



# **Constitutional and Nomination Committee**

Date: Tuesday, 2 February 2021

Time: 9.30 am

Venue: Virtual meeting - <https://vimeo.com/504281078>

Everyone is welcome to attend this committee meeting.

**The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.**

Under the provisions of these regulations the location where a meeting is held can include reference to more than one place including electronic, digital or virtual locations such as Internet locations, web addresses or conference call telephone numbers.

To attend this meeting it can be watched live as a webcast. The recording of the webcast will also be available for viewing after the meeting has ended.

## **Membership of the Constitutional and Nomination Committee**

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**Councillors** - Karney (Chair), Curley, Flanagan, Lanchbury, Leech, Leese, N Murphy, Razaq and Reeves

## Agenda

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- 1. Urgent Business**  
To consider any items which the Chair has agreed to have submitted as urgent.
- 2. Appeals**  
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**  
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Minutes** 5 - 6  
To approve as a correct record the minutes of the meeting held on 24 November 2020.
- 5. Membership of Council Committees and Representation on Joint Boards and Joint Committees**
- 6. Constitution of the Council** 7 - 372  
The report of the City Solicitor is enclosed.

## Information about the Committee

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The Constitutional and Nomination Committee deals with the appointment of councillors to serve on committees and certain external organisations.

The Committee also considers proposed changes to the Council Constitution and recommendations for the granting of civic honours to individuals and organisations. Business for consideration at a meeting is set out on the agenda sheet.

Copies of the agenda are available beforehand from the reception area at the Main Entrance of the Town Hall in Albert Square and may be viewed on the Council's website up to seven days prior to the date of the meeting (see web information below). Some additional copies are available at the meeting from the Committee Officer.

It is the Council's policy to consult people as fully as possible before making decisions which affect them. Members of the public do not have a right to speak at meetings but may do so if invited by the Chair. If you have a special interest in an item on the agenda and want to speak, tell the Committee Officer, who will pass on your request to the Chair. Members of the public are requested to bear in mind the current guidance regarding Coronavirus (COVID-19) and to consider submitting comments via email to the Committee Officer rather than attending the meeting in person. The contact details of the Committee Officer for this meeting are listed below.

Agenda, reports and minutes of all Council meetings can be found on the Council's website [www.manchester.gov.uk](http://www.manchester.gov.uk)

Joanne Roney OBE  
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Lloyd Street,  
Manchester, M60 2LA

## Further Information

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For help, advice and information about this meeting please contact the Committee Officer:

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This agenda was issued on **Monday, 25 January 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

## **Constitutional and Nomination Committee Minutes of the meeting held on 24 November 2020**

**Present:** Councillor Karney - In the Chair  
Councillors: Lanchbury and Leech

**Apologies:** Councillors Curley and Murphy

### **CN/20/07 Minutes**

#### **Decision**

To approve as a correct record, the minutes of the meeting held on 27 October 2020.

### **CN/20/08 Membership of Council Committees and Representation on Joint Boards and Joint Committees**

#### **Decision**

To recommend the Council to make the following changes in appointments to Committees of the Council.

<b>COMMITTEE</b>	<b>MEMBER APPOINTED</b>	<b>MEMBER REMOVED</b>
Licensing Committee	Councillor Chohan	Councillor T Judge
Licensing and Appeals Committee	Councillor Chohan	Councillor T Judge
Audit Committee	-	Councillor Stanton
Children and Young People Scrutiny Committee	Councillor Chohan	Councillor T Judge

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**Manchester City Council  
Report for Resolution**

**Report to:** Constitutional and Nomination Committee – 2 February 2021  
Council – 3 February 2021

**Subject** Constitution of the Council

**Report of:** City Solicitor

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### **Summary**

To enable the Constitutional and Nomination Committee to consider and the Council to adopt proposed amendments to the Constitution of the Council.

### **Recommendation – Constitutional and Nomination Committee**

The Constitutional and Nomination Committee is requested to note and recommend that the Council agree the recommendations below.

### **Recommendations – Council**

The Council is requested to:

1. Adopt, subject to recommendation 5 below, the attached revised Sections of the Constitution of the Council, namely:
    - a) Part 2
    - b) Part 3: Sections, C and F
    - c) Part 4: Sections A, B, C and F
    - d) Part 5: Sections C, D and E
    - e) Part 6: Sections B, C and E
    - f) Part 8
  2. Make consequential and ancillary changes to other Parts of the Constitution to align with the changes set out in this report.
  3. Amend Part 4: Section E as detailed at Paragraph 4.5. below.
  4. Readopt the remainder of the Constitution
  5. Note in relation to Part 3 of the Constitution that responsibility for the discharge of executive functions and the delegation of such responsibility rests with the Leader of the Council and that the recommended delegations of executive functions set out in Part 3 (Sections A and F) are for the information of the Council only.
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**Wards Affected:** All

**Financial Consequences – Revenue**

None

**Financial Consequences - Capital**

None

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**Contact Officers:**

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

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Constitution of the Council – as amended in October 2019



## Background

- 1.1 Section 9P of the Local Government Act 2000, requires the Council to prepare and keep up-to-date a Constitution. The City Solicitor is required to monitor and review the operation of the Constitution on an on-going basis and, where necessary, bring forward amendments to the Council. The City Solicitor is, under Article 15 of the Constitution, also authorised to make minor changes to the Constitution provided that they do not materially affect the Constitution.
- 1.2 Our Transformation is the Council's transformation programme which aims to more closely align internally focused ways of working with the Our Manchester approach and behaviours. The annual review of the constitution this year has where possible been informed and influenced by the Our Transformation aspirations and a number of changes are proposed that would both more closely align how we work with Our Manchester behaviours and simplify and clarify respective roles and responsibilities.
- 1.3 The proposed changes fall primarily into the following categories – changes to substantive content and changes to format and style to aide accessibility and to increase clarity.
- 1.4 The Director of HR and OD has identified that there are opportunities to enable Personnel Committee in particular to align its focus and capacity with strategic and significant workforce issues that relate to the council's statutory duties or that impact across the organisation. Equally the Director of HR and OD is of the view that there are opportunities to delegate more operational staff-related decision making to senior officers with the right level of accountability and appropriate checks and balances. These proposals are highlighted in more detail at paragraph 3.4 below
- 1.5 This report details certain matters that have arisen since the Council considered the full review of the Constitution set out in the City Solicitor's report to the Council meeting on 2 October 2019. Attached to this report, and summarised below, are revised versions of certain sections of the Constitution that the City Solicitor brings forward for approval. New wording appears in bold text in the attached revised sections.
- 1.6 It should be noted that under the Leader and Cabinet form of executive governance, responsibility for the delegation of executive functions, including those local choice functions which the Council has designated as executive functions, does not rest with the Council, but is the responsibility of the Leader. The Leader may determine to exercise executive functions personally or to delegate their discharge to the Executive, a Committee of the Executive, an Executive Member, an area committee or an officer of the Council (without prejudice to the Leader's ability to exercise such functions personally). Consequently, the recommended delegations of executive functions set out in Part 3: Sections A and F of the Constitution are for the purpose of information only; recommended delegations of non-executive functions set out in those sections remain, however, a matter for the Council.

## Part 2 of the Constitution – Articles

- 2.1 A minor change is proposed to insert additional wording to Article 12(5), to reflect the duty of the Council under Section 4(1) (b) of the Local Government and Housing Act 1989 to provide the Head of Paid Service with sufficient staff, accommodation and other resources to align this Article with the wording of the relevant statutory provision more closely. The Restriction of Public Sector Exit Payments Regulations 2020 introduce a general cap of £95,000 on exit payments made to staff in the public sector. In limited circumstances the Council will be able to relax this cap, but such a decision must be made at a meeting of Full Council and is subject to the consent of the Treasury or acting in compliance with directions given by the Treasury. As a result, an amendment is proposed to the list contained in Article 4.2 of the Constitution of functions reserved to Full Council.

## Part 3 of the Constitution – Responsibility for Functions

- 3.1 A number of changes are proposed to:

- Section C (“Council (Non-Executive) Functions”); and
- Section F (“Scheme of Delegation to Officers”)

of Part 3 (“Responsibility for Functions”) of the Constitution

- 3.2 A new delegation (18) has been added to the Licensing and Appeals Committee and the Director of Planning, Building Control and Licensing, in Part 3 Section C, in relation to pavement licences functions to reflect the new streamlined procedure under the Business and Planning Act 2020 enabling businesses serving food or drink to apply for a temporary pavement licence.
- 3.3 In Part 3 Section C Delegation number 4, to the Constitutional and Nomination Committee and to the Chief Executive, in relation to European Parliamentary elections has been deleted.
- 3.4 In Part 3 Section C the following amendments are proposed to the Personnel Committee delegations. A copy of the currently worded delegations and the proposed delegations are attached at Appendices A and B for ease of reference. References to numbered delegations relate to existing delegations. The majority of the substantive changes are proposed by the Director of HR and OD for the reasons indicated at paragraph 1.4 above:
- a) Delegations 1 & 3 - To correct an anomaly in appointment requirements for Deputy Chief Officers it is proposed that the reference to “designated” Deputy Chief Officers is removed here and where it appears elsewhere in the Constitution (for example references in the Officer Employment Procedure Rules (OEPR) in Part 4, Section F). The effect of a particular Deputy Chief Officer post being “designated” is that certain procedural appointment requirements that usually only apply to the appointment of Statutory Chief Officers are engaged, instead of the

usual appointment requirements for Deputy Chief Officer posts. No Deputy Chief Officer post has been “designated” for many years and the Director of HR and OD has indicated it is unclear in what circumstances this would ever happen.

- b) Delegations 4 & 5 –The proposal is to clarify the Committee’s role in determining major changes to workforce strategy or major changes to terms and conditions and major organisational reviews. The amendment is proposed by the Director of HR and OD to support the Committee to focus attention and capacity on major changes and to enable minor changes to be made at the appropriate level by officers.
- c) Delegations 7 to 9 - The Director of HR and OD proposes that these items:
- market rate supplements above Grade 12;
  - assignment and regrading of posts above Grade 12 and less than 100K;
  - honoraria exceeding 12 months above Grade 12,

are delegated to Chief Officers (and other Officers listed in the Scheme as having General HR delegations) provided they can be accommodated within existing budgets. This would mean that members would no longer have involvement in such decisions

The Director of HR and OD proposes checks and balances would ensure probity and fairness, for example such decisions would be in line with existing job evaluation and other policies, and the exercise by officers of these delegated functions would be subject to consultation with the Director of HR and OD. The Personnel Committee would continue to be involved in the establishment and regrading of posts at £100k or more given the requirement to go to full Council. The Director of HR and OD’s reasons for these proposals are to empower Chief Officers to make decisions about capacity required to deliver priorities.

- d) Delegation 10 – The proposal is to remove this delegation (concerning scheme of allowance payments above £10K to employees injured at work) as, in the view of the Director of HR and OD this is normally a Chief Officer function. It is proposed as a consequential measure to remove the £10K ceiling from the City Solicitor’s delegation for the making of such payments accordingly
- e) Delegation 12 – It is proposed to amend this delegation to clarify the Committee’s role of providing input in the case of a major dispute. The proposed amendment will reflect current practice that the employer’s side of any local joint committee will consist of officers.

- f) Delegation 13 – It is proposed the wording is expanded slightly to cover making recommendations on all statutory statements relating to staffing (not just the pay policy statement).
- g) Delegation 14 – A slight amendment is proposed so that only newly established or upwardly regraded posts whose salary would be £100K and over would need to go before full Council. There would be no need to take a post to Personnel Committee or full Council if the salary for an existing post exceeded £100K simply because of the annual pay award or where a post was regraded downwards (but the salary remained above £100K) because it would be within previously agreed arrangements.
- i) Delegation 15 – 17 – relate to coroner recruitment. The delegations have been slightly amended to reflect the current position that the Personnel Committee makes recommendations to Council (or to the City Solicitor acting under delegated powers). The proposed amendment also clarifies that recommendations are subject to any order made by Lord Chancellor regarding the number of assistant coroners.
- j) Delegation 18 – This delegation relates to agreements for placing staff at the disposal of other Councils. It is proposed to delete this delegation as it duplicates an existing delegation to the Chief Executive.

3.5 A review of the Scheme of Delegations to Officers (Part 3, Section F of the Constitution) has been undertaken to consider whether:

- a) there are any Council functions (new or pre-existing), that it would be appropriate to delegate to officers via the Scheme;
- b) there are any currently delegated functions that need to be transferred from one officer to another (e.g. because of a service redesign);
- c) there are any currently listed delegated functions that should be deleted (e.g. because the function is no longer a function of the Council);
- d) the scheme should otherwise be reworded (e.g. to improve clarity).

3.6 In addition to the above, in this year's review there has been focus on streamlining, rationalising and simplifying the Scheme of Delegation to Officers, where appropriate, and reducing the level of granularity as part of the Our Transformation Agenda. The approach adopted has been to remove repetition and the granular listing of specific items where an existing broad delegation is considered adequate and to merge items where appropriate. Granular listings for non-Executive functions have in the main been retained as these align with wording in regulations and their retention assists in relation to enforcement and regulatory matters and maintains clarity on which functions are non-executive given publication and other requirements flow from this distinction.

3.7 Consequential changes have been made to the Scheme of Delegation to reflect changes proposed to the delegations of the Personnel Committee.

## Part 4 – Rules of Procedure

- 4.1 Minor changes are proposed to the Council Procedure Rules (Part 4 Section A) to change the reference to ‘Town Hall’ to ‘Council Offices’ and to reflect the recent practice that the review of the Council’s Constitution is not automatically considered at the Council’s Annual meeting.
- 4.2 Rule 31.4 of the Council Procedure Rules is amended to clarify that, when granted under the category of Outstanding Contribution to Manchester, The City of Manchester Award may be made to individuals or organisations that have previously lived, worked or studied in the city, as well as to individuals or organisations that at the time of the award live, work or study in the city.
- 4.3 It is proposed that an additional Rule 25A be added to the Access to Information Procedure Rules (Part 4 Section B) to align the wording more closely with the relevant legislation.
- 4.4 It is proposed to amend the Budget and Policy Framework Procedure Rules (Part 4 Section C) to reflect the changes to virement thresholds and approval for use of reserves requested by the Deputy Chief Executive and City Treasurer and set out in Part 5 below.
- 4.5 It is proposed that the reference to “The Chief Executive of the Skills Funding Agency” is deleted from Rule 8A.1 of the Scrutiny Procedure Rules (Part 4 Section E). This is to reflect a change in the list of relevant partner authorities contained in section 104 of the Local Government and Public Involvement in Health Act 2007.
- 4.6 The Director of HR and OD proposes that the Officer Employment Procedure Rules (Part 4 Section F) should be amended so that In relation to Deputy Chief Officer posts the relevant Chief Officer will determine whether appointments to such posts should be made by an officer in consultation with an all officer panel or an officer in consultation with a mixed panel of officers and members. It is considered this streamlining would support the intention of supporting the committee to focus at an appropriate level.

## Part 5 – Financial Procedures

- 5.1 The Deputy Chief Executive and City Treasurer has proposed that Section C (Policies, Risk Management and External Arrangements) of the Council’s Financial Procedures in Part 5 of the Constitution be amended by deleting reference to trading operations because the Deputy because it appeared to relate to old direct labour / service organisations. Profit targets are no longer set for these organisations.
- 5.2 The Deputy Chief Executive and City Treasurer recommends some specific changes to thresholds in Part 5 of the Constitution including for the use of reserves and virements:

- At present unless the planned use of a reserve is specifically included in the Council’s Medium Term Financial Plan (MTFP), any change over an aggregate of £2m requires full Council approval. Given that reserves are held to support capital projects where the spend profile is often uncertain, to smooth investment over a number of financial years or are required where external funding is used over more than one financial year, this is resulting in a significant number of recommendations to Council. With the use of reserves likely to increase to mitigate the impact of covid-19 has to be mitigated then some changes to this process are required.
- Recommends a removal of some of the double decision making around capital spend. For example, if a programme of funding is approved for special school provision this is approved by Council. Once the funding requirements for individual schools within that programme are identified Council approval is required again to vire the funding.
- Proposes a review of virement limits so that only virements over £500k which are between Directorates or are in support of a policy change which is different to when the MTFP and Business Plan were agreed or for capital changes of £1m or above would go to full Council. Virements will continue to be reported to Executive as now. In reality budgets should be updated to ensure they best reflect the agreed council priorities being delivered and budget holders should have the responsibility to ensure that this is carried out.

5.3 In addition, some minor changes are proposed to Parts C and D for the purposes of clarity.

5.4 The Contract Procurement Rules in Part 5, Section E have been updated to replace references to “EU Procedure” with “Statutory Procedure” to reflect the UK’s departure from EU.

## **Part 6 – Codes and Protocols**

6.1 Minor changes are proposed to the Planning Protocol for Members and Officers in Part 6, Section B for the purposes of clarity.

6.2 The Use of Council Resources Guidance for Members (Part 6 Section C) is proposed to be updated to reflect the current position that in addition to a mobile phone members will be provided with such IT equipment as the Director of ICT considers appropriate to enable them to undertake their Council duties. In addition, it is proposed to amend reference to the “Transport for Greater Manchester Committee” to read “The Greater Manchester Transport Committee” to accurately reflect the name of this joint committee

6.3 The proposed refreshed Code of Conduct for Officers as considered and reviewed by the Personnel Committee at its last meeting is attached as this forms Part 6 Section E of the Council’s constitution.

## **Part 8 of the Constitution – Management Structure**

- 7.1 It is proposed that amendments are made to the management structure set out in Part 8 of the constitution to reflect changes to the senior management structure and the realignment of senior management portfolios. The role title of the Head of Commissioning & Delivery has been amended to read 'Director of Commercial and Operations' to reflect a change made in-year. Similarly references to the 'Director of HROD' are changed to 'Director of HR and OD' throughout to reflect the role remit and for consistency. Any references to these roles elsewhere in the Constitution will be amended accordingly.

### **Recommendations**

8. The recommendations appear at the beginning of this report.

## Appendix A – Personnel Committee, Current Delegations

### PERSONNEL COMMITTEE

1. To establish at the appropriate time panels of members as a sub-committee to act as appointment panels for the appointment of the Chief Executive, Chief Officers (except where the Chief Executive exercises his delegation to appoint Non-Statutory Chief Officers (as defined in the Officer Employment Procedure Rules)) and designated Deputy Chief Officers.
2. To establish at the appropriate time two sub-committees to act as an investigating and disciplinary committee and an appeals committee in relation to disciplinary proceedings against the Chief Executive, the Monitoring Officer and the Deputy Chief Executive and City Treasurer.
3. To determine which Deputy Chief Officer posts should be designated to be appointed by a panel of members.
4. To determine collective and corporate terms and conditions of staff.
5. To consider major Staffing and Organisational Reviews.
6. 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.
7. To determine "market rates" supplements for posts above SCP 51.
8. To determine the assignment and re-grading of posts:
  - above SCP51 (Grade 12) and below £100,000 p.a.; or
  - up to and including SCP51 (Grade 12) where there is disagreement between the Chief Executive and the relevant Chief Officer, or where the Chief Executive considers that the matter has corporate significance.
9. To determine the payment of honoraria exceeding 12 months duration in respect of posts above Grade 12.
10. To determine claims arising under the Scheme of Allowances for employees injured in the course of their employment above £10,000.
11. To determine policies relating to local government pensions and discretionary compensation for early termination of employment.
12. To constitute the Employers' side of any Local Joint Committee with the relevant trade unions.
13. To make recommendations to Council in relation to the annual Pay Policy Statement and any amendments to such statement.



14. 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.
15. 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 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.
16. 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);
17. 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.
18. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.

### **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 - 14 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.

## Appendix B – Personnel Committee, Proposed Delegations

### PERSONNEL COMMITTEE

1. To establish at the appropriate time panels of members as a sub-committee to act as appointment panels for the appointment of the Chief Executive **and** Chief Officers (except where the Chief Executive exercises **delegated powers** to appoint Non-Statutory Chief Officers (as defined in the Officer Employment Procedure Rules)).
2. To establish at the appropriate time two sub-committees to act as an investigating and disciplinary committee and an appeals committee in relation to disciplinary proceedings against the **Head of Paid Service**, the Monitoring Officer and the **Chief Finance Officer**.
3. To determine **major changes to workforce strategy and major changes to terms and conditions**.
4. To consider major Organisational Reviews.
5. To provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such staff as are in the opinion **of those officers** sufficient to allow their statutory duties to be performed, **where there is a specific statutory duty on the Council to make such provision**.
6. To determine policies relating to local government pensions and discretionary compensation for early termination of employment.
7. To **provide input, alongside the officers constituting** the Employers' side of any Local Joint Committee with the relevant trade unions, **in the event of a major dispute**.
8. To make recommendations to Council in relation to the annual Pay Policy Statement, **other statutory statements relating to staffing**, and any amendments to such statements.
9. To make recommendations to Council in relation to decisions affecting the remuneration of any **newly established or upwardly regraded** 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.
10. To make recommendations to Council (**or to the City Solicitor acting under delegated powers**) 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 the salary to be paid to the senior coroner **or any area coroner** where the salary is or is proposed to be or would become £100,000 p.a. or more.

11. **Insofar as is compatible with any order made by the Lord Chancellor under Paragraph 2 of Schedule 3 to the Coroners and Justice Act 2009 to recommend whether the Council (or the City Solicitor acting under delegated powers) should appoint an area coroner for the coroner area of Manchester (City), and to recommend the number assistant coroners to be appointed by the Council (or the City Solicitor acting under delegated powers) for the coroner area of Manchester (City);**
12. **To make recommendations to the Council (or to the City Solicitor acting under delegated powers) in relation to:**
- **the salary to be paid to any area coroner (except in respect of where the salary is or is proposed to be or would become £100,000 p.a. or more, in which case any recommendation should instead be made to Council in accordance with delegation 9 above); and**
  - **the amount of the fees to be paid to any assistant coroners,**
- in accordance with the provisions of paragraphs 16 and 17 of Schedule 3 to the Coroners and Justice Act 2009**

### **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 **8 - 12** 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.

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# **PART 2**

# **ARTICLES OF THE CONSTITUTION**

# CONTENTS

**Article 1.** The Constitution

**Article 2.** Members of the Council

**Article 3.** Citizens and the Council

**Article 4.** The Full Council

**Article 5.** Chairing the Council

**Article 6.** Scrutiny Committees

**Article 7.** The Executive

**Article 8.** Regulatory and other Committees

**Article 9.** The Standards Committee

**Article 10.** Area Committees

**Article 11.** Joint Arrangements

**Article 12.** Officers

**Article 13.** Decision Making

**Article 14.** Finance, Contract and Legal matters

**Article 15.** Review and Revision of the Constitution

**Article 16.** Suspension, Interpretation and Publication of the Constitution

**Schedule 1.** Description of Executive Arrangements

## ARTICLES OF THE CONSTITUTION

# **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 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.

## ARTICLES OF THE CONSTITUTION

**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 individuals who are not disqualified from holding office and are 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 May 2018 with councillors elected for terms of office of either one, two or four years. Thereafter, beginning in 2019 there will be an ordinary election of one third of all councillors held on the first Thursday in May each year, except that in 2021, and every fourth year after there will be no regular election. From 2019 the terms of office of councillors elected in that year onwards (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



**ARTICLES OF THE CONSTITUTION**

(viii) maintain the highest standards of conduct and ethics.

**(b) Rights and duties**

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

**2.4 Conduct**

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

**2.5 Allowances**

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

## ARTICLES OF THE 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 a change in the Council's governance arrangements.
- (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 Register of Key Decisions 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, 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 Monitoring Officer about a breach of the Code of Conduct for Members.

#### **3.2 Citizens' responsibilities**

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

## ARTICLES OF THE CONSTITUTION

## **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:
- 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
  - 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;
  - Climate Change Action Plan;
  - Cultural Strategy;

## ARTICLES OF THE CONSTITUTION

- Neighbourhood Focus Strategy;
  - Asset Management Plans;
  - ICT Strategy and Information Strategy;
  - Licensing Policy Statement (under the Licensing Act 2003);
  - Policies relating to Periodic Electoral Reviews, Local Government Reviews and reviews of parliamentary constituencies;
  - Corporate Enforcement Policy;
  - The Manchester Strategy ('Our Manchester');
  - Our Manchester Industrial Strategy
  - 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.
- (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;

**ARTICLES OF THE CONSTITUTION**

- (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) deciding whether to make proposals for a change in governance arrangements, deciding whether the change should be subject to approval in a referendum and passing a resolution to make a change;
- (r) deciding the term of office of the Leader;
- (s) including a provision in executive arrangements to remove the Leader by resolution and passing such a resolution;

## ARTICLES OF THE CONSTITUTION

- (t) making an order giving effect to recommendations made in a community governance review;
- (u) duty to make a change in governance arrangements;
- (v) all local choice functions set out in Part 3 of this Constitution, which the Council has decided should be undertaken by itself;
- (w) preparing and amending the annual Pay Policy Statement under Section 38 of the Localism Act 2011;
- (x) 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;
- (y) adopting a Code of Conduct for elected and co-opted members of the Council under section 27 of the Localism Act 2011;
- (z) making or revising a council tax reduction scheme under section 13 A(2) of the Local Government Finance Act 1992;
- (za) exercising the power under section 153C(1) of the Small Business, Enterprise and Employment Act 2015 in relation to the relaxation of the restriction on exit payments made by the Council, subject to the consent of the Treasury or acting in compliance with directions given by the Treasury; 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.

## ARTICLES OF THE CONSTITUTION

**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.

## ARTICLES OF THE CONSTITUTION

## **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**

Children and Young People

Communities and Equalities

Neighbourhoods and Environment

Economy

Health

Resources and Governance

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 (subject to the Scrutiny Procedure Rules) the right to call in decisions made but not yet implemented by the executive or by an officer (where the officer has made an executive key decision) and to recommend that the decision be reconsidered by the Executive or officer 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;



## ARTICLES OF THE CONSTITUTION

- (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.** Chief officers will provide the necessary support for scrutiny committees.

## ARTICLES OF THE CONSTITUTION

- (d) **Reporting.** Scrutiny committees will publish reports on their workings and make recommendations for future work programmes and amended working methods if appropriate.

### 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 Offender Management Act 2007 which provide for it to co-operate with responsible authorities;
  - the Chief Constable of Greater Manchester Police;
  - the Greater Manchester Combined Authority in respect of fire and rescue functions for the Manchester area;
  - Manchester Clinical Commissioning Group (CCG).
- (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 the Council’s area;
- to make reports and recommendations to relevant NHS bodies and health service providers.

## ARTICLES OF THE CONSTITUTION

### 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.

## ARTICLES OF THE CONSTITUTION

**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.

## ARTICLES OF THE CONSTITUTION

## 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

## ARTICLES OF THE CONSTITUTION

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.

## ARTICLES OF THE CONSTITUTION

**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 functions will be dealt with in accordance with Executive Procedure Rule 1.4 in Part 4, Section D of the Constitution.

## ARTICLES 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 Manchester Clinical Commissioning Group;
- 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.



## ARTICLES OF THE CONSTITUTION

**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. As of co-opted Member the Parish Member will not be entitled to vote at meetings.

**(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 (and in relation to the matters referred to in Article 9.3 f), g), h), i) and k) of whom at least one must be an Independent Member, who is not prevented or restricted from participating by virtue of the Council's Code of Conduct).

**(f) Questions at Council**

## ARTICLES OF THE CONSTITUTION

The Committee will appoint one of its elected Members for the purpose of answering questions at Council on the discharge of the Committee's functions.

### 9.3 Role and 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 and Co-opted voting members of the Health and Wellbeing Board 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

**ARTICLES OF THE CONSTITUTION**

- Member should be removed from any or all Committees or Sub-Committees of the Council;
- (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 (or recommending to Ringway Parish Council) to arrange training for the Subject Member;
  - (vii) Recommendation to Council (or to Ringway Parish Council) that the Subject Member should be removed from all outside appointments to which the Subject Member has been appointed or nominated by the Council (or by Ringway Parish Council);
  - (viii) Withdrawal of (or recommendation to Ringway Parish Council that it withdraws) 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 time to time to Council on ethical governance within the City Council.

**9.4 Additional Roles of Standards Committee**

- (a) ...

**ARTICLES OF THE CONSTITUTION**

- (b) 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 have a quorum of four (and in relation to the matters referred to in Article 9.3 f), g), h), i) and k) of whom at least one must be an Independent Member, who is not prevented or restricted from participating by virtue of the Council's Code of Conduct.).

## ARTICLES OF THE CONSTITUTION

**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.

<b>Name of Committee</b>	<b>Composition</b>
No Area Committees are currently required to be established or appointed to.	In the absence of any established Area Committees, there are no appointments to be made.

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

The terms of reference of, and the delegations to, any Area Committee(s) will be 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 as permitted under the Localism Act 2011.

**(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.

**ARTICLES OF THE CONSTITUTION**

**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.

## ARTICLES OF THE CONSTITUTION

**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.

## ARTICLES OF THE CONSTITUTION

- (c) If the joint committee contains members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

### 11.3 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority.
- (b) The Council “(or an officer with relevant delegated authority) 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)
- Greater Manchester Transport Committee
- Greater Manchester Joint Health Scrutiny Committee
- GM Health and Social Care Strategic Partnership
- Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC)
- Bus Lane Adjudication Service Joint Committee
- Greater Manchester Police and Crime Panel



## ARTICLES OF THE CONSTITUTION

**Article 12****Officers****12.1 Management structure**

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

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
City Solicitor	Monitoring Officer
Deputy Chief Executive and 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.

## ARTICLES OF THE CONSTITUTION

## 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;

## ARTICLES OF THE CONSTITUTION

- (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 an informal 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:
- (i) executive decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible in accordance with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; and
  - (ii) non-executive decisions taken under delegated powers, together with the reasons for those decisions and background papers, are made publicly available as soon as possible in accordance with the requirements of the Openness of Local Government Bodies Regulations 2014.
- (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.

## ARTICLES OF THE CONSTITUTION

- (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.

#### 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 Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council will provide the **Head of Paid Service**, 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 Employees 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.

## ARTICLES OF THE 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**

## ARTICLES OF THE CONSTITUTION

### (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 15.2 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

## ARTICLES OF THE CONSTITUTION

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.

## ARTICLES OF THE 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, settle 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.



