
- b) Reduce the income of the Council / 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 Subject to Rule 15.4, 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.

15.4 The City Solicitor (or the City Solicitor's representative) may determine, with the agreement of the members present, that the deadline in Rule 15.2 should be extended by a further period (not exceeding 45 minutes) provided that

- (a) there is a reasonable expectation that a quorum could be achieved by extending the deadline, and

- (b) failure to determine the matter on the day of the meeting would cause serious prejudice or cause serious inconvenience to parties affected.

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 **Finance** 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 **Finance** Scrutiny Committee, nor will anything in Rule 18.3 require a further meeting of the **Finance 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.

18.12 The mover of a motion may not submit an amendment to their own motion.

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 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 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). In these circumstances:-
 - i) A point of order must be raised as soon as it arises.
 - ii) The member must refer to both 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). In these circumstances:-
 - 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 **Subject to the provisions of any enactment and Rule 22.2 and 22.2A**, 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.

22.2A At a budget decision meeting of the Council:-

- a) **Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.**
- b) **References to a “budget decision meeting” for the purposes of this Rule 22.2A means a ,meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.**
- c) **References to a “vote” for the purposes of this Rule 22.2A are references to a vote on any decision related to the making of the calculation.**

- 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 **Executive** 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 the interests of Manchester or its residents.
- 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 or Joint Committees

24.1 A member may put a written question to the nominated spokesperson of the following joint authorities and joint committees about any matter which relates to the work of that authority: -

- a) The Greater Manchester Combined Authority.
- b) The Greater Manchester Fire and Civil Defence Authority.
- c) The Greater Manchester Waste Disposal Authority.
- d) The Transport for Greater Manchester Committee
- e) The Greater Manchester Police and Crime Panel.

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 call 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.

29. Notification and Declaration of Interests

29.1 In this Rule and, where relevant, Rule 30 –

“the Code” means the Conduct of Conduct for Members adopted by the Council under Section 28 of the Localism Act 2011;

“disclosable pecuniary interest” means an interest specified in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and set out in paragraph 8 of the Code;

“member of the Council” includes a co-opted member.

“personal interest” for the purpose of Rule 29.2 means an interest described in paragraph 11 of the Code, and for the purpose of Rule 29.3 and Rule 30 means an interest described in paragraph 11 or 12.2 of the Code;

“prejudicial interest” means an interest described in paragraph 13.1 of the Code;

29.2 Members of the Council must –

- (a) within 28 days of their election or appointment to office, or
- (b) in the case of members in office on 11 July 2012, within 2 months of the adoption of the Code,

notify the Monitoring Officer in writing of the details of their disclosable pecuniary interests (including, where required, interests of their partner) and their personal interests.

29.3 Where a member of the Council is present at a meeting and has a disclosable pecuniary interest or, subject to paragraphs 12.4 to 12.6 of the Code, a personal interest in any matter to be considered at the meeting, they must disclose the interest to the meeting.

30. Non-participation and withdrawal in the case of Disclosable Pecuniary Interests and Prejudicial Interests.

30.1 Where a member of the Council has a disclosable pecuniary interest or, subject to paragraphs 13.3 and 13.4 of the Code, a prejudicial interest in any matter being considered at a meeting, they must not participate or vote on the matter and must withdraw from the room of the meeting while the matter is being considered.

Section E

Scrutiny Procedure Rules

Scrutiny Procedure Rules

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1. Establishment and Membership

- 1.1 The Council will establish the scrutiny committees set out in Article 6 and will appoint to them as it considers appropriate from time to time.
- 1.2 Each scrutiny committee shall comprise at least 10 elected members.
- 1.3 All Councillors except members of the Executive (and Assistants to Executive Members) may be members of a scrutiny committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.
- 1.4 Chairs of scrutiny committees will be appointed by the Council, provided that the political group balance of the Chairs shall reflect the political balance of the Council.
- 1.5 The Young People and Children Scrutiny Committee will deal with the scrutiny role relating to any education function of the Council. Its membership shall include the following voting representatives:
 - one representative of the Diocese of Manchester
 - one representative of the Diocese of Salford and Shrewsbury
 - three elected parent governor representatives
- 1.6 When the Young People and Children Scrutiny Committee deals with matters not relating in whole or in part to any education functions which are the responsibility of the Executive, the representatives in 1.5 above shall not vote, although they may stay in the meeting and speak.
- 1.7 The Young People and Children Scrutiny Committee shall co-opt as non-voting members of committee two teacher representatives.
- 1.8 The Communities Scrutiny Committee shall be the Council's Crime and Disorder Committee, pursuant to section 19 of the Police and Justice Act 2006.
- 1.9 The Health Scrutiny Committee will discharge the Council's health scrutiny functions, pursuant to section 244 of the National Health Service Act 2006 and regulations 21, 22, 23 26 and 27 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 1.10 The Council is a lead local flood authority by virtue of section 6(7) of the Flood and Water Management Act 2010 and is therefore required to ensure that the Council's scrutiny arrangements include arrangements for the scrutiny of flood risk management pursuant to section 9FH of the Local Government Act 2000. The Neighbourhoods Scrutiny Committee shall discharge the Council's flood risk scrutiny functions.

- 1.11 Without prejudice to 1.5 and 1.7 above, scrutiny committees shall be entitled to recommend to Council the appointment of up to two people as non-voting co-optees, provided that a majority of the members of any committee are elected members.

2. Terms of Reference

The general and specific role of the scrutiny committees will be as set out in Article 6 of Part 2 of this Constitution.

3. Meetings of the scrutiny committees

There shall be at least 2 ordinary meetings of each scrutiny committee in each council cycle. In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary scrutiny committee meeting shall be called by the Chief Executive at the request of the Chair of the relevant scrutiny committee, by any [5] members of the committee or the Monitoring Officer.

4. Quorum

The quorum for a scrutiny committee shall be in accordance with Council Procedure Rule 15.

5. Work programme

5.1 The scrutiny committees/sub-committees will be responsible for setting their own work programme and in doing so they shall take into account the wishes of members on that committee who are not members of the largest political group on the Council.

5.2 The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and the Executive to review particular areas of Council activity. Where they do so, the scrutiny committee shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the scrutiny committee at the next available meeting.

6. Matters referred by Councillors to Scrutiny Committee and matters referred by the Manchester Youth Council

6.1 Any member of a scrutiny committee or sub-committee may refer to that committee or sub-committee any matter which is relevant to the functions of the committee/sub-committee by giving notice in writing to the Chief Executive.

6.2 Any member of the authority may refer to a scrutiny committee of which they are not a member any local government matter (as defined in Rule

- 6.8) which is relevant to the functions of the committee by giving notice in writing to the Chief Executive.
- 6.3 Any member of the authority who is not a member of the Communities Scrutiny Committee (being the designated Crime and Disorder Committee) may refer to that committee any local crime and disorder matter (as defined in Rule 6.9) by giving notice in writing to the Chief Executive.
- 6.4 On receipt of a notice under Rule 6.1, 6.2, 6.3, or 6.11, the matter will be included on the agenda for, and discussed at, a meeting of the relevant committee or sub-committee. Notices under Rule 6.2, 6.3 or 6.11 must be served no later than 28 days before the meeting at which the matter is to be discussed.
- 6.5 In considering whether to exercise the power in Rule 6.2 or 6.3, the member must have regard to any guidance issued by the Secretary of State and any protocol issued by the Council in connection with this power.
- 6.6 In considering whether or not to exercise any of its powers in relation to the matter referred under Rule 6.2 or 6.3 the committee may have regard to any representations made by the member as to why it would be appropriate to exercise any of its powers. If the committee decides not to exercise any of those powers in relation to the matter, it must notify the member of the decision and the reasons for it.
- 6.7 Where the scrutiny committee exercises its power to make a report or recommendation to the Council or the Executive on any matter referred to it by a member under Rule 6.2 or 6.3 the committee must provide the member with a copy of the report or recommendation (subject to Rule 8B).
- 6.8 Under Rule 6.2 a “local government matter” in relation to a member means a matter which relates to the discharge of any function of the authority and affects all or part of the ward for which the member is elected or any person who lives or works in that ward, but excludes -
- (a) a local crime and disorder matter as defined in Rule 6.9;
 - (b) any matter relating to a planning decision;
 - (c) any matter relating to a licensing decision under the Licensing Act 2003;
 - (d) any matter relating to an individual or entity where that person has a statutory right to a review or right of appeal (other than a right to complain to the Ombudsman);
 - (e) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussed at the scrutiny committee meeting;
 - (f) any matter specified in an order made by the Secretary of State.

Provided that a matter is not excluded from being a local government matter, notwithstanding that it would otherwise fall within (b), (c) or (d) above, if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on systematic basis.

6.9 Under Rule 6.3 a “local crime and disorder matter”, in relation to a member, means a matter concerning -

(a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or

(b) the misuse of drugs, alcohol and other substances,

which affects all or part of the ward for which the member is elected or any person who lives or works in that ward.

6.10 The determination of whether a matter is a “local government matter” or a “local crime and disorder matter” under Rules 6.8 and 6.9 above shall be made by the Chair of the relevant scrutiny committee in consultation with the City Solicitor.

6.11 The Manchester Youth Council may, by resolution of either House, refer to a scrutiny committee any local government matter or crime and disorder matter which is relevant to the functions of the committee by giving notice in writing to the Chief Executive, including with the notice a copy of the resolution of the Youth Council and any report the Youth Council wishes the committee to consider.

(a) “A local government matter” is a matter which relates to the lawful discharge of any function of the authority and affects young people who live, work or study in the city, but excludes -

(i) any matter relating to a planning decision;

(ii) any matter relating to a licensing decision under the Licensing Act 2003;

(iii) any matter relating to an individual or entity where that person has a statutory right to a review or right of appeal (other than a right to complain to the Ombudsman).

(b) “A crime and disorder matter” is a matter concerning

(i) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or

(ii) the misuse of drugs, alcohol and other substances,

which affects young people who live, work or study in the city.

- 6.12 In considering whether or not to exercise any of its powers in relation to the matter referred under Rule 6.11 the committee may have regard to any representations made by the Youth Council as to why it would be appropriate to exercise its powers. If the committee decides not to exercise any of those powers in relation to the matter, it must inform the Youth Council of the decision and the reasons for it.
- 6.13 The determination of whether a matter is a “local government matter” or a “crime and disorder matter” under Rule 6.11 shall be made by the Chair of the relevant scrutiny committee in consultation with the City Solicitor.

6A Matters referred to the Health Scrutiny Committee by Local Healthwatch

- 6A.1 The Local Healthwatch organisation or Local Healthwatch contractor (which in Manchester is the Manchester Citizens’ Advice Bureau) may refer any matter relating to the planning, provision and operation of the health service in Manchester to the Health Scrutiny Committee in accordance with the provisions of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

7. Policy review and development

- 7.1 The role of the scrutiny committees in relation to the development of the Council’s budget and policy framework is set out in the Budget and Policy Framework Procedure Rules.
- 7.2 In relation to the development of the Council’s approach to other matters not forming part of its policy and budget framework, scrutiny committees or sub-committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- 7.3 Scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

8. Reports and Recommendations of Scrutiny Committee

- 8.1 This rule applies where a scrutiny committee makes a report or recommendation to the Council or the Executive, except in relation to a crime and disorder matter or a health scrutiny matter.
- 8.2 The scrutiny committee may publish the report or recommendations.

8.3 The scrutiny committee must by notice in writing require the Council or Executive -

- (a) to consider the report or recommendation;
- (b) to respond to the committee indicating what (if any) action the Council or Executive proposes to take;
- (c) if the committee has published the report or recommendation to publish the response;
- (d) if the committee provided a copy of the report or recommendation to a member under Rule 6.7, to provide the member with the response;
- (e) to do all of the above within two months of receiving the report or recommendations or (if later) the notice.

8.4 It is the duty of the Council or Executive to which a notice is given under Rule 8.3 to comply with the requirements specified in the notice.

8A Reports and Recommendations – “partner authorities”

8A.1 This rule applies where a scrutiny committee makes a report or recommendation to the Council or the Executive (otherwise than by virtue of subsection 1(b) or 3(a) of section 19 of the Police and Justice Act 2006 (local scrutiny of crime and disorder matters) and the report or any of the recommendations relates to functions of a relevant partner authority so far as exercisable in relation to –

- (a) the Council’s area, or
- (b) the inhabitants of the Council’s area.

For the purposes of Rule 8A a “relevant partner authority” means –

- The Greater Manchester Fire and Rescue Authority
- The Greater Manchester Police and Crime Commissioner
- The Greater Manchester Waste Disposal Authority
- The Greater Manchester Combined Authority
- The North Manchester Clinical Commissioning Group (CCG)
- The Central Manchester CCG
- The South Manchester CCG
- The National Health Service Commissioning Board
- Any provider of probation services operating within Manchester in pursuance of arrangements under section 3 of the Offender Management Act 2007 which provide for it to co-operate with responsible authorities
- Any youth offending team established under section 9 of the Crime and Disorder Act 1998 operating within Manchester
- Any National Health Service Trust or NHS Foundation Trust which provides services within Manchester
- The Arts Council of England
- The English Sports Council

- The Environment Agency
- The Health and Safety Executive
- The Historic Buildings and Monuments Commission
- The Homes and Communities Agency
- The Chief Executive of Skills funding
- The Museums, Libraries and Archives Council
- Natural England
- The Secretary of State, but only in relation to –
 - His/her functions under section 2 of the Employment and Training Act 1973 (arrangements with respect to obtaining etc. employment or employees))
 - Functions which he/she has as highway authority by virtue of section 1 of the Highways Act 1980
 - Functions which he/she has as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984
 - His/her functions under sections 2 and 3 of the Offender Management Act 2007 (responsibility for ensuring the provision of probation services throughout England).

8A.2 The scrutiny committee may by notice in writing to the relevant partner authority (accompanied by the report/recommendations) require that authority to have regard to the report or recommendation in question in exercising their functions.

8A.3 The relevant partner must comply with the requirement in the notice to have regard to the report/recommendations.

8B Reports and Recommendations – “risk management authorities”

8B.1 This rule applies where the Council's Neighbourhood Scrutiny Committee is discharging the Council's scrutiny functions as a lead flood authority pursuant to section 9FH of the Local Government Act 2000.

- (a) For the purposes of Rule 8B the following are “risk management authorities” –
- The Environment Agency
 - A Water Company (as defined by Part 2 of the Water Industry Act 1991).
- (b) The risk management authorities listed at Rule 8B.1(a) must comply with a request made by the Council's Neighbourhood Scrutiny Committee for
- (i) information;
 - (ii) a response to a report.

8C Publication of reports, recommendations and response

Where a report or recommendation of a scrutiny committee or response of the Council or the Executive is published pursuant to Rule 8.2 or 8.3(c), and is provided to a member of the Council or relevant partner authority under Rule 6.7 or 8A.2, or risk management authority under Rule 8B any confidential information must be excluded and any relevant exempt information may be excluded in line with the provisions of Section 9FG of the Local Government Act 2000.