## ARTICLES OF THE CONSTITUTION

**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:-
  - (i) observe meetings of different parts of the member and officer structure;
  - (ii) examine the audit trail relating to a sample of decisions;
  - (iii) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
  - (iv) 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, PROVIDED that minor amendments which do not materially affect the constitution may be made by the Monitoring Officer.

**(b) Change from a Leader and Cabinet form of Executive either 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.

## ARTICLES OF THE CONSTITUTION

**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 Council Procedure Rules may be suspended in accordance with Article 16.1.

**(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.

## ARTICLES OF THE CONSTITUTION

**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 (in so far as they relate to executive functions);
6. Part 3 (Responsibility for Functions) insofar as the function is the responsibility of the Executive.

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# **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.

The Council has also established a Standards Committee. The functions delegated to the Standards Committee are set out in Article 9 of Part 2 of the Council's Constitution.

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.

## **PLANNING AND HIGHWAYS COMMITTEE**

<b>Function</b>		<b>Provision of Act or Statutory Instrument</b>	<b>Delegation to Officers</b>
<b>I.</b>	<b>Functions relating to town and country planning and development control</b>		
1	Power to determine applications for planning permission or permission in principle.	Sections 59A(1)(b), 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.	Director of Planning, Building Control and Licensing* 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.	Director of Planning, Building Control and Licensing* See note below
3	Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Director of Planning, Building Control and Licensing* See note below
4	Power to decline to determine application for planning permission or permission in principle.	Section 70A of the Town and Country Planning Act 1990.	Director of Planning, Building Control and Licensing
5	Duties relating to the making of determinations of planning applications.	Section 69 and the Town and Country Planning (Development Management Procedure) (England) Order 2015/595 and directions made thereunder.	Director of Planning, Building Control and Licensing
6	Power to determine applications for planning permission or permission in principle 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).	Director of Planning, Building Control and Licensing* 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).	Director of Planning, Building Control and Licensing
8	Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Director of Planning, Building Control and Licensing
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.	Director of Planning, Building Control and Licensing
10	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Director of Planning, Building Control and Licensing
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).	Director of Planning, Building Control and Licensing
12	Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Director of Planning, Building Control and Licensing

13	Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Not Delegated
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.	Director of Planning, Building Control and Licensing
15	Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990.	Director of Planning, Building Control and Licensing
16	Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Director of Planning, Building Control and Licensing
17	Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Director of Planning, Building Control and Licensing
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).	Director of Planning, Building Control and Licensing
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.	Director of Planning, Building Control and Licensing
20	Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Director of Planning, Building Control and Licensing (subject to consultation with the Strategic Director (Neighbourhoods))
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).	Director of Planning, Building Control and Licensing* See note below
22	[.....]		
23	Duties relating to applications for listed building consent.	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I.1990/1519).	Director of Planning, Building Control and Licensing
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 listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Director of Planning, Building Control and Licensing
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.	Director of Planning, Building Control and Licensing
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.	Director of Planning, Building Control and Licensing
28	Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Director of Planning, Building Control and Licensing subject to consultation with the



			Chair of Planning and Highways Committee
29	Power to enter land in Part 2 of the brownfield land register	Regulations 3 and 5 of the Town & Country Planning (Brownfield Land Register) Regulations 2017	Director of Planning, Building Control and Licensing* See note below
30	Power to grant permission under Section 115E of the Highways Act 1980 ("the 1980 Act") 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 such Section 115E proposals to the Strategic Director (Neighbourhoods)) and to take any enforcement action under Section 115K in respect of failure to comply with the terms of any such permission granted under Section 115E.	Sections 115E, 115F and 115K of the Highways Act 1980	Director of Planning, Building Control and Licensing* See note below  Strategic Director (Neighbourhoods) objections and representations
31	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, insofar as it relates to the above delegation	Sections 115G of the Highways Act 1980	Director of Planning, Building Control and Licensing

Note: Functions marked with an \* are delegated to the Director 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.

<b>II Miscellaneous Functions relating to highways.</b>			
1	Power to create footpath, bridleway or restricted byway by agreement.	Section 25 of the Highways Act 1980.	Director of Highways* see note below
2	Power to create footpaths, bridleways and restricted byways.	Section 26 of the Highways Act 1980.	Director of Highways* see note below
3	Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.	Director of Highways
4	Power to stop up footpaths bridleways and restricted byways.	Section 118 of the Highways Act 1980.	Director of Highways* see note below
5	Power to make a rail crossing extinguishment order.	Section 118A the Highways Act 1980.	Director of Highways* see note below
6	Power to make a special extinguishment order.	Section 118B the Highways Act 1980.	Director of Highways* see note below
7	Power to divert footpaths bridleways or restricted byways.	Section 119 of the Highways Act 1980.	Director of Highways* see note below
8	Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.	Director of Highways* see note below
9	Power to make a special diversion order.	Section 119B of the Highways Act 1980.	Director of Highways* see note below
10	Power to make SSSI diversion order.	Section 119D of the Highways Act 1980.	Director of Highways* 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.	Director of Highways
12	Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.	Director of Highways
13	Power to apply for variation of order under Section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.	Director of Highways
14	Power to authorise temporary disturbance of surface of footpath bridleways or restricted byways.	Section 135 of the Highways Act 1980.	Director of Highways
15	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.	Strategic Director (Neighbourhoods)
16	Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.	Director of Highways* see note below
17	Duty to keep a definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981.	Director of Highways
18	Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.	Director of Highways
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.	Director of Highways
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.	Director of Highways
21	Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984.	Director of Highways
22	Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1985.	Director of Highways
23	Power to make applications for orders for stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990	Director of Highways * 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.	Director of Highways * 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.	Director of Highways * 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.	Director of Highways
27	Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.	Director of Highways
28	Power to permit deposit of builders' skips on highway.	Section 139 of the Highways Act 1980.	Director of Highways (except in relation to enforcement regarding deposit of skips, which is delegated to the Strategic Director (Neighbourhoods))
29	Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	Director of Highways

30	Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.	Director of Highways
31	Power to license works in relation to buildings etc. which obstruct the highways.	Section 169 of the Highways Act 1980.	Director of Highways
32	Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.	Director of Highways
33	Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.	Director of Highways
34	Power to restrict the placing of rails, beams etc. over highway.	Section 178 of the Highways Act 1980.	Director of Highways
35	Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.	Director of Highways
36	Power to consent to the making of openings into cellars etc. under streets, pavement lights, ventilators.	Section 180 of the Highways Act 1980.	Director of Highways (except in relation to enforcement relating to making of openings, which is delegated to the Strategic Director (Neighbourhoods))
37	Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.	Director of Highways
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 such Section 115E proposals to the Strategic Director (Neighbourhoods) and to take any enforcement action under Section 115K in respect of failure to comply with the terms of any such permission granted under Section 115E.	Sections 115E, 115F and 115K of Highways Act 1980.	Director of Highways (except 'table and chairs' licences which are delegated to the Director of Planning, Building Control and Licensing)  Strategic Director (Neighbourhoods) – objections and representations.
39	Duty to publish notice in respect of proposal to grant permission under S115E of the Highways Act 1980, insofar as it relates to the above delegation.	Section 115G of Highways Act 1980.	Director of Highways and Director of Planning, Building Control and Licensing

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

III	<b>Trees and Hedgerows</b>		
1	Powers relating to the preservation of trees.	Sections 197, 198, 200, 202 and 206 to 214D of the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012 (2012/605).	Director of Planning, Building Control and Licensing
2	Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997.	Director of Planning, Building Control and Licensing
3	Powers relating to complaints about	Part 8 of the Anti-Social	Director of Planning,

high hedges.	Behaviour Act 2003.	Building Control and Licensing
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IV Local Choice Functions		
1	Provision of trees and shrubs.	Section 24 Greater Manchester Act 1981. Director of Highways

V Conditions etc. and Enforcement		
1	The Functions of - (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 IV above, and (b) determining any other terms to which any such approval, consent, licence, permission or registration is subject.	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	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 in sections I, II, III and IV above; (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.	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 except in relation to the enforcement of licensing functions (excluding private hire and hackney carriage) within the remit of the Neighbourhoods Directorate or the Growth and Development Directorate which is delegated to the Strategic Director (Neighbourhoods).
3	The function of - (a) amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned at sections I, II, III and IV above, or any condition, limitation or term to which it is subject, or (b) revoking any such approval, consent, licence, permission or registration.	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	The function of determining - (a) Whether a charge should be made for any approval, consent, licence, permit or registration as is mentioned at sections I, II, III and IV above; and (b) Where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.	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.]

## **LICENSING AND APPEALS COMMITTEE**

<b>Function</b>		<b>Provision of Act or Statutory Instrument</b>	<b>Delegation to Officers</b>
<b>I.</b>	<b>Licensing and Registration Functions</b>		
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.	Director 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.	Director 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.	Director 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.	Director 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.	Director of Planning, Building Control and Licensing
6	[...]		
7	[...]		
8	[...]		
9	[...]		
10	[...]		
11	[...]		
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.	City Solicitor
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).	Director of Planning, Building Control and Licensing (limited to power to renew existing licences)
14	Power to license performances of hypnotism.	The Hypnotism Act 1952.	Director 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.	Director 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.	Director 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.	Director of Planning, Building Control and Licensing (in relation to street trading); In relation to market trading – Strategic Director (Neighbourhoods) (power to license) and <b>Director of Commercial and Operations</b> (appeals on revocation)
18	<b>Functions relating to pavement licences</b>	<b>Sections 1 to 7 of the Business and Planning Act 2020</b>	<b>Director of Planning, Building Control and Licensing</b>
19	Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.	Strategic Director (Neighbourhoods)
	[.....]		
21	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.	Director 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.	Director 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.	Director of Planning, Building Control and Licensing
24	Power to license or register activities involving animals including 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; and Section 13 of the Animal Welfare Act 2006.	Director of Planning, Building Control and Licensing
25	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.	Director of Planning, Building Control and Licensing
26	Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.	Director of Planning, Building Control and Licensing
27	Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.	Director 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.	Director of Planning, Building Control and Licensing
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 Partnership 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 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.	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.	Director 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.	Director of Planning, Building Control and Licensing
34	[ .....]		
35	[.....]		
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 2007 (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.	Strategic Director (Neighbourhoods)
38	Functions Relating to Smoke Free Premises - Power to authorise officers.	Section 10(5) of the Health Act 2006.	Strategic Director (Neighbourhoods)
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. 2007/760).	Strategic Director (Neighbourhoods)
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).	Strategic Director (Neighbourhoods)
41	[.....]	.	
42	Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006.	City Solicitor
43	Power to protect unclaimed registered common land and unclaimed town or village greens	Section 45(2)(a) of the Commons Act 2006.	City Solicitor
44	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

<b>II Functions relating to health and safety at work</b>			
	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.	All Chief Officers and Chapter 3A Officers (as defined in Section F of Part 3 of this Constitution)

<b>III Local Choice Functions</b>			
1	Hairdressers and Barbers.	Section 30 of the Greater Manchester Act 1981 ("the Local Act")	Director of Planning, Building Control and Licensing
2	Acupuncturists, Tatoois, Ear Piercers, Electrolysis etc.	Section 32 of the Local Act	Director of Planning, Building Control and Licensing
3	Dust etc. from Building Operations.	Section 34 of the Local Act	Strategic Director (Neighbourhoods)
4	Power to Order Alteration of Chimneys.	Section 36 of the Local Act	Strategic Director (Neighbourhoods)
5	Repair of Walls etc. of Yards.	Section 43 of the Local Act	Strategic Director (Neighbourhoods)
6	Artificial Lighting In Habitable Rooms etc.	Section 48 of the Local Act	Strategic Director (Neighbourhoods)
7	Trees impeding Natural Light to Houses, Shops and Offices.	Section 49 of the Local Act	Strategic Director (Neighbourhoods)
8	Weatherproofing of Property.	Section 50 of the Local Act	Director of Planning, Building Control and Licensing
9	Prohibition of Interference with Bird Traps.	Section 53 of the Local Act	Strategic Director (Neighbourhoods)
10	Dealings in Second Hand Goods.	Section 54 of the Local Act	Director of Planning, Building Control and Licensing
11	Safety of Ceilings in Bingo Halls.	Section 55 of the Local Act	Director of Planning, Building Control and Licensing
12	Safety of Stands.	Section 58 of the Local Act	Director of Planning, Building Control and Licensing
13	Touting, Hawking, Photographing etc.	Section 60 of the Local Act	Director of Planning, Building Control and Licensing
14	Fire Precautions.	Sections 63 & 66 of the Local Act	Director of Planning, Building Control and Licensing
15	Storage of Flammable Material.	Sections 67-73 of the Local Act	Director of Planning, Building Control and Licensing
16	Entertainment Clubs.	Sections 74-81 of the Local Act	Director of Planning, Building Control and Licensing
17	[...]		
18	Power to Compound to Payment of Tolls.	Section 117 of the Local Act	Strategic Director (Neighbourhoods)



19	Power of Council to require information to allow Council to discharge its duties and powers in relation to markets.	Section 118 of the Local Act	Strategic Director (Neighbourhoods) (where information required in relation to functions of the Council delegated to the Strategic Director (Neighbourhoods)).  Director of Planning, Building Control and Licensing (where information required in relation to functions of the Council delegated to the Director of Planning, Building Control and Licensing)
20	Power to permit market places to be used for Public Meetings etc.	Section 119 of the Local Act	Strategic Director (Neighbourhoods) (excluding any property matters which are to be exercised by the Strategic Director (Growth and Development))
21	Night Cafes in Manchester.	Section 136-144 of the Local Act	Director of Planning, Building Control and Licensing
22	Signs on Vehicles.	Section 167 of the Local Act	Director of Planning, Building Control and Licensing
23	The service of an abatement notice in respect of a statutory nuisance	Section 80(1) of the Environmental Protection Act 1990	Strategic Director (Neighbourhoods)
24	The inspection of the Authority's area to detect statutory nuisance	Section 79 of the Environmental Protection Act 1990	Strategic Director (Neighbourhoods)
25	The investigation of any complaint as to the existence of a statutory nuisance	Section 79 of the Environmental Protection Act 1990	Strategic Director (Neighbourhoods)

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.	Deputy Chief Executive and City Treasurer
3	To determine appeals by market traders where the trader's licence has been revoked.	<b>Director of Commercial and Operations</b>
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 except in relation to the enforcement of licensing functions (excluding private hire and hackney carriage) within the remit of the Neighbourhoods Directorate or the Growth and Development Directorate which is delegated to the Strategic Director (Neighbourhoods).
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.]*

## **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 subcommittee(s) established by it or (subject to the exceptions in Section 10 (4) of the Act) to an officer of the licensing authority.

<b>Matter to be dealt with</b>		<b>Subcommittee (Licensing Panel)</b>	<b>Director of Planning, Building Control and Licensing</b>
1	Application for personal licence.	If a police objection made and not withdrawn	If no unwithdrawn objection made
2	Application for personal licence with unspent convictions.	If a police objection made and not withdrawn	If no unwithdrawn objection made
3	Application for premises licence/club premises certificate.	If relevant representation made and not withdrawn	If no relevant unwithdrawn representation made
4	Application for provisional statement.	If relevant representation made and not withdrawn	If no relevant unwithdrawn representation made
5	Application to vary premises licence/club premises certificate.	If relevant representation made and not withdrawn	If no relevant unwithdrawn representation made
6	Application to vary designated premises supervisor.	If a police objection made and not withdrawn	All other cases
6A	Request to be removed as designated premises supervisor		All cases
7	Application for transfer of premises licence.	If a police objection made and not withdrawn	All other cases
8	Applications for interim authorities.	If a police objection made and not withdrawn	All other cases
9	Application to review premises licence/club premises certificate.	All cases	
9A	Decision on whether a representation is irrelevant, frivolous or vexatious.		All cases
9B	Decision on whether a ground for review is irrelevant, frivolous or vexatious.		All cases
10	Decision to object when local authority is a consultee and not the relevant authority considering the application.	All cases	
11	Determination of an objection to a temporary event notice.	All cases	
11A	Determination of application to vary premises licence at community premises to include alternative licence condition.	If a police objection made and not withdrawn	All other cases

12	Determination of minor variation.		All cases
13	Decision whether or not to give consideration to revoke or suspend a personal licence, and to give notice to the licence holder following convictions or immigration premises.		All cases
14	Decision to revoke or suspend a personal licence following convictions or immigration penalties	All cases	
15	Decision on whether there has been a material change of circumstances in cases of representations against any interim steps taken pending review.		All cases

**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.

- The Licensing Committee has delegated to the Strategic Director (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.
- 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.
- 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	Director 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	Where no representations received from the

			the Commission	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**

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.

**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.

## **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.

## **AUDIT COMMITTEE**

### **Purpose**

1. The main purpose of the Committee is to obtain assurance over the Council's corporate governance and risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.

### **Governance**

2. Review the Council's corporate governance arrangements including consideration of the Code of Corporate Governance.
  - Review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
  - Review the governance and assurance arrangements for significant partnerships or collaborations, including the Register of Significant Partnerships.
  - To consider the effectiveness of the Council's risk management arrangements including reviewing the Risk Management Strategy and Policy; and the Corporate Risk Register.
  - Review the assessment of fraud risks and potential harm to the Council from fraud and corruption including oversight of key anti-fraud policies and monitoring of the counter-fraud strategy.
  - To make recommendations to the Chief Finance Officer and Monitoring Officer in respect of Part 5 of the Council's Constitution (Financial Regulations).

### **Financial Reporting**

3. Review and approval of the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
  - Consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts and monitor the Council's response to individual issues of concern identified.
  - Approve the Council's Statement of Accounts and associated governance and accounting policy documents in accordance with the Accounts and Audit Regulations 2015.

### **External Audit**



4. Support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA).
  - Consider the external auditor's annual audit plan, annual audit letter, relevant reports and the report to those charged with governance.
  - Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### **Internal Audit**

5. Oversee and provide assurance to the Council on the provision of an effective internal audit service and the main issues arising from Internal Audit work. In particular undertake the duties of the Board as set out in Public Sector Internal Audit Standards (PSIAS) as follows:
  - Approve the Internal Audit Charter
  - Review and approve the risk-based internal audit plan, including internal audit's resource requirements, including any significant changes, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
  - Receive confirmation from the Head of Audit and Risk Management with regard to the organisational independence of the internal audit activity and make appropriate enquiries of management and the Head of Audit and Risk Management to determine whether there are inappropriate scope or resource limitations.
  - Provide free and unfettered access to the Audit Committee Chair for the Head of Audit and Risk Management, including the opportunity for a private meeting with the Committee.
  - Consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Audit and Risk Management. To approve and periodically review safeguards to limit such impairments.
  - Receive the results of the Quality Assurance and Improvement Plan annually and the external quality assessment of internal audit that takes place at least once every five years.
  - Receive communications from the Head of Audit and Risk Management on the internal audit activity's purpose, authority, responsibility and performance relative to its plan. To include significant risk exposures and control issues, including fraud risks, governance issues and other matters needed or requested by senior management and the Committee.
  - Consider the Head of Audit and Risk Management's annual opinion and report.

- Seek assurance on the adequacy of management response to internal audit advice, findings and recommendations in the form of implementation of agreed action plans.
- 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.

### **Treasury Management**

6. 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; and
  - approving the selection of external service providers and agreeing terms of appointment.

### **Additional role of Audit Committee**

7. To overview the Council's whistleblowing policy.

**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.

## **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.

	<b>Function</b>	<b>Provision of Act</b>	<b>Delegation to Officers</b>
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 divide constituency into polling districts.	Sections 18A, 18B, 18C, 18D and 18E of, and Schedule A1 to the Representation of the People Act 1983.	Not Delegated
5	Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Not Delegated
6	Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Chief Executive
7	Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	Chief Executive
8	Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Chief Executive
9	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	Chief Executive
10	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	Chief Executive
11	Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.	Not Delegated
12	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
13	Duties relating to publicity.	Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007.	Chief Executive
14	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.

### **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 "proper officers" for particular purposes.
  - 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.
  - 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.

4.16 the formal recognition of the outstanding contributions and achievements of individuals and organisations under Rule 31.3 of the Council Procedures Rules (“The City of Manchester Award”).

**EMPLOYEE APPEALS COMMITTEE**

**Delegations**

1. To determine appeals against dismissal.

## **PERSONNEL COMMITTEE**

1. To establish at the appropriate time panels of members as a sub-committee to act as appointment panels for the appointment of the Chief Executive **and** Chief Officers (except where the Chief Executive exercises **delegated powers** to appoint Non-Statutory Chief Officers (as defined in the Officer Employment Procedure Rules)).
2. To establish at the appropriate time two sub-committees to act as an investigating and disciplinary committee and an appeals committee in relation to disciplinary proceedings against the **Head of Paid Service**, the Monitoring Officer and the **Chief Finance Officer**.
3. To determine **major changes to workforce strategy and major changes to terms and conditions**.
4. To consider major Organisational Reviews.
5. To provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such staff as are in the opinion **of those officers** sufficient to allow their statutory duties to be performed, **where there is a specific statutory duty on the Council to make such provision**.
6. To determine policies relating to local government pensions and discretionary compensation for early termination of employment.
7. To **provide input, alongside the officers constituting** the Employers' side of any Local Joint Committee with the relevant trade unions, **in the event of a major dispute**.
8. To make recommendations to Council in relation to the annual Pay Policy Statement, **other statutory statements relating to staffing**, and any amendments to such statements.
9. To make recommendations to Council in relation to decisions affecting the remuneration of any **newly established or upwardly regraded** 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.
10. To make recommendations to Council **(or to the City Solicitor acting under delegated powers)** 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 the salary to be paid to the senior coroner **or any area coroner** where the salary is or is proposed to be or would become £100,000 p.a. or more.
11. **Insofar as is compatible with any order made by the Lord Chancellor under Paragraph 2 of Schedule 3 to the Coroners and Justice Act 2009 to recommend** whether the Council **(or the City Solicitor acting under delegated powers)** should appoint an area coroner for the coroner area of Manchester (City), and to **recommend** the number assistant coroners to be appointed **by the Council (or the**

**City Solicitor acting under delegated powers)** for the coroner area of Manchester (City);

12. To **make recommendations to the Council (or to the City Solicitor acting under delegated powers) in relation to:**

- the salary to be paid to any area coroner **(except in respect of where the salary is or is proposed to be or would become £100,000 p.a. or more, in which case any recommendation should instead be made to Council in accordance with delegation 9 above);** and
- the amount of the fees to be paid to any assistant coroners,

**in accordance with the provisions of paragraphs 16 and 17 of Schedule 3 to the Coroners and Justice Act 2009**

### **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 **8 - 12** 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.



## **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 social 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.

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# SECTION F

## Scheme of Delegation to Officers

### **CONTENTS**

#### **CHAPTER 1 – GENERAL**

INTRODUCTION

GENERAL DELEGATIONS TO ALL CHIEF OFFICERS AND CHAPTER 3A OFFICERS

#### **CHAPTER 2 – CHIEF OFFICERS**

CHIEF EXECUTIVE

CITY SOLICITOR

DEPUTY CHIEF EXECUTIVE AND CITY TREASURER

STRATEGIC DIRECTOR (CHILDREN'S AND EDUCATION SERVICES)

EXECUTIVE DIRECTOR OF ADULT SOCIAL SERVICES

STRATEGIC DIRECTOR (GROWTH AND DEVELOPMENT)

STRATEGIC DIRECTOR (NEIGHBOURHOODS)

DIRECTOR OF POPULATION HEALTH AND WELLBEING

#### **CHAPTER 3A – OFFICERS**

DIRECTOR OF HIGHWAYS

DIRECTOR OF HR AND OD

DIRECTOR OF ICT

DIRECTOR OF EDUCATION

DEPUTY CITY TREASURER

DIRECTOR OF PLANNING, BUILDING CONTROL AND LICENSING

#### **CHAPTER 3B – OFFICERS**

DIRECTOR OF CAPITAL PROGRAMMES

DIRECTOR OF DEVELOPMENT AND CORPORATE ESTATE

HEAD OF WORK AND SKILLS

#### **DIRECTOR OF COMMERCIAL AND OPERATIONS**

HEAD OF SERVICE (COMPLIANCE AND COMMUNITY SAFETY)

PREVENT AND COMMUNITY COHESION COORDINATOR



# 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 Chief Officer 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 those officers report directly or indirectly to the officer with the delegated power. The officer with the delegated power should ensure that administrative procedures are in place to record the authorisation and to record and monitor decisions taken by officers acting under the authorisation.

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, except where expressly provided otherwise, the term "Chief Officer" will be defined as those officers defined as such in Part 8 of this Constitution. "Non-Statutory Chief Officer" shall have the same meaning as in the Officer Employment Procedure Rules in Part 4 Section F of this Constitution. "Chapter 3A Officer" means any of those officers included in Chapter 3A 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 in exercise of delegated authority takes an Executive 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. In addition, where that Executive decision is also a "key decision" (as defined in Rule 15 of the Access to Information Procedure Rules) the officer must ensure that the particular publicity and procedural requirements relating to key decisions are met.
- 10A Where an officer in exercise of delegated authority takes a non-Executive decision, a record of that decision must be made in accordance with Rule 23 of the Access to Information Procedure Rules (where the non-Executive decision is of a type that is covered by that Rule).
11. Where, in relation to an item before the Council, the Executive, a Committee, or a Sub-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 Chief Officer (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 Chief Officer 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 or has been disestablished.

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 AND CHAPTER 3A OFFICERS**

*The delegations below may only be exercised by Officers in connection with their own service area(s).*

### **General Functions**

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

1. [...].

#### **1A To be responsible for the management of their service area(s)**

2. To determine officer and Member attendance at Conferences/Seminars/**visits**, including those held abroad (in the case of Member attendance, in consultation with the appropriate Chair or Executive Member).

3. [...]

4. Subject to any delegations to specific officers, the **nomination**, appointment and removal of representatives to serve on relevant outside organisations.

5. To determine (**and agree increases in**) 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. [...]

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.

8A. To exercise the responsibilities assigned to the officer concerned under the Financial Regulations.

### **Non-Executive Functions**

#### **Financial**

9. To agree payments not exceeding £1000 in cases of maladministration.

10. [...]

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.



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.
14. **Establishment of additional posts and re-grading of existing posts:**
  - (a) up to and including Grade 11;**
  - (b) Grade 12 and over but below £100,000 salary, in consultation with the Director of HR and OD,**

**provided in all cases the proposals are within available budget and Grades to be assigned through the Council's Job Evaluation process.**
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.
17. [...]
18. Determination of extensions of sickness allowance up to a maximum of one year on full pay, in consultation with the Director of HR and OD.
19. [...]
20. In exceptional circumstances determination of planned overtime for officers above Spinal Column Point 25, in consultation with the **Director of HR and OD, provided the overtime payments can be accommodated within existing budgets.**
21. Determination of the payment of removal expenses, lodging allowances or travelling allowances.
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 or regrading where appropriate within the approved grade in exceptional circumstances where agreed by the relevant Chief Officer on the basis of a clear business case and in accordance with the Council's Pay Policy Statement.

27A. To determine market rate supplements for posts, **in consultation with the Director of HR and OD and subject to review by Director of HR and OD after 12 months.**

27B. **To agree requests or recommendations for honoraria (in consultation with the Director of HR and OD in the case of honoraria in respect of posts Grade 12 and over), subject to review by the Director of HR and OD for honoraria of more than 12 months' duration, provided in all cases the proposals are within available budget.**

27C. **To approve the filling of vacant posts within approved establishments (except for Chief Officer and Deputy Chief Officer posts).**

#### Miscellaneous

28. [...]

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.

#### Health and Safety at Work Functions

31. 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 Council’s capacity as an employer.

#### Executive Functions

##### Business Plan/Policy

32. 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

33. 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 Deputy Chief Executive and City Treasurer and the written approval of a member of the Council’s Strategic Management Team (as specified in Part 8 of the Constitution) provided in all cases that budget provision is available.

34. 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).
35. 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 Deputy Chief Executive and City Treasurer.
36. The assignment or novation of a contract.
37. 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.
38. Provided that authority to let a contract has been obtained: -
  - 38.1 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 Deputy Chief Executive and City Treasurer.
  - 38.2 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).
39. 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).
40. [...]
41. Subject to the agreement of the Deputy Chief Executive and City Treasurer: -
  - 41.1 the writing-off of debts which are irrecoverable or losses due to burglaries, etc.; and
  - 41.2 the writing-off or making adjustments in respect of deficiencies or surpluses of stock, equipment, etc.
42. Provision of reasonable hospitality to representatives of other authorities visiting the Department or premises under the Chief Officer's / Chapter 3A Officer's control, subject to agreement by the Chief Executive for expenditure in excess of £500.
43. To make grants and loans to voluntary and other organisations in accordance with such grant procedures in place at the time of making the grant.
44. To vary the price of goods and services supplied, in accordance with changes in the cost incurred by the Council, in consultation with the Deputy Chief Executive and City Treasurer.

45. To negotiate and agree variations in contracts arising out of statutory requirements.
46. 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.
47. To settle claims not exceeding £1000 in line with the Council's procedure for low value claims handling.
48. Disposal of surplus or obsolete equipment, (except vehicles) to the highest tenderer.

#### Land and Property

49. Management of land, property, accommodation and facilities held or used for a purpose within their remit.
50. [...]
51. [...]
52. Authorising the use of premises for political meetings (other than public election meetings held in accordance with candidates' rights under electoral legislation) but with a discretion for the 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 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.
53. [...]
54. [...]

#### Miscellaneous

55. 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.
56. Authorisation to statutory authorities to carry out essential works.
57. [...]
58. To respond to consultation papers relating to matters within the Officer's remit, subject to consultation with the appropriate Executive Member where the consultation raises policy issues and (where the matter has corporate significance) the Chief Executive.
59. 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.
60. To arrange for the determination of requests for information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, including

dealing with internal reviews and complaints, **and the determination of requests to exercise individual data subject rights under data protection legislation and the determination of requests by thirds parties for disclosure of personal data, including where there is reliance on relevant exemptions set out in data protection legislation.**

61. To arrange for:

[...]

[...]

61.3 (subject to consultation with the City Solicitor) the entering into of Information Sharing and Data Processing Agreements; and

61.4 effective reporting of breaches of data protection legislation.