9. Consideration of Scrutiny reports by the Executive

- 9.1 The agenda for executive meetings shall include an item entitled 'Issues arising from scrutiny'. The reports of scrutiny committees referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within [two] months of the scrutiny committee completing its report/recommendations.
- 9.2 Where a scrutiny committee or sub-committee prepares a report for consideration by the Executive in relation to a matter where the leader or Council has delegated decision making power to another individual member of the Executive, then the scrutiny committee will submit a copy of their report to that individual for consideration. At the time of doing so, the scrutiny committee shall serve a copy on the Chief Executive and the Leader. If the member with delegated decision making power does not accept the recommendations of the scrutiny committee then he/she must then refer the matter to the next available meeting of the Executive for debate before exercising his/her decision making power and responding to the report in writing to the scrutiny committee. The Executive Member to whom the decision making power has been delegated will respond to the scrutiny committee within [4] weeks of receiving it. A copy of his/her written response to it shall be sent to the Proper Officer and he/she will attend a future meeting to respond.
- 9.3 Scrutiny committees will have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a scrutiny committee following a consideration of possible policy/service developments, the committee will be able to respond in the course of the Executive's consultation process in relation to any key decision.

10. Rights of scrutiny committee members to documents

- 10.1 In addition to their rights as councillors, members of scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 Section B of this Constitution.

10.2 Nothing in this paragraph prevents more detailed liaison between the Executive and scrutiny committees as appropriate depending on the particular matter under consideration.

10A Rights of Executive Members

Subject to the provisions of the Code of Conduct for Members and without prejudice to the rights of Executive Members under rule 13.4, Executive Members and Assistant Executive Members may attend meetings of scrutiny committees including parts of the meeting where exempt items are being discussed and shall be entitled to receive the agenda for the meeting (including exempt matters) and to speak, give evidence and answer questions at the invitation of the committee.

11. Members and officers giving account

11.1 Any scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance

and it is the duty of those persons to attend if so required.

11.2 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

12. Attendance by others

A scrutiny committee may invite people other than those people referred to in paragraph 11 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and may invite such people to attend.

12A Crime and Disorder Committee – Special Provisions

12A.1 In this paragraph

- (a) the “responsible authorities” are

- (i) Manchester City Council,
 - (ii) every provider of probation services operating within Manchester in pursuance of arrangements under Section 3 of the Offenders Management Act 2007 which provide for it to co-operate with responsible authorities,
 - (iii) the Chief Constable of Greater Manchester Police,
 - (iv) the Greater Manchester Fire and Rescue Authority
 - (v) every Clinical Commissioning Group (CCG), the whole or any part of whose area.
- (b) the “co-operating persons or bodies” are
- (i) every local probation board within Manchester
 - (ii) every provider of probation services operating within the area in pursuance of arrangements under section 3 of the Offender Management Act 2007 which provide for it to co-operate under this subsection with the responsible authorities;
 - (iii) any parish council within Manchester,
 - (iv) any National Health Service Trust established under Part 1 of the National health Service and Community Care Act 1990 which manages a hospital, establishment or other facility within Manchester,
 - (v) any NHS foundation trust within the meaning of section 1(1) of the Health and Social Care (Community Health and standards) Act 2003 within Manchester,
 - (vi) any governing body of a school, within the meaning of section 4(1) of the Education Act 1996, within Manchester maintained by the Manchester local education authority,
 - (vii) any proprietor of an independent school, within the meaning of section 463 of the Education Act 1996 within Manchester,
 - (viii) any proprietor of an alternative provision Academy that is not an independent school within Manchester;
 - (ix) any proprietor of a 16 to 19 Academy within Manchester;
 - (vii) any governing body of an institution within the further education sector, as defined in section 91 f the Further and Higher Education Act 1992 within Manchester, and
 - (viii) any private registered provider of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008) in Manchester.
- (c) “crime and disorder functions” mean the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the environment) and combating the misuse of drugs, alcohol and other substances in the area and reduction of re-offending in the area.
- (d) “local crime and disorder matter” has the meaning set out in paragraph 6.9

- 12A.2 The Crime and Disorder Committee may make reports and recommendations to the Council or to the Executive, as appropriate, with respect to the discharge by any of the responsible authorities of their crime and disorder functions or with respect to any local crime and disorder matter.
- 12A.3 The Crime and Disorder Committee may require the attendance before it of an officer and employee of a responsible authority or of a co-operating person or body in order to answer questions, provided that reasonable notice of the intended date of attendance has been given to that person.
- 12A.4 The Crime and Disorder Committee may make a request in writing to the responsible authorities or the co-operating persons or bodies for information relating to –
- (a) the discharge, or decisions or actions taken in connection with the discharge, by the responsible authorities of their crime and disorder functions; or
 - (b) local crime and disorder matters in relation to which the Committee has functions under Section 19 of the Police and Justice Act.
- 12A.5 Where the Crime and Disorder Committee makes a request for information under paragraph 12A.4, the responsible body or co-operating person or body must provide the information –
- (a) no later than the date indicated in the request, unless some or all of the information cannot be reasonably provided by that date, in which case it must be provided soon as reasonably possible;
 - (b) excluding personal data unless (subject to (c) below) the identification of an individual is necessary or appropriate in order to enable the Committee to properly exercise its powers;
 - (c) excluding information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authorities or the co-operating persons or bodies.
- 12A.6 Where the Crime and Disorder Committee makes a report or recommendations to the local authority with respect to a local crime and disorder matter, it must provide a copy of the report and recommendations to such of the responsible authorities or co-operating persons or bodies, as it thinks appropriate.
- 12A.7 Where the Crime and Disorder Committee provides a report or recommendation to a responsible body or a co-operating person or body in respect of a local crime and disorder matter, the responses to such report or recommendations shall be in writing and submitted to the Committee within a period of 28 days from the date of the report or

recommendation or, if not reasonably practicable, as soon as reasonably possible thereafter.

12B Health Scrutiny Committee – Special Provisions

The Health Scrutiny Committee may review and scrutinise any matter relating to the planning, provision and operation of the health service in Manchester in accordance with the provisions of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

13. Call-in

- 13.1 When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, [or an area committee or under joint arrangements,] the decision shall be published, including where possible by electronic means, and shall be available at the Town Hall normally within 2 days of being made. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 13.2 The record of the decision will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, as from 4.00pm on the fifth day after the day on which the decision was published, unless within this time it is called in for scrutiny.
- 13.3 Subject to 13.5 below, a decision may be called-in for scrutiny by a scrutiny Committee if the Chair of the scrutiny Committee or any five members of the Council submit a notice in writing to the Chief Executive within the five day period giving reasons why the decision should be scrutinised.
- 13.4 The Chief Executive shall then notify the decision-taker of the call-in. Any item which is called-in will be placed on the agenda for the next meeting of the relevant scrutiny committee. The relevant Chief Officer and/or Executive Member shall have the right to attend the meeting to explain the reasons for the decision and to respond to comments made at the meeting subject in the case of Executive Members to the provisions of the Code of Conduct for Members.
- 13.5 A decision may not be called-in if the Committee has already made recommendations to the decision-taker and those recommendations have been accepted by the decision-taker either in whole or without significant addition or modification.
- 13.6 Where a decision has been called-in by five members of the Council and none of those members attend, the Committee may at its discretion determine not to scrutinise the decision.

- 13.7 If, having considered the decision, (which consideration must be completed before the next scheduled meeting of the Executive) the scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. Matters should normally only be referred to full Council if the scrutiny committee consider the decision to be contrary to the policy framework of the Council or contrary to or not wholly in accordance with the budget.
- 13.8 If the decision is referred back to the decision maker they shall then reconsider who may amend the decision or not, before adopting a final decision which will come into force immediately.
- 13.9 If following an objection to the decision, the scrutiny committee does not either refer the matter back to the decision making person or body or refer the matter to full Council or determines under 13.6 above not to scrutinise the matter, the decision shall take effect on the date of the scrutiny meeting.
- 13.10 If the matter was referred to full Council and the Council does not object to the decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- 13.11 If the Council does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting.

14. Call-in and Urgency

- 14.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the legal or financial position of the Council or the interests of the residents of Manchester. The record of the decision, and the notice by which it is made public shall state whether in the opinion of the decision making person or body (having considered the advice of the Head of the Paid Service and/or the Monitoring Officer and/or the Chief Finance Officer), the decision is an urgent one, and therefore not subject to call-in. The Chair of a relevant scrutiny committee must agree

both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

In the absence of the Chair, the Lord Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- 14.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.
- 14.3 Where a decision is exempted from call-in, it will become effective immediately or (if later) as soon as the agreement of the Chair of the relevant scrutiny committee (or the Lord Mayor/Head of Paid Service, if appropriate) has been obtained.

15. The party whip

When considering any matter in respect of which a member of a scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

16. Procedure at scrutiny committee meetings

16.1 Scrutiny committees and sub-committees shall consider the following business:

- (a) minutes of the last meeting;
- (b) declarations of interest (including whipping declarations);
- (a) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
- (d) responses of the Executive to reports of the scrutiny committee; and

(e)(a) the business otherwise set out on the agenda for the meeting.

16.2 Where the scrutiny committee conducts investigations (e.g. With a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles: -

- (a) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) that those assisting the committee by giving evidence be treated with respect and courtesy; and
- (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

16.3 Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

17. Matters within the remit of more than one scrutiny committee

Where a scrutiny committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another scrutiny committee, then the committee conducting the review shall invite the Chair of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed.

Section D

Financial Systems and Procedures

FINANCIAL SYSTEMS AND PROCEDURES

SECTION D: Financial Systems and Procedures

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CHAPTER 1 - GENERAL

BUDGETARY

City Treasurer

1. Responsible for ensuring that the Council's financial systems are sound.
2. Responsible for establishing arrangements to approve and be notified, in advance, of any proposed new developments or changes to existing financial systems.
3. Responsible for the operation and administration of the Council's accounting systems, the form of accounts and the supporting financial records, including to:
 - issue advice, guidance and procedures for officers and others acting on the Council's behalf.
 - determine the accounting systems, form of accounts and supporting financial records.
 - ensure that accounts are closed down and financial statements prepared in line with the statutory deadlines
 - establish arrangements for audit of the Council's financial affairs.
 - comply with Whole of Government accounts requirements, given statutory effect by the Finance Act 1998, in accordance with CIPFA and Audit Commission guidance.

Chief Officers and Heads of Service

4. Responsible for the proper operation of financial processes in their respective service.
 5. To ensure that accounting records are properly maintained and held securely.
 6. To ensure that systems are documented and that staff receive relevant financial training before staff are granted access to financial systems.
 7. The City Treasurer must approve any changes to the existing procedures, financial systems or the establishment of new systems in advance before they are implemented.
1. Responsible for ensuring that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Chief Officer's and Heads of Service's behalf, in respect of committing expenditure, payments and income collection, together with the limits of their authority.
 2. To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the City Treasurer.

FINANCIAL SYSTEMS AND PROCEDURES

3. To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
4. To incorporate appropriate controls to ensure that, where relevant:
 - all input is genuine, complete, accurate, timely and not previously processed.
 - all processing is carried out in an accurate, complete and timely manner.
 - output from the system is complete, accurate and timely.
 - data is backed up on a regular basis.
5. To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
6. To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building. To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
7. To ensure that computer systems are registered in accordance with data protection, copyright, designs and patents legislation and that staff are aware of their responsibilities under the legislation. To ensure that:
 - only software legally acquired and installed by the Council is used on its computers.
 - staff are aware of legislative provisions.
 - in developing systems, due regard is given to the issue of intellectual property rights.
8. To ensure that the Council's information security standards and internet security policy are complied with.
9. To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.

BUDGET PREPARATION AND BUSINESS PLANNING

10. Budgets represent the expression in financial terms of the Council's policies and constitute a statement of intent against which judgements can be formed. Each Chief Officer in consultation with the City Treasurer must prepare a revenue budget to be presented to the Executive prior to scrutiny and approval by Full Council. Chief Officers may then spend within the amounts shown in the relevant budgets as long as the spending relates to the Council's existing policies. Each Chief Officer, in conjunction with the City Treasurer, has a responsibility to ensure that their budgets and establishments are accurately reflected on the Council's financial system (SAP) by 1 April.

FINANCIAL SYSTEMS AND PROCEDURES

11. The City Treasurer must collate capital estimates jointly with Chief Officers and Heads of Services to submit them as a capital programme, including any associated financing requirements, to the Executive which will make recommendations for approval by the Full Council.
12. It is illegal for the Council to budget for a deficit.

Full Council

13. Responsible for approving the general format of the revenue and capital budget, proposed by the Executive on the advice of the City Treasurer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.
14. Responsible for approving the Council's revenue and capital budget and policy framework proposed by the Executive. The policy framework comprises the plans and strategies set out in Article 4 of Part 2 of the Constitution.
15. In terms of financial planning, the key elements are:
 - Sustainable Community Strategy
 - Corporate Plans
 - Medium Term Financial **Strategy (including the Strategic Approach and Medium Term Financial Planning)**
 - Business Plans
 - Budget
 - Capital Strategy and Programme.
 - Treasury Management
 - Annual Investment Strategy
 - Minimum Revenue Provision Strategy

Executive

16. Responsible for approving guidance on the general content of the revenue and capital budget as submitted by the City Treasurer.
17. Responsible for proposing the revenue and capital budget and policy framework to the Full Council, and for discharging executive functions in accordance with the revenue and capital policy framework and budget.
18. To approve schedules for individual capital schemes within the overall budget approved by Full Council.

Finance Scrutiny Committee

19. To exercise scrutiny functions in relation to financial matters, and other general matters and report to Executive and/or Full Council, as appropriate.

FINANCIAL SYSTEMS AND PROCEDURES

City Treasurer

20. To prepare and submit reports on budget prospects, for Executive, including resource constraints set by the government. Reports should take account of medium term prospects, where appropriate.
21. To prepare and submit reports to the Executive and the Council on the aggregate spending plans of services and on the resources available to fund them, including the robustness of the estimates made and the adequacy of proposed financial reserves, and identifying, where appropriate, the implications for the level of Council tax to be levied and on the level of housing rents/service charges.
22. To prescribe detailed formats for revenue and capital budget preparation as follows:

| Revenue | Capital |
|--|--|
| To prescribe the detailed format for the preparation of revenue estimates, for submission to and approval by Full Council, in accordance with the Council's general directions. | To issue guidance relating to the strategy and controls for capital schemes. The City Treasurer, having regard to Government regulations and accounting requirements, will determine the definition of 'capital'. |
| The City Treasurer is responsible for ensuring that a revenue budget is prepared on an annual basis for consideration by the Executive, before submission to the Full Council. The Full Council may amend the budget or ask the Executive to reconsider it before approving it. | Responsible for ensuring that a capital programme, including prudential indicators for the forthcoming year is prepared on an annual basis for consideration by the Executive before submission to the Full Council. The report to the Executive to take into account, when setting or revising prudential indicators, the following: <ul style="list-style-type: none"> - affordability - prudence and sustainability - value for money - stewardship of assets - service objectives - practicality |
| To ensure, where appropriate, that proposals have been through the Council's Revenue Gateway process prior to Executive approval. This includes approval for: <ul style="list-style-type: none"> - request for release of funds approved in budget but not yet allocated to departmental cash limit - request to bid for new external funding - request to utilise increased grant resources allocated to the Council in year (includes any external funds allocated/received in advance) | To collate capital estimates jointly with Chief Officers and Heads of Services and the Chief Executive and to submit them to the Executive for approval. Executive will make recommendations on the capital estimates and on any associated financing requirements to the Full Council. Executive approval is required where a Chief Officer and/or Head of Service proposes to bid for, or exercise additional borrowing approval, not anticipated in the capital programme. |

FINANCIAL SYSTEMS AND PROCEDURES

| Revenue | Capital |
|--|--|
| <ul style="list-style-type: none"> - bid for use of reserves - request to carry forward funding - request to utilise fortuitous income - request to action a revenue budget virement | |
| | <p>To approve, in conjunction with the Executive Member for Finance and Human Resources, capital schemes that include project plans, progress targets and associated revenue expenditure submitted by Chief Officers and Heads of Services.</p> |
| | <p>To ensure that all capital schemes have been through the Council's Gateway Review Process before approval to spend the allocation is granted. Note that approval is required for all externally funded schemes (including those which are 100% funded from external sources).</p> |

23. The guidelines will take account of:

- legal requirements
- medium-term planning prospects
- corporate plan
- available resources
- spending pressures
- Service Reporting Code of Practice (SeRCOP) and other relevant government guidelines
- other internal policy documents
- cross-cutting issues (where relevant).