**62. Authorise the appointment of consultants and professional advisers.**

**63. Power to authorise entry onto premises under relevant legislation in connection with the Council's functions and provide signed authorisation for such entry.**

# CHAPTER 2

## CHIEF EXECUTIVE

The holder of the post of Chief Executive shall have overarching responsibility for the Council's paid service, with direct management responsibility for the senior management team, 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 or the Executive which has not been specifically delegated to another officer, committee or otherwise reserved by full Council or the Executive and may direct any officer not to exercise a delegated function in special circumstances except where that officer is 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) and to agree constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within relevant constitutions.
6. Discharge any function that has been delegated to a Chief Officer (as defined in Part 8 of this Constitution), where that Chief Officer is unable to act, through absence or otherwise, or where the Chief Officer post with the delegated function is vacant or has been disestablished.

### Non-Executive Functions

7. Discharge the following functions of the Council relating to parliamentary **elections**, local government elections and referenda:
  - 7.1. Power to assign officers in relation to requisitions of the registration officer (Section 52(4) of the Representation of the People Act 1983)
  - 7.2. [...]

- 7.3. Powers in respect of holding of elections (Section 39(4) of the Representation of the People Act 1983)
  - 7.4. Power to pay expenses properly incurred by electoral registration officers (Section 54 of the Representation of the People Act 1983)
  - 7.5. Power to fill vacancies in the event of insufficient nominations (Section 21 of the Representation of the People Act 1985)
  - 7.6. Duty to declare vacancy in office in certain cases (Section 86 of the Local Government Act 1972)
  - 7.7. Duty to give public notice of a casual vacancy (Section 87 of the Local Government Act 1972)
  - 7.8. Duties relating to publicity (Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007)
  - 7.9. Duties relating to notice to the Local Government Boundary Commission for England (Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007)
8. To appoint Deputy Electoral Registration Officers.
  9. In consultation with the Leader, Executive Member for Finance and Human Resources, Chair of Personnel Committee and relevant Portfolio Executive Member to appoint Non-Statutory Chief Officers in accordance with the Officer Employment Procedure Rules in Part 4 Section F of this Constitution.
  10. In **consultation** with the Deputy Chief Executive and City Treasurer, to administer the scheme of Members' allowances and to uprate such allowances annually in accordance with the formula agreed by the Council.
  11. 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.
  12. [...]
  13. The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities.
  14. 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.
  15. Power to register variation of rights of common.
  16. 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 2007.

**Executive Functions**Financial

17. 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 Manchester Strategy ('Our Manchester').
18. 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 Council) in relation to the above expenditure.
19. Determine applications (in consultation with the Leader) for financial assistance for anti-deportation campaigns up to a maximum of £500.
20. 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.
21. Be responsible for Capital Investment bids for the refurbishment of property, changes in office layout, replacement of lifts, heating and other plant.

Human Resources

22. Maintain the list of Senior Nominated Officers in connection with establishment arrangements for the protection of children.
23. [...]
24. [...]
25. [...]
26. [...]
27. [...]

Manchester Airport.

28. Grant consent to the waiver of covenants or to variations to the Leases granted to Manchester Airport **group of Companies** where these are urgently required to enable the Company to carry out specific development projects.
29. Acquire land and property within the Airport's operational area on behalf of Manchester Airport **group of Companies** 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.
30. 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.



31. [...]

Miscellaneous

32. Deal with emergencies and disasters and the carrying out of civil defence functions.

33. Without prejudice to the specific delegations to other Council officers, to exercise a strategic overview of the Council's **communications**.

34. Deal with issues relating to the Commission for Local Administration provided that: -

34.1 Complaints involving Members shall be notified to the Member concerned and the Leaders of the majority and minority parties;

34.2 Complaints involving the Chief Executive shall be undertaken by a Chief Officer nominated by the Leader;

34.3 The Leader shall be consulted about statements to be published with the Local Commissioner.

35. [...]

36. Determine arrangements for civic hospitality.

37. Determine attendance at conferences where more than one service is involved in consultation with appropriate Executive Members, Chairs and Chief Officers / Chapter 3A Officers.

38. Not allocated.

39. Attend and vote on behalf of the Council at **any meeting of Manchester Airport Holdings Limited** meetings, including meetings of any associated companies of Manchester Airport **Holdings Limited** and to nominate a member of staff to attend and vote where the Chief Executive is unable to do so.

40. Attend and vote on behalf of the 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.

41. Following consultation with appropriate partners, to appoint (remove and hold to account) the Chairs of the Manchester Safeguarding **Partnership** and Manchester Safeguarding Adults Board.

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

*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 and Parish Councillors.*
- c. Responsible in consultation with the Council's monitoring officer for considering and determining applications for exemptions from political restriction;*
- d. The proper officer:*
  - i) responsible for the list of politically restricted posts;*
  - ii) (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;*
  - iii) 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 **act as Solicitor to the Council and shall** be responsible for the management of the City Solicitor's Division of the Corporate Core 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 institute, conduct, prosecute, defend **and, if in the interests of the Council, to settle** any legal proceedings **or threatened legal proceedings on** behalf of the 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 Supreme Court.
2. To determine procedural arrangements for the issue of all consents refusals, decisions and notices on behalf of the Council under statutory powers.
3. To determine applications made under the Council's Scheme of Allowances to employees injured in the course of their employment.
4. To approve the entering into of arrangements for the provision of legal services to third parties.

### **Non-Executive Functions**

5. Make arrangements for reviews of the permanent exclusion of pupils.
6. Make arrangements for school admission appeals.
7. Make arrangements for appeals by governing bodies.
8. Approve premises for the solemnisation of marriages and civil partnerships.
9. Maintain a register of common land and a register of town or village greens.
10. Power to apply for an enforcement order against unlawful works on common land pursuant to Section 41 of the Commons Act 2006.
11. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference pursuant to Section 45(2)(a) of the Commons Act 2006.
12. 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.

13. 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.
14. To appoint (i) a Senior Coroner for the Manchester (City) Coroner area and (ii) area Coroner(s) or any Assistant Coroner(s) to the Manchester (City) Coroner area, in accordance with the Coroners and Justice Act 2009.
15. To appoint, in consultation with the Leaders of political groups represented on the Council, members of the independent remuneration panel established under regulation 20 of the Local Authorities (Members' Allowances) (England) Regulations 2003.

### Ethical Standards

16. 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;
17. 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") **including** whether to reject, informally resolve or investigate a complaint **or and where appropriate following an Investigating Officers report convene a hearing.**
18. To issue guidance to be followed by an Investigating Officer on the investigation of complaints.
19. Independent Persons and Co-opted Independent Members
  - a. To make arrangements to advertise a vacancy, **shortlist and make interview arrangements for recommendations to the Council on** the appointment of:
    - i. Independent Persons and
    - ii. Co-Opted Independent Members.
20. Council's Register of Member's Interests
  - a. To prepare and maintain a Council Register of Member's Interests to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct for Members, and ensure that it is available for inspection and published on the Council's website as required by the Act.
  - b. To prepare and maintain a register of Member's interests for Ringway Parish Council to comply with the Localism Act 2011 and the Code of Conduct adopted by Ringway Parish Council and ensure that it is available for inspection as required by the Act.

## 21. Dispensations

To grant dispensations from Section 31(4) of the Localism Act 2011 if, having had regard to all relevant circumstances, the Monitoring Officer:-

- (i) considers that without the dispensation the number of persons prohibited by Section 31(4) of the Localism Act 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
- (ii) considers that without the dispensation each member of the Council's Executive would be prohibited by Section 31(4) of the Localism Act from participating in any particular business to be transacted by the Council's Executive.
- (iii) 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.

### **Executive Functions**

- 22. 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.
- 23. 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: -
  - 23.1 the recovery of possession of houses and other property belonging to the Council;
  - 23.2 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.
- 24. To arrange for the discharge of the Council's functions relating to petitions.
- 25. To arrange for the discharge of the Council's functions relating to Local Land Charges.
- 26. To appoint a secretary to Local Access Forums and to provide administration and support to the same and its members.
- 27. Without prejudice to the generality of the above delegations: -
  - 27.1 To prosecute any person who places or maintains a notice deterring public use of Access Land under Section 14 of the Countryside and Rights of Way Act 2000.
  - 27.2 To prosecute contravention of byelaws **in relation to Access Land**.
  - 27.3 To defend appeals against notices served under Sections 36(3) and 37(1) of the Countryside and Rights of Way Act 2000.

- 27.4** To prosecute for obstruction of persons entering land pursuant to Section 40 of the Countryside and Rights of Way Act 2000.
- 28.** 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 and to discharge any ancillary functions under that act in relation to the nomination and/or review of assets of community value.
- 29.** To **act as the Council's Senior Information Risk Owner and to** oversee the Council's responsibilities under data protection legislation (including the General Data Protection Regulation and the Data Protection Act 2018), the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 30.** To approve information governance policies and guidance, except for those specifically relating to Information and Communications Technology (ICT) matters.
- 31.** To provide training to Members that is relevant to their role in the carrying out of 'Council business' (as defined in the Use of Council Resources Guidance for Members contained in Section C of Part 6 of this Constitution).
- 32.** To control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations including the issue of official publicity and official publications.
- 33. To enter into Agreements in relation to any of the above matters.**

*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 (and to make minor or consequential changes to the Constitution in accordance with Article 15.2(a) of Part 2 of the Constitution).*
- *Support the Standards Committee.*
- *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.*
- 7. The qualified person for the purposes of section 36 of the Freedom of Information Act 2000.*

## **DEPUTY CHIEF EXECUTIVE AND CITY TREASURER**

The holder of the post of Deputy Chief Executive and City Treasurer shall be responsible for the management of the Corporate Core Directorate (except for the City Solicitor's Division) 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 exercise the responsibilities assigned to the Deputy Chief Executive and 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. In consultation with the Executive Member for Finance and Human Resources, to estimate any surplus or deficit with respect to council tax in the collection fund in respect of any financial year and to notify relevant precepting authorities accordingly.
  4. In consultation with the Executive Member for Finance and Human Resources, to estimate any surplus or deficit with respect to business rates in the collection fund in respect of any financial year and to notify relevant precepting authorities accordingly.
  5. In consultation with the Executive Member for Finance and Human Resources, to calculate the Council's business rate income for budget setting purposes, including the share of such income of central government and the Greater Manchester Combined Authority ("GMCA") 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.
  6. To approve Form NNDR1 and notify relevant business rate calculations to the Secretary of State and the GMCA.
  7. To agree dates for payment of their respective shares of council tax with the GMCA and of business rates with central government, the GMCA the relevant major precepting authorities.
  8. In consultation with the Executive Member for Finance and Human Resources to determine whether the Council should be part of a business rate pooling arrangement with other local authorities.
- 8A. To exercise a strategic overview of the Council's functions and services relating to environmental strategy and subject to consultation with the City Solicitor to enter into Agreements in relation to the same.



**Non-Executive Functions**

9. 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.
10. Subject to 11 and 13 below, to exercise the functions of the authority in relation to pensions.
11. In consultation with the relevant Chief Officer, to determine applications for voluntary early retirement **(subject to consultation with the Executive Member for Finance and Human Resources where applications for voluntary early retirement have a capital cost)** and to determine discretionary payments/awards in connection with such applications in accordance with the Council's policy statement.
12. 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.
13. 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 Scheme Regulations 2013.
14. [...]
15. Determine appropriate arrangements for the reimbursement of expenditure incurred by staff in the exercise of Council duties, including establishing petty cash accounts where this is the most appropriate arrangement.
16. To operate the assisted car / bicycle purchase scheme.
17. To discharge the functions of the "Responsible Financial Officer" under the Accounts and Audit Regulations 2015, including the requirement under Regulation 9(1) 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.
18. To discharge the functions of the Council under the Accounts and Audit Regulations 2015 with the exception of Regulations 6(2), 9(2) and 20(1).
- 18A. To consider grievances which cannot appropriately be resolved at departmental level.
- 18B. [...]

**Executive Functions****Financial**

19. 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.
20. To **enter into** leasing agreements for items included within the approved capital or revenue budgets.
21. To assess and administer the Council Tax support scheme and Housing and Education benefits.
22. To determine requests for the award of discretionary housing payments in exceptional circumstances.
23. To grant discretionary rate relief under Section 47 of the Local Government Finance Act 1988.
24. To reduce or remit liability for rates under Section 49 of the Local Government Finance Act 1988.
25. To reduce the liability of a person for council tax under Section 13A of the Local Government Finance Act 1992.
26. To institute and conduct recovery proceedings (including winding up of companies) in relation to council tax, poll tax and national non-domestic rates.
27. 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.
28. To operate the Home Loans scheme including mortgage advances, transfer of mortgages, sales of houses in possession and guarantees to building societies.
29. To provide financial services, either on an agency basis or where required by statute for other authorities or bodies.
30. To determine and declare local average rates in accordance with legislation and the interest rate for loans to housing associations.
31. 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.
32. To sign certificates under the Local Government (Contracts) Act 1997.
33. To authorise persons to act for the Council at Company and creditors meetings.

34. 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.
  35. 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.
  36. 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.
  37. 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 Deputy Chief Executive and City Treasurer.
  38. 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).
- 38A. To make amendments to the Council's Community Right to Challenge Procedure.
39. To authorise in consultation with the Executive Member for Finance and Human Resources, increases in capital expenditure by up to £500,000 per scheme, subject to external funding, capital receipts or revenue budget being available.
  40. To exercise the Council's powers under the Prevention of Social Housing Fraud Act 2013.

#### VAT

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

#### General

42. Power to authorise entry onto premises under Section 61 of the Public Health (Control of Disease) Act 1984 in connection with the Council's functions in relation to burial and cremation under Section 46 of the same Act and provide signed authorisation for such entry.
43. To institute proceedings in the Court of Protection in relation to financial Deputyship under the Mental Capacity Act 2005.
44. To pay compensation in lieu of wages to persons excluded from work on public health grounds.
45. 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, in consultation with the Executive Member for Environment, Planning and Transport.

46. Except where the functions are non-executive, specifically delegated to other officers, delegated to the Greater Manchester Combined Authority or delegated to a joint committee, to discharge the Council's functions in relation to:
- i) 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, included disabled person's badges;
  - ii) Parking and Bus lane enforcement (except those relating to appointment etc. of Adjudicators to be discharged by joint committee arrangements) and to approve and authorise officers to undertake the function of cancelling penalty Charge Notices;
  - iii) The removal and immobilisation of vehicles in accordance with the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 and to store and dispose of such vehicles;
  - iv) Dealing with abandoned vehicles and vehicles causing a nuisance and to take whatever action is required, including authorisation of entry onto land and premises;
  - v) Providing and maintaining parking spaces on the highway and regulate parking on grass verges, central reservations and footways; and
  - vi) Determining 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.
47. Subject to consultation with the City Solicitor to enter into Agreements in relation to any of the above matters.

*The DEPUTY CHIEF EXECUTIVE AND 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. *Appointment of a Deputy*

*In the absence of the Deputy Chief Executive and City Treasurer, the above delegations may be exercised by the Deputy City Treasurer.*

## **STRATEGIC DIRECTOR (CHILDREN'S AND EDUCATION SERVICES)**

The holder of the post of Strategic Director (Children's and Education Services) is the statutory officer (referred to as the Director of Children's Services) for the purposes of Section 18 of the Children Act 2004 and shall be responsible for the management of the Children's and Education Services Directorate in accordance with that section 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. To discharge the education functions (as defined by Section 18(10) of the Children Act 2004) conferred on or exercisable by the Council.
2. To discharge the Social Services functions (as defined by Section 1A of the Local Authority Social Services Act 1970) conferred on or exercisable by the Council in so far as those functions relate to children.

Without prejudice to the generality of the above insofar as the functions relate to children and (as defined by statutory guidance) young people:

3. 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 2 above).
- 3A. To be accountable for discharging **the Council's** functions in relation to Safeguarding Children.
4. To discharge the functions conferred on the authority under Sections 10 to 12, 12C 12D, and 17A of the Children Act 2004.
5. 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.
6. To discharge the functions conferred on the authority under Part 1 of the Childcare Act 2006.
7. To discharge the functions of the authority in relation to Early Years, youth justice and youth offending services.
8. To exercise the functions of the authority under the Safeguarding Vulnerable Groups Act 2006, so far as those functions relate to children.
9. [...]
10. 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.

11. To discharge the functions of the authority relating to children and (as defined by statutory guidance) young people under the following enactments (except those specifically delegated to the Director of Education):

Local Authority Social Services Act 1970  
 Education Act 1973  
 Children Act 1989  
 Education Act 1980  
 Education (Fees and Awards) Act 1983  
 Mental Health 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  
 Family Law Act 1996  
 Education Act 1997  
 School Standards and Framework Act 1998  
 Teaching and Higher Education Act 1998  
 Local Government Act 2000  
 Adoption and Children Act 2002  
 Education Act 2002  
 Female Genital Mutilation Act 2003  
 Higher Education Act 2004  
 Education Act 2005  
 Mental Capacity Act 2005  
 Child Care Act 2006  
 Children and Adoption Act 2006  
 Education and Inspections Act 2006  
 Forced Marriage (Civil Protection) Act 2007  
 Children and Young Persons Act 2008  
 Borders, Citizenship and Immigration Act 2009  
 Coroners and Justice Act 2009  
 Apprenticeship, Skills, Children and Learning Act 2009  
 Children, Schools and Families Act 2010  
 Education Act 2011  
 Care Act 2014  
 Children (Performance and Activities) (England) Regulations 2014  
 Children and Families Act 2014  
 Anti-social Behaviour, Crime and Policing Act 2014  
 Criminal Justice and Court Act 2015  
**Childcare Act 2016**  
 Children and Social Work Act 2017

### Financial

12. To grant or refuse financial assistance to students and pupils in accordance with statutory regulations.
13. Not allocated.

Human Resources

14. To arrange the secondment of Teachers and other Education Service staff to promote the provision of an efficient and effective Education Service.
15. 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.
16. To determine recommendations of Governing Bodies/the Council's Joint Committees with education functions for the appointment of teaching staff.

Miscellaneous – Education

17. To authorise the closure of school premises for the purposes of Local and National Elections and referenda.
18. To exercise the functions of the Council pursuant to Sections 16 and 115 of the Crime and Disorder Act 1998 (removal of truants and disclosure of information to a relevant authority).
19. To nominate and remove the Council's representatives on Governing Bodies.
20. [...]
21. 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

22. 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.
23. To pay reasonable legal expenses incurred in relation to applications for Special Guardianship and Child Arrangements Orders in accordance with relevant legislation, guidance and policy and where there is no possibility of public funding being allowed.
24. To provide financial support to holders of Special Guardianship and Child Arrangements Orders in accordance with relevant legislation.
25. To act as the next friend of any child in care with regards to insurance claims.
26. To effect a change of name by deed poll of a child in care.
27. To impose requirements to prohibit the accommodating of foster children at specified addresses.

28. 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.
29. To decide upon recommendations of Adoption and Fostering Panels.
30. To take any action urgently required to protect the interests of any child in need under the Children Act 1989.
31. To act as Authorised Officer under Children's and Adoption Legislation.
32. **To commission services to house and support families under the Children Act.**

**Miscellaneous**

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



## **EXECUTIVE DIRECTOR OF ADULT SOCIAL SERVICES**

The holder of the post of Executive Director of Adult Social Services is the Director of Adult Social Services for the purposes of Section 6 of the Local Authority Social Services Act 1970 as amended and shall be responsible for the management of the Adult Social Services Directorate 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 defined in Section 1A 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
  - 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
  - Mental Health (Amendment) Act 1982
  - Equality Act 2010
  - Care Act 2014
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.

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 Deputy Chief Executive and City Treasurer.
8. Not allocated
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, except insofar as those functions relate to children.
14. To exercise the functions of the Council under the Safeguarding Vulnerable Groups Act 2006, except where such functions relate to children.
15. 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.
16. 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 Strategic Director (Neighbourhoods) and the Greater Manchester Community Safety Partnership (CSP).

Public Health

17. Without prejudice to the specific delegations to the Director of Population Health and Wellbeing 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.
18. 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 Mental Capacity Act 2005 and the Deprivation of Liberty Code of Practice.

Miscellaneous

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

## **STRATEGIC DIRECTOR (GROWTH AND DEVELOPMENT)**

The holder of the post of Strategic Director (Growth and Development) shall be responsible for the management of the Growth and Development Directorate, including Housing Services and the formulation and review of Housing policy, the discharge the functions of the Council relating to Building Cleaning, Depot Facilities Management, Public Conveniences, Security, Storage and Archiving and Town Hall Services **(including security)** 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:

- A1. Without prejudice to the specific delegations of the Director of Planning, Building Control and Licensing, to exercise a strategic overview of the Council's functions and services relating to licensing.
- B1. In consultation with the Director of Planning, Building Control and Licensing, to discharge the functions of the Council as Local Planning Authority in relation to preparing and maintaining Local Development Plans under Part 2 of the Planning and Compulsory Purchase Act 2004 as amended, except when 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.
- C1. To exercise a strategic overview of the Council's functions and services relating to private sector housing and regeneration.
- D1. At the request of the Chief Executive, to exercise any power delegated to the Chief Executive relating to economic development and regeneration.

### **Executive Functions**

1. To exercise the functions of the Council relating to caravan sites (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 or Chapter 3A 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 is in the opinion of the Director of Development and Corporate Estate the best consideration that can reasonably 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 1967 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 the subject of compulsory purchase by another body.

**5A. Dedicate where appropriate Council owned land as a highway.**

**5B. Approve development briefs in consultation with the Leader and other relevant Executive Members.**

Estate Management

6. To deal with all matters relating to the management of the Council's interests in land and property without prejudice to the general delegation of Chief Officers and Chapter 3A Officers 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 2012.

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. To agree to 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.

### Housing

14. 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 Strategic Director (Neighbourhoods) or the Executive Director of Adult Social Services.

Without prejudice to the generality of 14 above to:

15. 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.
16. 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 15 above.
17. To exercise the functions of the Council under Section 22 of the Housing Act 1996 (promotion of and assistance to Registered Social Landlords).
18. To monitor and review the policy adopted pursuant to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (home improvement and relocation assistance).
19. In consultation with the Executive Member for Housing and Regeneration, to make minor amendments to the Housing Allocation Scheme under Section 166A of the Housing Act 1996.

### Miscellaneous

20. 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).
21. **Subject to consultation with the City Solicitor, to enter into Agreements in relation to any of the above matters.**

## **STRATEGIC DIRECTOR (NEIGHBOURHOODS)**

The holder of the post of Strategic Director (Neighbourhoods) shall be responsible for the management of the Neighbourhoods Directorate including discharging the functions of the Council relating to Bereavement Services, Catering Services, Manchester Markets, Manchester Fayre and Pest Control and without prejudice to the foregoing, shall have the powers set out below subject to compliance with the Constitution, Standing Orders, and any relevant provisions of the Financial Regulations and any legal requirements.

### **GENERAL FUNCTIONS**

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

1. To support and assist the Chief Executive in their responsibilities in relation to civil contingencies, emergencies and disasters, and to take day to day responsibility for such matters.
- 1A. To co-ordinate all sponsorship and advertising activity for the Council.
2. To exercise the functions of the Council in relation to environmental health, waste and environmental protection, pollution control, contaminated land, private sector housing, street scene services (including grounds maintenance), trees (except trees on or affecting highways), health and safety, food safety, animal welfare, consumer protection, trading standards and weights and measures.
3. To exercise the functions of the Council relating to the enforcement of all relevant legislation relating to the registration and licensing functions within the remit of the Neighbourhoods Directorate or the Growth and Development Directorate (other than private hire and hackney carriage) including the authorisation of officers to enter on to land and premises to carry out their duties.
- 3A. Without prejudice to the specific delegations of the Director of Highways, to exercise a strategic overview of the Council's functions and services relating to highways, traffic, environmental health, environmental services, waste, environmental protection, pollution control, trading standards, street scene services (including grounds maintenance), sports and recreational facilities, sports development, parks and recreational open spaces and community and cultural services, including art galleries, museums, libraries and theatres.
4. To discharge the Council's functions as a "responsible authority" as defined by Section 13(4) (za) of the Licensing Act 2003.
5. To discharge the Council's functions as a "responsible authority" as defined by Section 157(a) of the Gambling Act 2005.
6. [...]
7. To take any urgent action, **that is not otherwise delegated to the Strategic Director (Neighbourhoods)**, in connection with the **functional areas** set out below 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.

### Art Galleries and Museums

- 7A. 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 the above:

- 7B. 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 Schools, Culture and Leisure.
- 7C. To determine grants, contributions, subscriptions or loans in appropriate cases to bodies or organisations for the provision of artistic activities in the City.
- 7D. To maintain war memorials and public statues.

### NON-EXECUTIVE FUNCTIONS

- 7E. 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).

### Environmental Health

8. The inspection of the Authority’s area to detect any statutory nuisance under Section 79 of the Environmental Protection Act 1990.
9. The investigation of any complaint as to the existence of a statutory nuisance under Section 79 of the Environmental Protection Act 1990.
10. The service of an abatement notice in respect of a statutory nuisance under Section 80 of the Environmental Protection Act 1990.
11. 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.
12. 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.
13. 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.



14. Power to transfer enforcement functions to another enforcement authority pursuant to the Smoke-free (Premises and Enforcement) Regulations 2006.
15. 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").
16. To exercise the Council's powers to order reduction of gas, vapour or fumes coming from chimneys under Section 36 of the Local Act.
17. To exercise the Council's powers to require the owner to provide adequate means of lighting in habitable rooms under Section 48 of the Local Act.
18. 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.
19. Power to register and license premises for the preparation of food under Section 19 of the Food Safety Act 1990.

### Markets

20. To require information to allow the Council to discharge its duties and powers in relation to markets.
21. To enter into a composition with any person with respect to Payment of Tolls under Section 117 of the Local Act.
22. 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 (excluding any property matters which are to be exercised by the Strategic Director (Growth and Development)).

### Highways

23. Powers relating to the removal of things so deposited on highways as to be a nuisance under Section 149 of the Highways Act 1980 ("the 1980 Act").
24. Power in relation to enforcement in relation to the making of openings into cellars etc. under streets, and pavement lights and ventilators under Section 180 of the 1980 Act.
25. Power in relation to enforcement regarding the deposit of builders' skips on highway under Section 139 of the 1980 Act.
- 25A. To consider and determine, in consultation with the Executive Member for Environment, Planning and Transport, objections and representations in respect of the proposed granting of licences under Section 115E of the Highways Act 1980.
- 25B. To consider and determine, in consultation with the Executive Member for the Environment, Planning and Transport, objections and representations of proposed Orders concerning pay and display car parks.

Licensing

- 25C. 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.

Miscellaneous

26. To exercise the powers of the Council to take enforcement action in relation to street trading under the Local Government (Miscellaneous Provisions) Act 1982 and the Manchester City Council Act 2010.
27. To exercise powers in relation to the repair of walls etc. of yards under Section 43 of the Local Act.
28. Power (subject to consultation with the Director of Planning, Building Control and Licensing) to require proper maintenance of land under Section 215(1) of the Town and Country Planning Act 1990 and to authorise the City Solicitor to prepare and serve notices under Section 215.
29. [...]
30. To licence market trading under Part III of, and Schedule 4, to the Local Government (Miscellaneous Provisions) Act 1982.
31. To discharge the Council's functions in relation to the prohibition of interference with bird traps under Section 53 of the Local Act.

EXECUTIVE FUNCTIONSCrime and Disorder Strategy

32. 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 the above:

33. To discharge the functions of the Council under the Anti-Social Behaviour Crime and Policing Act 2014 and specifically in relation to anti-social behaviour injunctions (and supervision and detention orders) criminal behaviour orders, community protection notices, public spaces protection orders (in consultation with the Deputy Leader when considering and determining objections and representations in respect of proposed public spaces protection orders affecting highways), closure notices and closure orders under that Act.
- 33A To be accountable for discharging the Council's functions in relation to domestic violence, the Manchester Multi Agency Risk Conference (MARAC) and the Greater Manchester Multi Agency Public Protection Arrangements (MAPPA).**

34. To discharge the functions of the Council in relation to Mediation Services.

### Environmental Health

35. To exercise the functions of the Council under Part II of the Environmental Protection Act 1990.
36. To serve statutory notices in respect of the removal of waste from land.
37. 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.
38. To serve statutory notices in respect of the removal of litter from land.
39. To exercise the Council's powers in relation to the control of the carriage and storage of waste food under Section 35 of the Local Act.
40. To deal with applications relating to the control of noise on construction etc., sites.
41. To exercise powers relating to the prior approval of new furnaces and to the height of chimneys.
42. To exercise powers and regulations made relating to the control and measurement of grit and dust.
43. To take action necessary for the removal of asbestos.
44. To discharge the functions of the Council under the Environmental Permitting (England and Wales) Regulations 2016.
45. To exercise the Council's functions in relation to Environmental Health, and as food authority under EU Food Hygiene Regulations, the Food Safety Act 1990 and the Food Safety and Hygiene (England) Regulations 2013.

Without prejudice to the generality of the above:

46. 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.
47. 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.
48. To exercise the Council's functions under The Cattle Identification Regulations 2007.
49. To exercise the Council's functions under the Pigs (Records, Identification and Movement) Order 2011.

50. To exercise the Council's functions under the Animal By-Products (Enforcement) (England) Regulations 2011.
51. Powers of entry under Section 38 of the Local Act for enforcement under Prevention of Damage by Pests Act 1949.
52. To approve the Council's Annual Food Plan in consultation with the Executive Member for Neighbourhoods.
53. Save where functions are reserved in legislation or by Regulations to the Director of Population Health and Wellbeing to exercise public health enforcement functions and powers, including in relation to the:
  - a. Public Health (Control of Disease) Act 1984 and Regulations made thereunder
  - b. Public Health (Ships) Regulations 1979
  - c. Public Health (Aircraft) Regulations 1979
  - d. Public Health (Aircraft)(Amendment)(England) Regulations 2007
  - e. Public Health (Aircraft & Ships)(Amendment) Regulations 2007.
54. To consider and determine representations made under Part 4 of the Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.
- 54A. To discharge the functions of the Council under sections 59-61, 63 and 95-101 of the Building Act 1984 except, and insofar, as the function has been delegated to the Director of Planning, Building Control and Licensing.**

#### Waste and Cleansing

55. To exercise the functions of the Council in relation to waste and cleansing.

#### Housing

56. 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 legislation:
  - 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
  - k. Protection from Eviction Act 1977
  - l. Housing Act 1985
  - m. Housing Act 2004
  - n. Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014

- o. Smoke and Carbon Monoxide Alarm (England) Regulations 2015
- p. Anti-social Behaviour, Crime and Policing Act 2014

- 57. To exercise the Council's powers in relation to the temporary repair of defective premises under Section 44 of the Local Act.
- 58. To exercise the Council's powers in relation to urgent repairs to water, gas and electricity apparatus under Section 47 of the Local Act.
- 59. To exercise powers relating to the cleansing and disinfection of premises and the temporary removal of occupants.

#### Street Scene Services (including Grounds Maintenance)

- 60. To discharge the functions of the Council relating to grounds maintenance (**excluding schools**), street cleansing, arboriculture services and the removal of graffiti etc.
- 61. 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.

#### Sport and Leisure

- 62. To determine applications for the concessionary use of recreational facilities.
- 63. 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.
- 64. To determine the use of recreational facilities for events under Pleasure Fairs.
- 65. To determine applications for the hire of bands, concert parties and entertainments in recreational facilities.
- 66. To approve Programmes of Events.
- 67. To set tariffs and charges for use of Council controlled leisure facilities.
- 68. Closure of parks under Section 12 of the Local Act.
- 69. Provision of parking places in parks, etc. under Section 13 of the Local Act.
- 70. Provision of vehicles in parks, etc. under Section 14 of the Local Act.
- 71. Contribution towards provision of recreational facilities under Section 15 of the Local Act.

#### Libraries

- 72. **To discharge all operational functions of the Council relating to libraries.**

Catering Services

- 73.** To manage the service delivery of Manchester Fayre including catering in parks and catering concessions, school meals services and catering for the **Children’s and Education Directorate and the Adult Social Services Directorate** (e.g. Day Care Centres).
- 74.** To exercise or waive the rights to sole and exclusive catering rights within all Council establishments.
- 75.** To hire 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.

Miscellaneous

- 76.** To operate a Dog Control Service (including the control of stray dogs).
- 77.** To exercise the Council’s powers in relation to the control of stray dogs under Section 42 of the Local Act.
- 78.** To take action for the seizure and retention, or destruction, or disposal of animals in circumstances where emergency action is warranted.
- 79.** To exercise the functions of the Council relating to 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).
- 80.** To issue fixed penalty notices for offences under Section 224 of the Town and Country Planning Act 1990.
- 81.** To authorise officers to serve suspension notices under the provisions of the Consumer Protection Act 1987.
- 82.** To prepare where necessary statutory statements for works carried out by the Direct Labour Organisations (“DLOs”) / Direct Service Organisations (“DSOs”) within the directorate including street cleansing, grounds maintenance, fleet management, vehicle maintenance, street lighting, highways, building cleansing.

**82A To discharge the functions of the authority in relation to the youth service.**Highways

- 83.** The Council’s functions under the following provisions of the Highways Act 1980:
- Section 131 (Penalty for Damaging Highway etc.).
  - Section 131A (Disturbance of Surface of Certain Highways).
  - Section 132 (Unauthorised Marks on Highway).
  - Section 140 (Removal of Builders’ Skips).

- Section 143 (Power to Remove Structures from Highways).
- Section 151 (Prevention of soil etc. being washed on to street).
- Section 153 (Doors etc. in streets not to open outwards).
- Section 154 (Cutting or felling etc. trees etc. that overhang or are a danger to roads or footpaths).
- Section 163 (Prevention of water falling on or flowing on to highway).
- Section 164 (Power to require removal of barbed wire).
- Section 165 (Dangerous land adjoining street).
- Section 184 (Vehicle crossings over footways and verges), to the extent that it relates to enforcement activity.

84. To consider and determine, in consultation with the Executive Member for Environment, Planning and Transport, 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.

#### Bereavement Services

85. 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).
86. To arrange and undertake cremations and associated activities under the Regulations as to Cremation 1930 (as amended) and the Environmental Protection Act 1990.
87. To arrange for the provision of a municipal funeral service under the Local Government Act 1972.
88. To maintain Closed Churchyards (where parochial church council has handed over responsibility to maintain to the Council) under Section 215 of the Local Government Act 1972.

#### Pest Control

89. To be responsible for the Council's pest control service, **including the discharge of the Council's functions in relation to the control of rats and mice under Section 37 of the Local Act.**

#### Manchester Markets

90. To discharge the functions of the Council relating to Manchester Markets.
91. To revoke and suspend market traders' licences.

Without prejudice to the generality of the above, to determine the following matters:-

92. Allocation, letting or revocation of stalls and premises to traders; applications for occupants of markets to install equipment in connection with their business;
93. Routine assignment of tenancies;
94. Minor variations in type of business and change of names;
95. Charity collections in markets;
96. Applications for licences for privately operated specialist markets and the level of licence fees;
97. Applications for licences for charity car boot sales; and
98. Legal action as necessary in order to protect the Council's market rights in consultation with the City Solicitor.

#### Fleet Management

99. 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.
100. To arrange for the management of the Council's vehicle fleet including the disposal of surplus vehicles.
101. **To determine applications to advertise on Council vehicles.**

#### CCTV Cameras

102. **To operate or commission the operation of CCTV surveillance systems in connection with the functions of the Council on Bus Lanes and Public Open Spaces.**

#### Agreements

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

*The STRATEGIC DIRECTOR (NEIGHBOURHOODS) is the Chair of the Channel Panel that has been established by the Council.*



## **DIRECTOR OF POPULATION HEALTH AND WELLBEING**

The holder of the post of Director of Population Health and Wellbeing shall be responsible for 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 the Council and officers of the Council with expert, objective advice on health matters.
2. Discharge the Council's duty under Section 2B of the National Health Act 2006 and the Health and Social Care Act 2012 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 the Council considers appropriate).
3. Discharge any of the Secretary of State's public health protection or health improvement functions that s/he delegates to the 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 in 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 the Council's functions in planning for, and responding to emergencies that present a risk to public health.
6. Discharge the Council's functions in relation to dental public health under Section 111 of the National Health Service Act 2006.
7. Discharge any functions imposed on the 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 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, 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 the 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.
14. To support the Health and Wellbeing Board in its operation as a Committee of the 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 the Council's public health response as a responsible authority under the Licensing Act 2003.
17. To discharge the Council's function under the Healthy Start and Welfare Food Regulations 2005 (as amended) in relation to providing Healthy Start vitamins where the 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 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.
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 discharge the functions of the Council under the Public Health (Control of Disease) Act 1984 and Regulations made under that Act, in consultation with the Chief Operating Officer – Neighbourhoods where appropriate.
22. To authorise, in consultation with the Deputy Chief Executive and City Treasurer and (where more than £500) the Executive Member for Finance and Human Resources,

discretionary compensation to persons excluded from work because of infection or contamination.

23. To provide specific services or take particular steps set out in the Local Authorities (Public Health Functions and Entry to Premise by Local Healthwatch Representatives) Regulations 2013.
24. To exercise any of the public health functions of the Secretary of State (so far as relating to the health of the public in the Council's area) by taking such steps as may be prescribed by regulations made under Section 6C of the NHS Act 2006.
25. **Subject to consultation with the City Solicitor to enter into Agreements in relation to any of the above matters.**

# **CHAPTER 3A**

## **DIRECTOR OF HIGHWAYS**

The holder of the post of Director of Highways shall be responsible for the management of the Highways Division of the Neighbourhoods Directorate 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 either be Executive or Non-Executive depending on the circumstances:

1. To 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. Without prejudice to the specific delegations of other officers, to exercise a strategic overview of the Council's functions in relation to bus lanes/CCTV, community transport, Manchester Contracts and parking.

## **NON-EXECUTIVE FUNCTIONS**

### **HIGHWAYS**

3. 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 Act").
4. 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.
5. Duty to keep register of information with respect to maps, statements and declarations under Section 31A of the 1980 Act.
6. 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.
7. 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.
8. 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.

9. 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
10. 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.
11. 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.
12. Power to require applicant for order to enter into agreement under Section 119C(3) of the 1980 Act.
13. Power to make Site of Special Scientific Interest (SSSI) diversion orders (subject to consultation with the Chair of the Planning and Highways Committee) under Section 119D of the 1980 Act.
14. Duty to assert and protect the rights of the public to use and enjoyment of highways under Section 130 of the 1980 Act.
15. Duty to serve notice of proposed action in relation to obstruction under Section 130A of the 1980 Act.
16. Power to apply for variation of order under Section 130B of the 1980 Act.
17. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway under Section 135 of the 1980 Act.
18. Power to permit deposit of builders' skips under Section 139 of the 1980 Act.
19. Power to licence 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.
20. Power to authorise erection of stiles etc. on footpaths or bridleways under Section 147 of the 1980 Act.
21. Power to licence works in relation to buildings etc. which obstruct the highway under Section 169 of the 1980 Act.
22. Power to consent to temporary deposits or excavations in streets under Section 171 of the 1980 Act.
23. Power to dispense with obligation to erect hoarding or fence under Section 172 of the 1980 Act.
24. Power to restrict the placing of rails, beams etc. over streets under Section 178 of the 1980 Act.
25. Power to consent to construction of cellars etc. under streets under Section 179 of the 1980 Act.

26. 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.
27. 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.
28. Duty to keep definitive map and statement under review under Section 53 of the Wildlife and Countryside Act 1981.
29. Power to include modifications in other orders under Section 53A of the Wildlife and Countryside Act 1981.
30. 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.
31. 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.
32. Power to designate footpath as cycle track under Section 3 of the Cycle Tracks Act 1984.
33. Power to extinguish public right of way over land acquired for clearance under Section 294 of the Housing Act 1981
34. 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.
35. 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.
36. 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.
37. Power to enter into agreements with respect to means of access under Section 35 of the Countryside and Rights of Way Act 2000.
38. Power to provide access in absence of agreement under Section 37 of the Countryside and Rights of Way Act 2000.
39. Power to grant a street works licence under Section 50 of the New Roads and Street Works Act 1991.
40. 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 such Section 115E proposals to the Strategic Director (Neighbourhoods) and to take enforcement action under Section 115K in

respect of failure to comply with the terms of any such permission granted under Section 115E.

41. 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, insofar as it relates to the above delegation.

### EXECUTIVE FUNCTIONS

42. In consultation with the Executive Member for the Environment, Planning and Transport, to:
- a. 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 the referral of objections/representations received in relation to proposed orders to the Strategic Director (Neighbourhoods);
  - b. Approve the constructions of road humps and other traffic calming measures subject to the referral of the objections/representations received in response to proposals for road humps to the Strategic Director (Neighbourhoods);
  - c. 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;
  - d. Approve the making of applications to the magistrates court under Section 116 of the 1980 Act for orders for stopping up and/or diverting highways 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;
  - e. 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 the off street car parks) and instruct the City Solicitor to carry out the necessary formalities to implement these changes.
43. 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 Neighbourhoods.
44. In consultation with the Executive Member for Children's Services to make arrangements for the provision of school crossing patrols.
45. Except as provided above or:
- (a) Where the functions are non-executive; or
  - (b) Where they are specifically delegated to other officers;
  - (c) Where they are delegated to the Greater Manchester Combined Authority;

(d) Where they are delegated to a joint committee,

to discharge any Council's functions:

- (a) relating to highways including as the Highway Authority (including but not limited to functions under the Highways Act 1980);
- (b) as a Traffic Authority (including but not limited to functions under the Road Traffic Regulation Act 1984, the Traffic Management Act 2004);
- (c) in relation to highways and traffic under the Town and Police Clauses Act 1847;
- (d) as a Street Authority (including but not limited to functions under the new Roads and Street Works Act 1991);
- (e) under the Transport Act 2000;
- (f) as a Permit Authority, (including but not limited to functions under the Traffic Management Act 2004 in respect of the Greater Manchester Road Activity Permit Scheme);
- (g) 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;
- (h) under Sections 21, 26 to 28 and 164 of the Greater Manchester Act 1981;
- (i) And any other functions in relation to:
  - vii) Traffic Management
  - viii) Transportation
  - ix) Network management and maintenance
  - x) Street lighting
  - xi) Design and consultancy
  - xii) Traffic commissioners and heavy goods vehicle operators' licences
  - xiii) Consultations on the highway/traffic implications of planning proposals

### **FLOOD AND WATER MANAGEMENT**

- 46. 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.
- 47. Without prejudice to the generality of the 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.
- 48. To perform the enforcement functions of the Council regarding reservoirs.



49. To exercise the Council's remedial and enforcement functions in relation to watercourses, non-main rivers classified as streams, brooks and ditches etc.
50. Establishing and maintaining a "register" of flood risk structures and features under Section 21 of the Flood Act.
51. To determine plans relating to schemes for culverting watercourses.

**CCTV Cameras**

52. To operate or commission (in consultation with the Strategic Director (Neighbourhoods)) the operation of CCTV surveillance systems in connection with the functions of the Council on Bus Lanes and Public Open Spaces.

**Miscellaneous**

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

## **DIRECTOR OF HR and OD**

The holder of the post of Director of HR **and** OD shall be responsible for the management of the HROD Department of the Corporate Core 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:

1. Implement and adopt nationally negotiated decisions on conditions of service and pay awards.
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.

**DIRECTOR OF ICT**

The holder of the post of Director of ICT shall be responsible for the management of the ICT Service operating from within the Corporate Core 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:

1. Develop, implement and deliver an ICT Strategy;
2. Develop the Digital Strategy;
3. Approve information governance policies and guidance, where they relate specifically to Information and Communications Technology (ICT) matters.

## **DIRECTOR OF EDUCATION**

The holder of the post of Director of Education shall be responsible for the management of the Education Department of the Children's and Education Services Directorate 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. To discharge the functions conferred on or exercisable by the Council in relation to adult education and skills training.
2. Without prejudice to the generality of the above, to discharge:
  - a) Functions under Section 120(3) of the Education Reform Act 1988 (functions of LEAs with respect to higher and further education);
  - b) Functions under Section 85(2) and (3) of the Further and Higher Education Act 1992 (finance and government of locally funded further and higher education);
  - c) Functions under Section 15B of the Education Act 1996 (education for persons who have attained the age of 19);
  - d) Functions under Section 22 of the Teaching and Higher Education Act 1998 (financial support to students).

**DEPUTY CITY TREASURER**

The Deputy City Treasurer shall be responsible for the management of the Commercial Unit and for supporting the Deputy Chief Executive and City Treasurer in the exercise of statutory Chief Finance Officer functions.

*The DEPUTY CITY TREASURER has been appointed as the DEPUTY CHIEF FINANCE OFFICER.*

## DIRECTOR OF PLANNING, BUILDING CONTROL AND LICENSING

The holder of the post of Director of Planning, Building Control and Licensing shall be responsible for the management of the Planning Division within the Growth and Development 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.

### General Functions

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

1. [...]
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
  - delegated to another Officer; 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 all relevant legislation relating to the Council's licensing functions within the remit of the Growth and Development Directorate, but not those licensing enforcement functions specifically delegated to the Strategic Director (Neighbourhoods).

Without prejudice to the generality of the above:

5. To take any urgent action, **that is not otherwise delegated to the Director of Planning, Building Control and Licensing**, 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 Director of Planning, Building Control and Licensing.
7. [...].

8. [...].
9. [...].
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 1990 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.
16. 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 make a direction restricting permitted development pursuant to Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

### **Non-Executive Functions**

- 16A Duty to enter land in Part 2 of the brownfield land register pursuant to Regulations 3 and 5 of the Town & Country Planning (Brownfield Land Register) Regulations 2017.
17. To **obtain information** under Section 330 of the 1990 Act **as to interests in land**.
18. To exercise the Council’s powers in relation to the weatherproofing of property under Section 50 of the Greater Manchester Act 1981 (“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 to 73 of the Local Act.
23. Power to decline to determine application for planning permission under Section 70A of the 1990 Act.
24. To refuse applications for planning consent, and for listed building 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 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 15-27, 32-35 and 40-43 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 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).
- 27A. To refuse applications for planning permission in principle, under Section 59A(1)(b) of the 1990 Act and Article 5A(1) of the Town and Country Planning (Permission in Principle) Order 2017, where the proposal is clearly contrary to approved Council planning policies.
- 27B. To approve (including approvals subject to conditions) applications for planning permission in principle, under Section 59A(1)(b) of the 1990 Act and Article 5A(1) of the Town and Country Planning (Permission in Principle) Order 2017, 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, 8, 9, 11, and 15 to 18 of schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.
29. Power to enter into agreements under Section 106 of the 1990 Act.



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 (subject to consultation with the Strategic Director (Neighbourhoods)) to require proper maintenance of land under Section 215(1) of the 1990 Act.
41. [...]
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. 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 and Conservation Areas) Act 1990 as well as Regulations 3 to 6 and 13 of the Planning (Listed Buildings and Buildings and Conservation Areas) Regulations 1990.

44. Power to issue enforcement notice in relation to a listed building under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
45. Power to apply for an injunction in relation to a listed building under Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
46. Powers to acquire a listed building in need of repair and to serve a repairs notice under Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
47. Power to execute urgent works under Section 54 of the Planning (Listed Buildings and 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, 198, 200, 202 and 206 to 214D of the 1990 Act as well as the Town and Country Planning (Tree Preservation) (England) 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.
54. Power to grant permission under Section 115E of the Highways Act 1980 (“the 1980 Act”) 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 such Section 115E proposals to the Strategic Director (Neighbourhoods)) and to take any enforcement action under Section 115K in respect of failure to comply with the terms of any such permission granted under Section 115E.
55. 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, insofar as it relates to the above delegation.
56. In consultation with the Chair of the Planning and Highways Committee, to make arrangements with another local authority for the Council to discharge that other

authority's non-executive functions relating to cross-boundary planning matters affecting the local authority areas of both the Council and that other authority.

57. Power to enter into agreements under Section 26A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Heritage Partnership Agreements), provided that (where the agreement grants listed building consent) either there is no objection from a third party of a planning nature or, where there are objections of a planning nature from third parties, the proposal is clearly in accordance with approved Council planning policies.

#### Licensing and Registration Functions

58. To exercise the functions of the Council relating to the administration of all relevant legislation relating to the Council's licensing functions.

Without prejudice to the generality of the above:

#### Under the Licensing Act 2003

59. 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 or where any police objection has been withdrawn.
  - (b) To reject an application for personal licence where it appears that the applicant fails to meet the condition in Section 120(2)(a), (aa), (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 or where any police objection has been withdrawn.
  - (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 or where any police objection has been withdrawn.
  - (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 or where any police objection has been withdrawn.
  - (l) To make a decision as to whether a complaint/representation is irrelevant, frivolous, vexatious etc.

- (m) To make a decision as to whether a ground for review is irrelevant, frivolous, vexatious etc.
- (n) Determination of applications to vary premises licence at community premises to include alternative licence condition, where no police objection is made or where any police objection has been withdrawn.
- (o) To make a decision as to whether or not to give consideration to revoke or suspend a personal licence, and to give notice to the licence holder following convictions or immigration premises.
- (p) To make a decision as to whether there has been a material change of circumstances in cases of representations against any interim steps taken pending review.

### Under the Gambling Act 2005

60. 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.
61. 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, Planning and Transport and to produce a monitoring report for the information of the Licensing Committee.
62. [...]

### General Licensing and Registration Functions

- 63. The registration of Hairdressers and Barbers under Section 30 of the Greater Manchester Act 1981 ("the Local Act").
- 64. The registration of Acupuncturists, Tattooists, Ear Piercers, Electrolysis etc. under Section 32 of the Local Act.
- 65. The registration of dealings in Second Hand Goods under Section 54 of the Local Act.
- 66. The discharge of the functions under Section 60 of the Local Act relating to Touting, Hawking, Photographing etc.

67. The registration of Entertainment Clubs under Sections 74 to 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.
68. Power to require information as to goods sold in any market carried on by the Council under Section 118 of the Local Act.
69. The registration of Night Cafes in Manchester under Sections 136 to 141 and 143 to 144 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.
70. 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.
71. 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.
72. Power to license the use of moveable dwellings and camping sites under Section 269(1) of the Public Health Act 1936.
73. 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.
74. 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.
75. 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.
76. To exercise the functions of the Council relating to the enforcement of all relevant legislation relating to the Council's private hire and hackney carriage licensing functions including the authorisation of legal proceedings and the authorisation of officers to enter on to land and premises to carry out their duties.
77. [...]
78. 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.
79. Power to license performances of hypnotism under the Hypnotism Act 1952.

80. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis under Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
81. Power to license pleasure boats and pleasure vessels under Section 94 of the Public Health Acts Amendment Act 1907.
82. Power to license street trading under Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
83. 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.
84. Power to license or register activities involving animals including 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; and Section 13 of the Animal Welfare Act 2006.
85. Power to register animal trainers and exhibitors under Section 1 of the Performing Animals (Regulation) Act 1925.
86. Power to license zoos under Section 1 of the Zoo Licensing Act 1981.
87. Power to license dangerous wild animals under Section 1 of the Dangerous Wild Animals Act 1976.
88. 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.
89. Power to grant consent for the operation of a loudspeaker under Schedule 2 to the Noise and Statutory Nuisance Act 1993.
- 89A. Power (subject to consultation with the Strategic Director (Children's and Education Services)) to licence 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).
- 89B. To exercise the functions of the Council relating to pavement licences under Sections 1 to 7 of the Business and Planning Act 2020**

### **Executive Functions**

90. After consultation with the City Solicitor, to issue certificates of alternative development under the Land Compensation Act 1961.
91. [...].

92. [...].
93. [...]
94. To exercise the functions of the Council as a mineral planning authority as set out in the Environment Act 1995.
95. To adopt screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.
96. 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).
97. 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).
98. 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).
99. To exercise the functions set out in the Building (Local Authority Charges) Regulations 2010.
100. In conjunction with the Deputy Chief Executive and City Treasurer, to enter into agreements for the purchase and supply of energy and water.
101. To administer the Council's Disabled Access grants scheme.
102. 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.
103. To exercise the Council's powers in relation to the vesting of former highway land under Section 29 of the Greater Manchester Act 1981.
104. To approve non material changes to planning permission under Section 96A of the Town and Country Planning Act 1990.
105. Powers in respect of licences under the provisions of the Scrap Metal Dealers Act 2013.

### **Miscellaneous**

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

# **CHAPTER 3B**

## **DIRECTOR OF DEVELOPMENT AND CORPORATE ESTATE**

### **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.



## **DIRECTOR OF CAPITAL PROGRAMMES**

### **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 Housing and Regeneration (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).

## **HEAD OF WORK AND SKILLS**

### **EXECUTIVE FUNCTION**

#### **Assets of Community Value**

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 Chief Officers/Heads of Service and the relevant Directorate Executive Member.

**DIRECTOR OF COMMERCIAL AND OPERATIONS**

**EXECUTIVE FUNCTION**

**Markets**

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

**STRATEGIC LEAD (COMPLIANCE AND COMMUNITY SAFETY)**

**EXECUTIVE FUNCTION**

To exercise the Council's functions under the Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 (except for functions under Part 4 of the Regulations concerning the consideration and determination of representations).

**PREVENT AND COMMUNITY COHESION COORDINATOR**

**EXECUTIVE FUNCTION**

To make referrals to the Channel Panel.

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# **PART 4**

# **RULES OF PROCEDURE**

# CONTENTS

<b>Section A.</b>	Council Procedure Rules
<b>Section B.</b>	Access to Information Procedure Rules
<b>Section C.</b>	Budget and Policy Framework Procedure Rules
<b>Section D.</b>	Executive Procedure Rules
<b>Section E.</b>	Scrutiny Procedure Rules
<b>Section F.</b>	Officer Employment Procedure Rules



**COUNCIL PROCEDURE RULES**

**Part 4**

**Section A**

**Council Procedure Rules**

## COUNCIL PROCEDURE RULES

## SECTION A: COUNCIL PROCEDURE RULES

**CONTENTS**

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

- Rule 1. Interpretation and Chair’s Ruling**
- Rule 2. Suspension and Amendment of Rules**
- Rule 3. Lord Mayor and Deputy Lord Mayor**
- Rule 4. Political Groups and Leaders**
- Rule 5. Establishment of Committees and Sub-Committees**
- Rule 6. Membership of Committees, Sub-Committees, Joint Authorities and Joint Committees**
- Rule 7. The Leader and Executive**
- Rule 8. Chairs and Deputy Chairs**
- Rule 9. Decisions Taken under Delegated Powers**
- Rule 10. Convening Meetings**
- Rule 11. Cancelling Meetings**
- Rule 12. Withdrawal of Items from Agenda**
- Rule 13. Order of Business**
- Rule 13A. Petitions Requiring Debate**
- Rule 14. Notices of Motion to Council**
- Rule 15. Quorum**
- Rule 16. Minutes of Meetings**
- Rule 17. Committee Minutes/Reports Submitted to Council**
- Rule 18. Amendments to be Moved at Council**
- Rule 19. Motions Without Notice at Council**
- Rule 20. Submission of Motions and Amendments**
- Rule 21. Speeches at Council**
- Rule 22. Voting**
- Rule 23. Questions at Council**
- Rule 24. [...]**
- Rule 25. Previous Decisions and Motions (Six Months’ Rule)**
- Rule 26. Conduct at Meetings**
- Rule 27. Duration of Council Meetings**
- Rule 28. Recording and Filming of Meetings**
- Rule 29. Notification and Declaration of Interests**
- Rule 30. Non-participation and withdrawal in the case of Disclosable Pecuniary Interests and Prejudicial Interests.**

## COUNCIL PROCEDURE RULES

### 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.

**COUNCIL PROCEDURE RULES****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;

## COUNCIL PROCEDURE RULES

- 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 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 Wellbeing 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 Not allocated.

## COUNCIL PROCEDURE RULES

- 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:
- Children and Young People
  - Communities and Equalities
  - Neighbourhoods and Environment
  - Economy
  - Health
  - Resources and Governance
- 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.

## COUNCIL PROCEDURE RULES

- 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) to (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: -

## COUNCIL PROCEDURE RULES

- 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 –



## COUNCIL PROCEDURE RULES

- (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 (c)(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.

## COUNCIL PROCEDURE RULES

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 working 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 working 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

## COUNCIL PROCEDURE RULES

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 **offices of the Council** normally within 2 working 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.

## COUNCIL PROCEDURE RULES

### 11 Cancellling 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 other than procedural matters such as the appointment of a Chair or the consideration of the minutes of a previous meeting.

### 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) ...
- i) ...

## COUNCIL PROCEDURE RULES

- j) ...
- k) Approval of dates of meetings.
- l) Approval of the non-executive parts of the Constitution, including approval of the delegation of the Council's non-executive functions in the Scheme of Delegation set out in Part 3 of this Constitution, **if in the opinion of the Monitoring officer there are any changes to the Constitution that should be made.**
- m) ...
- n) ...
- o) Any other business specified in the summons to the meeting.

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

- a) Where 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) Notices of Motion submitted under Rule 14.1 (to be dealt with in their order of receipt by the Chief Executive).
- f) 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.
- g) Any business remaining from previous meetings.
- h) Report of the Executive and any questions under Rules 23.2 and 23.3.
- i) Reports or minutes of scrutiny committees, including matters referred to Council by scrutiny committees.

## COUNCIL PROCEDURE RULES

- j) Minutes of other committees and any questions under Rules 23.2 and 23.3.
- k) ...
- 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**

**COUNCIL PROCEDURE RULES**

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 Subject to the exception in Rule 14.10, 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.

**COUNCIL PROCEDURE RULES**

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: -

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

[\*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



**COUNCIL PROCEDURE RULES**

- (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.

**COUNCIL PROCEDURE RULES**

- 18.3 When the Executive makes recommendations to the Council in relation to calculating the budget requirement and setting the Council tax, any amendments to those recommendations which affect those calculations or the level of Council tax must be submitted in writing and received by the Chief Executive by 4.00 p.m. on the seventh day after the meeting of the Executive. Any such amendment, together with the recommendations of the Executive, will be referred to the Resources and Governance 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 Resources and Governance Scrutiny Committee, nor will anything in Rule 18.3 require a further meeting of the Resources and Governance 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 All amendments submitted: -
- 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.

**COUNCIL PROCEDURE RULES**

- 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.

**COUNCIL PROCEDURE RULES**

- 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.

## COUNCIL PROCEDURE RULES

- 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.

**COUNCIL PROCEDURE RULES**

- 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 Executive 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 or by electronic voting system, 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.

## COUNCIL PROCEDURE RULES

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 52ZF 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

**COUNCIL PROCEDURE RULES**

- 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.
- 23.2A Questions that may be put to the Leader of the Council or to a member of the Executive under Rule 23.2 include questions about any matter which relates to the work of the following bodies on which the Council is represented by the Leader or a member of the Executive:
- a) The Greater Manchester Combined Authority;
  - b) The Greater Manchester Transport Committee; and
  - c) The Greater Manchester Police and Crime Panel.
- 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



## COUNCIL PROCEDURE RULES

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. [...]

### 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.

## COUNCIL PROCEDURE RULES

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

### **28. Recording, Filming, Photographing and other reporting of Meetings**

Where the public are admitted to council, committee or sub-committee meetings, then audio recording, filming, photographing or other reporting of proceedings may take place in accordance with Rule 3.2 of Section B of Part 4 of this Constitution.

### **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 voting 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 within 28 days of their election or appointment to office 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.

**COUNCIL PROCEDURE RULES****31. Honorary Titles and Awards**

- 31.1 The Council may, by a resolution passed by not less than two thirds of the members voting thereon at a meeting of the Council specially convened for the purpose with notice of the object given, confer the title of honorary aldermen or alderwomen on persons who have, in the opinion of the Council, rendered eminent services to the Council as past members of the Council, but who are not then members of the Council.
- 31.2 The Council may, by a resolution passed by not less than two thirds of the members voting thereon at a meeting of the Council specially convened for the purpose with notice of the object given, admit to be honorary freemen or honorary freewomen of the city, persons of distinction and persons who have, in the opinion of the Council, rendered eminent services to the city.
- 31.3 The Council may, by resolution at a meeting of the Council specially convened for the purpose with notice of the object given, formally recognise the outstanding contributions and achievements of individuals and organisations whatever their field or expertise under either of the categories described in Rules 31.4 and 31.5 below (the making of such a resolution to be known as “The City of Manchester Award”).
- 31.4 The first category referred to in Rule 31.3 (to be known as “Outstanding Contribution to Manchester”) shall relate to an individual or organisation who lives, works or studies in the city **(or who has previously lived, worked or studied in the city)** and who has, in the opinion of the Council, made such an exceptional contribution to Manchester that it should be formally recognised and recorded in the city’s history. Outstanding Contributions may arise from a one off event or specific achievement, or consistent excellence, which has had a positive impact on Manchester, its people or the city’s reputation nationally or internationally.
- 31.5 The second category referred to in Rule 31.3 (to be known as “Honorary Mancunian”) shall relate to an individual who does not live or work in the city but who by their actions has, in the opinion of the Council, made an exceptional contribution to the city, its people or the city’s reputation nationally or internationally.