24. To encourage the best use of resources and value for money by working with Chief Officers and Heads of Services to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

Chief Officers and Heads of Service

25. To ensure that priorities within Business Plans are delivered and that budgets are balanced across services within their directorates.

FINANCIAL SYSTEMS AND PROCEDURES

26. To ensure that there is a clear direction for the services in their directorate that aligns with the Sustainable Community Strategy and Corporate Plan. The Chief Officer must provide leadership for change, innovation and creativity.
27. Responsibility to ensure that budget estimates reflecting agreed service plans are submitted to the Executive and that these estimates are prepared in line with guidance issued by the City Treasurer.
28. To prepare budgets that are consistent with any relevant cash limits, with the Council's annual budget cycle and with guidelines issued by the City Treasurer. The City Treasurer in accordance with the Full Council's general directions will prescribe the format.
29. When drawing up draft budget requirements, to have regard to:
- spending patterns and pressures revealed through the budget monitoring process,
 - legal requirements,
 - policy requirements as defined by the Full Council in the approved policy framework and with partners in the delivery of the Sustainable Community Strategy,
 - initiatives already under way, and
 - the following table:

| Revenue | Capital |
|---|---|
| To comply with the laid-down guidance, controls and timetable issued by the City Treasurer, and prepare detailed draft revenue proposals for consideration by the Executive and scrutiny committees. | To comply with the laid-down guidance, controls and timetable issued by the City Treasurer, and prepare detailed draft capital bids for consideration by the Executive and scrutiny committees. |
| To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures, a risk assessment has been carried out and that links are made with workforce development planning. | To submit a prioritised list of bids as part of the annual capital budgeting process representing the schemes required to deliver service strategy. |
| To prepare estimates of income and expenditure, with guidance from the City Treasurer, to be submitted to the Executive. To ensure that budget estimates reflecting agreed service plans are submitted to the Executive and that these estimates are prepared in line with guidance issued by the Executive and City Treasurer. | To prepare schedules for individual schemes within the overall capital budget approved by the Full Council and submit to the Executive for approval or under other arrangements approved by the Full Council. |
| Where appropriate, to submit revenue | To ensure that a scheme and estimate, |

FINANCIAL SYSTEMS AND PROCEDURES

| Revenue | Capital |
|--|--|
| <p>proposals through the Council's Revenue Gateway process and subsequent approval by the City Treasurer and Executive Member for Finance and Human Resources and Executive as required. This includes:</p> <ul style="list-style-type: none"> - request for release of funds approved in budget but not yet allocated to departmental cash limit - request to bid for new external funding - request to utilise increased grant resources allocated to the Council in year (includes any external funds allocated/received in advance) - bid for use of reserves - request to carry forward funding - request to utilise fortuitous income - request to action a revenue budget virement | <p>including project plan, progress targets and associated revenue expenditure is prepared for each capital project, and submitted for approval through the Capital Gateway Process and by the City Treasurer and Executive Member for Finance and Human Resources.</p> |
| | <p>To ensure that approvals for all capital expenditure proposals are obtained prior to a scheme's commencement, from the City Treasurer (for expenditure not exceeding £10,000) or from the City Treasurer and the Executive Member for Finance and Human Resources (for expenditure above £10,000), and that capital expenditure approvals are not exceeded.</p> |

RESOURCE ALLOCATION

Executive

30. Responsible for taking in-year decisions on resources and priorities in order to deliver the budget and policy framework within the financial limits set by the Council.

City Treasurer

31. To develop and maintain a resource allocation process that ensures due consideration of the Full Council's policy framework and legal constraints.
32. To advise on methods available for the funding of resources, such as grants from Central Government and borrowing requirements.
33. To advise on the suitability of proposals to introduce/modify financial procedures to control resources.

Chief Officers and Heads of Service

FINANCIAL SYSTEMS AND PROCEDURES

34. To assist in the allocation of resources to budget managers.
35. To work within delegated cash limits (General Fund) and to utilise resources allocated, and furthermore to allocate resources, in the most efficient, effective and economic way.
36. To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

MONITORING AND CONTROLLING BUDGETS

37. Chief Officers and Heads of Service must ensure that they comply with the rules in relation to key decisions set out in Rule 16 of the Access to Information Procedure Rules in Part 4 of this Constitution.

City Treasurer

38. Ensure the deployment of adequate staff resources to ensure that the process of budget monitoring is adequately supported.
39. In consultation with the Monitoring Officer responsible for advising the Executive or Full Council about whether a decision is likely to be considered contrary to, or not wholly in accordance with the budget. Such actions include:
 - initiating a new policy
 - committing expenditure in future years above the approved budget level
 - interdepartmental transfers above virement limits (see 75-86 below)
 - causing total net expenditure to increase beyond the approved budget.
40. To establish an appropriate budgetary framework to monitor, manage and control to ensure that:
 - budget management is exercised within annual cash limits unless the Full Council agrees otherwise.
 - Each Chief Officer and Head of Service has available timely information on expenditure and income on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities.
 - expenditure is committed only against an approved budget head.
 - officers responsible for committing expenditure comply with relevant guidance and financial regulations.
 - each cost centre has a single named manager, determined by the relevant Chief Officer and Head of Service. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure.
 - each cost centre manager must be set up in the Council's computerised financial management system and an appropriately authorised substitute must

FINANCIAL SYSTEMS AND PROCEDURES

also be identified and set up to undertake approvals in the absence of the cost centre manager.

- significant variances from approved budgets are investigated and reported by budget managers regularly and should include mitigating action to address pressures.

| Revenue | Capital |
|--|--|
| Responsible for monitoring and controlling overall expenditure and income against budget allocations and report to the Executive on the Council's overall position on a regular basis. | To report and seek Executive approval for increasing capital expenditure which can be funded through additional external resources, capital receipts or credit approvals. |
| The procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework, and for determining the circumstances in which a decision will be deemed contrary to the budget or policy framework, are set out in the Budget and Policy Framework Procedure Rules. The Monitoring Officer should refer decisions to the Full Council. | To prepare and submit global monitoring reports to the Executive on the projected income, expenditure and resources compared with the approved estimates and to recommend action where necessary to ensure that capital expenditure is fully funded. |
| To submit reports to the Executive and to the Full Council, in consultation with the relevant Chief officer and Head of Service, where a Chief Officer or Head of Service is unable to balance expenditure and resources within existing approved budgets under their control. | |

41. To administer the Council's scheme of virement (*see paragraph 83 below*).
42. To ensure that each Chief Officer and Head of Service identifies a cost centre manager (and authorised substitute) to be set up in the Council's computerised financial management system for each item of income and expenditure incurred by the service within each Chief Officer and Head of Service's cash limit. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
43. To ensure prior approval by the Full Council or Executive (as appropriate) for new proposals, of whatever amount, that:
 - create financial commitments in future years
 - change existing policies, initiate new policies or cease existing policies
 - materially extend or reduce the Council's services.
44. To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.

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45. Where an approved budget (a lump sum budget or contingency) is intended for allocation during the year, funding may be used without further approval, provided that:
- the amount is used in accordance with the purposes for which it has been established
 - the Executive has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Executive.

Chief Officers and Heads of Services

46. To exercise discretion in managing budgets responsibly and prudently. For example, they should not support recurring revenue expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Chief Officers and Heads of Services must plan to fund such commitments from within their own budgets.
47. To maintain budgetary control within their services, in adherence to the principles above, and to ensure that all income and expenditure is properly recorded and accounted for.
48. To ensure that spending remains within the service's overall budget allocation, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are projected.

| Revenue | Capital |
|---|---|
| Responsibility to control income and expenditure within their area and within the cash limited budget allocation delegated to them, and to monitor performance. They should report on variances within their own areas and take necessary action to avoid exceeding their budget allocation and alert the City Treasurer to any problems. Where there are budget pressures mitigating actions should be identified. | To prepare returns of projected estimated final costs of schemes, in the approved capital programme, for submission to the City Treasurer and Executive Member for Finance and Human Resources. |
| | To consult with the City Treasurer and to seek Executive approval where the Chief Officer and/or Head of Service proposes to bid for supplementary credit approvals or grants to be issued by Government departments or others to support expenditure that has not been included in the current year's capital programme. |

FINANCIAL SYSTEMS AND PROCEDURES

49. To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the City Treasurer and, if applicable, approval of the scheme through the capital programme.
50. To ensure that priorities within Business Plans are delivered and that budgets are balanced across services within their directorates.
51. To be responsible for ensuring that the resource implications of all new projects which they initiate are identified in briefing papers to the City Treasurer and the relevant Executive Member.
52. Chief Officers to provide appropriate and necessary support and challenge to all Heads of Service to ensure the delivery of the Transformation Programme and other priorities as defined within the Sustainable Community Strategy and Corporate Plan.
53. To be responsible for ensuring that their Service provides services to the agreed standard and within their approved budget.
54. To be responsible for liaising with the relevant Executive Member and Strategic Management Team regarding progress against priorities within Business Plans.
55. To be responsible for ensuring that in circumstances where the delivery of organisational priorities, within agreed budget, is compromised, this is escalated to the Strategic Management Team for resolution.
56. Fortuitous income (deemed to be additional income that in aggregate totals or exceeds £100,000 in a service), cannot be retained within cash limit budgets and must be reported to the City Treasurer and then Executive for consideration of how these additional monies are to be used.
57. The accountability for delivery of the Business Plan within the allocated budget lies with the Head of Service. This will include continuous improvement in quality and efficiency. The Business Plan will include transformation projects.
58. Heads of Service are expected to regularly review service performance against the objectives set in the Business Plan and reprioritise where necessary to address performance and budget constraints.
59. Heads of Service are accountable for the achievement of efficiencies identified / allocated to their services.
60. Heads of Service have a responsibility to proactively engage other Heads of Service on cross cutting issues. In particular, Heads of Service must not pursue proposals for improvement or efficiency that have cost implications for other services without first discussing and agreeing with them with their colleagues. Furthermore, Heads of Service must not claim efficiencies which are already allocated to a cross cutting savings target with agreement from the City Treasurer.
61. Heads of Service are accountable for ensuring that appropriate systems and processes are in place to ensure the effective management of their service.

FINANCIAL SYSTEMS AND PROCEDURES

62. It is the responsibility of Heads of Service to ensure that effective performance and budget monitoring takes place within their service.
63. Heads of Service are responsible for ensuring that their budget is delegated to named cost centre managers. Each cost centre manager must assign a substitute to take responsibility for these budgets in their absence. Heads of Service are responsible for ensuring that these managers understand and undertake their budgetary responsibilities effectively.
64. Where risks emerge to the delivery of a balanced budget or key performance targets, it is the responsibility of the Head of Service to identify and pursue all options for managing these risks within the service. Only after all options have been investigated, challenged and evaluated should Heads of Service escalate the issue(s) to their Chief Officers for appropriate action.
65. The Heads of Finance and their finance teams support the Heads of Service in setting budgets and establishing appropriate systems and processes for managing service budgets.
66. The budget position should be reported monthly to the Departmental Management Team and should include:
 - Budget allocations
 - Projected outturn
 - Variance of projected outturn against budget allocation
 - Explanation for any significant variances or comments on trends and future impact.
 - Forecast achievement of savings against target
 - Identification of risks and/or pressures and mitigating action to be taken to address the risk and/or pressure
67. To prepare and submit, to the service's Executive Member, reports on projected expenditure and income compared with the budget, in the form prescribed by and in accordance with, the timetable and guidelines issued by the City Treasurer.

VIREMENT

68. As part of the Virement Policy a change in a budget head by a transfer from another budget within the Business Plan Area can be approved within the limits set out within these Regulations.
69. A revenue virement is deemed to be:
 - A transfer of budget from non pay to pay budgets or vice versa
 - A transfer of budget to meet a contractual long-term commitment
 - A transfer of budget between distinct service areas (for example from Highway Services to Cultural Services)
 - A transfer of budget for a different purpose as that set out in the approved Budget and Business Plan

FINANCIAL SYSTEMS AND PROCEDURES

70. A capital virement is deemed to be movement of budget between approved capital schemes.

Full Council

71. Responsible for agreeing procedures for virement of expenditure between budget headings and for approving any variation to the procedures.

Executive

72. Responsible for considering reports submitted by the City Treasurer and Chief Officers and Heads of Services and approving any revenue expenditure where:

- it is proposed to vire between budgets managed by different Chief Officers and Heads of Services.
- it is for the release of earmarked sums from central contingency.
- where the proposed virement is likely to have an adverse effect on any published performance indicator.

City Treasurer

73. To administer the virement procedures agreed by Full Council and in accordance with the Budget and Policy Framework Procedure Rules.

74. In conjunction with Chief Officers and Heads of Services, to report to and seek the prior approval of the Executive for any revenue expenditure where:

- it is proposed to vire between budgets managed by different Chief Officers and Heads of Services.
- it is for the release of earmarked sums from central contingency.
- where the proposed virement is likely to have an adverse effect on any published performance indicator.

75. To report and seek the approval of the Chief Executive (in consultation with the Leader, and the Executive Member for Finance and Human Resources) to the exercise of the virement powers of the Executive where a matter is urgent.