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**ACCESS TO INFORMATION PROCEDURE RULES**

**Section B**

**Access To Information  
Procedure Rules**

**ACCESS TO INFORMATION PROCEDURE RULES****Part 4 - Section B: Access to Information Procedure Rules****CONTENTS**

- Rule 1. Scope**
- Rule 2. Definitions**
- Rule 3. Rights to Attend Meetings**
- Rule 4. Notices of Meetings**
- Rule 5. Access to Agenda and Reports Before Meeting**
- Rule 6. Supply of Copies**
- Rule 7. Access to Minutes Etc After the Meeting**
- Rule 8. Background Papers**
- Rule 9. Summary of Public's Rights**
- Rule 10. Exclusion of Access by the Public to Meetings**
- Rule 11. Exclusion of Access by Public to Reports**
- Rule 12. Business Containing Exempt Information**
- Rule 13. Public Rights of Appeal**
- Rule 14. Application of Rules to the Executive**
- Rule 15. Key Decisions**
- Rule 16. Publicity and Procedure in Connection with Key Decisions**
- Rule 17. General Exception**
- Rule 18. Special Urgency**
- Rule 19. Reports to Council**
- Rule 20. Procedures Prior to Private Meetings**
- Rule 21. Recordings of Executive Decisions made at Meetings**
- Rule 22. Recording of Executive Decisions made by Individuals**
- Rule 23. Recording of Non-Executive Decisions Made by Individuals**
- Rule 24. Scrutiny Committees Access to Documents**
- Rule 25. Additional Rights of Access for Members – The Executive**
- Rule 25A. Additional Rights of Access for Members – The Council**
- Rule 26. Rights of Members – “Need to Know”**

## ACCESS TO INFORMATION PROCEDURE RULES

### 1. SCOPE

- 1.1 Except as otherwise indicated, Rules 3 - 13 and Rule 26 apply to all meetings of the Council, scrutiny committees, area committees, the regulatory and other non-executive committees and sub-committees and meetings of the Executive and committees of the Executive (together called meetings). Rules 15 – 22 and 24 - 25 apply exclusively to executive decisions, meetings of the Executive and documents in the possession or under the control of the Executive.
- 1.2 These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### 2. DEFINITIONS

In these Rules: –

- (a) “decision-maker” means the decision-making body by which, or the individual by whom, a decision is taken;
- (b) “the decision-making body” includes the Executive or a committee of the Executive;
- (c) “executive decision” means a decision made or to be made by a decision-maker in connection with the discharge of a function which is the responsibility of the Executive;
- (d) “key decision” has the meaning given in Rule 15;
- (e) “political adviser or assistant” means a person appointed pursuant to section 9 of the Local Government and Housing Act 1989;
- (f) “private meeting” means a meeting, or part of a meeting, during which the public are excluded under Rule 10;
- (g) “public meeting” means a meeting which is open to the public in accordance with Rule 3;
- (h) “relevant scrutiny committee” means such scrutiny committee(s) as determined by the City Solicitor.

### 3. RIGHTS TO ATTEND MEETINGS

- 3.1 Members of the public may attend all meetings subject only to the exceptions in Rule 10.
- 3.2 While a meeting is open to the public any member of the public attending may report on that meeting by:
- (a) filming, photographing or making an audio recording of proceedings at a meeting;

**ACCESS TO INFORMATION PROCEDURE RULES**

- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- (c) reporting or providing commentary, in writing, on proceedings at a meeting so that the report or commentary is available as the meeting takes place or later to persons not present (oral reporting or commentary is not permitted during a meeting, but may be provided outside or after the meeting).

**4. NOTICES OF MEETINGS**

- 4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at the **offices of the Council** and on the Council's website.
- 4.2 Where the meeting is convened at shorter notice, notice will be posted at the time the meeting is convened.

**5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

- 5.1 Subject to Rule 11 a copy of the agenda and any report for a meeting will be available for public inspection at the **offices of the Council** and on the Council's website.
- 5.2 Any document which is required by Rule 5.1 to be **subject** to public inspection must be available for at least 5 clear days before the meeting except that -
  - (a) where the meeting is convened at shorter notice, a copy of the agenda and associated reports must be available for inspection when the meeting is convened; and
  - (b) where an item which would be available for public inspection is added to the agenda, copies of the revised agenda and any report relating to the item must be available for inspection when the item is added to the agenda.

**6. SUPPLY OF COPIES**

- 6.1 The Council will supply copies of:
  - (a) any agenda and reports which are open to public inspection;
  - (b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda; and
  - (c) if the City Solicitor thinks fit, copies of any other documents supplied to **Members** in connection with an item;



## ACCESS TO INFORMATION PROCEDURE RULES

to any person (including any newspaper) on payment of a charge for postage, copying and any other costs.

- 6.2 A reasonable number of copies of the agenda and reports for the public part of the meeting will be available for the use of members of the public present at the meeting.
- 6.3 The Council will also supply copies of documents available for public inspection under Rule 7 and Rule 8.2 to any person (including any newspaper) on payment of a charge for postage, copying or any other costs.

## 7. ACCESS TO MINUTES ETC AFTER THE MEETING

- 7.1 The Council will make available at the **offices of the Council** and on the Council's website as soon as reasonably practicable after a meeting copies of the following: -
- (a) the minutes of the meeting and records of decisions taken, together with reasons, at meetings of the **Executive**, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
  - (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - (c) the agenda for the meeting; and
  - (d) reports relating to items when the meeting was open to the public.
- 7.2 The above documents will be retained by the Council and be open to inspection for six years after the meeting.

## 8. BACKGROUND PAPERS

### 8.1 List of background papers

The relevant Chief Officer will set out in every report and with every written statement made under Rule 23.1 a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion: -

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule

## ACCESS TO INFORMATION PROCEDURE RULES

10) and in respect of executive reports, the advice of a political adviser or assistant.

### 8.2 Public inspection of background papers

The Council will make available for public inspection at the **offices of the Council** and (in the case of executive documents and non-executive delegated decisions falling within Rule 23.1) on the Council's website one copy of each of the documents on the list of background papers. Such papers will be available from the time the report or written statement (to which they are background papers) is available until four years after the date of the meeting.

## 9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and be available to the public at the **main office of the Council**.

## 10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

### 10.1 Confidential information - requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

### 10.2 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by reason of a Court Order or any enactment.

### 10.3 Exempt information - discretion to exclude public

The public may be excluded from meetings by a resolution passed by the meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

### 10.4 Meaning of exempt information

(a) Exempt information means information falling within the following 7 descriptions (subject to any qualifications).

	Description	Qualification
1.	Information relating to any individual	Information within paragraph 1 is exempt information if and so long, as in all the circumstances of the case, the

**ACCESS TO INFORMATION PROCEDURE RULES**

		public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2.	Information which is likely to reveal the identity of an individual.	Information within paragraph 2 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information within paragraph 3 is not exempt information if it is required to be registered under-</p> <ul style="list-style-type: none"> <li>(a) the Companies Acts (as defined in section 2 of the Companies Act 2006);</li> <li>(b) the Friendly Societies Act 1974;</li> <li>(c) the Friendly Societies Act 1992;</li> <li>(d) the Co-operative and Community Benefit Societies Act 2014;</li> <li>(e) the Building Societies Act 1986; or</li> <li>(f) the Charities Act 2011.</li> </ul> <p>Subject to the above, Information within paragraph 3 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and	Information within paragraph 4 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**ACCESS TO INFORMATION PROCEDURE RULES**

	employees of, or office holders under, the authority.	
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information within paragraph 5 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6	Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Information within paragraph 6 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Information within paragraph 7 is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

- 10.5 A member or members of the public may be excluded from a public meeting by use of a lawful power in order to maintain orderly conduct or prevent misbehaviour at a meeting.

**11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

- 11.1 If the City Solicitor thinks fit, the Council may exclude access by the public to the whole or part of any reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public.

## ACCESS TO INFORMATION PROCEDURE RULES

- 11.2 Where the whole or any part of a report is not available for public inspection by virtue of Rule 11.1 -
- (a) every copy of the whole report or part of the report must be marked "Not for Publication"; and
  - (b) there must be stated on every copy of the report -
    - (i) that it contains confidential information; or
    - (ii) by reference to Schedule 12A of the Local Government Act 1972, the description of the exempt information by virtue of which the public are likely to be excluded during consideration of the item.

## 12. BUSINESS CONTAINING EXEMPT INFORMATION

- 12.1 A member of the public may request the **Chief Officer** who wrote a report to be considered at any meeting of the Council, its Committees or Sub Committees or the Executive to:-
- (a) recommend that an item of business containing exempt information should be taken in public; and/or,
  - (b) allow him/her to inspect the report or any background document to a report.
- 12.2 Such a request must be made -
- (a) in the case of the meeting of the Executive or committee of the Executive where notice has been published under Rule 20.3, at least 6 clear days before the meeting; and
  - (b) in any other case, at least 48 hours before the meeting.
- 12.3 If such a request is refused, the **Chief Officer** must give a reason for the decision together with details of the appeals procedure under Rule 13.1
- 12.4 A decision by a **Chief Officer** under Rule 12.2 will remain valid unless altered on appeal to the meeting which is to consider the item concerned.

## 13. PUBLIC RIGHTS OF APPEAL

- 13.1 The procedure for appealing against a **Chief Officer's** decision in accordance with Rule 12.2 is as follows: -
- (a) The appellant must write to the Chief Executive giving details of the item concerned together with the reason (s) for his / her request at least 24 hours before the meeting in question. The

**ACCESS TO INFORMATION PROCEDURE RULES**

time of receipt of the appeal must be recorded as any received after this time will be invalid.

- (b) The appeal will be dealt with in private as the first item on the agenda.
- (c) Initially, only the **Chief Officer** (or representative) who refused the original request, the Chief Executive's representative and the **Members** concerned may be present.
- (d) The **Chief Officer** will report the matter to the meeting giving his/her reasons for the decision and **Members** will be allowed to ask questions.
- (e) The appellant will then be called into the meeting and the chair will summarise the reasons given for the refusal.
- (f) The appellant will give his / her reason (s) for the request and **Members** will be allowed to ask questions of the appellant and the **Chief Officer** but having regard to the confidentiality of the item.
- (g) Both parties will withdraw and the meeting will then consider and determine the appeal.

13.2 Where an appeal relates to the inspection of an exempt document and is not dealt with under Rule 13.1 (being made either after the meeting in question or less than 2 hours before), the following procedural timetable will apply: -

- (a) The appellant must submit the appeal in writing to the Chief Executive within 10 working days of the refusal by the **Chief Officer**;
- (b) The relevant body will determine the appeal within 8 weeks of its receipt.

## ACCESS TO INFORMATION PROCEDURE RULES

### 14. APPLICATION OF RULES TO THE EXECUTIVE

Rules 15 - 22 and 24 – 25 apply exclusively to executive decisions, meetings of the Executive and committees of the Executive, and documents in the possession or under the control of the Executive. Rules 3 - 13 and 26 also apply to meetings of the Executive and its committees.

### 15. KEY DECISIONS

15.1 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; 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.

15.2 For the purposes of (a) above significant expenditure or savings are expenditure or savings (including the receipt or loss of income or capital receipts) in excess of the lesser of £500,000 or (provided that it is not less than £50,000) 10% of the gross operating expenditure for any budget heading in the revenue budget approved by Council provided that the following decisions will not be key decisions, by virtue only of (a) above, whatever the level of expenditure or savings involved:

- (i) any decision to borrow money to meet the short term borrowing requirements of the Council, to fund the approved capital programme, to refinance maturing debt or to restructure the long term borrowing of the Council;
- (ii) any decision to invest funds in accordance with the Treasury Management Strategy approved by the Council;
- (iii) any decision implementing the business plan of any DSO/DLO with the exception of the letting of sub-contracts by the DSO/DLO with a value in excess of £250,000;
- (iv) any of the following decisions relating to the management of Council land subject to the Council obtaining best consideration: Rent reviews, release or waiver of covenants, short term leases (i.e. less than 7 years);
- (v) any decision to apply scheme-specific third party grants or contributions towards expenditure where the net cost to the City Council of the decision is below the level of significant expenditure or savings referred to above;

## ACCESS TO INFORMATION PROCEDURE RULES

- (vi) the settlement of any actual or threatened legal proceedings in the interests of the Council;
- (vii) the acceptance of tenders for contracts wholly or mainly involving capital expenditure where the Deputy Chief Executive and City Treasurer in consultation with the Executive Member for Finance and Human Resources, has previously issued formal capital expenditure approval for the scheme.

### 16. PUBLICITY AND PROCEDURE IN CONNECTION WITH KEY DECISIONS

16.1 Subject to Rule 17 (General Exception) and Rule 18 (Special Urgency), where a decision-maker intends to make a key decision, that decision must not be made unless at least 28 clear days before it is made -

- (a) a document is published containing the information set out in Rule 16.2; and
- (b) that document is made available at the **offices of the Council** and published on the Council's website.

16.2 The document published under Rule 16.1 must state -

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision-maker is an individual, that individual's name and title and, where the decision-maker is a body, its name and a list of its **Members**;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of documents submitted to the decision-maker for consideration in respect of the matter;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies or extracts of any document listed are available;
- (g) that other relevant documents may be submitted to the decision-maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

16.3 The document referred to above must not contain any confidential or exempt information or particulars of the advice of a political adviser or assistant, but should contain particulars of the matter to be decided.



## ACCESS TO INFORMATION PROCEDURE RULES

### 17. GENERAL EXCEPTION

17.1 Subject to Rule 18 (Special Urgency), where the publication of the intention to make a key decision under Rule 16 is impracticable, the decision may still be made but only if -

- (a) the City Solicitor has informed the chair of the relevant scrutiny committee or if there is no such person, each **Member** of that committee by notice in writing, of the matter about which the decision is to be made;
- (b) the City Solicitor has made a copy of that notice available to the public at the **main office** of the Council, and published it on the Council's website; and
- (c) at least 5 clear days have elapsed since the City Solicitor complied with (a) and (b).

17.2 As soon as reasonably practicable after the City Solicitor has complied with Rule 17.1 (a) and (b), he or she must make available at the **offices of the Council** a notice setting out the reasons why compliance with Rule 16 is impracticable and publish that notice on the Council's website

### 18. SPECIAL URGENCY

18.1. Where the date by which a key decision must be made, makes compliance with Rule 17 impracticable, the decision may only be made where the decision-maker may obtain agreement from -

- (a) the Chair of the relevant scrutiny committee; or
- (b) if there is no such person, or if the chair is unable to act, the Lord Mayor; or
- (c) where there is no chair of the relevant scrutiny committee or Lord Mayor, the Deputy Lord Mayor,

that the making of the decision is urgent and cannot reasonably be deferred.

18.2 As soon as reasonably practicable after the decision-maker has obtained such agreement under Rule 18.1, the decision-maker must make available at the **offices of the Council** a notice setting out the reasons that the making of this decision is urgent and cannot reasonably be deferred and publish that notice on the Council's website.

## ACCESS TO INFORMATION PROCEDURE RULES

### 19. REPORTS TO COUNCIL

#### 19.1 When a scrutiny committee can require a report

Where an executive decision has been made and -

- (a) was not treated as a key decision, and
- (b) a relevant scrutiny committee are of the opinion that the decision should have been treated as a key decision

that scrutiny committee may require the Executive to submit a report to Council within such reasonable period as the committee may specify, which shall normally be the next scheduled meeting of the Council.

#### 19.2 Executive's Report to Council

A report under Rule 19.1 must include details of -

- (a) the decision and the reasons for the decision;
- (b) the decision-maker by whom which the decision was made; and
- (c) if the Executive are of the opinion that the decision was not a key decision, the reasons for that opinion.

#### 19.3 Reports on special urgency decisions

The Leader or the City Solicitor will submit reports to the Council on the executive decisions taken in the circumstances set out in Rule 18 (special urgency) in the preceding cycle. The report will include the particulars of decisions so taken and a summary of the matters in respect of which those decisions were taken.

### 20. PROCEDURES PRIOR TO PRIVATE MEETINGS

20.1 The Executive and any committee of the Executive ("the decision-making body") must meet in public except to the extent that the public are excluded under Rule 10.

20.2 A "private meeting" means a meeting, or part of a meeting, of the Executive during which the public are excluded.

20.3 At least 28 days before a private meeting, the decision-making body or the City Solicitor acting on its behalf, must make available at the **offices of the Council** and publish on the Council's website a notice of its intention to hold the meeting or part of the meeting in private and a statement of the reasons for the meeting to be held in private.

20.4 At least 5 clear days before a private meeting, the decision-making body or the City Solicitor acting on its behalf, must make available at

## ACCESS TO INFORMATION PROCEDURE RULES

the **offices of the Council** and publish on the Council's website a notice which must include -

- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received by the decision-making body about why the meeting should be open to the public; and
- (c) a statement of its response to any such representations.

20.5 Where the date by which a meeting must be held makes compliance with these procedures impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from -

- (a) the chair of the relevant scrutiny committee; or
- (b) if there is no such person, or if the chair is unable to act, the Lord Mayor; or
- (c) where there is no chair or Lord Mayor, the Deputy Lord Mayor

that the meeting is urgent and cannot reasonably be deferred.

20.6 As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 20.5 to hold a private meeting, it must make available at the **main office** of the Council, and publish on the Council's website, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

## 21. RECORDING OF EXECUTIVE DECISIONS MADE AT MEETINGS

21.1 As soon as reasonably practicable after any meeting of the Executive or a committee of the Executive at which an executive decision was made, the City Solicitor must ensure that a written statement is produced for every executive decision made which includes the following information -

- (a) a record of the decision and the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

## ACCESS TO INFORMATION PROCEDURE RULES

### 22. RECORDING OF EXECUTIVE DECISIONS MADE BY INDIVIDUALS

- 22.1 As soon as reasonably practicable after an individual **Member** has made an executive decision, that **Member** must produce or instruct the City Solicitor to produce a written statement of that executive decision which includes the information specified in Rule 22.3.
- 22.2 As soon as reasonably practicable after an **Officer** has made a decision which is an executive decision, the **Officer** must produce a written statement including the information specified in Rule 22.3.
- 22.3 The statement referred to in Rule 22.1 and 22.2 should include -
- (a) a record of the decision including the date it was made;
  - (b) a record of the reasons for the decision;
  - (c) details of any alternative options considered and rejected when making the decision;
  - (d) a record of any conflict of interest declared by any **Executive Member** who is consulted by the **Member** or **Officer** which relates to the decision; and
  - (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.
- 22.4 Any written statement produced in accordance with this Rule, and any report considered by the individual **Member** or **Officer** relevant to a decision will be available for public inspection at the **offices of the Council** and on the Council's website.
- 22.5 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.

### 23. RECORDING OF NON-EXECUTIVE DECISIONS MADE BY INDIVIDUALS

- 23.1 As soon as reasonably practicable after an **Officer** has made a non-executive decision of the type in Rule 23.2, the **Officer** must produce a written statement including the information specified in Rule 23.3.
- 23.2 The non-executive decisions referred to in Rule 23.1 are those taken:
- (a) under a specific express authorisation; or
  - (b) under a general authorisation and the effect of the decision is to—
    - (i) grant a permission or licence;
    - (ii) affect the rights of an individual; or

## ACCESS TO INFORMATION PROCEDURE RULES

- (iii) award a contract or incur expenditure which materially affects the Council's financial position.

23.3 The statement referred to in Rule 23.1 should include -

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected when making the decision;
- (d) where the decision is taken under a specific express authorisation, the name of any member of the Council who has declared a conflict of interest in relation to the decision.

23.4 Any written statement produced in accordance with this Rule will be available for public inspection at the **offices of the Council** and on the Council's website.

23.5 Nothing in this Rule shall require the disclosure of confidential information or exempt information as defined in these Rules.

## 24. SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

### 24.1 Rights to copies

Subject to Rule 24.3, a member of a scrutiny committee will be entitled to copies of any document which is in the possession or control of the **Executive** and which contains material relating to: -

- (a) any business transacted at a meeting of the **Executive** or its committees; or
- (b) any decision taken by an individual member of the **Executive**; or
- (c) any decision made by an **Officer** in accordance with executive arrangements.

24.2 Where a member of a scrutiny committee requests a document under Rule 24.1, the **Executive** must provide the document as soon as reasonably practicable and in any case no later than 10 clear working days after the **Executive** receives the request.

### 24.3 Limit on rights

A member of a scrutiny committee will not be entitled to:-

- (a) any document that is in draft form;
- (b) any document that contains exempt or confidential information, unless that information is relevant to an action or decision they

## ACCESS TO INFORMATION PROCEDURE RULES

are reviewing or scrutinising or any review contained in the committee's programme of work; or

- (c) any document containing the advice of a political adviser or assistant.

24.4 Where the Executive determines that a member of a scrutiny committee is not entitled to a copy of a document requested, it must provide the scrutiny committee with a written statement setting out its reasons for that decision.

## 25. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS – THE EXECUTIVE

25.1 Subject to Rule 25.3, any document which -

- (a) is in the possession or under the control of the Executive; and
- (b) contains material relating to any business to be transacted at a public meeting,

must be available for inspection by any member of the Council for at least 5 clear days before the meeting except that -

- (i) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- (ii) where an item is added to the agenda at shorter notice, such a document must be available when the item is added to the agenda.

25.2 Subject to Rule 25.3, any document which is in the possession or under the control of the Executive, and contains material relating to -

- (a) any business transacted at a private meeting;
- (b) any decision made by an individual **Member** in accordance with executive arrangements, or
- (c) any decision made by an **Officer** in accordance with executive arrangements,

must be available for inspection by any **Member** of the Council when the meeting concludes or, where an executive decision is made by an individual **Member** or **Officer**, immediately after the decision has been made, and in any event no later than 24 hours after the conclusion of the meeting or the decision being made.

25.3 Rules 25.1 and 25.2 do not require a document to be available for inspection if -

## ACCESS TO INFORMATION PROCEDURE RULES

- (a) it contains advice provided by a political adviser or assistant, or
- (b) it appears to the City Solicitor to disclose exempt information under paragraphs 1, 2, 4, 5 and 7 of Schedule 12A to the Local Government Act 1972 (see Rule 10.4).
- (c) it appears to the City Solicitor to disclose exempt information under paragraph 3 of Schedule 12A, but only to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the cause of negotiations for a contract.

*[NB: documents containing exempt information by virtue of paragraph 3 (where 25.3 (c) does not apply) and paragraph 6 of Schedule 12A will be available under this Rule]*

- 25.4 The above rights are in addition to any other right that a **Member** of a local authority may have.

### 25A. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS – THE COUNCIL

**25A.1 Any document which is in the possession or under the control of the Council and contains material relating to any business to be transacted at a meeting of the Council or a committee or sub-committee of the Council shall be open to inspection by any Member of the Council.**

**25A.2 Rule 25A.1 above does not require the document to be open to inspection if it appears to the City Solicitor that it discloses exempt information. This Rule 25A.2 does not apply where the exempt information is information of a description for the time being falling within—**

- (a) paragraph 3 of Schedule 12A of the Local Government Act 1972 (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), or**
- (b) paragraph 6 of Schedule 12A of the Local Government Act 1972.**

### 26. RIGHTS OF MEMBERS - “NEED TO KNOW”

- 26.1 In addition, Members will be entitled to access to documents and to attend the confidential part of meetings of Committees and sub-committees and public meetings of the Executive (even though they are not a member of those bodies) where they can demonstrate a “need to know” in order to perform their duties as Members.
- 26.2 Subject to Rule 26.3 below, the circumstances where a “need to know” will be treated as arising will include -
- (a) Where the matter relates to a sub-committee of a committee of which the Member is a member;

**ACCESS TO INFORMATION PROCEDURE RULES**

- (b) Where the matter relates to a committee of the executive where the Member is an executive member;
  - (c) Where the matter is within the remit of a scrutiny committee of which the Member is a member:
  - (d) Where the full Council is required to approve the decisions or recommendations of committees, sub-committees or the Executive;
  - (e) Where the matter has been delegated to a committee or sub-committee, but significantly affects the reputation of the whole Council;
  - (f) Where the matter relates specifically to a Member's own ward;
  - (g) Where a **Member** is minded to sign a requisition under Council Procedure Rule 9 in relation to the matter.
- 26.3 There will not be a "need to know" if a Member is acting in bad faith or in pursuance of a personal pecuniary or non-pecuniary interest or merely out of curiosity.
- 26.4 A Member wishing to see confidential or exempt Council, Committee, sub-committee or executive documents or to attend the confidential part of a meeting should make written application to the Chief Executive, setting out the reasons why the document and/or attendance at the meeting is necessary in order to enable the Member properly to perform his/her duties.
- 26.5 Where access to documents or a meeting is refused by the Chief Executive, there will be a right of appeal to the relevant body.
- 26.6 Where a matter or document is confidential or exempt, Members exercising the above rights will be asked to sign an agreement to preserve the confidentiality of the information.



## **Section C**

# **Budget and Policy Framework Procedure Rules**

**SECTION C: BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

**CONTENTS**

- Rule 1. The Framework for Executive Decisions**
- Rule 2. Process for Developing Framework**
- Rule 3. Procedure for Conflict Resolution – Plans and Strategies**
- Rule 4. Procedure for Conflict Resolution – Revenue Budget**
- Rule 5. Decisions Outside the Budget or Policy Framework**
- Rule 6. Urgent Decisions Outside the Policy Framework**
- Rule 7. Virement and In-Year Changes to the Budget**
- Rule 8. In-Year Changes to Policy Framework**
- Rule 9. Call-in of Decisions Outside the Budget or Policy Framework**

**BUDGET AND POLICY FRAMEWORK PROCEDURE RULES****1. The Framework for Executive Decisions**

- 1.1 The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4 of Part 2 of this Constitution. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

**2. Process for Developing the Framework**

- 2.1 The process by which the budget and policy framework shall be developed is stated below.
- 2.2 The Executive will publicise through the Register of Key Decisions and other methods a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals.
- 2.3 All Members of the Council, including the chairs of scrutiny committees will also be notified. The consultation period shall in each instance be not less than 4 weeks, unless the requirements of any statutory timetable/deadline make this impracticable.
- 2.4 At the end of that period, the Executive will then draw up draft proposals having regard to the responses to that consultation. The scrutiny committees have responsibility for fixing their own work programme, and will need to take into account the Register of Key Decisions in doing so. As part of its consideration of the proposals it is open to the scrutiny committee to consult, investigate, research or report in detail with policy recommendations. The Executive will take any response from a scrutiny committee into account in drawing up draft proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Executive's response.
- 2.5 Once the Executive has approved the draft proposals, the Chief Executive will refer them at the earliest opportunity to the Council for decision.

**3. Procedure for Conflict Resolution - Plans and Strategies**

- 3.1 This procedure applies in relation to those plans and strategies forming the policy framework of the Council as set out on Article 4.1(a) of Part 2 of this Constitution and to any plan/strategy for the control of the Council's borrowing and capital expenditure. **Rules** 3.2 to 3.5 below have been incorporated into these Rules as required by the Local Authorities (Standing Orders) (England) Regulations 2001.
- 3.2 Where the Executive has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in **Rule 3.3**

**BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

3.3 Subject to 3.6 below, before the Council:

- (a) amends the draft plan or strategy;
- (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (c) adopts (with or without modification) the plan or strategy,

it must inform the **Executive Leader** of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

3.4 Where the Council gives instructions in accordance with **Rule 3.3**, it must specify a period of at least five working days beginning on the day after the date on which the **Executive Leader** receives the instructions on behalf of the Executive within which the executive leader may:

- (a) submit a revision of the draft plan or strategy as amended by the Executive (the “revised draft plan or strategy”) with the Executive’s reasons for any amendments made to the draft plan or strategy, to the Council for the Council’s consideration; or
- (b) inform the Council of any disagreement that the **Executive** has with any of the Council’s objections and the Executive’s reasons for any such disagreement.

3.5 When the period specified by the Council, referred to in **Rule 3.4** has expired, the Council must, when:

- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his/her approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- (c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive’s reasons for those amendments, any disagreement that the Executive has with any of the Council’s objections and the Executive’s reasons for that disagreement, which the executive leader submitted to the Council, or informed the Council of, within the period specified.

**BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

- 3.6 Where an amendment to a draft plan or strategy has been submitted under Council Procedure Rule 18.1, the **Executive** Leader may indicate on behalf of the Executive that s/he accepts the amendment. In these circumstances, the amendment will be regarded as incorporated in the draft strategy before Council and not (for the purposes of Rules 3.2 to 3.5 above) as an objection to it.

**4. Procedure for Conflict Resolution - Revenue Budget**

- 4.1 This procedure applies to estimates and calculations relating to the revenue budget and Council Tax. **Rules** 4.2 to 4.5 below have been incorporated into these Rules as required by the Local Authorities (Standing Orders) (England) Regulations 2001. Those **Rules** do not apply to estimates and calculations submitted by the Executive to the Council where the estimates and calculations were drawn up by the Executive on or after 8th February in any financial year.

- 4.2 Where, before 8th February in any financial year, the Executive submits to the Council for its consideration in relation to the following financial year:-

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZF, the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation; or
- (c) estimates of such a calculation

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in **Rule** 4.3.

- 4.3 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in **Rule** 4.2(a), it must inform the **Executive** Leader of any objections which it has to the Executive's estimates or amounts and must give to him/her instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

- 4.4 Where the Council gives instructions in accordance with **Rule** 4.3, it must specify a period of at least five working days beginning on the day after the date on which the **Executive** Leader receives the instructions on behalf of the Executive within which the **Executive** Leader may:

- (a) submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or

**BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

- (b) inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.

4.5 When the period specified by the Council, referred to in **Rule** 4.4 has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in **Rule** 4.2(a) take into account:

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the Executive's reasons for those amendments;
- (c) any disagreements that the Executive has with any of the Council's objections, and
- (d) the Executive's reasons for that disagreement,

which the **Executive Leader** submitted to the Council, or informed the Council of, within the period specified.

4.6 Where estimates and calculations are drawn up by the Executive on or after 8th February in any financial year and are submitted to the Council for their consideration, the procedure in **Rules** 4.2 to 4.5 will not apply. In these circumstances the estimates and calculations will be submitted to the Resources and Governance Scrutiny Committee, together with amendments submitted in accordance with Council Procedure Rule 18.3. Where the Resources and Governance Scrutiny Committee has any objection to the estimates and calculations, it will report such objections to the Council, the **Executive Leader** and the Executive Member for Finance and Human Resources. The **Executive Leader** and/or the Executive Member for Finance and Human Resources will report to the Council whether they agree or disagree with any objection of the Resources and Governance Scrutiny Committee.

4.7 Immediately after any vote is taken at a budget decision meeting where the calculation set out in **Rule** 4.2 is made, including a meeting where making the calculation was included as an item of business on the agenda for that meeting, 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. In this **Rule**, references to a vote are references to a vote on any decision related to the making of the calculation.

## **5. Decisions outside the Budget or Policy Framework**

5.1 Subject to the provisions of **Rule** 7 and Financial Regulations in relation to the budget, and **Rules** 6 and 8 in relation to the policy framework, the Executive,

**BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

committees of the Executive, individual members of the Executive and any **Officers** discharging Executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council.

- 5.2 If the Executive, committees of the Executive, individual members of the Executive and any **Officers**, discharging Executive functions want to make such a decision, they shall take advice from the **City Solicitor** and/or the **Deputy Chief Executive and City Treasurer** as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those **Officers** is that the decision would not be in line with the existing budget, and not authorised by Rule 7 or Financial Regulations, then the decision must be referred by that body or person to the Council for decision. If the advice of the **City Solicitor** is that the decision would be contrary to the policy framework and not authorised by **Rule 8**, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions of **Rule 6** apply.

## **6. Urgent Decisions Outside the Policy Framework**

- 6.1 The Executive, a committee of the Executive, an individual member of the Executive or officers, discharging Executive functions may take a decision which is contrary to the Council's policy framework if the decision is a matter of urgency. However, the decision may only be taken if:
- (a) either the Chief Executive, the **Deputy Chief Executive and City Treasurer** or the **City Solicitor** advise in writing that the legal or financial position of the Council or the interests of the Council and/or the residents of Manchester would be prejudiced if the matter were not determined before the next scheduled Council meeting, AND
  - (b) the chair of a relevant scrutiny committee (or in their absence the Lord Mayor or, in the absence of both, the Deputy Lord Mayor) agrees that the decision is a matter of urgency.
- 6.2 The advice of the Chief Executive, **Deputy Chief Executive and City Treasurer** or **City Solicitor** and the consent of the chair of the relevant scrutiny committee (or, if relevant, the Lord Mayor or Deputy Lord Mayor) to the decision being taken as a matter of urgency must be noted on the record of the decision.
- 6.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **7. Virement and In-Year Changes to the Budget**

## BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

- 7.1 Steps taken by the Executive, a committee of the Executive, an individual member of the Executive or **Officers**, discharging Executive functions to implement Council policy shall not exceed those budgets allocated to each budget heading, subject to **Rules** 7.2 to 7.4 below.
- 7.2 Such bodies or individuals shall be entitled to vire across budget headings as follows:
- (a) Capital
- A Chief Officer (as defined in Part 8 of this Constitution) may vire capital up to £250,000 from within the capital programme following notification to the Deputy Chief Executive and City Treasurer **as part of the Checkpoint process.**
  - The Executive may vire capital in excess of £250,000 and up to £500,000 across budget headings. **The approval of the Executive is not required if the virement is from an approved capital budget for an agreed programme pending allocation.**
  - **Any capital virement above £500,000 shall require the approval of the Executive and any capital virement over £1 million shall require full Council approval unless in either case this is a virement from an approved capital budget for an agreed programme pending allocation.**
- (b) Revenue
- A Chief Officer (as defined in Part 8 of this Constitution) **(or their nominated Heads of Service) with support from their Head of Finance can vire amounts of up to and including £500k within their budgets as long as this is in support of the priorities agreed in the Medium Term Financial Plan and they are properly recorded on SAP. Where this involves changes to the staffing establishment for their service area this needs to be in consultation with the Director of HR and OD.**
  - The Executive may vire revenue in excess of £500,000 across budget headings.
  - Any revenue virement above £500,000 which are between Directorates or in support of a policy change or key decision shall require the approval of full Council. Virements between staffing and non staffing budgets of over £500,000 require the approval of full Council.
- 7.3 The Executive may:
- (a) Increase capital or revenue expenditure in-year by use of reserves (in addition to the use of reserves planned in the budget calculations), provided that such use of reserves does not exceed £10,000,000 in aggregate in a financial year and provided that the Deputy Chief Executive and City Treasurer has certified in writing that such use of reserves would not cause the Council's overall reserves to fall below a



**BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

prudent level. Any such use of reserves shall be reported to the next meeting of full Council.

- (b) Increase the capital budget provided that additional expenditure can be funded through:
- Additional external resources
  - Additional capital receipts

7.4 The Chief Executive may exercise any of the powers of the Executive under 7.2 and 7.3, in consultation with the **Executive** Leader, the Executive Member for Finance and Human Resources and the Deputy Chief Executive and City Treasurer where the legal or financial position of the Council or the interests of the residents of Manchester would be prejudiced if the matter were not determined before the next scheduled executive meeting. The Chief Executive will report any such decision to the next meeting of the Executive.

## **8. In-year Changes to Policy Framework**

8.1 The responsibility for agreeing the policy framework lies with the Council, and decisions by the Executive, a committee of the **Executive**, an individual member of the Executive or **Officers**, discharging executive functions must be in line with it. Subject to **Rule 6**, no changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes which are necessary to ensure compliance with the law, ministerial direction or government guidance, or where the existing policy document is silent on the matter under consideration.

## **9. Call-in of Decisions Outside the Budget or Policy Framework**

9.1 Where a scrutiny committee is of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the **City Solicitor** and/or **Deputy Chief Executive and City Treasurer**.

9.2 In respect of functions which are the responsibility of the Executive, the **City Solicitor's** report and/or **Deputy Chief Executive and City Treasurer's** report shall be to the Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the report and to prepare a report to Council in the event that the **City Solicitor** or the **Deputy Chief Executive and City Treasurer** conclude that the decision was a departure, and to the scrutiny committee if the **City Solicitor** or the **Deputy Chief Executive and City Treasurer** conclude that the decision was not a departure.

9.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the **City Solicitor** and/or the **Deputy Chief Executive and City Treasurer** is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the scrutiny committee may refer the matter to Council. In such cases,

**BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting it will receive a report of the decision or proposals and the advice of the **City Solicitor** and/or the **Deputy Chief Executive and City Treasurer**. The Council may either:

- (a) endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Members in the normal way;

*Or*

- (b) amend the council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Members in the normal way;

*Or*

- (c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the **City Solicitor / Deputy Chief Executive and City Treasurer**.

# **Section F**

## **Officer Employment Procedure Rules**

## 1. RECRUITMENT AND APPOINTMENT

### 1.1 Declarations

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or Senior Officer of the Council; or of the partner of such persons.
- (b) No candidate so related to a councillor or Senior Officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her

### 1.2 Seeking support for appointment

- (a) Subject to paragraph (c), the Council will disqualify any applicant who directly or indirectly canvasses the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (b) Subject to paragraph (c), no councillor will canvass support for any person for any appointment with the Council.
- (c) Nothing in paragraphs (a) and (b) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

## 2. RECRUITMENT OF HEAD OF PAID SERVICE AND STATUTORY CHIEF OFFICERS

2.1 Where the Council proposes to appoint the Head of Paid Service or a Statutory Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council or its Personnel Committee will establish a committee or sub-committee to act as the appointment panel.

2.2 The appointment panel will:

- (a) draw up a statement specifying the duties of the post concerned and a specification of the qualifications or qualities to be sought in the person to be appointed.
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

- 2.3 The appointment panel will interview all qualified applicants for the post or select a short-list of such qualified applicants and interview those included on the short-list.
- 2.4 Where the Council propose to appoint the Head of the Paid Service or a Statutory Chief Officer exclusively from amongst their existing officers the Council or its Personnel Committee will establish a committee or sub-committee which will make arrangements in connection with the appointment.

### **3. APPOINTMENT OF HEAD OF PAID SERVICE**

- 3.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must be politically balanced and include at least one member of the Executive.
- 3.2 The full Council may only make or approve the appointment of the Head of Paid Service where the procedure set out in Annex 1 to these Rules has been completed.

### **4. APPOINTMENT OF STATUTORY CHIEF OFFICERS**

- 4.1 A committee or sub-committee of the Council will appoint Statutory Chief Officers.. That committee or sub-committee must be politically balanced and include at least one member of the Executive.
- 4.2 An offer of employment as a Statutory Chief Officer shall only be made where the procedure set out in Annex 1 to these Rules has been completed.

### **5. APPOINTMENT OF NON-STATUTORY CHIEF OFFICERS**

- 5.1 The Chief Executive, in consultation with the Leader, Executive Member for Human Resources, Chair of Personnel Committee and the relevant Portfolio Executive Member, will appoint Non-Statutory Chief Officers.
- 5.2 An offer of employment as a Non-Statutory Chief Officer shall only be made where the procedure set out in Annex 1 to these Rules has been completed.

### **6. APPOINTMENT OF DEPUTY CHIEF OFFICERS**

- 6.1 In relation to Deputy Chief Officer posts the **relevant Chief Officer** will determine whether appointments to such posts should be made by an officer in consultation with an all officer panel or an officer in consultation with a mixed panel of officers and members.

- 6.2 An offer of employment as a Deputy Chief Officer shall only be made where the procedure set out in Annex 1 to these Rules has been completed.

## **7. OTHER APPOINTMENTS**

- 7.1 Officers below Deputy Chief Officer. Appointment of officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Head of the Paid Service, an officer nominated by him/her, or an officer within the Chapter 2 or 3A of the Scheme of Delegation acting in accordance with the general delegations to such officers, and may not be made by councillors.
- 7.2 Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## **8. DISCIPLINARY ACTION**

- 8.1 No disciplinary action may be taken in respect of the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer while alleged misconduct is investigated and considered provided that this does not preclude the suspension of the officer on full pay for the purpose of investigating the alleged misconduct and such suspension does not constitute disciplinary action; any such suspension must be reviewed no later than the expiry of 2 months beginning on the day on which the suspension takes effect. Any such suspension may be made by the Investigating and Disciplinary Sub-Committee of the Personnel Committee or by the Director of HR and OD in consultation with the Executive Member for Finance and HR, or the Leader of the Council in his/her absence or inability to act.
- 8.2 Councillors will not be involved in the disciplinary action against any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

## **9. DISMISSAL**

- 9.1 Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

- 9.2 Where a committee or sub-committee of the authority is discharging, on behalf of the authority, the function of or in relation to, the dismissal of the Head of Paid Service, a Chief Officer or a Deputy Chief Officer, that committee or sub-committee must include at least one member of the executive.
- 9.3 Where a committee or sub-committee is discharging its function in relation to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, the full Council must approve any recommendation of dismissal before notice of dismissal is given.
- 9.4 The Council must appoint a panel ("the Panel") under Section 102(4) of the Local Government Act 1972 to advise the Council on matters relating to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer in accordance with the procedure set out in Annex 2.
- 9.5 The full Council may not approve any recommendation of dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer without first taking into account, in particular:
- (a) any advice, views or recommendations of the Panel;
  - (b) the conclusions of any investigation into the proposed dismissal; and
  - (c) any representations from the relevant officer.
- 9.6 Notice of dismissal of the Head of Paid Service, a Chief Officer or a Deputy Chief Officer must not be given until the procedure set out in Annex 3 has been completed.

## 10. DEFINITIONS

- "Chief Officer" means a statutory chief officer or a non-statutory chief officers as defined in section 2 of the Local Government and Housing Act 1989 ("the 1989 Act").
- Notwithstanding the definition in the 1989 Act, a reference in these Rules to a "Statutory Chief Officer" shall be taken to mean any officer defined as such in section 2(6) of the 1989 Act, along with the officer designated as the Monitoring Officer and any officer who is a non-statutory chief officer under section 2(7)(c) of the 1989 Act.
- Notwithstanding the definition in the 1989 Act, a reference in these Rules to a "Non-Statutory Chief Officer" shall be taken to mean only those officers defined as such in sections 2(7)(a) and 2(7)(b) of the 1989 Act.
- "Deputy Chief Officer" has the same meaning as in section 2(8) of the 1989 Act.

- "Senior Officer" means an officer on spinal column point 32 or above.



**ANNEX 1****APPOINTMENT OF HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

1. This procedure applies to the appointment of the Head of Paid Service, Chief Officers and Deputy Chief Officers (“relevant officers”) and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.
2. In this procedure, “appointor” means, in relation to the appointment of a relevant officer, the committee, sub-committee or officer making the appointment, or, in the case of the appointment of the Head of Paid Service, making a recommendation to the Council.
3. An offer of an appointment as a relevant officer must not be made by the appointor until -
  - (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
  - (b) the proper officer has notified every member of the executive of: -
    - (i) the name of the person to whom the appointor wishes to make the offer;
    - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
    - (iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and
  - (c) either: -
    - (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither s/he nor any member of the executive has any objection to the making of the offer;
    - (ii) the proper officer has notified the appointor that no objection was received by him/her within that period from the executive leader; or
    - (iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
4. The “proper officer” for the purposes of paragraph 3 will be the Deputy Chief Executive and City Treasurer.

**ANNEX 2**

1. This procedure applies to the appointment of the Panel to advise the full Council in relation to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer ('relevant officers') and has been incorporated into these Rules as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
2. The Council must invite independent persons appointed under Section 28(7) of the Localism Act 2011 ("the 2011 Act") to be considered for appointment to the Panel, with a view to appointing at least two independent persons to the Panel.
3. In paragraph 2, independent person means any independent person who has been appointed by the Council or, where there are fewer than two independent persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
4. The Independent Panel shall consist of the Council's independent persons appointed under section 28(7) of the 2011 Act provided that at least two such independent persons are willing to sit on the Panel. If they are not then, subject to paragraph 5, the Council must appoint to the Panel independent persons who have accepted an invitation issued under paragraph 2, in the following order of priority:
  - (a) an independent person who has been appointed by the Council and who is a local government elector in the Council's area;
  - (b) any other independent person who has been appointed by the Council;
  - (c) an independent person who has been appointed by another authority or authorities.
5. The Council may appoint more than two independent persons.
6. The Council must appoint the Panel at least 20 working days before the full Council meets to consider whether or not to approve a proposal to dismiss a relevant officer.
7. Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as an independent person under the 2011 Act.

**ANNEX 3****DISMISSAL OF HEAD OF PAID SERVICE, CHIEF OFFICERS  
AND DEPUTY CHIEF OFFICERS**

1. This procedure applies to the dismissal of the Head of Paid Service, Chief Officers and Deputy Chief Officers (“relevant officers”) and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.
2. In this procedure, “dismissor” means, in relation to the dismissal of a relevant officer, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.
3. Notice of the dismissal of a relevant officer must not be given by the dismissor until -
  - (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
  - (b) the proper officer has notified every member of the executive of: -
    - (i) the name of the person who the dismissor wishes to dismiss;
    - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
    - (iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and
  - (c) either: -
    - (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither s/he nor any other member of the executive has any objection to the dismissal;
    - (ii) the proper officer has notified the dismissor that no objection was received by him/her within that period from the executive leader; or
    - (iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
4. The “proper officer” for the purposes of paragraph 3 will be the Deputy Chief Executive and City Treasurer.

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## **Section C**

# **Policies, Risk Management and External Arrangements**

**POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS****SECTION C: POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS****CONTENTS****Chapter 1: Policies****Paragraph No's.**

- Corporate Plans 1 - 9
- Accounting Policies 10 - 16
- Trading Operations 17 - 20
- Staffing 21 - 43

**Chapter 2: Assurance and Risk Management**

- Risk Management 1 - 21
- Internal Control 22 - 37
- Internal Audit 38 - 52
- External Audit 53 - 61

**Chapter 3: External Arrangements**

- External Funding 1 - 12
- Partnerships 13 - 34
- Work for Third Parties 35 - 50

## **POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS**

### **CHAPTER 1 - POLICIES**

#### **CORPORATE PLANS**

##### **Chief Executive**

1. Responsible for proposing the priorities for the Council as set out in The Manchester Strategy ('Our Manchester'), Medium Term Financial Plan and Business Plans to the Executive for consideration before their submission to the Full Council for approval.

##### **Deputy Chief Executive and City Treasurer**

2. To advise and supply, as appropriate and in conjunction with Chief Officer and Heads of Services, the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
3. To contribute to the development of corporate and service targets and objectives and performance information.
4. To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.
5. To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

##### **Chief Officers and Heads of Service**

6. To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.
7. To contribute to the development of performance plans in line with statutory requirements.
8. To contribute to the development of corporate and service targets and objectives and performance information.
9. To advise and supply, as appropriate and in conjunction with the Deputy Chief Executive and City Treasurer the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

#### **ACCOUNTING POLICIES**

##### **Deputy Chief Executive and City Treasurer**

10. 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 CIPFA Code of Practice on Local Authority Accounting in the United Kingdom, for each financial year ending 31st March.

## **POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS**

11. To select suitable accounting policies and ensure that they are applied consistently and comply with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom. The accounting policies are reported to Audit Committee and set out in the statement of accounts, which is prepared as at 31st March each year.
12. To make judgements and estimates that are reasonable and prudent.
13. **Not allocated**

### Chief Officers and Heads of Service

14. To comply with accounting guidance provided by the Deputy Chief Executive and City Treasurer.
15. **Not allocated**
16. **Not allocated**
17. **Not allocated**
18. **Not allocated**
19. **Not allocated**
20. **Not allocated**

## **STAFFING**

### Chief Executive

21. Determine how officer support for executive and non-executive roles within the Council will be organised.
22. Responsible for providing overall management to staff. They will also be responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

### **Deputy Chief Executive and City Treasurer**

23. To ensure that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
24. To provide advice to secure payment of salaries and wages by the most economical means.
25. To ensure that budget provision exists for all existing and new employees.
26. To be responsible for the payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.



## POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS

27. To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.
28. To record and make arrangements for the accurate and timely payment of tax, national insurance, superannuation and other deductions.
29. To act as an advisor to Chief Officers and Heads of Service on areas such as national insurance and pension contributions, as appropriate.
30. To set out and issue a Staff Expenses Scheme to be followed where staff incur personal expenses when carrying out their duties on behalf of the Council.

### Chief Officers and Heads of Service

31. To ensure appointments are made in accordance with the regulations of the Council and approved establishments, grades and scale of pay and that adequate budget provision is available.
32. To notify the Shared Service Centre of all appointments, terminations or variations that may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Deputy Chief Executive and City Treasurer.
33. To ensure that adequate and effective systems and procedures are operated, so that:
  - payments are only authorised to bona fide employees;
  - payments are only made where there is a valid entitlement;
  - conditions and contracts of employment are correctly applied; and
  - employees' details listed on the payroll are checked at regular intervals to verify accuracy and completeness.
34. To ensure that the service maintains and reviews periodically a list of officers approved to authorise payments, together with specimen signatures, and to ensure that only authorised officers authorise payments.
35. To ensure that payroll transactions are processed only through the payroll system. Chief Officers and Heads of Service should give careful consideration to the employment status of individuals retained on a self-employed consultant or subcontract basis. An employment status form must be completed before the individual is taken on. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Deputy Chief Executive and City Treasurer.
36. To ensure that the Deputy Chief Executive and City Treasurer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
37. To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with guidance issued by the Deputy Chief Executive and City Treasurer.

**POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS**

38. Responsible for producing an annual staffing budget. Ensuring that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
39. Responsible for controlling total staff numbers by:
  - advising the Executive on the budget necessary in any given year to cover estimated staffing levels.
  - adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs. Ensuring that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
40. Responsible for ensuring that the Deputy Chief Executive and City Treasurer is immediately informed if the staffing budget is likely to be materially over or under spent.
41. Responsible for monitoring staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.
42. To ensure staff expenses are paid in accordance with the Staff Expenses Scheme.
43. To certify all staff expenses. Certification is taken to mean that journeys were authorised in advance and that incidental expenses were properly and necessarily incurred and that allowances are properly payable by the Council, ensuring that cost-effective travel arrangements are used. Due consideration should be given to tax implications and that the advice of the Deputy Chief Executive and City Treasurer is sought where necessary.

**POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS**

**CHAPTER 2 – ASSURANCE AND RISK MANAGEMENT**

**RISK MANAGEMENT**

Executive

1. Responsible for approving the Council's Risk Management Policy Statement and strategy and for reviewing the effectiveness of risk management and to promote a culture of risk management awareness throughout the Council.

Audit Committee

2. Responsible for obtaining assurance over the Council's governance and risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.

**Deputy Chief Executive and City Treasurer**

3. Responsible for preparing the Council's Risk Management Policy Statement, for promoting it throughout the Council and for advising the Executive on proper insurance cover where appropriate.
4. Responsible for ensuring that proper insurance exists where appropriate.
5. To develop and document risks, controls and assurances through the production of a Corporate Risk Register, in conjunction with other Chief Officers and Heads of Service.
6. To develop and document the Corporate Business Continuity Plan, in conjunction with other Chief Officers and Heads of Service.
7. On a regular basis, the Deputy Chief Executive and City Treasurer will forward to Chief Officers and Heads of Services schedules of assets covered by insurance.
8. To affect corporate insurance cover, through external insurance and internal funding.

City Solicitor

9. To arrange for the negotiation of claims in consultation with other officers, including the Deputy Chief Executive and City Treasurer, where necessary.

**Chief Officers and Heads of Service**

10. To contribute to the production of a Corporate Risk Register.
11. To take responsibility for risk management, having regard to advice from the Deputy Chief Executive and City Treasurer and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
12. To ensure appropriate resilience and business continuity plans are in place.
13. To ensure that there are regular reviews of risk within their services.

## **POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS**

14. To notify the Deputy Chief Executive and City Treasurer immediately of any loss, liability or damage that may lead to a claim by or against the Council, together with any information or explanation required by the Deputy Chief Executive and City Treasurer or the Council's insurers.
15. To notify the Deputy Chief Executive and City Treasurer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
16. If any assets covered by insurance are damaged or stolen, Chief Officers and Heads of Services must not order replacements, remedial repairs or other work - except for emergency measures to prevent further damage or loss occurring - until the Deputy Chief Executive and City Treasurer has been consulted. Damage or loss arising from malicious acts should be reported to the police.
17. To notify the Deputy Chief Executive and City Treasurer promptly of any significant acquisitions or disposals of assets or any alteration to the scope or level of services provided, particularly where the risk of accident, injury, loss or damage is likely to increase.
18. To examine the schedules of assets covered by insurance, provided by the Deputy Chief Executive and City Treasurer, and ensure that the details of those assets are correctly recorded and that the scope and level of insurance cover is adequate, consistent with the Council's corporate insurance arrangements.
19. To provide the Deputy Chief Executive and City Treasurer with any information that he or she needs and in the timescale that he or she sets, to enable him or her to manage the Council's insurances effectively.
20. To consult with the Deputy Chief Executive and City Treasurer and the City Solicitor on the terms of any indemnity that the Council is requested to give.
21. To ensure that officers, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

### **INTERNAL CONTROL**

#### Audit Committee

22. Responsible for considering and approving the review of the Council's system of governance, risk management and controls in an Annual Governance Statement, which sets out and reviews the Council's governance arrangements as defined in the CIPFA/SOLACE Governance Framework, to accompany the Annual Statement of Accounts.
23. To overview the whistle-blowing policy.

#### Chief Executive

## **POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS**

24. In conjunction with the Deputy Chief Executive and City Treasurer and the City Solicitor to develop and maintain an Anti-Fraud and Anti-Corruption Policy, whistle-blowing policy and risk management processes.

### **Deputy Chief Executive and City Treasurer**

25. Responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and effectively and in accordance with the statutory and other provisions that govern their use.
26. In conjunction with the Chief Executive and the City Solicitor to develop and maintain an Anti-fraud and Anti-corruption Policy, Whistle-blowing Policy and risk management processes.
27. To assist the Council to put in place an appropriate control environment and effective internal controls, which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
28. To maintain adequate and effective internal control arrangements.
29. To review annually the effectiveness of the Council's system of internal audit and to report the findings to the Audit Committee.
30. To ensure that all suspected financial irregularities are reported to the Head of Internal Audit, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in by the Head of Internal Audit to determine with the Crown Prosecution Service whether any prosecution will take place.

### **Chief Officers and Heads of Service**

31. Responsible for establishing sound arrangements, consistent with guidance given by the Deputy Chief Executive and City Treasurer, for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.
32. Responsible for devising systems of control to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
33. To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Deputy Chief Executive and City Treasurer. Chief Officers and Heads of Services should also be responsible for removing controls that are unnecessary or not cost or risk effective, for example, because of duplication.
34. Responsible for managing and reviewing processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
35. To ensure staff have a clear understanding of the consequences of lack of control.

## **POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS**

36. To ensure that all suspected financial irregularities are reported to the Deputy Chief Executive and City Treasurer and Head of Internal Audit.
37. To instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

### **INTERNAL AUDIT**

38. Section 151 of the Local Government Act 1972, requires that authorities 'make arrangements for the proper administration of their financial affairs'. The Accounts and Audit Regulations 2015 specifically requires that a "relevant authority must undertake an effective internal audit of its risk management, control and governance processes taking into account public sector internal auditing standards or guidance".
39. Internal audit is an assurance function that provides an independent and objective opinion to the Council on the control environment, by evaluating its effectiveness in achieving its objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

#### **Audit Committee**

40. Responsible for reviewing the Deputy Chief Executive and City Treasurer's annual report on the effectiveness of Internal Audit (including the Quality Assurance Improvement Programme) and the Head of Internal Audit's Annual Assurance Statement.
41. Responsible for reviewing and approving the Internal Audit Strategy and Annual Audit Plan.
42. Responsible for overseeing the effectiveness of actions taken by management to implement agreed actions arising from audit recommendations.

#### **Deputy Chief Executive and City Treasurer**

43. Responsible for submitting an annual report on the effectiveness of Internal Audit (including the Strategic Quality Assurance Improvement Programme) to the Senior Management Team and the Audit Committee.
44. The Accounts and Audit Regulations 2015 requires the Deputy Chief Executive and City Treasurer to determine on behalf of the Council:
  - The form of its accounting records and supporting records
  - its financial control systems.
45. The Deputy Chief Executive and City Treasurer will make arrangements so that internal auditors have authority:
  - to have access to Council premises at reasonable times;
  - to have access to documents, records and equipment in the possession of the Council;

## **POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS**

- to require any officer of the Council to account for cash, stores or any other Council asset under their control;
  - where possible, to have access to records belonging to third parties, such as contractors, when required;
  - to receive information concerning any matter under investigation; and
  - to have access to the Chief Executive, the Executive, the Audit Committee and Scrutiny Committees.
46. To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

### Chief Officers and Heads of Service

47. To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
48. To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
49. To consider and respond promptly to recommendations in audit reports.
50. To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
51. To notify the Head of Internal Audit immediately of any suspected fraud, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Chief Officers and Heads of Service should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
52. To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with the Head of Internal Audit prior to implementation.

### EXTERNAL AUDIT

53. The External Auditor has rights of access to all documents and information necessary for audit purposes.
54. To provide assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.
55. The Council may, from time to time, be subject to audit, inspection or investigation by various external bodies such as HM Revenues and Customs and the Inland Revenue, who have statutory rights of access.

**POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS**Audit Committee

56. Responsibility to review the External Auditor's reports, the Annual Audit Letter and approve the Annual Statement of Accounts.

Deputy Chief Executive and City Treasurer

57. To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
58. To ensure there is effective liaison between External and Internal Audit.
59. To work with the External Auditor and advise the Full Council, Executive and Chief Officers and Heads of Services on their responsibilities in relation to external audit.

Chief Officers and Heads of Service

60. To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
61. To ensure that all records and systems are up to date and available for inspection.



## POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS

### **CHAPTER 3 – EXTERNAL ARRANGEMENTS**

#### **EXTERNAL FUNDING**

##### **Deputy Chief Executive and City Treasurer**

1. To ensure that funds are acquired only to meet the priorities approved in the policy framework by the Full Council.
2. To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.
3. To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
4. To ensure that audit requirements are met.
5. Where they are specifically responsible for submitting grant claims, to ensure that all claims for funds are made by the due date.

##### **Chief Officers and Heads of Service**

6. **Not allocated**
7. To ensure the details of any new funding are submitted to the Revenue Gateway Panel for scrutiny before submitting a bid for new external funding and before committing to spend a new grant received by the Council in year. The Revenue Gateway Panel scrutinise and challenge requests submitted to them.
8. To ensure that funds are acquired only to meet the priorities approved in the Policy Framework by the Full Council.
9. Where they are specifically responsible for submitting grant claims, to ensure that all claims for funds are made by the due date.
10. To maintain adequate supporting documentation to enable claims for funding to be maximised/validated.
11. For grant claims subject to External or Internal Audit to ensure that claims and supporting documentation are made available to the External or Internal Auditors by the due date.
12. To ensure that the project progresses in accordance with the agreed project plan and that all expenditure is properly incurred and recorded and in accordance with any guidelines which may prevail at the time.

## **POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS**

### **PARTNERSHIPS**

#### Executive

13. The Executive to provide the strategic direction for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
14. The Executive will delegate functions as appropriate, including those relating to partnerships, to Chief Officers and Heads of Service. These are set out in the Scheme of Delegation that forms part of the Council's Constitution. Where functions are delegated, the Executive remains accountable for them to the Full Council.
15. Representation of the Council on partnership and external bodies will be decided in accordance with the Scheme of Delegation.

#### Chief Executive

16. In conjunction with the Deputy Chief Executive and City Treasurer must also ensure adequate and robust governance arrangements are in place and consider the overall corporate governance arrangements, risk and legal issues when arranging contracts with external bodies.
17. Responsible with the Deputy Chief Executive and City Treasurer and City Solicitor for developing and maintaining the Partnership Governance Framework and ensuring that the arrangements to ensure compliance are adhered to.