Chief Officers

76. To ensure compliance with the scheme of virement (see table below).

| Threshold | Revenue | Capital |
|----------------------|---|--|
| Up to £50,000 | Chief Officers to vire up to £50,000 following notification to the City Treasurer. | Chief Officers to vire up to £50,000 from within the capital programme following notification to the City Treasurer. |

FINANCIAL SYSTEMS AND PROCEDURES

| | | |
|-------------------------------|---|--|
| £50,000 < £100,000 | Chief Officers to exercise virement on budgets under their control on any one budget head during the year, following notification to the City Treasurer. | Chief Officers to vire £50k to £100K with the approval of the City Treasurer, in consultation with the Executive Member for Finance and Human Resources. |
| £100,000 < £250,000 | Chief Officers to exercise virement following notification and approval of the City Treasurer and Executive Member for Finance. Requests must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year. | City Treasurer to report and seek Executive approval for virements in excess of £100k and up to £500k. |
| £250,000 < £500,000 | As above with City Treasurer to report and Seek Executive approval | |
| In excess of £500,000 | City Treasurer to report and seek approval from the Full Council for virements in excess of £500k | City Treasurer to report and seek approval from the Full Council for virements in excess of £500k. |

77. In conjunction with the City Treasurer, to report to and seek the prior approval of the Executive for any revenue expenditure where:
- it is proposed to vire between business plans managed by different Chief Officers and Heads of Service
 - it is for the release of earmarked sums from central contingency
 - it is for the release of funding held in an earmarked reserve, including where grant funding across more than one year has to be held in a reserve.
 - where the proposed virement is likely to have an adverse effect on a priority in the approved Budget and Business Plan
78. To agree with the relevant Chief Officer where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Chief Officer's level of service delivery.
79. All proposals for revenue virements that require City Treasurer approval for the areas set out in paragraph 85 above, will need to go through the revenue gateway process.

CHAPTER 2 - ACCOUNTANCY

FINANCIAL RECORDS AND RETURNS

City Treasurer

1. To determine the accounting procedures and records for the Council. Where these are maintained outside the Financial Management Division, the Chief Officers and Heads of Service should consult with the City Treasurer.
2. To comply with the following principles when allocating accounting duties:
 - separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or disbursing them.
 - officers with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
3. To arrange for the compilation of all accounts and accounting records under their direction.
4. To ensure that all claims for funds including grants, for which he or she is responsible for, are made by the due date.
5. To administer the Council's arrangements for under and overspendings to be carried forward to the following financial year.

Chief Officers and Heads of Service

6. To comply with the following principles when allocating accounting duties:
 - separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or disbursing them.
 - officers with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
7. To consult and obtain the approval of the City Treasurer before making any changes to accounting records and procedures.
8. To maintain adequate records to provide an audit trail leading from the source of income/expenditure through to the accounting statements.
9. To comply with accounting guidance provided by the City Treasurer and to supply the City Treasurer with information in the format, and by the date, requested.
10. To supply information required to enable the annual statement of accounts to be completed in accordance with guidelines issued by the City Treasurer.
11. To ensure that all claims for funds, including grants, which the Chief Officers and Heads of Service are responsible for, are made by the due date.

FINANCIAL SYSTEMS AND PROCEDURES

12. To ensure that adequate records are maintained for all capital contracts and to report on the spend against the projects as required in line with the requirements of the City Treasurer.
13. To prepare and submit an annual report, in consultation with the City Treasurer, to the Executive on the completion of all contracts, revenue and capital, where the final expenditure exceeds the approved contract sum.

TREATMENT OF IN YEAR BALANCES

Full Council

14. Responsible for agreeing guidelines for the carrying forward of under and overspendings on budget headings.

Executive

15. Any overspending on service estimates in total on General Fund budgets, under the control of the Chief Officers and Heads of Service, and which are determined by the Executive, are to be carried forward to the following year, unless the Executive determines otherwise.
16. To consider applications from Chief Officers and Heads of Services to re-invest any surpluses in excess of the target surplus set by the City Treasurer.

City Treasurer

17. To administer the scheme of carry forward within the guidelines approved by the Full Council.
18. To report all overspendings and underspendings on service estimates carried forward to the Executive and to the Full Council.

Chief Officers and Heads of Service

19. All internal trading operation surpluses shall be retained for the benefit of the Council. However, Chief Officers and Heads of Services may apply to the Executive to re-invest surpluses in excess of the target surpluses set by the City Treasurer during the budget process.
20. Managed underspending and/or additional but not fortuitous income on service estimates under the control of the Chief Officers and Heads of Service (General Fund) may be carried forward, subject to:
 - Recommendation by the Revenue Gateway group of the managed underspending or additional income including the proposed application of any carry forward for approval
 - reporting to the Executive the source of the managed underspending or additional income and the proposed application of any carry forward.
 - subsequent approval of the Executive.

MAINTENANCE OF RESERVES/PROVISIONS

Full Council

21. To approve the use of revenue and capital reserves or provisions (excluding those established from the carry forward of grants across financial years) which is in addition to that already planned and is in excess of £2m in aggregate in any financial year.
22. To approve the use of revenue and capital reserves established from the carry forward of grants across financial years which is in addition to that already planned and is in excess of £2m in aggregate in any financial year.

Executive

23. To consider reports for the City Treasurer on prudent levels of reserves/provisions for the Council.
24. To consider reports from the City Treasurer on the adequacy of proposed financial reserves/provisions.
25. To consider reports from the City Treasurer approving the use of revenue and capital reserves or provisions (excluding those established from the carry forward of grants across financial years), in addition to that already planned, up to £2m in aggregate in any financial year.
26. To consider reports from the City Treasurer approving the use of revenue and capital reserves which have arisen from the carry forward of grants across financial years, in addition to that already planned, up to £2m in aggregate in any financial year.

City Treasurer

27. To ensure that there are clear protocols for the establishment and use of reserves/provisions.
28. In consultation with Chief Officers and Heads of Services establish reserves and/or provisions and how to incur expenditure from reserves/provisions.
29. To advise the Executive and/or the Full Council on prudent levels of reserves for the Council, and to take account of the advice of the external auditor in this matter.
30. To report to the Executive and/or the Full Council on the adequacy of proposed financial reserves/provisions.
31. To report and seek Executive approval for the use of revenue and capital reserves or provisions (excluding those established from the carry forward of grants) in addition to that already planned and up to £2m in aggregate in any financial year. For use of reserves in excess of £2m in aggregate approval of Full Council is required.

FINANCIAL SYSTEMS AND PROCEDURES

32. To report and seek Executive approval for the use of reserves established from the carry forward of grants across financial years in addition to that already planned and up to £2m in aggregate in any financial year. For use of reserves in excess of £2m in aggregate approval of Full Council is required.
33. To report to the Executive and/or the Full Council if a controlled resource is, or is likely to be, inadequate.

Chief Officers and Heads of Service

34. Subject to the approval of the City Treasurer to establish reserves and/or provisions and the incurring of expenditure from reserves/provisions.
35. To ensure that the use of reserves when approved by the City Treasurer and Executive, or Full Council, as appropriate, is planned in to the budget.
36. To ensure such resources are used only for the purposes for which they were intended.
37. To comply with protocols and procedures as laid down by the City Treasurer.

ANNUAL STATEMENT OF ACCOUNTS

Audit Committee

38. Responsible for approving the audited statutory annual statement of accounts.

City Treasurer

39. Responsible for the preparation of the Council's statement of accounts, in accordance with proper practices as set out in the format required by the relevant codes of practice on local authority accounting in the United Kingdom, for each financial year ending 31st March.
40. Will select suitable accounting policies and ensure that they are applied consistently and comply with the Code. The accounting policies are set out in the statement of accounts, which is prepared at 31st March each year, and covers such items as:
 - the basis on which debtors and creditors are included in the accounts.
 - provisions and reserves.
 - property, plant and equipment
 - depreciation.
 - inventories
 - accounting for value added tax.
 - government grants.
 - leasing.
 - private finance initiatives
 - pensions

FINANCIAL SYSTEMS AND PROCEDURES

- borrowing and investments
41. To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.
 42. To make proper arrangements for the audit of the Council's accounts in accordance with the Accounts and Audit (England) Regulations 2011, as amended.
 43. To sign and date the statement of accounts, stating that it presents fairly the financial position of the Council at the accounting date and its income and expenditure for the year ended 31st March.
 44. To prepare and publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable and with the requirement for the Audit Committee to approve the statement of accounts in accordance with the statutory timetable.

TAXATION

City Treasurer

46. Responsible for advising Chief Officers and Heads of Services, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.
47. Responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
48. To complete all HM Revenue and Customs returns regarding Pay As You Earn (PAYE).
49. To complete a monthly return of VAT inputs and outputs to HM Revenue and Customs.
50. To provide details to the HM Revenue and Customs of deductions made under the Construction Industry Tax Deduction Scheme.
51. To maintain up-to-date guidance for Council employees on taxation issues in the tax manual.
52. To maintain an up-to-date register of VAT de minimis payments in accordance with the VAT Act 1994.

Chief Officers and Heads of Service

53. To ensure that the correct VAT liability is attached to all income due and that all claims for VAT recoverable on purchases complies with HM Revenue and Customs regulations and all output tax is properly identified and recorded.
54. To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
55. To ensure that the Council is not put at risk in any funding arrangements by identifying the correct VAT treatment in accordance with the VAT Act 1994.

FINANCIAL SYSTEMS AND PROCEDURES

56. To ensure that all persons employed by the Council are added to the Council's payroll and that tax is deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
57. To follow the guidance on taxation issued by the City Treasurer in the tax guidance manual.

CHAPTER 3 – INCOME AND EXPENDITURE

INCOME

City Treasurer

1. To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection and accounting for VAT.
2. To ensure that there is a robust debt management policy in place that clearly sets out the debt collection and write off procedures.
3. To approve the format of official receipts (receipt books, tickets and similar items) and procedures for the control and supply of these to services.
4. To use debt recovery procedures to collect any income due to the Council which has not been paid within specified time limits.
5. To approve the arrangements for the writing off of irrecoverable debts by Chief Officers and Heads of Services.
6. To ensure that appropriate accounting adjustments are made following any write off action.
7. To issue guidance relating to the retention and storage of income documents

Chief Officers and Heads of Services

8. To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly in line with corporate policies.
9. To ensure a division of duties between identifying amounts due for payment and the responsibility for the collection of income, as far as is practicable.
10. To adhere to the requirements of the Debt Management policy.
11. To ensure that appropriate recovery action (including legal action) is taken by the Finance Shared Service Centre. Where it has been agreed with the City Treasurer that the Chief Officers and Heads of Service are responsible for the collection and recovery of certain types of income, the Chief Officers and Heads of Service will be responsible for ensuring that appropriate recovery action (including legal action) is taken as necessary.
12. To agree the form of official receipts with the City Treasurer.
13. To ensure that official receipts are issued whenever payments are made in cash, except where cash is 'rung up' into tills, which do not produce receipts.
14. To determine when payments are received by cheque whether receipts should be issued.

FINANCIAL SYSTEMS AND PROCEDURES

15. To hold securely receipts, tickets and other records of income for the appropriate period in accordance with guidance issued by the City Treasurer.
16. To ensure that at least two officers are present when post is opened so that money received by post is properly identified and recorded.
17. To ensure that income is locked away and safeguarded against loss or theft.
18. To ensure the security of cash handling and that there is a record of every transfer of money between officers of the Council. The receiving officer must sign for the transfer and the transferor must retain a copy.
19. To ensure that the levels of cash held on premises does not exceed the approved amount.
20. To ensure that income is paid fully and promptly into the appropriate Council's bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips or on-line financial systems to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
21. To ensure that all income received is banked in full and is not used to make payments.
22. To ensure that when income is due to the Council and the payment is not to be made at the time, an invoice is raised promptly in a form approved by the City Treasurer. Where income relates to the provision of goods and services which are not part of a continuous supply, invoices must be raised no later than 7 days after the completion of a chargeable transaction.
23. To seek to achieve payment by direct debit or standing orders in situations where regular payments are due to the Council. The City Treasurer should approve general arrangements for receiving payment by direct debit or standing orders.
24. To ensure that invoices raised require payments to be made to the Council and that income is coded to the appropriate cost centre. Where appropriate, VAT must be separately identified on both the invoice and the coded income.
25. To advise the City Treasurer of income due to the Council from contracts, leases or any other form of agreement.
26. To agree all debt recovery processes prior to legal action with the City Treasurer and to pursue these promptly.
27. To assist the City Treasurer in collecting debts they have originated and to keep sufficiently detailed records to allow debts to be recovered through legal action and to reclaim VAT payments when bad debts are written off.
28. To request the writing off of irrecoverable debts in accordance with arrangements approved by the City Treasurer (including arrangements determining which provisions or budgets write-offs are to be charged against).
29. To authorise the raising of a credit memo, in consultation with the City Treasurer, if a mistake has been made in raising an invoice.

FINANCIAL SYSTEMS AND PROCEDURES

30. To require advance payments for goods, services or materials in cases involving income of less than £50 or more than £5,000, wherever possible and practicable. Advance payments should, ideally, be paid directly into the Council's bank account wherever possible. Where this is not possible, payment by Credit or Debit Card should be encouraged. Cash or cheques is acceptable but, where payment is in the form of a cheque, goods or services should not be supplied until after cleared funds have been received.
31. To consult the City Treasurer about any proposal to arrange to accept payments by credit cards, debit cards, switch cards, internet, or similar means.
32. For Treasury Management purposes to notify the City Treasurer of any significant amounts of income due to the Council and the likely timing of such receipts.
33. To notify the City Treasurer of outstanding income relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the City Treasurer.

EXPENDITURE

General/Purchase Orders

34. Formal Purchase Orders must be issued for all work, goods or services to be supplied to the Council, unless a specific exemption to this has been agreed with the City Treasurer. All orders placed should be on an official order form generated by SAP, or in an alternative format through other media specifically authorised by the City Treasurer.
35. Each Purchase Order must conform to any guidelines approved by the Full Council on corporate procurement policies and the standardisation of supplies and materials and wherever possible, corporately agreed contracts must be used.
36. Official purchase orders must not be raised for any personal or private purchases, nor must personal or private use be made of the Council's contracts.
37. Oral purchase orders can only be given in cases of extreme urgency and must be confirmed by an official order, in writing via SAP or other authorised media, as soon as possible.
38. One of the preferred methods of payment by the Council will be by purchase card. Those vendors who do not accept purchase cards will be paid via the Finance Shared Service Centre by cheque or through the banks' automated clearing system (BACS) or other electronic transfers of funds drawn on the Council's bank accounts by the City Treasurer. Any arrangements for making payments by these means must be approved by the City Treasurer.
39. Cheque payments must have the facsimile signature of the City Treasurer and be crossed 'account payee only'.

City Treasurer

40. To approve the form of official purchase orders and associated terms and conditions.

FINANCIAL SYSTEMS AND PROCEDURES

41. To issue guidance relating to the retention and storage of transaction and payment documents.
42. To make payments from the Council's funds on the Chief Officers and Heads of Service's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
43. To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
44. To make payments to contractors on the receipt of architect's certificate, or appropriate Chief Officer and Heads of Service, which must include details of the value of work, retention money, amounts previously certified and amounts now certified. These payments to be made to contractors using authenticated receipts raised by services.
45. To provide advice and on making payments by the most economical means.
46. To enter into agreements for corporate contracts for the supply of telephone exchanges, telephone equipment, answering machines, photocopiers, facsimile machines, cell phones, pagers etc. on behalf of the Council.
47. To enter into contracts for the supply of computer equipment and software on behalf of the Council.

Chief Officers and Heads of Service

48. To ensure that all purchase orders for goods and services, manual or electronic, are in a form prescribed by the City Treasurer and approved by the City Solicitor.
49. To hold retain and store all evidence relating to transactions and payments in accordance with guidance issued by the City Treasurer.
50. To ensure that purchase orders are only used for goods and services provided to the Council.
51. To ensure that officers do not use official purchase orders to obtain goods or services for their private use.
52. To ensure that only cost centre managers and their substitutes set up in the Council's computerised financial management system (SAP), approve purchase orders. The cost centre manager should be satisfied that the goods and services being ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the Council's approach to procurement. Value for money should always be achieved.
53. To ensure that all purchase orders state the nature, quantity, and agreed or estimated costs of the works, goods or services being ordered. The order must also state the address for deliveries.

FINANCIAL SYSTEMS AND PROCEDURES

54. Ensure that, where it is proposed to place an order with a vendor that is not currently registered as an approved Council vendor, the correct procurement procedures are followed and that a formal request to establish the vendor is submitted to the Corporate Procurement Service for consideration prior to placing any order with the vendor.
55. To ensure that receipt of works, goods and services are verified by placing a "goods receipt confirmation" in the Council's computerised financial management system (SAP - unless the City Treasurer has specifically allowed an exception to this process). A different officer from the person who authorised the purchase order should carry out the confirmation that goods etc have been received. Appropriate entries should then be made in inventories or stores records.
56. To ensure that, where appropriate, invoices are promptly and properly authorised for payment via the Council's computerised financial management system (SAP - or by the operation of other, authorised arrangements). Unless specifically agreed otherwise by the City Treasurer, all invoices should be sent by suppliers/vendors direct to the Council's Finance Shared Service Centre (FSSC).
57. To ensure that all invoices submitted by vendors to the Council for payment contain a valid Purchase Order number. All Purchase Orders must be created before the Council enters into a commitment to pay for any works, goods or services. All works, goods or services supplied to the Council must be formally confirmed as having been received by placing a goods received notification in the Council's computerised financial management system.
58. Payments should not normally be made if the Council has not received goods or services. However, if, in exceptional circumstances, it is deemed necessary to make a payment in advance of goods and services being supplied, agreement of the City Treasurer must be obtained before the payment is made.
59. To ensure that the goods requisitioning process is carried out by a different officer to the cost centre manager who authorises the issue of a purchase order.
60. To ensure that the service maintains, and reviews periodically, a list of cost centre managers and substitutes with appropriate authority within the Council's computerised financial management system.
61. It is acceptable for suppliers to submit invoices to the Finance Shared Service Centre direct in electronic forms via Email. In exceptional circumstances it will be acceptable for Directorate staff to submit invoices in a similar way but any invoices submitted in this manner must be certified and clearly endorsed with a statement that it is a copy and that payment has not already been made.
62. To encourage suppliers of goods and services to receive payment by the most economical means for the Council. However, payments made by direct debit must have the prior approval of the City Treasurer.

FINANCIAL SYSTEMS AND PROCEDURES

63. To ensure that the service obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines issued by the City Treasurer, which are in line with best value principles and contained in the Council's contract and procurement rules.
64. To comply with contract procedure rules for putting purchases, where appropriate, out to competitive quotation or tender. These procedures must comply with the Council's separate contract procedure rules covering:
 - General issues
 - Budget identification, specifications and evaluation
 - Exceptions to the competitive process
 - Chief Officers' and Heads of Services' authority and delegation
 - Thresholds for the relevant competitive processes, including EC thresholds
 - Submission, receipt and opening of competitive bids, including late bids
 - Evaluation
 - Post tender negotiation
 - Acceptance of tenders, bids or quotations
 - Contract records, signing and sealing
 - Issues relating to contracts in operation
 - Miscellaneous
65. With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the City Treasurer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
66. Not to enter into agreements for the supply of telephone exchanges, telephone equipment, answering machines, photocopiers, facsimile machines, cell phones, pagers etc. The City Treasurer is the only officer authorised to do this.
67. Not to enter into agreements for the supply of computer equipment and software. The City Treasurer is the only officer authorised to this. Orders for such equipment should be placed in accordance with corporate procedures following approval by the Information Technology Unit.
68. To ensure that purchase orders are used so that commitments incurred by placing purchase orders are shown against the appropriate budget allocation and taken into account in budget monitoring reports.

FINANCIAL SYSTEMS AND PROCEDURES

69. To notify the City Treasurer of outstanding expenditure relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the City Treasurer.
70. To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the City Treasurer (in respect of leasing the City Treasurer and the Executive Member for Finance and Human Resources). This is because of the potential impact on the Council's borrowing powers, to protect the Council against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
71. To notify the City Treasurer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
72. To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with guidance issued by the City Treasurer.

IMPREST ACCOUNTS

City Treasurer

73. Imprest Accounts can be established in exceptional circumstances following approval from the City Treasurer.

TREASURY MANAGEMENT

74. The Council has adopted CIPFA's *Code of Practice for Treasury Management in Local Authorities*

Full Council

75. Responsible for approving the Treasury Management Policy Statement setting out the matters detailed in paragraph 15 of CIPFA's *Code of Practice for Treasury Management in Local Authorities*.

Executive

76. Responsible for proposing to Full Council the Treasury Management Policy Statement.

City Treasurer

77. Responsible for reporting to the Executive a proposed Treasury Management Strategy for the coming financial year at or before the start of each financial year.
78. Delegated responsibility for implementing and monitoring the Treasury Management Policy Statement.
79. To control all of the money in the hands of the Council as required by section 151 of the Local Government Act 1972.
80. To ensure that all investments and borrowings of money are made in the name of the Council or in the name of nominees approved by the Full Council.

FINANCIAL SYSTEMS AND PROCEDURES

81. Delegated responsibility to make all decisions on borrowing, investment or financing on behalf of the Executive, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities and the Council's Treasury Management policy statement and strategy.
82. To ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in the custody of the appropriate Chief Officers and Heads of Service.
83. To act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council.
84. The City Treasurer is responsible for reporting to the Executive twice each financial year on the activities of the treasury management operation and on the exercise of their delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.
85. To monitor the performance of the Treasury Management function including receiving and reviewing the Treasury Management Annual Report and monitoring reports and other reports and to review and scrutinise Treasury Management Performance.

Chief Officers and Heads of Service

86. To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Executive (or if contrary to the Budget & Policy Framework the approval of Full Council).
87. To notify the City Treasurer's **Treasury** Management section when income due over £100,000 or non-routine payments (ie those not made through the Shared Service Centre including for example CHAPs payments) of over £100,000 are due so that effective cash flow management arrangements can be put in place.

BANKING

City Treasurer

88. Responsible for the opening, operating and closing of bank accounts in the name of the Council.
89. To ensure that there are satisfactory arrangements in place for the ordering, storage and control all cheques drawn on the Council's main bank accounts.

Chief Officers and Heads of Service

90. Those who have control of their own bank accounts must work to arrangements approved by the City Treasurer, and must ensure that accounts do not become overdrawn.

TRUST FUNDS AND FUNDS HELD FOR THIRD PARTIES

Chief Officers and Heads of Service

91. To arrange for all trust funds to be held, wherever possible, in the name of the Council. All officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust, with the City Treasurer, unless the deed otherwise provides.
92. To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.
93. Where unofficial funds are held on behalf of third parties, to arrange for their secure administration, including an annual audit, and to maintain written records of all transactions in accordance with guidance issued by the City Treasurer.

CHAPTER 4 - ASSETS

GENERAL

City Treasurer

1. To ensure that an asset register is maintained in accordance with good practice for all property, plant and equipment with a value in excess of £10,000.
2. To receive the information required for accounting, costing and financial records from Chief Officers and Heads of Service.
3. To calculate depreciation and other capital charges for all properties and maintain the asset accounts.
4. To ensure that property, plant and equipment **and investment property** is valued in accordance with the relevant codes of practice on local authority accounting in the United Kingdom. This is the responsibility of the Head of Property.

City Solicitor

5. For the safe custody of title deeds.

Head of Property

6. To keep a register of all land and buildings owned by the Council, other than properties managed by Strategic Housing and made available for letting. The register will hold information about: the purpose for which the land/building is held; description; location and ordnance survey map reference; purchase details; the nature of the Council's interest; rents and any other charges payable; restrictive covenants; and any tenancies or other interests granted.
7. Maintain a valuation of all of the land and property assets of the Council. A five-year rolling programme of assets to be valued must be maintained, having been agreed with the City Treasurer and a minimum of 20% of assets must be re-valued each year. Information must also be provided on assets that have substantially declined in value between the rolling programme of valuations. Information on asset valuations, purchases and sales must be provided to the City Treasurer for inclusion in the asset register in accordance with the timetable set by the City Treasurer. These valuations must include the estimated lives of assets.

Director of **Strategic** Housing

8. To keep a record of properties managed by the Strategic Housing Service and made available for letting - including details of valuations and stock condition etc. as required, and in accordance with Government guidance.

Chief Officers and Heads of Service

9. To ensure that records and assets are properly maintained and securely held.

FINANCIAL SYSTEMS AND PROCEDURES

10. To ensure the proper security and safe custody of all buildings and vehicles, equipment, furniture, stock, stores and other property belonging to the Council and under their control.
11. To ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.
12. To ensure that all leased assets are identified, appropriately marked, maintained and a register kept to include location to ensure that they are available for return to lessors at the end of the lease period in accordance with the terms of the lease.
13. To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession of, or enter, the land until a lease or agreement, in a form approved by the Chief Officers and Heads of Service, in consultation with the Head of Property and City Solicitor, has been established as appropriate.
14. To ensure that no Council asset is subject to personal use by an employee without proper authorisation.
15. To ensure that the service maintains a register of moveable assets in accordance with arrangements defined by the City Treasurer.
16. To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
17. To consult the City Treasurer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
18. To ensure that a schedule is kept of the officers in their services who hold keys to safes and similar receptacles, and that keys are carried on the person of those responsible at all times; loss of any such keys must be reported to the Head of Internal Audit as soon as possible.
19. To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.
20. To ensure that the Council's policies on information and internet security are complied with.
21. To ensure that the Council's policies and guidelines on security and crime prevention are followed.

INVENTORIES

22. To maintain adequate records of items of furniture, equipment, vehicle and plant, above £200 in value.

FINANCIAL SYSTEMS AND PROCEDURES

23. To carry out an annual check of all items on the inventory in order to verify location, review condition and to take appropriate action in relation to any surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Council.
24. If an item is lost, stolen or disposed of, this must be recorded against the entry in the inventory.
25. The Council's property should only be moved from Council premises for official purposes with the permission of an authorised officer and a record should be kept of all authorised removals.

Stocks and stores

26. To make arrangements for the care and custody of stocks and stores in their service.
27. To ensure that adequate records are kept and that reasonable levels are maintained which are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.

Cash

28. To ensure cash holdings on premises are kept to a minimum.
29. To ensure that cash holdings do not exceed the maximum amount set by the City Treasurer.
30. To ensure that cash handling is carried out in accordance with guidance issued by the City Treasurer.
31. To ensure that cash held in any safe does not exceed the amount of the insurance limit for that safe.
32. To notify the City Treasurer and Head of Internal Audit of cash lost or stolen immediately. Stolen cash, which is not covered by insurance, can only be written-off with the agreement of the City Treasurer.
33. To ensure that under no circumstances are personal cheques cashed out of monies held on behalf of the Council.

Lost Property

34. Any property left on Council premises and regarded as lost must be disposed of in accordance with procedures agreed with the City Treasurer and after consultation with the City Solicitor.

ASSET DISPOSAL AND WRITE OFF PROCEDURES

Executive

FINANCIAL SYSTEMS AND PROCEDURES

35. Responsible for approving procedures for writing-off debts as part of the overall control framework of accountability and control.

City Treasurer

36. To issue guidelines representing best practice for the disposal of assets.
37. To ensure appropriate accounting entries are made to remove the value of disposed assets from the Council's records and to include the sale proceeds if appropriate.

Chief Officers and Heads of Services

38. To authorise the disposal and write-off of redundant furniture, fittings, equipment, plant and machinery, and stocks, in accordance with guidance issued by the City Treasurer.
39. Before disposal to check if the asset is subject to leasing arrangements. If the asset is leased, disposal must be in accordance with the terms of the lease.
40. To ensure that any surplus plant, vehicles, furniture or equipment is sold by public tender or auction unless the financial interest of the Council is better served by disposal in some other way.
41. Not to sell assets to an officer of the Council without the approval of the City Treasurer.
42. To ensure that income received for the disposal of an asset is properly banked and coded.

Section E

Contract Procurement Rules

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DEFINITIONS

A BRIEF GUIDE TO CONTRACT PROCEDURE RULES

These contract procedure rules (issued in accordance with section 135 of the 1972 Local Government Act) are intended to promote good purchasing practice and public accountability and deter corruption.

Officers responsible for purchasing must comply with these contract procedure rules. They lay down minimum requirements and a more thorough procedure may be appropriate for a particular contract. (For example, if Rule 8.1 would normally require that quotes be obtained, it might be appropriate in particular circumstances to seek additional quotations in writing or tender submissions).

For the purposes of these rules, where there is a requirement for communication to be in writing, this shall be deemed to include e-mail and fax transmissions as well as hard copy.

Key considerations for officers engaged in purchasing works, goods and services include:

- ❖ Follow the rules if you purchase goods or services or order building work.
- ❖ Take all necessary legal, financial and professional advice.
- ❖ Declare any personal financial interest in a contract. Corruption is a criminal offence.
- ❖ Conduct any Best Value review and appraise the purchasing need.
- ❖ Check whether there is an existing Corporate Contract, the OGC Buying Solutions Contracts, AGMA and other joint purchasing arrangements you can make use of before undergoing a competitive process.
- ❖ Normally allow at least four weeks for submission of bids (not to be submitted by fax or e-mail).
- ❖ Keep bids confidential.
- ❖ Complete a written contract or Council order before the supply or works begin.
- ❖ Identify a contract manager with responsibility for ensuring the contract delivers as intended.
- ❖ Keep records of dealings with suppliers.
- ❖ Assess each contract afterwards to see how well it met the purchasing need and Value for Money requirements.

SCOPE OF CONTRACT PROCUREMENT RULES

1. BASIC PRINCIPLES

All purchasing and disposal procedures must:

- achieve Best Value for public money spent
- be consistent with the highest standards of integrity
- ensure fairness in allocating public contracts
- comply with all legal requirements
- ensure that Non-Commercial Considerations do not influence any Contracting Decision
- support the Council's corporate and departmental aims and policies
- comply with the Council's corporate Procurement Strategy and other relevant policies.

2. OFFICER RESPONSIBILITIES

2.1 Officers

2.1.1 Officers responsible for purchasing or disposal must comply with these contract procedure rules, Financial Regulations, the Code of Conduct and with all UK and European Union binding legal requirements. Officers must ensure that any agents, Consultants and contractual partners acting on their behalf also comply.

2.1.2 Officers must:

- have regard to the Purchasing Guidance including any relevant Gateway procedures
- check whether a suitable Corporate Contract exists before seeking to let another contract; where a suitable Corporate Contract exists, this must be used unless there is an auditable reason not to
- keep the records required by Rule 6
- take all necessary legal, financial and professional advice.

2.1.3 When any employee either of the authority or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) issues are considered and obtain legal and personnel advice before proceeding with inviting Tenders or Quotations.

2.1.4 Officers must not extend existing contracts without the consent of the Chief Executive and City Treasurer unless the original contract made provision for extension of the original term.