#### Deputy Chief Executive and City Treasurer

18. Must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory.
19. In conjunction with the Chief Executive must also consider the overall corporate governance arrangements, risk and legal issues when arranging contracts with external bodies.
20. Ensure that all new partnership arrangements the Council enters into are registered under the Partnership Governance Framework, and that arrangements are risk assessed and that the accounting arrangements to be adopted by partnerships and joint ventures are satisfactory.
21. To ensure that partnership governance arrangements are underpinned by clear and well-documented internal financial controls.
22. In conjunction with the appropriate Chief Officers and Heads of Service must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
23. To advise on effective controls that will ensure resources are maximised, not wasted.
24. To advise, as appropriate, on the key elements of funding a project, including:

## **POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS**

- a scheme appraisal for financial viability in both the current and future years.
- risk appraisal and management.
- resourcing, including taxation issues.
- audit, security and control requirements.
- carry forward arrangements.

### Chief Officers and Heads of Service

25. Understanding and complying with the requirements of the Partnership Governance Framework. Ensure that all new partnership arrangements the Council enters into are registered under the Partnership Governance Framework, and that arrangements are risk assessed and that the accounting arrangements to be adopted by partnerships and joint ventures are satisfactory.
26. In conjunction with the Deputy Chief Executive and City Treasurer ensure that the risks have been fully appraised before agreements are entered into with external bodies.
27. Chief Officers and Heads of Services are responsible for ensuring that the Deputy Chief Executive and City Treasurer is consulted on the progress of negotiations and that appropriate approval is granted prior to the conclusion of any negotiations with partner organisations.
28. To consult with the Deputy Chief Executive and City Treasurer, as necessary, on a scheme's appraisal for financial viability in both the current and future years.
29. To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Deputy Chief Executive and City Treasurer.
30. To provide the Deputy Chief Executive and City Treasurer with all necessary information.
31. To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Deputy Chief Executive and City Treasurer.
32. To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council.
33. To ensure that all agreements and arrangements are properly documented.
34. To provide appropriate information to the Deputy Chief Executive and City Treasurer to enable sufficient information to be entered into the Council's Statement of Accounts concerning material items.

**POLICIES, RISK MANAGEMENT AND EXTERNAL ARRANGEMENTS****WORK FOR THIRD PARTIES**Executive

35. Responsible for approving the contractual arrangements for any work for third parties or external bodies unless this is delegated to Chief Officers and Heads of Service.

Deputy Chief Executive and City Treasurer

36. To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.
37. To issue guidance on how proposals for any work with third parties should be costed.
38. To issue guidance on financial matters to be included in the completion of contracts.

Chief Officers and Heads of Service

39. To ensure that proposals for working with third parties are costed properly and in accordance with guidance provided by the Deputy Chief Executive and City Treasurer.
40. To ensure that contracts are drawn up using guidance provided by the Deputy Chief Executive and City Treasurer and the formal approvals process is adhered to.
41. To ensure that the approval of the Executive is obtained before any negotiations are concluded to work for third parties.
42. To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Deputy Chief Executive and City Treasurer.
43. To ensure that appropriate insurance arrangements are made.
44. To ensure that the Council is not put at risk from any bad debts.
45. To ensure that no contract is subsidised by the Council without the approval of the Executive.
46. To ensure that, wherever possible, payment is received in advance of the delivery of the service.
47. To ensure that the service/unit has the appropriate expertise to undertake the contract.
48. To ensure that such contracts do not impact adversely upon the services provided for the Council.
49. To ensure that all contracts are properly documented.
50. To provide appropriate information to the Deputy Chief Executive and City Treasurer to enable relevant disclosures to be made in the Statement of Accounts.

## **Section D**

# **Financial Systems and Procedures**

## FINANCIAL SYSTEMS AND PROCEDURES

## SECTION D: Financial Systems and Procedures

**CONTENTS**

<b><u>Chapter 1: General No's.</u></b>	<b><u>Paragraph</u></b>
● Budgetary	1 - 16
● Budget Preparation and Business Planning	17 - 36
● Resource Allocation	37 - 44
● Monitoring and Controlling Budgets	45 - 74
● Virement (including Thresholds)	<b>75 - 88</b>
<b><u>Chapter 2: Accountancy</u></b>	
● Financial Records and Returns	1 - 13
● Treatment of In Year Balances	14 - 20
● Maintenance of Reserves/Provisions	21 - 38
● Annual Statement of Accounts	39 - 45
● Taxation	46 - 57
<b><u>Chapter 3: Income and Expenditure</u></b>	
● Income	1 - 38
● Expenditure	<b>39 - 78</b>
● Imprest Accounts	<b>79 - 80</b>
● Treasury Management	<b>81 - 94</b>
● Banking	<b>95 - 97</b>
● Trust Funds and funds held for Third Parties	<b>98 - 100</b>
<b><u>Chapter 4: Assets</u></b>	
● General	1 - 21
● Inventories	22 - 34
● Asset Disposal and Write-off Procedures	35 - 42

## FINANCIAL SYSTEMS AND PROCEDURES

**CHAPTER 1 - GENERAL****BUDGETARY**Deputy Chief Executive and City Treasurer

1. Responsible for ensuring that the Council's financial systems are sound **across the City Council and for any pooled fund or integration arrangement.**
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 National Audit Office 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. To ensure that the Deputy Chief Executive and City Treasurer has approved any changes to the existing procedures, financial systems or the establishment of new systems in advance of implementation.
8. 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.
9. To ensure that **invoices** and documents with financial implications are **retained in line** with arrangements approved by the Deputy Chief Executive and City Treasurer.

## FINANCIAL SYSTEMS AND PROCEDURES

10. 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.
11. 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.
12. 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.
13. To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems and 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.
14. To ensure that computer systems are registered and operated in accordance with data protection legislation, 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.
15. To ensure that the Council's information and ICT security standards are complied with.
16. To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.

## **BUDGET PREPARATION AND BUSINESS PLANNING**

17. 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 Deputy Chief Executive and 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 Deputy Chief Executive and 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.
18. The Deputy Chief Executive and City Treasurer must collate capital estimates jointly with Chief Officers and Heads of Services to submit them as a capital programme,



## FINANCIAL SYSTEMS AND PROCEDURES

including any associated financing requirements, to the Executive which will make recommendations for approval by the Full Council.

19. It is illegal for the Council to budget for a deficit.

### Full Council

20. Responsible for approving the general format of the Revenue and Capital Budget, proposed by the Executive on the advice of the Deputy Chief Executive and City Treasurer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.
21. 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.
22. In terms of financial planning, the key elements are:
- The Our Manchester Strategy;
  - **The Corporate Plan**
  - **Medium Term Financial Strategy (incorporating the Medium Term Financial Plan, Directorate Budgets, the Housing Revenue Account Business Plan and the Dedicated Schools Grant)**
  - Capital Strategy and Programme;
  - Treasury Management Strategy;
  - Annual Investment Strategy;
  - Minimum Revenue Provision Strategy.

### Executive

23. Responsible for approving guidance on the general content of the Revenue and Capital Budget as submitted by the Deputy Chief Executive and City Treasurer.
24. 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.
25. To approve schedules for individual capital schemes within the overall budget approved by Full Council.

### Resources and Governance Scrutiny Committee

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

## FINANCIAL SYSTEMS AND PROCEDURES

Deputy Chief Executive and City Treasurer

27. To prepare and submit reports on budget prospects, for the Executive, including resource constraints set by the government. Reports should take account of medium term prospects, where appropriate.
28. 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.
29. 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 Deputy Chief Executive and City Treasurer, having regard to Government regulations and accounting requirements, will determine the definition of 'capital'.
The Deputy Chief Executive and 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"> <li>- affordability;</li> <li>- prudence and sustainability;</li> <li>- value for money;</li> <li>- stewardship of assets;</li> <li>- service objectives;</li> <li>- practicality.</li> </ul>
To ensure, where appropriate, that proposals <b>for external funding have been approved by the Council's Revenue Gateway Panel</b> process prior to Executive approval <b>to ensure strategic fit.</b>	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. The 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

	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.
	To ensure that all capital schemes have been through the Council's Capital <b>Checkpoint</b> Approval Process before approval to spend the allocation is granted. Note that approval is also required for all externally funded schemes (including those which are 100% funded from external sources).

30. The guidelines will take account of:

- legal requirements;
- medium-term planning prospects;
- the **Our Manchester Strategy and Corporate Plan**;
- available resources;
- spending/income pressures;
- CIPFA Accounting Codes and other relevant government guidelines;
- other internal policy documents;
- cross-cutting issues (where relevant).

31. 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

32. To ensure that priorities within Business Plans are delivered and that budgets are balanced across services within their directorates.
33. To ensure that there is a clear direction for the services in their directorate that aligns with the **Our Manchester Strategy and Corporate Plan**. The Chief Officer must provide leadership for change, innovation and creativity.
34. 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 Deputy Chief Executive and City Treasurer.

## FINANCIAL SYSTEMS AND PROCEDURES

35. To prepare budgets that are consistent with any relevant cash limits, with the Council's annual budget cycle and with guidelines issued by the Deputy Chief Executive and City Treasurer. The Deputy Chief Executive and City Treasurer in accordance with the Full Council's general directions will prescribe the format.
36. When drawing up draft budget requirements, to have regard to:
- spending patterns and pressures revealed through the budget monitoring process;
  - legal requirements;
  - de minimis levels (capital),
  - policy requirements as defined by the Full Council in the approved policy framework and with partners in the delivery of the **Our Manchester Strategy**,
  - initiatives already under way; and
  - the following table:

Revenue	Capital
To comply with the laid-down guidance, controls and timetable issued by the Deputy Chief Executive and 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 Deputy Chief Executive and 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 Deputy Chief Executive and 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 Deputy Chief 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.

## FINANCIAL SYSTEMS AND PROCEDURES

<p>- <b>To submit revenue proposals to bid for external funding</b> through the Council's Revenue Gateway process and subsequent approval by the Deputy Chief Executive and City Treasurer.</p>	<p>To ensure that <b>each capital project follows the Council's Checkpoint process. At Checkpoint 2 approval should be sought from the Deputy Chief Executive and City Treasurer in consultation with the Executive Member for Finance and Human Resources and the Deputy Leader and relevant Executive Portfolio Holder prior to the project's inclusion in the Capital Budget.</b></p>
<p><b>To ensure that approvals to utilise increased grant resources allocated to the Council in year (includes any external funds allocated/received in advance); unbudgeted use of reserves and requests for release of funds approved in the budget but not yet allocated to departmental cash limit are approved by the Deputy Chief Executive and City Treasurer and Executive Member for Finance and Human Resources and reported in the Council's Global Monitoring Report.</b></p>	<p>To ensure that approvals for all capital expenditure proposals are obtained prior to a scheme's commencement from the Deputy Chief Executive and City Treasurer and the Executive Member for Finance and Human Resources and that capital expenditure approvals are not exceeded.</p>

## RESOURCE ALLOCATION

### Executive

37. 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.

### Deputy Chief Executive and City Treasurer

38. To develop and maintain a resource allocation process that ensures due consideration of the Full Council's Policy Framework and legal constraints.
39. To advise on methods available for the funding of resources **to ensure the most effective use of resources**, , such as grants from Central Government, **other external resources** and borrowing requirements.
40. To advise on the suitability of proposals to introduce/modify financial procedures to control resources.
41. To reallocate approved resources for the capital budget at out-turn to provide the most advantageous financial outcome for the Council provided that this does not result in an increase in the Council's level of borrowing.

**FINANCIAL SYSTEMS AND PROCEDURES**Chief Officers and Heads of Service

42. To assist in the allocation of resources to budget managers.
43. 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.
44. To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

**MONITORING AND CONTROLLING BUDGETS**

45. 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.

Deputy Chief Executive and City Treasurer

46. Ensure the deployment of adequate staff resources to ensure that the process of budget monitoring is adequately supported.
47. In consultation with the City Solicitor 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 76-89 below);
  - causing total net expenditure to increase beyond the approved budget.
48. 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;
  - Significant variances from approved budgets are investigated and reported by budget managers regularly and should include mitigating action to address pressures.

Revenue	Capital
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## FINANCIAL SYSTEMS AND PROCEDURES

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.	Authorising, in consultation with the Executive Member for Finance and Human Resources, increases in capital expenditure by up to £1 million per scheme, subject to external funding, capital receipts or revenue budget being available.
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 City Solicitor should refer decisions to the Full Council.	To report and seek Executive approval for increasing capital expenditure per scheme in excess of £1 million which can be funded through additional external funding, capital receipts and revenue budgets.
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.	To prepare and submit 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.

49. To administer the Council's scheme of virement (*see below*).
50. To ensure prior approval by the Full Council or the 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.
51. 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.
52. 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.

## FINANCIAL SYSTEMS AND PROCEDURES

### Chief Officers and Heads of Services

53. 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.
54. 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.
55. 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 Deputy Chief Executive and 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 Deputy Chief Executive and City Treasurer and Executive Member for Finance and Human Resources.
	To consult with the Deputy Chief Executive and City Treasurer and to seek Executive approval where the Chief Officer and/or Head of Service proposes to bid for grants to be issued by Government departments or others to support expenditure that has not been included in the current year's capital programme.

56. To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Deputy Chief Executive and City Treasurer and, if applicable, approval of the scheme through the capital programme.
57. To ensure that priorities within Business Plans are delivered and that budgets are balanced across services within their directorates.



**FINANCIAL SYSTEMS AND PROCEDURES**

58. To be responsible for ensuring that the resource implications of all new projects which they initiate **and which are outside of the approved budget and business plan priorities** are identified in briefing papers to the Deputy Chief Executive and City Treasurer and the relevant Executive Member.
59. Chief Officers to provide appropriate and necessary support and challenge to all Heads of Service to ensure the delivery of the **Our Manchester Strategy 2016-2025 and the Council's Corporate Plan**.
60. To be responsible for ensuring that their service provides services to the agreed standard and within their approved budget.
61. To be responsible for liaising with the relevant Executive Member and Strategic Management Team regarding progress against priorities within Business Plans.
62. 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.
63. 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 Deputy Chief Executive and City Treasurer and then the Executive for consideration of how these additional monies are to be used.
64. 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.
65. Heads of Service are expected to regularly review service performance against the objectives set in the Business Plan and re-prioritise where necessary to address performance and budget constraints.
66. Heads of Service are accountable for the achievement of efficiencies identified / allocated to their services.
67. 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 without agreement from the Deputy Chief Executive and City Treasurer.
68. Heads of Service are accountable for ensuring that appropriate systems and processes are in place to ensure the effective management of their service.
69. It is the responsibility of Heads of Service to ensure that effective performance and budget monitoring takes place within their service.

## FINANCIAL SYSTEMS AND PROCEDURES

70. 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.
71. 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.
72. The Heads of Finance and their finance teams support the Heads of Service in setting budgets and establishing appropriate systems and processes **and reporting** for managing service budgets.
73. The budget position should be reported monthly to the Directorate Management Team and should include:
- Budget allocations;
  - Projected outturn;
  - Variance of projected outturn against budget allocation;
  - Explanation for any significant variances and 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.
74. 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 Deputy Chief Executive and City Treasurer.

### **VIREMENT**

75. As part of the Virement Policy a change in a budget due to a transfer from another budget can be approved within the limits set out within these regulations.
76. 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);

## FINANCIAL SYSTEMS AND PROCEDURES

- A transfer of budget for a different purpose as that set out in the approved Budget and Business Plan.

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

### Full Council

78. Responsible for agreeing the policy for virement of expenditure between budget headings and for approving any variation to the **policy**.

### Executive

79. In accordance with the Virement **Policy** and associated thresholds, responsible for considering reports submitted by the Deputy Chief Executive and City Treasurer and Chief Officers in respect of virement proposals for revenue and capital expenditure.

80. Responsible for considering reports submitted by the Deputy Chief Executive and City Treasurer and Chief Officers and approving any revenue expenditure where:

- 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.

### Deputy Chief Executive and City Treasurer

81. To administer the Virement Policy agreed by Full Council and in accordance with the Budget and Policy Framework Procedure Rules.

82. In accordance with the scheme of virement and associated thresholds, responsible for considering reports submitted by the Chief Officers and Heads of Services in respect of virement proposals for revenue and capital expenditure.

83. 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 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.

84. 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

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

Threshold	Revenue	Capital
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## FINANCIAL SYSTEMS AND PROCEDURES

As indicated	<ol style="list-style-type: none"> <li>1. <b>Chief Officers (or their nominated Heads of Service) with support from their Head of Finance can vire amounts of up to and including £500k within their budgets as long as this is in support of the priorities agreed in the Medium Term Financial Plan and they are properly recorded on SAP.</b></li> <li>2. <b>Where this involves changes to the staffing establishment for their service area this needs to be in consultation with the Director of HR and OD</b></li> </ol>	Chief Officers to vire up to £250,000 from within the capital programme following notification to the Deputy Chief Executive and City Treasurer <b>as part of the Checkpoint process.</b>
		Deputy Chief Executive and City Treasurer to report and seek Executive approval for virements in excess of <b>£250,000</b> and up to £500,000 <b>unless this is a virement from an approved capital budget for an agreed programme pending allocation.</b>
In excess of £500,000	<p>Deputy Chief Executive and City Treasurer to report and seek approval from the <b>Executive</b> virements in excess of £500,000.</p> <p><b>Virements over £500k which are between Directorates or are in support of a policy change or key decision require approval from Full Council.</b></p> <p><b>Virements between staffing and non staffing budgets of</b></p>	<b>Deputy Chief Executive and City Treasurer to report and seek approval from the Executive for virements in excess of £500,000 and Full Council for virements of over £1m unless this is a virement from an approved capital budget for an agreed programme pending allocation.</b>

## FINANCIAL SYSTEMS AND PROCEDURES

	<b>over £500k require the approval of full Council.</b>	
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86. 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.
87. In conjunction with the Deputy Chief Executive and City Treasurer to report to, and seek the prior approval of, the Executive for any revenue expenditure to be funded from the release of earmarked sums from central contingency, **reserves or budgets held corporately prior to allocation**
88. To report to, and seek the prior approval of, the Deputy Chief Executive and City Treasurer for any revenue expenditure to be funded from the planned use of reserves, including where grant funding across more than one year has to be held in a reserve.

## FINANCIAL SYSTEMS AND PROCEDURES

**CHAPTER 2 - ACCOUNTANCY****FINANCIAL RECORDS AND RETURNS**Deputy Chief Executive and 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 Deputy Chief Executive and City Treasurer.
2. **Not allocated**
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 Deputy Chief Executive and City Treasurer before making any changes to accounting **systems** 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 Deputy Chief Executive and City Treasurer and to supply the Deputy Chief Executive and 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 the guidelines and timescales issued by the Deputy Chief Executive and 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 Deputy Chief Executive and City Treasurer.
13. To prepare and submit an annual report, in consultation with the Deputy Chief Executive and 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 **the treatment of year end under or overspends based on the recommendations of the Executive.**

#### Executive

15. **Not allocated**
16. To consider **the overall year end financial position and whether an under or overspends should be carried forward to the following year, met from overall council resources (ie over and underspends from elsewhere), or to recommend to Council that a balance is met from or added to the General Fund Reserve.**
17. **To consider** applications from Chief Officers and Heads of Services to carry forward managed underspendings in excess of service estimates.

#### Deputy Chief Executive and City Treasurer

18. To administer the **treatment of any year end overspendings and underspendings** within guidelines approved by Full Council.
19. To report all overspendings and underspendings **with the recommendation for their treatment** to the Executive and to Full Council.

#### Chief Officers and Heads of Service

20. **Not allocated**
21. Managed underspendings 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 Deputy Chief Executive and City Treasurer and Executive Member for Finance and Human Resources.
  - 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.

## FINANCIAL SYSTEMS AND PROCEDURES

**MAINTENANCE OF RESERVES/PROVISIONS**Full Council

22. To approve the use of reserves which is in addition to that already planned and is in excess of £10 m in aggregate in any financial year.

Executive

23. To consider reports for the Deputy Chief Executive and City Treasurer on prudent levels of reserves for the Council.
24. To consider reports from the Deputy Chief Executive and City Treasurer on the adequacy of proposed financial reserves.
25. To consider reports from the Deputy Chief Executive and City Treasurer approving the use of reserves , in addition to that already planned, up to £10 m in aggregate in any financial year.

Deputy Chief Executive and City Treasurer

26. To ensure that there are clear protocols for the establishment and use of reserves **and** provisions.
27. In consultation with Chief Officers and Heads of Service establish reserves and/or provisions and provide guidance on how to incur expenditure from reserves **or charge expenditure to** provisions.
28. To advise the Executive and/or the Full Council on prudent levels **and adequacy** of reserves for the Council, and to take account of the view of the external auditor in this matter.
29. **Not allocated**
30. To agree with the relevant Chief Officer the draw-down of the use of reserves where the planned use is included in the Council's Revenue Budget Report.
31. To report and seek Executive approval for the use of reserves £10 m in aggregate in any financial year **above that already approved in the budget** For use of reserves in excess of £10 m in aggregate approval of Full Council is required.
32. **Not allocated**
33. To report to the Executive and/or the Full Council if a **reserve or provision** is, or is likely to be, inadequate.

Chief Officers and Heads of Service

34. Subject to the approval of the Deputy Chief Executive and City Treasurer to establish reserves and/or provisions and the **use of reserve /provisions**.



## FINANCIAL SYSTEMS AND PROCEDURES

35. To ensure that the use of reserves when approved by the Deputy Chief Executive and City Treasurer and the Executive, or Full Council, as appropriate, is planned in 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 Deputy Chief Executive and City Treasurer.

## **ANNUAL STATEMENT OF ACCOUNTS**

### Audit Committee

38. Responsible for approving the audited statutory Annual Statement of Accounts and associated governance and accounting policy documents in accordance with the Accounts and Audit Regulations .

### Deputy Chief Executive and 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. Responsible for the selection of suitable accounting policies and ensuring that they are applied consistently and comply with the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom. The accounting policies are reported to Audit Committee and set out in the Statement of Accounts, which is prepared as at 31st March each year.
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 Regulations 2015.
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 in accordance with the statutory timetable.
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**

**FINANCIAL SYSTEMS AND PROCEDURES****Deputy Chief Executive and City Treasurer**

45. 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.
46. 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.
47. To complete all HM Revenue and Customs returns regarding Pay As You Earn (PAYE).
48. To submit a monthly return of VAT inputs and outputs to HM Revenue and Customs.
49. To provide details to the HM Revenue and Customs of deductions made under the Construction Industry Tax Deduction Scheme.
50. To maintain up-to-date guidance for Council employees on taxation issues
51. To maintain an up-to-date register of VAT de minimis payments in accordance with the Value Added Tax Act 1994.

**Chief Officers and Heads of Service**

52. 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.
53. To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
54. To ensure that the Council is not put at risk in any funding arrangements by identifying the correct VAT treatment in accordance with the Value Added Tax Act 1994.
55. 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.
56. To follow the guidance on taxation issued by the Deputy Chief Executive and City Treasurer.

## FINANCIAL SYSTEMS AND PROCEDURES

**CHAPTER 3 – INCOME AND EXPENDITURE****INCOME****Deputy Chief Executive and 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 cash handling and banking procedures document in place that sets out the requirements in relation to the treatment of cash income **and ensure that the arrangements are PCI compliant.**
3. To ensure that there are robust debt management policies in place that clearly sets out the debt collection and write off procedures for all monies owed. **To ensure that the debt recovery procedures are used to collect any income due to the Council which has not been paid within specified time limits and that the appropriate accounting adjustments are made following any write off action.**
4. **To approve service area write off policy documents and the arrangements for the writing off of irrecoverable debts by Chief Officers and Heads of Service.**
5. To approve the format of official receipts (receipt books, tickets and similar items) and procedures for the control and supply of these to services.
6. **Not allocated**
7. To issue guidance relating to the retention and storage of income documents.
8. To agree appropriate arrangements for the prevention, detection and reporting of potential Money Laundering offences

**Chief Officers and Heads of Services**

9. 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.
10. 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.
11. To adhere to the requirements of the debt management policy for their service area.
12. To ensure that appropriate recovery action (including legal action) is taken. Where it has been agreed with the Deputy Chief Executive and 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 in accordance with legislation.
13. To adhere to the requirements of the cash handling and banking procedures.

**FINANCIAL SYSTEMS AND PROCEDURES**

14. To agree the form of official receipts with the Deputy Chief Executive and City Treasurer, **to issue** official receipts and maintain other relevant documentation for the collection of income **and to securely hold** receipts, tickets and other records of income for the appropriate period in accordance with guidance issued by the Deputy Chief Executive and City Treasurer.
15. To ensure that at least two officers are present when post is opened so that money received by post is properly identified and recorded.
16. To ensure that at least two officers are present at the cashing up and completion of bank paying in records.
17. 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.
18. **To ensure that income is locked away and safeguarded against loss or theft and that the** levels of cash held on premises does not exceed the approved amount.
19. 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 the 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. All income received **must be** banked in full and not used to make other payments.
20. 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 Deputy Chief Executive and 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 seven days after the completion of a chargeable transaction.
21. To seek to achieve payment by direct debit or standing orders in situations where regular payments are due to the Council. The Deputy Chief Executive and City Treasurer should approve general arrangements for receiving payment by direct debit or standing orders.
22. To consult the Deputy Chief Executive and City Treasurer about any new proposal to arrange to accept payments by credit cards, debit cards, internet or similar means.
23. To comply with the requirements of Payment Card Industry Data Security Standard (PCI DSS).
24. To ensure that invoices raised require payments to be made to the Council and that income is coded to the appropriate cost centre / capital project. Where appropriate, VAT must be separately identified on both the invoice and the coded income.
25. To advise the Deputy Chief Executive and 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 Deputy Chief Executive and City Treasurer and to pursue these promptly.

## FINANCIAL SYSTEMS AND PROCEDURES

27. To assist the Deputy Chief Executive and City Treasurer in collecting debts they have raised 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 Deputy Chief Executive and City Treasurer (including arrangements determining which bad debt provisions or budgets write-offs are to be charged against).
29. To authorise the raising of a credit item, in consultation with the Deputy Chief Executive and City Treasurer, if an error has been made in raising an invoice.
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. For Treasury Management purposes to notify the Deputy Chief Executive and City Treasurer of any significant amounts of income due to the Council and the likely timing of such receipts.
32. To notify the Deputy Chief Executive and City Treasurer of income **not invoiced** relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the Deputy Chief Executive and City Treasurer.
33. To notify the Deputy Chief Executive and City Treasurer (as Money Laundering Reporting Officer) or Head of Internal Audit (as Deputy MLRO) of any suspicions of potential money laundering in accordance with the Council's Anti Money Laundering Policy.

## **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 Deputy Chief Executive and 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 Deputy Chief Executive and 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.

**FINANCIAL SYSTEMS AND PROCEDURES**

37. Verbal instruction 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 Deputy Chief Executive and City Treasurer. .
39. Cheque payments must have the electronic signature of the Deputy Chief Executive and City Treasurer and be crossed 'account payee only'.

**Deputy Chief Executive and City Treasurer**

40. To approve the form of official purchase orders and associated terms and conditions.
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. **Not allocated.**

**Chief Officers and Heads of Service**

47. To ensure that all purchase orders for goods and services, manual or electronic, are in a form prescribed by the Deputy Chief Executive and City Treasurer and approved by the City Solicitor.
48. To hold retain and store all evidence relating to transactions and payments in accordance with guidance issued by the Deputy Chief Executive and City Treasurer.
49. To ensure that purchase orders are only used for goods and services provided to the Council.
50. To ensure that officers do not use official purchase orders to obtain goods or services for their private use.

**FINANCIAL SYSTEMS AND PROCEDURES**

51. To ensure that only Cost Centre Managers / Project Officers and their substitutes set up in the Council's computerised financial management system (SAP), approve purchase orders. The Cost Centre Manager / Project Officers 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.
52. 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.
53. 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 for consideration prior to placing any order with the vendor.
54. 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 Deputy Chief Executive and 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.
55. 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 Deputy Chief Executive and City Treasurer, all invoices should be sent by suppliers/vendors direct to the Council's Finance Shared Service Centre (FSSC).
56. 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.
57. 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 Deputy Chief Executive and City Treasurer must be obtained before the payment is made.
58. To ensure that the goods requisitioning process is carried out by a different officer to the Cost Centre Manager / Project Officers who authorises the issue of a purchase order.
59. To ensure that the service maintains, and reviews periodically, a list of Cost Centre Managers / Project Officers and substitutes with appropriate authority within the Council's computerised financial management system.

## FINANCIAL SYSTEMS AND PROCEDURES

60. 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.
61. 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 Deputy Chief Executive and City Treasurer.
62. 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 Deputy Chief Executive and City Treasurer, which are in line with best value principles and contained in the Council's Contract Procurement Rules.
63. To comply with the Contract Procurement 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 Service authority and delegation;
  - Thresholds for the relevant competitive processes, including EU 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.
64. With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Deputy Chief Executive and 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.
65. **All agreements for the supply of ICT, including software, hardware and telephony equipment must be authorised by the Director of ICT.**
66. 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

67. To notify the Deputy Chief Executive and 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 Deputy Chief Executive and City Treasurer.
68. To ensure that loans, guarantees, leasing or rental arrangements are not entered into without prior agreement from the Deputy Chief Executive and City Treasurer (in respect of leasing the Deputy Chief Executive and City Treasurer and the Executive Member for Finance and Human Resources). This is because of the potential impact on the Council's borrowing limits **and revenue expenditure**, to protect the Council against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
69. To notify the Deputy Chief Executive and City Treasurer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
70. To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with guidance issued by the Deputy Chief Executive and City Treasurer.
71. To notify the Deputy Chief Executive and City Treasurer or Head of Internal Audit of any suspicions of fraud, bribery or corruption in the award of contracts or payments to suppliers in accordance with the Council's Anti-Fraud Policy and Anti Bribery and Criminal Facilitation of Tax Evasion Policy.

### **IMPREST ACCOUNTS**

#### Deputy Chief Executive and City Treasurer

72. Imprest Accounts can be established in exceptional circumstances following approval from the Deputy Chief Executive and City Treasurer.

#### Chief Officers and Heads of Service

73. Responsible for ensuring the imprest account is regularly reconciled.

### **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 CIPFA's *Code of Practice for Treasury Management in Local Authorities*.