CONTRACT PROCUREMENT RULES

2.2 Chief Officers

2.2.1 Chief Officers must:

- ensure that their staff comply with Rule 2.1
- keep registers of:
 - contracts completed by signature, rather than by the Council's seal (see Rule 18.3) and arrange their safekeeping on Council premises
 - exemptions recorded under Rule 3.2.

2.3 The Officer must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the Bribery Act 2010.

2.4 Officers shall comply with s117 of the Local Government Act 1972 in relation to the declaration of interest in contracts.

3. EXEMPTIONS, COLLABORATIVE AND E-PROCUREMENT ARRANGEMENTS

3.1 The Executive has power to waive any requirements within these contract procedure rules for specific projects, and any such decision may be a Key Decision.

3.2 A Chief Officer or **Strategic Director** may, (subject to the Chief Executive and City Treasurer's written approval where the Total Value is likely to exceed £50,000 or where the proposed arrangement is estimated to exceed £50,000 in income to the Council) waive any requirements within these contract procedure rules, where they are satisfied:

- Goods are to be bought at auction and the Chief Executive has approved in writing that the Council's best interest will be served by purchase through auction and has agreed an upper limit for bids
- Only one contractor can provide the goods services or works required and there is no reasonable alternative contractor
- The need for the goods services or works is so urgent that the time needed to comply with the rules would be prejudicial to the Council's interests
- There are value for money reasons justifying a waiver

3.3 Where a proposed contract or agreement is subject to the EU Procedure, a Chief Officer, the City Treasurer and Chief Executive have no delegated powers. No exemption under Rules 3.1 and 3.2 can be used if the EU Procedure applies.

3.4 All exemptions, and the reasons for them, must be recorded by the Chief Officer.

3.5 The City Treasurer may monitor the use of all exemptions.

CONTRACT PROCUREMENT RULES

- 3.6 In order to secure Value for Money, the authority may enter into collaborative procurement arrangements with other local authorities, government departments, public bodies or public service purchasing consortium and may use Framework Agreements let by other local authorities, government departments, public bodies or public service purchasing consortium.
- 3.7 All purchases made via a local authority purchasing and distribution consortium are deemed to comply with these contract procedure rules and no exemption is required. However, purchases subject to the EU Procedure must be let under the EU Procedure, unless the consortium has satisfied this requirement already by letting their contract in accordance with the EU Procedures on behalf of the authority and other consortium members.
- 3.8 Any contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the contract procedure rules of the leading organisation, will be deemed to comply with these contract procedure rules and no exemption under these contract procedure rules is required. However, advice must be sought from the City Solicitor and/or the Head of Corporate Procurement.
- 3.9 The use of e-procurement technology does not negate the requirement to comply with all applicable elements of these contract procurement rules, particularly those relating to competition and Value for Money.

4. RELEVANT CONTRACTS

- 4.1 All Relevant Contracts and Framework Agreements must comply with these contract procedure rules. A Relevant Contract is any arrangement made by, or on behalf of, the authority (including schools) for the carrying out of works or for the supply of goods, materials or services. These include arrangements for:
- the carrying out of construction and engineering works
 - the supply or disposal of goods
 - the hire, rental or lease of goods or equipment and
 - the delivery of services.
- 4.2 Relevant Contracts do not include:
- contracts of employment which make an individual a direct employee of the authority, or
 - agreements regarding the acquisition, disposal, or transfer of land which do not form part of a wider transaction under which the Council procures works, goods or services (for which Financial Regulations shall apply)

COMMON REQUIREMENTS

5. STEPS PRIOR TO PURCHASE

5.1 The Officer must appraise the purchase, in a manner commensurate with its complexity and value, and taking into account any guidance in the Purchasing Guidance, by:

- satisfying themselves that they have the necessary authority to deal with the purchase and that there is budget provision for the purchase
- taking into account the requirements from any relevant Best Value review appraising the need for the expenditure and its priority defining the objectives of the purchase
- assessing the risks associated with the purchase and how to manage them
- considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium
- consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring drafting the terms and conditions that are to apply to the proposed contract
- where the purchase is to be funded from mainstream capital or regarded as capital by the City Treasurer it is submitted to the City Treasurer for comment as soon as practicable
- setting out these matters in writing if the Total Value of the purchase exceeds £30,000.

5.2 and by confirming that:

- there is member or delegated approval for the expenditure and the purchase accords with the approved policy framework and scheme of delegation as set out in the Constitution
- if the purchase is a Key Decision, all appropriate steps have been taken.

6. RECORDS

6.1 Where the Total Value is less than £30,000, the following records must be kept:

- a unique reference number for the contract and the title of the contract

CONTRACT PROCUREMENT RULES

- invitations to quote or tender and Quotations or Tenders
- a record:
 - of any exemptions and the reasons for them
 - of any Contracting Decision and the reasons for it including the evaluation of the Quotation or Tender
- written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.

6.2 Where the Total Value exceeds £30,000 the Officer must record:

- a unique reference number for the contract and the title of the contract
- the method for obtaining bids (see Rule 8.1)
- any Contracting Decision and the reasons for it
- any exemption under Rule 3 together with the reasons for it
- the Award Criteria in descending order of importance
- Tender documents sent to and received from Candidates
- pre-tender market research
- clarification and post-tender negotiation (to include minutes of meetings)
- the contract documents
- post-contract evaluation and monitoring
- communications with Candidates and with the successful contractor throughout the period of the procurement.

6.3 Records required by this rule must be kept for six years after the end of the contract.

7. ADVERTISING, APPROVED LISTS AND FRAMEWORK AGREEMENTS

7.1 Identifying and Assessing Potential Candidates

7.1.1 Officers shall ensure that, where proposed Relevant Contracts or Framework Agreements, irrespective of their Total Value, might be of interest to potential Candidates located in other member states of the EU, a sufficiently accessible advertisement is published. Generally, the greater the interest of the arrangement to potential bidders from other member states, the wider the coverage of the advertisement should be. Examples of where such advertisements may be placed include:

CONTRACT PROCUREMENT RULES

- the Council's website
 - portal websites specifically created for contract advertisements
 - a local or national newspaper or specialist publication
 - national official journals, or the Official Journal of the European Union (OJEU)/ Tenders Electronic Daily (TED) (even if there is no requirement within the EU Procedure).
- 7.1.2 Officers are responsible for ensuring that all Candidates for a Relevant Contract or Framework Agreement are suitably assessed. The assessment process shall establish that the potential Candidates have sound:
- economic and financial standing
 - technical ability and capacity
- to fulfil the requirements of the authority.
- 7.1.3 This shall be achieved in respect of proposed contracts or agreements that are expected to exceed £75,000 by selecting firms from:
- Approved Lists of providers, maintained by the authority or on its behalf, and compiled following responses to a public advertisement
 - An open tender process including this assessment, or
 - shortlists assessed from expressions of interest in a particular contract submitted in response to a public advertisement.
- 7.1.4 Public advertisements issued in respect of Rule 7.1.3 above shall reflect the potential degree of interest from Candidates located within other member states of the EU.

7.2 Approved Lists

- 7.2.1 Approved Lists should be used where recurrent transactions of a similar type are likely but where such transactions need to be priced individually and cannot easily be aggregated and priced in a single tendering exercise. Approved Lists cannot be used where the EU Procedure applies.
- 7.2.2 Chief Officers may draw up in consultation with the Corporate Procurement Service Approved Lists of persons ready to perform contracts to supply goods or services of particular types including without limitation on the basis of agreed contract terms and criteria for Shortlisting from the lists.
- 7.2.3 No person may be entered on an Approved List until there has been an adequate investigation into both their financial and their technical ability to perform the contract, unless such matters will be investigated each time bids are invited from that list.

CONTRACT PROCUREMENT RULES

- 7.2.4 Approved Lists must be drawn up after an advertisement inviting applications for inclusion on the list. The advertisement must be placed to secure the widest publicity among relevant suppliers throughout all member states of the EU. Persons may be entered on a list between the initial advertisement and re-advertisement provided the requirements of Rule 7.2.3 are met.
- 7.2.5 The list and Shortlisting criteria must be reviewed at least annually and re-advertised at least every five years. On readvertisement, a copy of the advertisement must be sent to each person on the list, inviting them to reapply. Review means:
- the reassessment of the financial and technical ability and performance of those persons on the list, unless such matters will be investigated each time bids are invited from that list
 - the deletion of those persons no longer qualified, with a written record kept justifying the deletion.
- 7.2.6 All Approved Lists shall be maintained in an open, fair and transparent manner and be open to public inspection.
- 7.2.7 A register of pre-qualified contractors and Consultants maintained by or on behalf of central government (e.g. Constructionline) will be deemed to be an Approved List for the purpose of these contract procedure rules and shall not be subject to the requirements of Rules 7.2.2 to 7.2.6 inclusive.

7.3 Framework Agreements

- 7.3.1 The term of a Framework Agreement which is subject to the EU Procedure must not exceed four years and, while an agreement may be entered into with one provider, where an agreement is concluded with several organisations, there must be at least three in number
- 7.3.2 Contracts based on Framework Agreements may be awarded by either:
- applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to enable the authority to identify the provider which offers the best value for money for the authority's requirements) without reopening competition, or where this is not the case
 - by holding a mini competition in accordance with the terms and conditions of the Framework Agreement.

CONDUCTING PURCHASE AND DISPOSAL

8. COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS

The Officer must calculate the Total Value.

The following procedures apply where there are no other procedures which take precedence. Other procedures may include agency agreements with government. If in doubt, Officers must seek the advice of the City Solicitor.

8.1 Purchasing – Competition Requirements

8.1.1 Subject to Rule 8.1.2 where the Total Value for a purchase is within the values in the first column below, the Award Procedure in the second column must be followed. Shortlisting shall be done by the persons specified in the third column.

| Total Value | Award Procedure | Shortlisting |
|----------------------|--|---|
| Up to £2,000 | One oral Quotation (confirmed in writing where the Total Value exceeds £500) | Officer |
| £2,001 – £30,000 | At least three written Quotations | Officer and Line Manager |
| £30,001 - £75,000 | Invitation to Tender by advertisement/Approved List to at least three Candidates | Officer and Line Manager |
| £75,001–EU Threshold | Invitation to Tender by advertisement/Approved List to at least three Candidates | Officer, Line Manager and Head of Corporate Procurement |
| Above EU Threshold | EU Procedure or, where this does not apply, (such as where Part B Services under the EU Procedure), Invitation to Tender by advertisement/list to at least four Candidates | Consult the City Solicitor – see Rule 8.1.4 |

***see Rule 7.2 for Approved Lists**

8.1.2 Irrespective of Rule 8.1.1 Relevant Contracts and Framework Agreements that are subject to European Union grant funding requirements shall be advertised in accordance with published guidance, ERDF National Procurement Requirements (ERDF-GN-1-004) **as amended from time to time.**

CONTRACT PROCUREMENT RULES

8.1.3 Where it can be demonstrated that there are insufficient suitably qualified Candidates to meet the competition requirement, all suitably qualified Candidates must be invited.

8.1.4 An Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these contract procedure rules.

8.1.5 Where the Total Value exceeds £30,000 the Head of Corporate Procurement should be consulted prior to the commencement of the procedure and, where the EU Procedure is required, the Officer shall consult the City Solicitor to determine the method of conducting the purchase.

8.2 Assets for Disposal

8.2.1 Assets for disposal must be sent to public auction except where the City Treasurer is satisfied that better Value for Money is likely to be obtained by inviting Quotations or Tenders. (These may be invited by advertising on the Council's internet site.)

8.3 Providing Services to External Purchasers

8.3.1 The City Treasurer must be consulted where contracts to work for organisations other than the authority are contemplated and any bid, tender and contract for work shall be made in accordance with the Financial Regulations.

8.4 Collaborative and Partnership Arrangements

8.4.1 Collaborative and partnership arrangements are subject to all UK and EU procurement legislation and must follow these contract procedure rules. If in doubt, Officers must seek the advice of the City Solicitor and the Corporate Procurement Service.

8.5 The Appointment of Consultants to Provide Services

8.5.1 Consultant architects, engineers, surveyors and other professional Consultants shall be selected and commissions awarded in accordance with the procedures detailed within these contract procedure rules and as outlined below.

| Total Value | Award Procedure | Shortlisting |
|---------------|--|------------------|
| Up to £30,000 | One oral Quotation (confirmed in writing where the Total Value exceeds £2,000) | Officer |
| £30,001 – EU | Three written Quotations | Officer and Line |

CONTRACT PROCUREMENT RULES

| Threshold | | Manager |
|--------------------|--|---|
| Above EU Threshold | EU Procedure or, where this does not apply, (such as where Part B Services under the EU Procedure), Invitation to Tender by advertisement/Approved List to at least four and no more than six Candidates | Consult the City Solicitor see Rule 8.1.4 |

***see rule 7.2 for Approved Lists**

8.5.2 Irrespective of Rule 8.5.1 Relevant Contracts and Framework Agreements that are subject to European Union grant funding requirements shall be advertised in accordance with published guidance, ERDF National Procurement Requirements (ERDF–GN-1-004) **as amended from time to time.**

8.5.3 The engagement of a Consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a formal letter or contract of appointment.

8.5.4 Records of consultancy appointments shall be maintained in accordance with Rule 6.

8.5.5 Consultants shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the City Treasurer for the periods specified in the respective agreement.

8.5.6 The instruction of external legal advisers must only be carried out by the City Solicitor and the instruction of counsel shall not be subject to the requirements of Rules 8.5.1 – 8.5.4 (inclusive)

9. PRE-TENDER MARKET RESEARCH AND CONSULTATION

9.1 The Officer responsible for the purchase:

- may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential Candidate, but
- must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential Candidates or distort competition.

10. STANDARDS AND AWARD CRITERIA

10.1 The Officer must ascertain the standards necessary to properly describe the subject matter of the contract having regard to any relevant British, European or

CONTRACT PROCUREMENT RULES

international standards The City Solicitor must be consulted if it is proposed to use standards other than European standards.

10.2 The Officer must define Award Criteria that are appropriate to the purchase and designed to secure an outcome giving Value for Money for the authority. The basic criteria shall be one of the following:

- 'lowest price' where payment is to be made by the authority
- 'highest price' if payment is to be received, or
- 'most economically advantageous', where considerations other than price also apply.

If the last criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters. Officers shall have regard to the Purchasing Guidance when defining the Award Criteria.

10.3 Award Criteria must not include:

- Non-Commercial Considerations that are prohibited under UK and European Union statutory requirements
- matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.

11. INVITATIONS TO TENDER/QUOTATIONS

11.1 The Invitation to Tender shall state that the Council reserves the right to reject a Tender that is not received by the date and time stipulated in the Invitation to Tender. No Tender delivered in contravention of this requirement shall be considered without the City Solicitor's prior approval and shall not be considered under any circumstances when it is received after the other Tenders have been opened.

11.2 All Invitations to Tender shall include the following:

11.2.1 A specification that describes the authority's requirements in sufficient detail to enable the submission of competitive offers.

11.2.2 A requirement for tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).

11.2.3 A requirement for tenderers to complete fully and sign all Tender documents including a form of Tender and certificates relating to canvassing and non-collusion.

CONTRACT PROCUREMENT RULES

- 11.2.4 Notification that Tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense.
 - 11.2.5 A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms and if possible in descending order of importance.
 - 11.2.6 Unless the Tender is sought in accordance with an electronic tendering process approved by the City Treasurer and City Solicitor a statement that any Tenders submitted by fax or other electronic means shall not be considered
- 11.3 All Invitations to Tender or Quotations must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply (see Rule 18).
- 11.4 The Invitation to Tender or Quotation may state that the Council is not bound to accept any Quotation or Tender.

12. SHORTLISTING

- 12.1 Any Shortlisting must have regard to the financial and technical standards relevant to the contract and the Award Criteria. Special rules apply in respect of the EU Procedure.
- 12.2 The Officers responsible for Shortlisting are specified in Rule 8.1.1
- 12.3 Where Approved Lists are used, Shortlisting may be done by the Officer in accordance with the Shortlisting criteria drawn up when the Approved List was compiled (see Rule 7.2). However, where the EU Procedure applies, Approved Lists may not be used.

13. SUBMISSION, RECEIPT AND OPENING OF TENDERS/QUOTATIONS

- 13.1 Candidates must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of Tenders. The EU Procedure lays down specific time periods (see guidance in the Purchasing Guidance).
- 13.2 All Tenders must be returned in accordance with the Invitation to Tender.
- 13.3 Tenders received by fax or other electronic means (e.g. email) must be rejected, unless they have been sought in accordance with an electronic tendering process approved by the City Treasurer and City Solicitor.
- 13.4 The Officer must not disclose the names of Candidates to any staff involved in the receipt, custody or opening of Tenders.
- 13.5 The Officer shall be responsible for the safekeeping of Tenders until the appointed time of opening. Each Tender must be:

CONTRACT PROCUREMENT RULES

- suitably recorded so as to subsequently verify the date and precise time it was received
- adequately protected immediately on receipt to guard against amendment of its contents
- recorded immediately on receipt in the Tender Record Log.

13.6 The Officer must ensure that all Tenders are opened at the same time when the period for their submission has ended. Tenders must be opened in the presence of two officers, independent of the Officer.

13.7 Upon opening, a summary of the main terms of each Tender must be recorded in the Tender Record Log.

13.8 Quotations and Tenders received after the specified closing date should be held unopened until an order has been placed. Once an order has been placed the Chief Officer shall inform the tenderer that their tender or quotation was disqualified from consideration by being received after the closing date.

14. CLARIFICATION PROCEDURES

14.1 Providing clarification of an Invitation to Tender to potential or actual Candidates or seeking clarification of a Tender, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a Tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) must be the exception rather than the rule. In particular, they must not be conducted in an EU Procedure where this might distort competition, especially with regard to price.

15. EVALUATION

15.1 Apart from the debriefing required or permitted by these contract procedure rules, the confidentiality of Quotations, Tenders and the identity of Candidates must be preserved at all times and information about one Candidate's response must not be given to another Candidate.

15.2 Contracts must be evaluated and awarded in accordance with the Award Criteria. During this process, Officers shall ensure that submitted Tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.

15.3 The arithmetic in compliant Tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the rates in the Tender, rather than the overall price, were stated within the Tender invitation as being dominant, an amended Tender price may be requested to accord with the rates given by the tenderer.

16. POST TENDER NEGOTIATIONS

16.1 Post-tender negotiations under the EU Procedure can only be undertaken on the grounds allowing for such specified in the EU Procedure. For all other procedures

CONTRACT PROCUREMENT RULES

if post-tender negotiations are necessary after a single-stage Tender or after the second stage of a two-stage Tender, then such negotiations shall only be undertaken with the tenderer who is identified as having submitted the most economically advantageous Tender and after all unsuccessful Candidates have been informed. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the Tender documents. Officers appointed by the Chief Officer to carry out post-tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

- 16.2 Post-tender negotiation must only be conducted in accordance with the guidance issued by the City Solicitor who, together with the Corporate Procurement Service, must be consulted wherever it is proposed to enter into post-tender negotiation. Negotiations must be conducted by a team of at least two officers, one of whom must be from a division independent to that leading the negotiations.
- 16.3 Where post-tender negotiation would result in fundamental changes to a Relevant Contract or Framework Agreement (such as to the specification or price) which would be likely to distort competition the contract or agreement must not be awarded but re-tendered.

17. AWARD OF CONTRACTS AND FRAMEWORK AGREEMENTS AND DEBRIEFING CANDIDATES

- 17.1 Chief Officers may accept Quotations and Tenders received in respect of proposed contracts and Framework Agreements, provided they have been sought and evaluated fully in accordance with these contract procedure rules and, in respect of proposed contracts and Framework Agreements that are expected to exceed £250,000, (relating to expenditure or income) with the approval of the Chief Executive and City Treasurer.
- 17.2 For contracts and Framework Agreements subject to the EU Procedure, the Officer must notify all Candidates simultaneously and as soon as possible of the intention to award the contract or Framework Agreement to the successful Candidate and provide information required by the EU Procedure specifying the name(s) of the successful Candidate(s), the award criteria and the reasons for the decision including the score of the Candidate being debriefed and the successful Candidate(s) and the characteristics and relative advantages of the successful tender. The Officer must provide unsuccessful Candidates with a period of at least ten days in which to challenge the decision before the Officer awards the contract or Framework Agreement. If the decision is challenged by an unsuccessful Candidate then the Officer shall not award the contract or Framework Agreement and shall immediately seek the advice of the City Solicitor. The requirement to notify candidates of the intention to award a contract or Framework Agreement in this Rule 17.2 does not apply to:

- contracts and Framework Agreements that are not subject to the EU Procedure (such as Part B Services under the EU Procedure, or where value is under the EU threshold) and

CONTRACT PROCUREMENT RULES

- contracts subsequently awarded and called off based on a Framework Agreement that was let in accordance with the EU Procedure

17.3 If a Candidate requests in writing the reasons for a Contracting Decision, the Officer must give in writing the name(s) of the successful Candidate(s), the award criteria and the reasons for the decisions including the score of the candidate being debriefed and the successful Candidate(s) and the characteristics and relative advantages of the successful tender within 15 days of the request. If requested, the Officer must also give the debriefing information referred to in Rule 17.2 above to Candidates who were unsuccessful in a pre-qualification Shortlisting process.

CONTRACT AND OTHER FORMALITIES

18. CONTRACT DOCUMENTS

18.1 Relevant Contracts

18.1.1 All Relevant Contracts that exceed £30,000 shall be in writing.

18.1.2 All Relevant Contracts, irrespective of value, shall clearly specify:

- what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had or done)
- the provisions for payment (i.e. the price to be paid and when)
- the time, or times, within which the contract is to be performed
- the provisions for the Council to terminate the contract.

18.1.3 The Council's standard terms and conditions or standard contract forms issued by a relevant professional body must be used wherever possible.

18.1.4 In addition, every Relevant Contract of purchase over £30,000 must also state clearly as a minimum:

- that the contractor may not assign or sub-contract without prior written consent
- any insurance requirements
- health and safety requirements
- data protection requirements, if relevant
- race relations requirements
- Disability Discrimination Act requirements
- Freedom of Information Act requirements
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.

18.1.5 The advice of the City Solicitor must be sought for the following Relevant Contracts or Framework Agreements:

- where the Total Value exceeds £75,000
- those involving leasing arrangements
- where it is proposed to use a supplier's own terms or
- those that are complex in any other way.

CONTRACT PROCUREMENT RULES

18.2 Contract Formalities

18.2.1 Agreements shall be completed as follows:

| Total Value | Method of completion | By |
|-------------------|---------------------------|---|
| Up to £30,000 | signature | Authorised Signatory |
| £30,001 - £75,000 | Two signatures or sealing | Two Authorised Signatories (see Rule 18.2.3) or see Rule 18.3 |
| Above £75,000 | sealing | See Rule 18.3 |

18.2.2 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the City Solicitor.

18.2.3 The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

18.3 Sealing

18.3.1 Where contracts or agreements are completed by each side adding their formal seal, such contracts shall be executed by the fixing of the Council's seal, and must be witnessed by an Authorised Signatory.

18.3.2 Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal.

18.3.3 A contract must be sealed where:

- the Council may wish to enforce the contract more than six years after its end
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services
- there is any doubt about the authority of the person signing for the other contracting party, or
- the Total Value exceeds £75,000.

CONTRACT PROCUREMENT RULES

19. BONDS AND PARENT COMPANY GUARANTEES

19.1 The Officer must consult the City Treasurer about whether a Parent Company Guarantee is necessary when a Candidate is a subsidiary of a parent company and:

- the Total Value exceeds £250,000, or
- award is based on evaluation of the parent company, or
- there is some concern about the stability of the Candidate.

19.2 The Officer must consult the City Treasurer about whether a Bond is needed:

- where the Total Value exceeds £1,000,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the Candidate.

CONTRACT MANAGEMENT

20. MANAGING CONTRACTS

- 20.1 Heads of Service in sponsoring departments are to name contract managers for all new contracts. All contracts must have a named Council contract manager for the entirety of the contract.
- 20.2 Contract managers must follow the procedures set out in the Council's Purchasing Guidance.
- 20.3 Purchases shall not be made outside the scope of an existing contract Chief Executive and without the City Treasurer's prior consent.

21. RISK ASSESSMENT AND CONTINGENCY PLANNING

- 21.1 A business case must be prepared for all procurements with a potential value over the EU Threshold. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.
- 21.2 For all contracts with a value of over £75,000, contract managers must consider maintaining a risk register during the contract period undertake appropriate risk assessments and for identified risks ensure contingency measures are in place.

22. CONTRACT MONITORING, EVALUATION AND REVIEW

- 22.1 All contracts which have a value higher than the EU Threshold limits, and which are High Risk, are to be subject to monthly formal review with the contractor. The review may be conducted quarterly if permitted by the City Treasurer.
- 22.2 For all contracts with a value higher than the EU Threshold limits, and which are High Risk, an annual report must be submitted to the City Treasurer.
- 22.3 The City Treasurer may require that a Council-developed Gateway review process may be applied to all contracts deemed to be High Risk, High Value, or High Profile. This process must be applied at key stages of major procurements.
- 22.4 During the life of the contract, the Officer must monitor in respect of:
- Performance
 - compliance with specification and contract
 - cost
 - any Value for Money requirements
 - user satisfaction and risk management.

CONTRACT PROCUREMENT RULES

DEFINITIONS

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|----------------------|---|
| Approved List | A list drawn up in accordance with Rule 7.2. |
| Authorised Signatory | An officer authorised by the City Solicitor in accordance with the Council's constitution to sign a contract or the Council's seal. |
| Award Criteria | The criteria by which the successful Quotation or Tender is to be selected (see further Rules 10 and 11.2.5). |
| Award Procedure | The procedure for awarding a contract as specified in Rules 8, 10 and 15. |
| Best Value | The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council. |
| Candidate | Any person who asks or is invited to submit a Quotation or Tender. |
| Chief Officers | The Officers defined as such in the Constitution. |
| City Solicitor | As identified in the Constitution |
| City Treasurer | The Council's City Treasurer or such other Officer as may be designated City Treasurer by the Council. |
| Code of Conduct | The code of conduct for employees as set out from time to time in the Constitution. |
| Commercial Board | The group of Officers that meets regularly to consider procurement issues on a corporate basis. |
| Committee | A committee which has power to make decisions for the Council, for example a joint committee with another local authority, but not a scrutiny committee. |
| Constitution | The constitutional document approved by the Council of which those Contract Procedure Rules form part issued under Section 9P of the Local Government Act 2000. |
| Consultant | Specialist advisers engaged to provide services to the Council. |
| Contracting Decision | Any of the following decisions: <ul style="list-style-type: none">• composition of Approved Lists |

CONTRACT PROCUREMENT RULES

| | |
|----------------------------------|---|
| | <ul style="list-style-type: none"> • withdrawal of Invitation to Tender • whom to invite to submit a Quotation or Tender • Shortlisting • award of contract or Framework Agreement • any decision to terminate a contract. |
| Corporate Contract | A contract let by the Council's Corporate Services Department to support the Council's aim of achieving Value for Money. |
| Corporate Procurement Service | The Council's central procurement unit charged with providing strategic direction and advice to secure Value for Money in the Council's procurement activities. |
| EU Procedure | The procurement procedure required by the EU for goods, works and certain categories of services where the Total Value exceeds the EU Threshold. |
| EU Threshold | The value at which the EU public procurement directives apply. |
| European Economic Area | The members of the European Union, and Norway, Iceland and Liechtenstein |
| Executive | The Council's Executive as defined in the Constitution. |
| Financial Regulations | The financial regulations outlining Officer responsibilities for financial matters prepared by the City Treasurer and becoming part of the Constitution. |
| Framework Agreement | An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. |
| Government Procurement Agreement | The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore. |
| Head of Corporate Procurement | The officer with responsibility for leading the Corporate Procurement Service. |

CONTRACT PROCUREMENT RULES

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| High Profile | A high-profile purchase is one that could have an impact on functions integral to Council service delivery should it fail or go wrong. |
| High Risk | A high-risk purchase that is in the opinion of the City Treasurer one which presents the potential for substantial exposure on the Council's part should it fail or go wrong. |
| High Value | A high-value purchase is where the value exceeds the EU Threshold values. |
| Invitation to Tender | Invitation to tender documents in the form required by these contract procedure rules. |
| Key Decision | Decisions that are defined as key decisions in the Access to Information Rules in Part 4 of the Constitution. |
| Lead Executive Member | A member of the Executive to whom political responsibility is allocated in respect of specified functions. |
| Line Manager | The Officer's immediate superior or the Officer designated by the Chief Officer to exercise the role reserved to the line manager by these contract procedure rules. |
| Non-Commercial Considerations | <ul style="list-style-type: none"> (a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters'). (b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only. (c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy. (d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes'). (e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors. (f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees. (g) Financial support or lack of financial support by |

CONTRACT PROCUREMENT RULES

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|---------------------------------|---|
| | <p>contractors for any institution to or from which the authority gives or withholds support.</p> <p>(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</p> <p>Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be Non-Commercial Considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply.</p> |
| Officer | The Officer designated by the Chief Officer to deal with the contract in question. |
| <i>Parent Company Guarantee</i> | A contract which binds the parent of a subsidiary company whereby if the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead. |
| Procurement Strategy | The document setting out the Council's approach to procurement and key priorities for the next few years. |
| Purchasing Guidance | Any guidance documents issued from time to time by the City Treasurer that support the implementation of these contract procurement rules. The guide is available on the Council's intranet. |
| Quotation | A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender). |
| Relevant Contract | Contracts to which these contract procurement rules apply (see Rule 4). |
| Shortlisting | The process of selecting Candidates who are to be invited to quote or bid or to proceed to final evaluation. |
| Supervising Officer | The Line Manager's immediate superior. |
| Tender | A Candidate's proposal submitted in response to an Invitation to Tender. |
| Tender Record Log | The log kept by the director of resources to record details of Tenders (see Rule 13.5). |

CONTRACT PROCUREMENT RULES

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| <p>Total Value</p> | <p>The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal calculated as follows:</p> <ul style="list-style-type: none"> (a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period (b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months (c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48 (d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result |
| <p>TUPE / Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No.246)</p> | <p>Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the authority is transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.</p> |
| <p>Value for Money</p> | <p>Value for money is not the lowest possible price; it is the most economically advantageous proposal that combines goods or services that fully meet the needs, with the level of quality required, delivery at the time required, and at an appropriate price.</p> |

PART 8

MANAGEMENT STRUCTURE

Management Structure

Strategic Management Team (SMT)

- Chief Executive
- Deputy Chief Executive (**People**)
- Deputy Chief Executive (**Growth and Neighbourhoods**)
- City Treasurer / Strategic Director (Corporate Services)
- City Solicitor
- Strategic Director (Children's Services and Commissioning)
- Strategic Director (Families, Health & Wellbeing)
- Director of Education and Skills
- **Strategic Director (Strategic Development)**

Chief Officers

- The members of SMT, excluding the Director of Education and Skills.

Statutory Officers

- **Head of the Paid Service** - Chief Executive
- **Chief Finance Officer** - City Treasurer
- **Monitoring Officer** - City Solicitor
- **Director of Children's Services** - Strategic Director (Children's Services and Commissioning)
- **Director of Adult Social Services** - Strategic Director (Families, Health & Wellbeing)
- **Director of Public Health** - Director of Public Health and Partnerships
- **Deputy Chief Finance Officer** - Assistant Chief Executive (Finance and Performance)
- **Deputy Monitoring Officer** - Assistant City Solicitor / Deputy Monitoring Officer
- **Scrutiny Officer** - Head of Democratic and Statutory Services

Heads of Service / Deputy Chief Officers

| <u>Directorate/Division</u> | <u>Head of Service/Deputy Chief Officer</u> |
|---|--|
| Corporate Core: Performance | Assistant Chief Executive (Finance and Performance)* Assistant Chief Executive (People) Assistant Chief Executive (Communications & ICT)** |
| Corporate Core: Corporate Services | Assistant Chief Executive (Finance and Performance)* Head of Corporate Procurement Head of Revenues & Benefits and Shared Services Head of Internal Audit and Risk Management Director of Commercial Services Head of Business Units |
| Corporate Core: City Solicitor's | Head of Legal Services Head of Democratic & Statutory Services Assistant City Solicitor / Deputy Monitoring Officer Strategic Lead (Commercial Legal) |
| Corporate Core: Chief Executive's Direct Reports (non-SMT) | Assistant Chief Executive (Communications & ICT)** Deputy Clerk TfGMC and Head of GM Integrated Support Team |
| Children and Families | Senior Strategic Lead (Children's Safeguarding) Head of Strategic Commissioning Head of Business Delivery Head of Care Director of Public Health & Partnerships Head of Skills Head of Valuing Young People, Youth and Early Help Head of Quality Assurance Head of Strategy, Access and Inclusion |
| Growth and Neighbourhoods | Head of Policy, Partnerships and Research Head of Regeneration Head of City Centre Growth and Regeneration Head of Planning Licensing and Building Control |

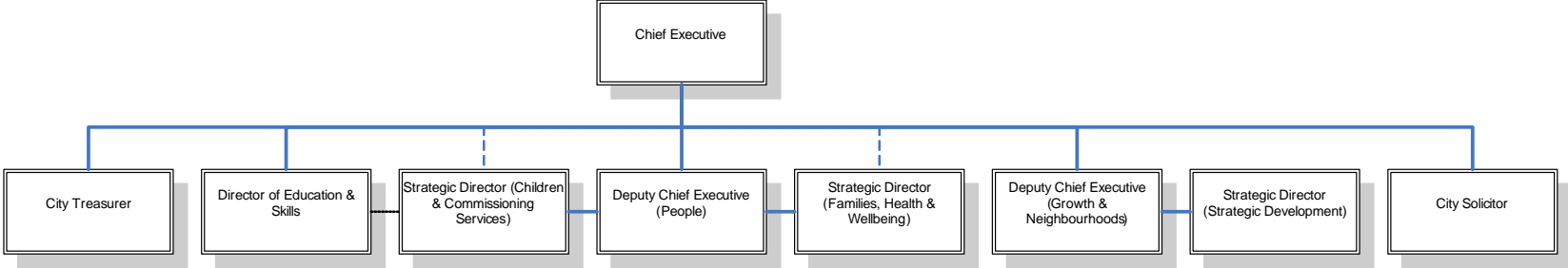
Head of Neighbourhood Delivery
Head of Community & Cultural Services
Director of Capital Programmes and Property
Assistant Chief Executive (Growth)
Head of Property

* The Assistant Chief Executive (Finance and Performance) reports to the City Treasurer in relation to the leadership of financial management and to the Deputy Chief Executive (**People**) in relation to the leadership of Public Intelligence and Performance.

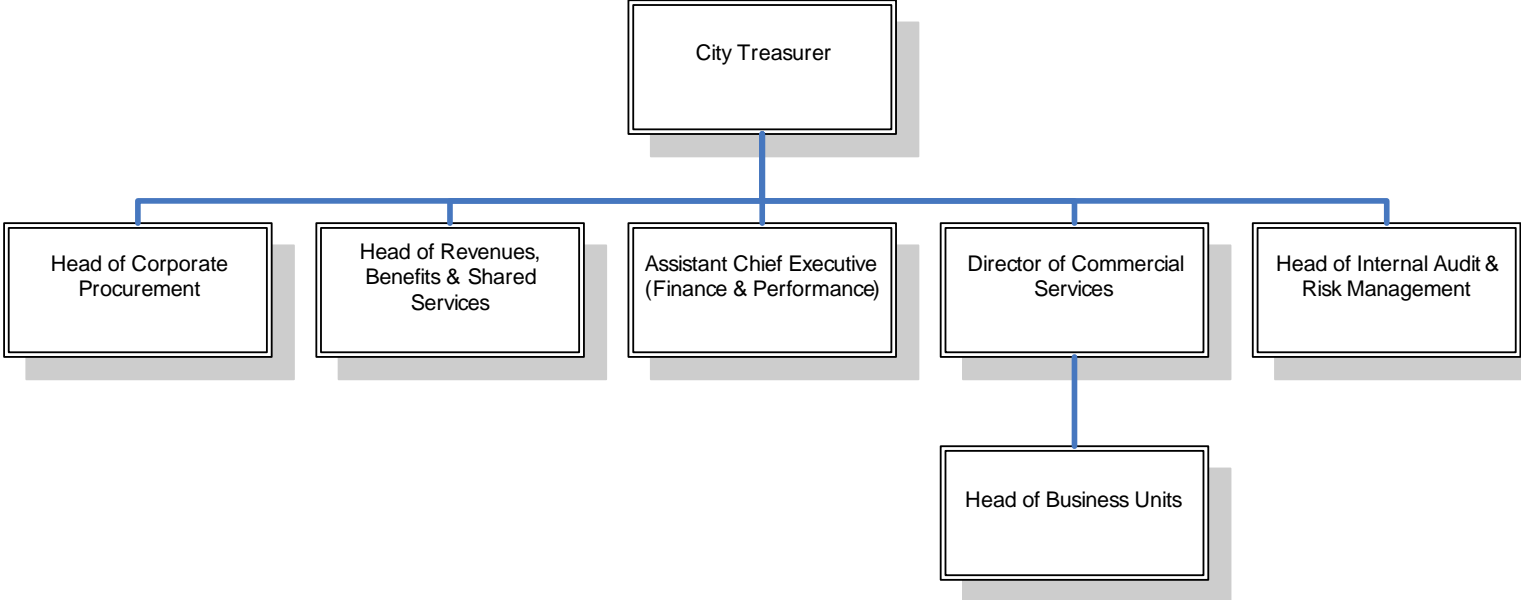
** The Assistant Chief Executive (Communications & ICT) reports directly to the Chief Executive in relation to the communications portfolio and to the Deputy Chief Executive (**People**) in relation to other responsibilities.

Additional information on the Council's structure is published within the 'Open Data' section of the Council website in accordance with the DCLG Code of Recommended Practice on Data Transparency.

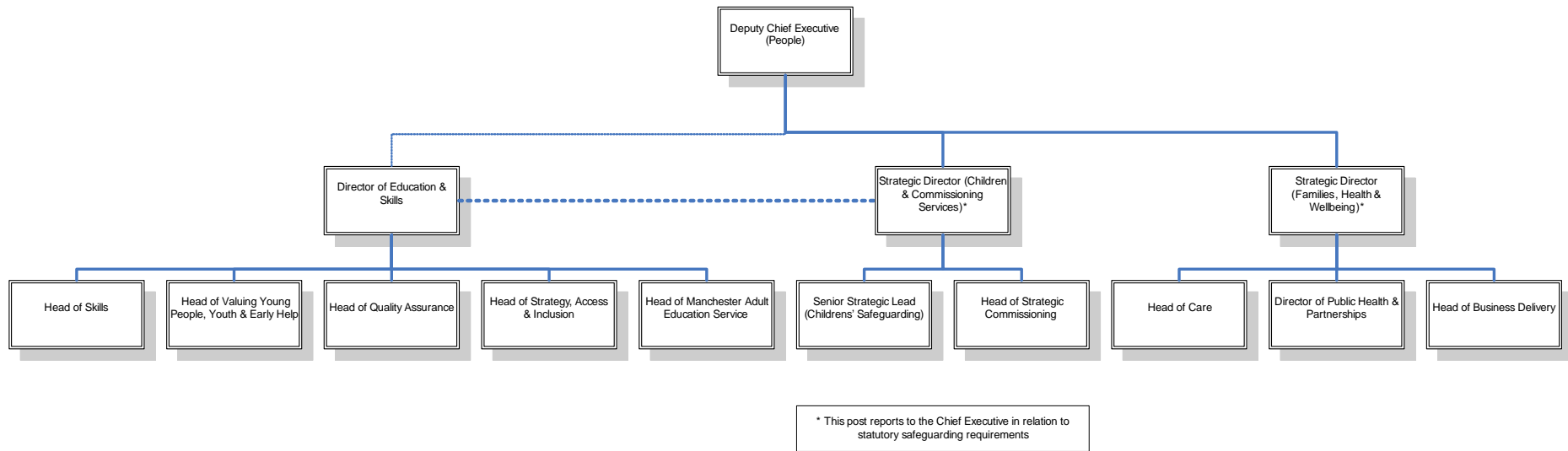
Strategic Management Team



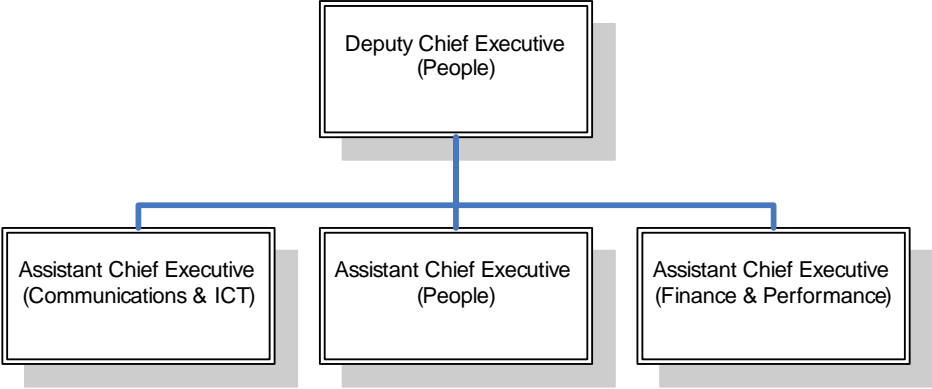
Corporate Core : Corporate Services



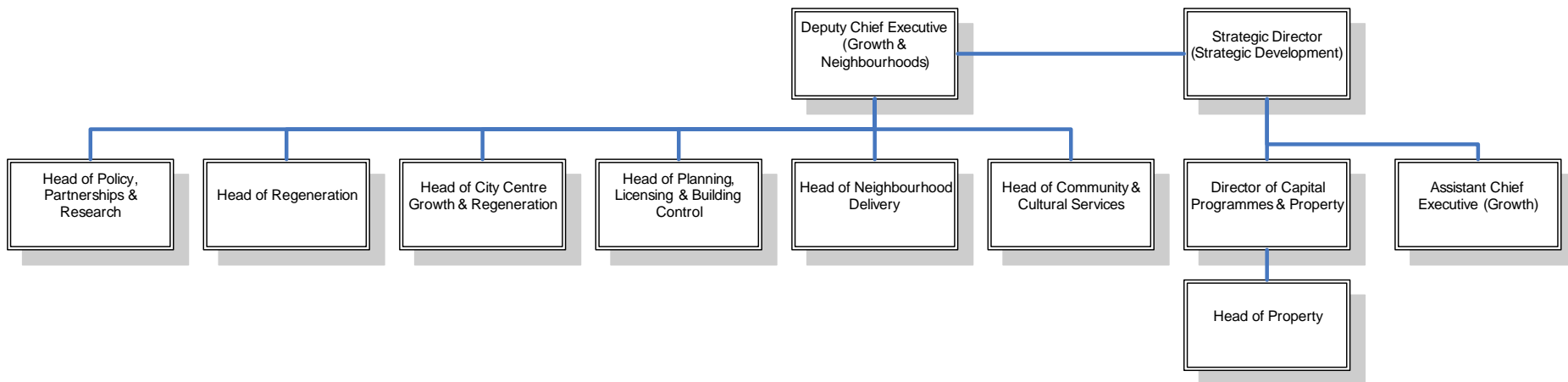
Directorate for Children & Families



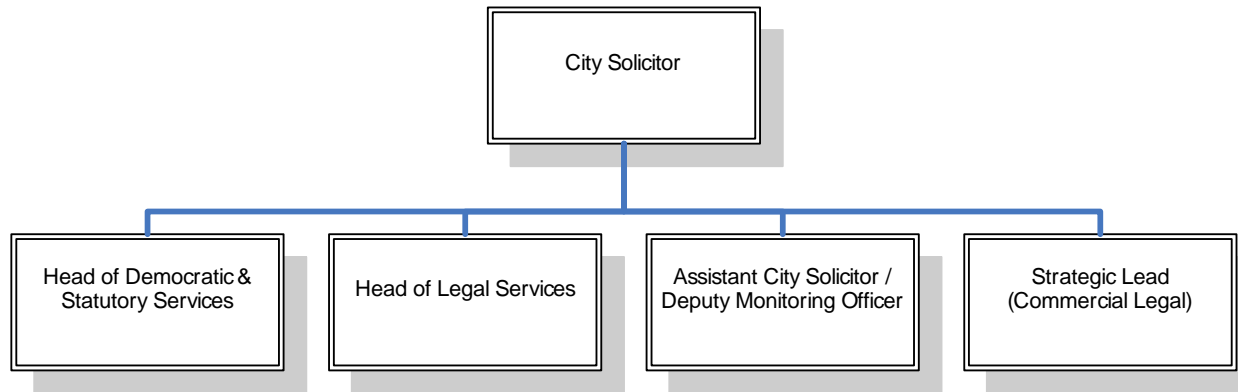
Corporate Core : Performance



Directorate for Growth & Neighbourhoods



Corporate Core : City Solicitors



Chief Executive's Direct Reports (Non-SMT)