#### Executive

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

**FINANCIAL SYSTEMS AND PROCEDURES****Deputy Chief Executive and 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.
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 Deputy Chief Executive and City Treasurer is responsible for reporting to the Audit Committee twice each financial year on the activities of the treasury management operation and on the Executive's exercise of their delegated treasury management powers. .
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 and Policy Framework the approval of Full Council).
87. To notify the Deputy Chief Executive and City Treasurer's Treasury Management section when income due over £100,000 or non-routine payments (i.e. 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.

**FINANCIAL SYSTEMS AND PROCEDURES****BANKING**Deputy Chief Executive and 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 Deputy Chief Executive and 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 Deputy Chief Executive and 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 Deputy Chief Executive and City Treasurer.

## FINANCIAL SYSTEMS AND PROCEDURES

**CHAPTER 4 - ASSETS****GENERAL**Deputy Chief Executive and City Treasurer

1. To ensure that an asset register is maintained. 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 Strategic Director (Growth and Development).

City Solicitor

5. For the safe custody of title deeds.

Strategic Director (Growth and Development)

6. To keep a register of all land and buildings owned by the Council, other than properties managed by Strategic Housing and Residential Growth 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. **This should also contain details on whether the asset has been opted to tax for VAT purposes.**
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 Deputy Chief Executive and 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 increased or declined in value between the rolling programme of valuations. Information on asset valuations, purchases and sales must be provided to the Deputy Chief Executive and City Treasurer for inclusion in the asset register in accordance with the timetable set by the Deputy Chief Executive and City Treasurer. These valuations must include the estimated lives of assets **and details of any significant components.**
8. To keep a record of properties managed by the Strategic Housing **and Residential Growth** and made available for letting - including details of valuations and stock condition etc. as required, and in accordance with Government guidance.

**FINANCIAL SYSTEMS AND PROCEDURES**Chief Officers and Heads of Service

9. To ensure that records and assets are properly maintained and securely held.
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 Strategic Director (Growth and Development) 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 Deputy Chief Executive and City Treasurer.
16. To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
17. To consult the Deputy Chief Executive and 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 Audit and Risk Management 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.

## FINANCIAL SYSTEMS AND PROCEDURES

### INVENTORIES

22. To maintain adequate records of items of furniture, equipment, vehicle and plant, above £200 in value.
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 cameras and IT equipment 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. Items lost or stolen must be promptly reported to the Insurance and Claims Service.
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 Deputy Chief Executive and City Treasurer.
30. To ensure that cash handling is carried out in accordance with guidance issued by the Deputy Chief Executive and 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 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 Deputy Chief Executive and 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 Deputy Chief Executive and City Treasurer and after consultation with the City Solicitor.

**FINANCIAL SYSTEMS AND PROCEDURES****ASSET DISPOSAL AND WRITE OFF PROCEDURES**Executive

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

Deputy Chief Executive and 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 Deputy Chief Executive and 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 Deputy Chief Executive and City Treasurer.
42. To ensure that income received for the disposal of an asset is properly banked and coded.

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# **Section E**

## **Contract Procurement Rules**

<b>SECTION E: Contract Procurement Rules</b>
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## **CONTENTS**

### **A BRIEF GUIDE TO CONTRACT PROCUREMENT RULES**

#### **SCOPE OF CONTRACT PROCUREMENT RULES**

- RULE 1: BASIC PRINCIPLES
- RULE 2: OFFICER RESPONSIBILITIES
- RULE 3: EXEMPTIONS, COLLABORATIVE AND E-PROCUREMENT ARRANGEMENTS
- RULE 4: RELEVANT CONTRACTS

#### **COMMON REQUIREMENTS**

- RULE 5: STEPS PRIOR TO PURCHASE
- RULE 6: RECORDS
- RULE 7: ADVERTISING, APPROVED LISTS AND FRAMEWORK AGREEMENTS

#### **CONDUCTING PURCHASE AND DISPOSAL**

- RULE 8: COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS
- RULE 9: PRE-TENDER MARKET RESEARCH AND CONSULTATION
- RULE 10: STANDARDS AND AWARD CRITERIA
- RULE 11: INVITATIONS TO TENDER/QUOTATIONS
- RULE 12: SHORTLISTING
- RULE 13: SUBMISSION, RECEIPT AND OPENING OF TENDERS/QUOTATIONS
- RULE 14: CLARIFICATION PROCEDURES
- RULE 15: EVALUATION
- RULE 16: POST TENDER NEGOTIATIONS
- RULE 17: AWARD OF CONTRACTS AND FRAMEWORK AGREEMENTS AND DEBRIEFING CANDIDATES

#### **CONTRACT AND OTHER FORMALITIES**

- RULE 18: CONTRACT DOCUMENTS
- RULE 19: BONDS AND PARENT COMPANY GUARANTEES

#### **CONTRACT MANAGEMENT**

- RULE 20: MANAGING CONTRACTS
- RULE 21: RISK ASSESSMENT AND CONTINGENCY PLANNING
- RULE 22: CONTRACT MONITORING, EVALUATION AND REVIEW

#### **DEFINITIONS**

## A BRIEF GUIDE TO CONTRACT PROCUREMENT RULES

These Contract Procurement 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 Procurement 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, Crown Commercial Service agreement, AGMA or other Central Purchasing Body 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 unless allowed for in the Invitation to Tender documents).
- ❖ 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 Procurement Rules, Financial Regulations, the Code of Conduct and with all **applicable legal requirements including:**

- **The Public Contracts Regulations 2015,**
- **The Concession Contracts Regulations 2016**
- **The Public Services (Social Value) Act 2012**

**2.1.2** Officers must:

- have regard to the Purchasing Guidance including any relevant Gateway procedures
- comply with the Council's Corporate Procurement Guidance, Contract Management Standards and any Directorate Commissioning Strategies in place at the time the decision is taken
- 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 Council 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.

## 2.2 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.

2.2.2 The delegated powers of Chief Officers set out in these contract procurement rules may be exercised by other Officers authorised by the Chief Officer with the delegated power to act on their behalf and in their name, provided that those Officers report directly or indirectly to the Chief Officer with the delegated power and that administrative procedures are in place to record the authorisation and to record and monitor decisions so taken.

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 Procurement Rules for specific projects, and any such decision may be a Key Decision.

3.2 A Chief Officer may, (subject to the Deputy Chief Executive and City Treasurer's and a Strategic Management Team (as defined in Part 8 of the Constitution) member'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 Procurement Rules, where they are satisfied:

- Goods are to be bought at auction and the Council's best interest will be served by purchase through auction and has agreed an upper limit for bids, or
- Only one contractor can provide the goods, services or works required and there is no reasonable alternative contractor, or

- 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, or
- There are value for money reasons justifying a waiver.

Applications to waive any requirement shall be made using the Corporate Procurement Service template documentation available from the Corporate Procurement Service.

- 3.3 Where a proposed contract or agreement is subject to the **Statutory Procedure**, a Chief Officer, the Deputy Chief Executive and City Treasurer and Strategic Management Team (as defined in Part 8 of the Constitution) members have no delegated powers. No exemption under Rules 3.1 and 3.2 can be used if the **Statutory Procedure** applies.
- 3.4 All exemptions, and the reasons for them, must be recorded by the Chief Officer.
- 3.5 In order to secure Value for Money, the Council may enter into collaborative procurement arrangements with other local authorities, government departments, public bodies or Central Purchasing Bodies and may use Framework Agreements let by other local authorities, government departments, public bodies or Central Purchasing Bodies.
- 3.6 Purchases made via a local authority purchasing consortium are deemed to comply with these Contract Procurement Rules and no exemption is required. However, purchases subject to the **Statutory Procedure** must be let under the **Statutory Procedure**, unless the consortium or Central Purchasing Body has satisfied this requirement already by letting its agreement in accordance with the **Statutory Procedure** on behalf of the Council or specifying the Council as a potential user.
- 3.7 Advice must be sought from the City Solicitor's department and/or the Corporate Procurement Service regarding any contracts entered into through collaboration with other local authorities or other public bodies or use of Central Purchasing Body arrangements to ensure compliance with the procurement rules.
- 3.8 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 Procurement Rules. A Relevant Contract is any arrangement made by the Council (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 Council, 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.

## 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 internal or external 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 Deputy Chief Executive and City Treasurer it is submitted to the Deputy Chief Executive and 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.

5.3 Prior to procurement the Officer must ensure that consideration has been given to whether the purchase fits within the commissioning strategy of the service, as set out in the service's Commissioning Forward Plan.



- 5.4 Social Value must be included in any specification, whether done through formal tender or by approval to purchase from a Chief Officer or by any other way. It must be clearly evidenced how a contract will deliver its social value commitments and how this will be monitored post contract award.
- 5.5 Specifications should not be approved or used in procurement without clear statements of requirements for performance measurement and monitoring. These should be approved by Chief Officers or their formal delegated Officers. Implementation plans should be developed in draft at specification stage and refined during the evaluation process so that officers can be clear with bidders how contract monitoring will work in practice
- 5.6 Key stakeholders must be kept informed during the commissioning, procurement and contract lifetime, as set out in the MCC Contract Management Standards

## 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
  - 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 (using the Corporate Procurement Service template documentation available from the Corporate Procurement Service):
- 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
  - Invitation to Tender documents sent to and Tender documents received from Candidates

- pre-tender market research (if any)
- clarification and post-tender negotiation (to include minutes of any meetings)
- the contract documents
- post-contract evaluation and monitoring
- communications with Candidates and with the successful contractor throughout the period of the procurement.
- record and keep the approval of specification (including Social Value and Contract Monitoring arrangements) by the Chief Officer.

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 **in respect of** a proposed Relevant Contract or Framework Agreement, a sufficiently accessible advertisement is published. Generally, the greater the interest of the arrangement to potential bidders, the wider the coverage of the advertisement should be. Examples of where such advertisements may be placed include:

- the Council's website
- portal websites specifically created for contract advertisements (such as the UK Government Contracts Finder website)
- a local or national newspaper or specialist publication
- national official journals, or the Official Journal of the European Union (OJEU) **where applicable** Tenders Electronic Daily (TED) (even if there is no requirement within the **Statutory Procedure**).

7.1.2 Officers are responsible for ensuring that all Candidates for a Relevant Contract or Framework Agreement have necessary:

- economic and financial standing, and
- technical ability and capacity

to fulfil the requirements of the Council.

## 7.2 Framework Agreements

- 7.2.1 The term of a Framework Agreement which is subject to the **Statutory Procedure** must not exceed four years save in exceptional cases duly justified, in particular by the subject matter of the Framework Agreement and Framework Agreements may be entered into with one or several providers.
- 7.2.2 Where a Framework Agreement is concluded with a single provider contracts let under that Framework Agreement shall be awarded within the limits of the terms specified in the Framework Agreement
- 7.2.3 Where a Framework Agreement is concluded with more than one provider contracts based on that Framework Agreement shall be awarded as follows:
- (i) direct award without re-opening competition where all the terms governing the provision of the works/services/supplies concerned are set out in the Framework Agreement and the objective criteria for determining which provider shall perform the contract are identified in the Framework Agreement; or
  - (ii) where the Framework Agreement sets out all the terms governing the provision of the works/services/supplies concerned and where the Framework Agreement states that it may be used, partly by direct award and partly by reopening competition provided that the Framework Agreement sets out the objective criteria which will be used to determine whether a contract will be placed by a re-opening of competition or by direct award; or
  - (iii) where the Framework Agreement does not include all the terms governing the provision of the works/services/supplies concerned, by holding a further competition with the providers which are party to 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 Rules 8.1.2 and 8.5 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.

Total Value	Award Procedure
Up to £2,000	One oral Quotation (confirmed in writing where the Total Value exceeds £500)
£2,001 – £30,000	At least three written Quotations
£30,001 – <b>Statutory Threshold</b>	Invitation to Tender by advertisement to at least three Candidates (the opportunity must also be advertised on the UK Government Contracts Finder website within 24 hours of the opportunity being advertised in any other way)
Above <b>Statutory Threshold</b>	<b>Statutory Procedure</b> (where advertisement required under <b>Statutory Procedure</b> the opportunity must also be advertised on UK Government Contracts Finder website)

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.

8.1.3 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 Procurement Rules.

8.1.4 Where the Total Value exceeds £50,000 the Corporate Procurement Service should be consulted prior to the commencement of the procedure.

## 8.2 Assets for Disposal

8.2.1 Assets for disposal must be sent to public auction except where the Deputy Chief Executive and 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 web site).

## 8.3 Providing Services to External Purchasers

8.3.1 The Deputy Chief Executive and City Treasurer must be consulted where contracts to work for other organisations 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 where services/goods/works are supplied to the Council are subject to UK procurement legislation and must follow these Contract Procurement 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 Procurement Rules and as outlined below.

Total Value	Award Procedure
Up to £30,000	One oral Quotation (confirmed in writing where the Total Value exceeds £2,000) approved by a relevant Approving Officer
£30,001 – <b>Statutory Threshold</b>	Three written Quotations (the successful one shall be approved by a relevant Approving Officer)
Above <b>Statutory Threshold</b>	<b>Statutory Procedure</b> (where advertisement required under <b>Statutory Procedure</b> the opportunity must also be advertised on UK Government Contracts)

	Finder website)
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**Agreements shall be completed as specified in Rule 18.2 (Contract Formalities).**

- 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 appropriate professional indemnity insurance policies 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 Solicitors Division** 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 or favour 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 international 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 Council. The basic criteria shall be one of the following:
- ‘most economically advantageous’ where considerations of quality, price, social value and other relevant factors apply or

- 'lowest price' where payment is to be made by the Council (provided that lowest price is not permissible under the **Statutory Procedure**) or
- 'highest price' if payment is to be received

If the first 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, relevant community benefit and social considerations (where permitted by UK and European Union Law and in accordance with the Council's Ethical Procurement Policy) aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters. Supplier suitability assessment questions may also be asked by the Council provided such are relevant to the subject matter of the procurement, are proportionate and are used to assess whether bidders meet requirements or minimum standards of suitability, capability, legal status and financial standing. 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 law **and must be non discriminatory**

## 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 Deputy Chief Executive and City Treasurer's prior approval.

11.2 All Invitations to Tender shall include the following:

11.2.1 A specification that describes the Council'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.

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 which is approved by the Deputy Chief Executive and City Treasurer and City Solicitor and/or which is permitted by the Invitation to Tender documents, a statement that any Tenders submitted by fax or other electronic means shall not be considered.
- 11.2.7 A submission on contract monitoring should be required from bidders, within the qualifying and quality documentation at the Invitation to Tender stage
- 11.2.8 Bidders' contract monitoring proposals should achieve a minimum threshold as defined in the Invitation to Tender Documents to be considered for tender evaluation

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 Shortlisting for contracts or agreements which are not subject to the **Statutory Procedure** may only be undertaken where permitted by UK law. Special rules apply to Shortlisting for contracts or agreements which are subject to the **Statutory Procedure** and these are set out in the **Statutory Procedure**.

## 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 Council's requirement. Normally at least four weeks should be allowed for submission of Tenders. The **Statutory 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. e-mail) must be rejected, unless they have been sought in accordance with an electronic tendering process which is approved by the Deputy Chief Executive and City Treasurer and City Solicitor and/or they are permitted by the Invitation to Tender documents,

13.4 Each Tender must be:

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

## 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) are the exception rather than the rule. In particular, they must not be conducted in an **Statutory 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 Procurement 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 Invitation to Tender 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 **Statutory Procedure** can only be undertaken on the grounds allowing for such specified in the **Statutory Procedure**. For all other procedures if post-tender negotiations are necessary after a single-stage Tender process or after the second stage of a two-stage Tender process, 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 Procurement Rules and, in respect of proposed contracts and Framework Agreements that are expected to exceed £250,000 (relating to either expenditure or income) with the approval of the Deputy Chief Executive and City Treasurer and a Strategic Management Team (as defined in Part 8 of the Constitution) member.
- 17.2 For contracts and Framework Agreements subject to the **Statutory 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 **Statutory 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 until the advice of the City Solicitor's department and Corporate Procurement Service has been obtained. 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 full application of the **Statutory Procedure** (such as social and other specific services listed under the **Statutory Procedure**, or where the value is under the Statutory Threshold) and
  - contracts subsequently called off and awarded based on a Framework Agreement that was let in accordance with the **Statutory Procedure**
- 17.3 If a Candidate requests in writing the reasons for a Contracting Decision relating to an unsuccessful Quotation or Tender it has submitted, the Officer must give in writing 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.

## 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 as defined by the City Solicitor, or:

- standard contract forms issued by a relevant professional body; or
- when appropriate, officers working in formal partnership arrangements with the NHS should comply with NHS forms for NHS contracts;

must be used wherever possible. Agreement from the City Solicitor must be sought if any variation to such terms and conditions.

18.1.4 In addition, every contract or agreement 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
- Equality Act 2010 requirements
- anti-bribery compliance
- Freedom of Information Act requirements

- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.
- that the Council shall pay the contractor and the contractor shall pay its subcontractors within 30 days of an undisputed invoice

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

- those involving leasing arrangements
- where it is proposed to use a supplier's own terms or
- those that are complex in any other way.

## 18.2 Contract Formalities

18.2.1 Agreements shall be completed as follows:

Total Value	Method of completion	By
Up to £30,000	One Signature	Authorised Signatory
£30,001 - £150,000	Two signatures or sealing	Two Authorised Signatories or see Rule 18.3
Above £150,000 AND construction and related professional service appointments	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.

18.2.3 Contracts between £50,000 - £150,000 that are classed as low risk (as set out in the Council's Contract Management Standards, and use MCC standard terms and conditions only require one signature.

## 18.3 Sealing

18.3.1 Where contracts or agreements are completed by each side as a deed, such contracts shall be executed by the fixing of the Council's seal and must be witnessed by an Authorised Signatory. **The affixing of the Council's seal and the Authorised Signatory signature shall be arranged by the City Solicitors Division,**

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.

## **19. BONDS AND PARENT COMPANY GUARANTEES**

19.1 The Officer must consult the Deputy Chief Executive and 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
- selection and/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 Deputy Chief Executive and 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 or 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 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 The Contract Management Standards set out a governance framework with the roles and responsibilities of all involved in contract management decisions during each phase of the commissioning and contract management lifecycle.
- 20.4 Specifically executive members should be kept informed at each stage of the commissioning and contract management stages as set out in the Commissioning and Contract Management Standards.

### 21. RISK ASSESSMENT AND CONTINGENCY PLANNING

- 21.1 A business case must be prepared for all procurements with a potential value over the **Statutory 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 The Deputy Chief Executive and 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.
- 22.2 During the life of the contract, the Officer must monitor in respect of:
- performance
  - compliance with specification and contract
  - cost
  - user satisfaction and risk management.

## DEFINITIONS

“Approving Officer”	An officer referred to and/or identified in Chapters 2 and 3A of Part 3 (scheme of delegation) of the Constitution
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 applies for, asks or is invited to submit a Quotation or Tender.
Central Purchasing Body	Means a contracting authority which provides centralised purchasing activities and which may also provide ancillary purchasing activities
Chief Officers	The Officers defined as such in Part 8 of the Constitution.
City Solicitor	As identified in the Constitution.
Deputy Chief Executive and City Treasurer	The Council’s Deputy Chief Executive and City Treasurer or such other Officer as may be designated Deputy Chief Executive and 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 Procurement 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"> <li>• withdrawal of Invitation to Tender</li> <li>• whom to invite to submit a Quotation or Tender</li> <li>• shortlisting</li> <li>• award of contract or Framework Agreement</li> <li>• any decision to terminate a contract.</li> </ul>
Corporate Contract	A contract or agreement let by the Council's Corporate Procurement Service 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.
<b>Statutory Procedure</b>	The procurement procedure required by <b>UK law</b> for goods, works and services where the Total Value exceeds the <b>Statutory Threshold</b> .
<b>Statutory Threshold</b>	The value(s) at which <b>the relevant UK</b> public procurement <b>law applies</b> .
Executive	The Council's Executive as defined in the Constitution.
Financial Regulations	The Council's financial regulations outlining Officer responsibilities for financial matters prepared by the Deputy Chief Executive and 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.



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 Deputy Chief Executive and 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 <b>Statutory Threshold</b> values.
Invitation to Tender	Invitation to tender documents in the form required by these Contract Procurement Rules.
Key Decision	Decisions that are defined as key decisions in the Access to Information Rules in Part 4 of the Constitution.
Non-Commercial Considerations	<ul style="list-style-type: none"> <li>(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').</li> <li>(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.</li> <li>(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</li> <li>(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').</li> <li>(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.</li> <li>(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</li> <li>(g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.</li> <li>(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act</li> </ul>

	<p>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.
Parent Company Guarantee	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 Deputy Chief Executive and City Treasurer and/or Corporate Procurement Service that support the implementation of these contract procurement rules. The guidance 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.
Tender	A Candidate's offer submitted in response to a Council Invitation to Tender.
Total Value	<p>The whole of the value (net of VAT) or estimated value (in money or equivalent value) calculated as follows:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48</li> <li>(d) in the case of framework agreements and dynamic</li> </ul>

	purchasing systems, the maximum estimated value of all contracts envisaged for the total term of the framework agreement or the dynamic purchasing system
TUPE/Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No.246)	Subject to certain conditions, the regulations applying 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 or service.
Value for Money	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.

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**PLANNING PROTOCOL FOR MEMBERS**

**Section B**

**Planning Protocol  
for  
Members and Officers**

## PLANNING PROTOCOL FOR MEMBERS

### SECTION B: PLANNING PROTOCOL FOR MEMBERS AND OFFICERS

## PLANNING PROTOCOL FOR MEMBERS AND OFFICERS

### Introduction

1. The aim of this Planning Protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
2. In this Planning Protocol wherever references are made to the Council's "Planning Committees", this includes the Planning and Highways Committee and any other committee(s) to which planning functions are delegated. No member should be appointed to the Planning Committees unless they have agreed in writing to take part in training in planning matters, including the operation of this Planning Protocol. No member appointed to a Planning Committee should participate in the business of the Planning Committee unless they attend annual training in planning matters.
3. In this Planning Protocol, the expression "planning matter" means any planning application, development, development proposal or plan within the City of Manchester or which materially affects the City and includes the enforcement of planning control. This Planning Protocol sets out the practices and procedures that members and officers of the Council should follow whenever they are involved in planning matters in order to comply with the Code of Conduct for Members (as adopted by the Council **from time to time**) ('the Code') and the Employee Code of Conduct, respectively.
4. The sections of this Planning Protocol relating to the declaration of interests also apply to members who are not members of the Planning Committee. In making written representations to Planning Committee all members must serve only the public interest and should never seek to improperly confer an advantage or disadvantage on any person.
5. Planning affects land and property interests, including the value of land and the quality of the environment. Decisions affect people's daily lives and the private interests of individuals, landowners and developers. The role of the planning system is to regulate the use and development of land in the public interest. Accordingly planning decisions must be seen to be impartial and properly justified. The planning system can only operate effectively if there is trust among the various stakeholders: the public, applicants, developers, members and officers.
6. Failure to abide by this Planning Protocol may place the Council at risk of proceedings concerning the legality or maladministration of the related decision.

## PLANNING PROTOCOL FOR MEMBERS

### Role and conduct of members and officers

7. Members and officers have different but complementary roles. Both serve the public but members are accountable to the electorate and officers accountable to the Council as a whole.
8. The main duty of members is to represent their constituents as a whole, including those who did not vote for them. This is especially relevant to planning matters where often decisions are taken against the interests of individuals but for the benefit of the wider community. However, case law has established there may be occasions where the need to uphold public trust and confidence in the impartiality of planning decision making requires a restriction of members' representative capacity.
9. The role of members of the Planning Authority is to make planning decisions openly, impartially with sound judgement and for justifiable **planning** reasons.
10. Although members may take into account the views of others they should not discriminate in favour of any particular group or individual or put themselves in a position where they appear to do so.
11. Members are advised to treat with extreme caution any offer, gift, favour or hospitality that is made to a member personally. Members are referred to the Code and to the Gifts and Hospitality Guidance for Members.
12. Officers who are chartered town planners must act in accordance with the Royal Town Planning Institute's (RTPI) Code of Professional Conduct and breaches of that code may be subject to separate disciplinary action by the Institute. All officers are expected to follow the Council's own Code of Conduct for Employees, or any statutory code which may come into force or be adopted by the Council.
13. Members are free not to follow the advice of the professional officers. Professional officers may also have a change of opinion but this must be on the basis of professional judgement; they must not be allowed to be influenced by members or other officers to change an opinion where this does not genuinely represent their professional view. The Council endorse the RTPI's statement that its members "shall not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions".
14. The Council has a designated head of the planning service, who is qualified for election to membership of the RTPI and who has direct access to elected members as their professional adviser on planning matters.

### *Declaration of disclosable pecuniary interests*

15. Part 2 of the Code incorporates the provisions in the Localism Act 2011 concerning the disclosure of pecuniary interests.

## PLANNING PROTOCOL FOR MEMBERS

16. A “Disclosable Pecuniary Interest” is fully defined in the Code and includes, in relation to both members and their partners:
- Employment, office trade, profession or vocation
  - Sponsorship
  - Contracts
  - Land
  - Licences
  - Corporate tenancies
  - Securities
17. It is a criminal offence, if a Member without reasonable excuse:
- a. fails to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
  - b. fails to declare a disclosable pecuniary interest at a meeting if it is not on the register
  - c. fails to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that s/he has disclosed to a meeting
  - d. participates in any discussion or vote on a matter in which s/he has a disclosable pecuniary interest
  - e. knowingly or recklessly provides false or misleading information relating to disclosable pecuniary interests in notifying the Monitoring Officer or in disclosing such interest to a meeting.
18. Part 2 of the Code also advises members that, if they are present at a meeting and have a disclosable pecuniary interest in any matter to be considered at that meeting:
- members must disclose the interest to the meeting whether or not it is registered
  - members must not participate in any discussion of the matter or in any vote taken on the matter at the meeting and must withdraw from the room of the meeting whilst the matter is being considered.

Members with a disclosable pecuniary interest in a planning matter may apply to the Monitoring Officer for a dispensation to make representations, answer questions or give evidence relating to the relevant planning matter at a meeting, provided that the public are also allowed to attend the meeting for the same reason. Members must declare their interest at any meeting which they attend with a dispensation and must make it clear that their representations are made in a personal capacity rather than in their role as a councillor.

### **Declaration of personal interests**

19. Part 3 of the Code states that, in addition to disclosable pecuniary interests, members must also register other personal interests defined in the Code.



## PLANNING PROTOCOL FOR MEMBERS

20. Subject to the circumstances outlined in the Code, where members have a personal interest in any business of the Council and attend meetings such as Planning Committee at which the business is considered, they must disclose the existence and nature of that interest at the meeting.

### Declaration of prejudicial interests

21. A member with a personal interest in any business of the Council also has a prejudicial interest if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the member's judgement of the public interest. A full definition of 'prejudicial interest' appears in Part 3 of the Code.
22. A member with a prejudicial interest must disclose the interest to the meeting and must withdraw from the room where the meeting is held unless s/he is making representations, answering questions or giving evidence relating to the relevant planning matter provided that the public are also allowed to attend the meeting for the same reason. The member must leave the room immediately after making representations, answering questions or giving evidence and must not participate in any discussion of the matter at the meeting or in any vote taken on the matter at the meeting.

### Bias and predetermination

23. The law on bias and predetermination may apply at times when the member concerned does not have a disclosable pecuniary interest or a personal or prejudicial interest as defined by the Code.
24. Predetermination is a principle developed by the courts which has established that a decision taken by a public body is unlawful if the decision maker approaches the decision with a closed mind.
25. Section 25 of the Localism Act 2011 applies when a Court has to consider whether a decision has been validly made. It provides that a "decision taker" is not to be regarded as having a closed mind just because the decision taker had previously done anything that directly or indirectly indicated what view the decision-maker took or would or might take in relation to a matter that was relevant to the decision. The use of the qualifying words 'just because' in Section 25 indicates that some decisions will still be invalid by reason of predetermination notwithstanding the enactment of the section, because all the circumstances surrounding the decision have to be taken into account. Regardless of any predisposition of members to determine an application in accordance with their political views and policies, the members of Planning Committees must approach decision making with an open mind, must listen to the evidence and arguments on both sides and must make decisions with regard to material planning considerations. Members should not have, or appear to have, a closed mind on a planning application prior to its full consideration at Planning Committee.

## PLANNING PROTOCOL FOR MEMBERS

26. Where bias or predetermination or a risk of the perception of bias or predetermination arises, a member of Planning Committee who has, or appears to have, a closed mind about a planning matter in advance of Committee should not participate in the decision making part of the meeting. Members may, in their representative capacity, address the Committee on the planning merits of the application for the same period of time as any member of the public with a right to speak. Members should declare that they cannot participate in the decision taking as a result of having a closed mind in advance of the meeting and withdraw as soon as they have addressed the Committee.

### **Development proposed by the City Council or a Council controlled company or agency**

27. Planning legislation allows councils, and bodies controlled by them, to submit and determine development proposals which they intend to carry out themselves. These shall be considered in the same way as those put forward by private developers.
28. Decisions shall be taken strictly on planning merits and without regard to any financial gain that the Council - e.g. in its capacity as land owner - may accrue, if the development is allowed. The Council should treat such applications on an equal basis with all other applications.
29. Members of the Planning Committees who hold a position of control or management in another public authority or are appointed by the Council as its representative to another body need to consider their position where such bodies submit planning applications to the Council. In such cases the Code provides that members have a personal interest and need only disclose the nature or existence of that interest when they address the meeting on the business which relates to their public authority or other body, unless the interest is a prejudicial interest. Members should always consider whether it is appropriate to regard themselves as having no prejudicial interest in the light of the specific facts. In addition, because of the appearance of bias, a member should always consider whether it is appropriate to take part in the decision making process. For example, where the member has been or is perceived as being the chief advocate for the proposal *or* has had a significant personal involvement in preparing or promoting the proposal by which s/he may be perceived as being unable to act impartially or determine the proposal purely on its planning merits and in the public interest *or* has, or appears to have, a closed mind about the application, this would give rise to an appearance of bias. If the circumstances would give rise to potential allegations of bias, members are advised to explain their involvement and not take part in the decision (see paragraph 26 above).

### **Development proposals by individual members or officers or persons related to them**

## PLANNING PROTOCOL FOR MEMBERS

30. Serving members or officers should never act as agents for another in pursuing a planning matter. If members or officers submit their own proposal to the Council they should take no part in the processing and determination of that proposal. The Council's Head of Planning should be informed of all such proposals as soon as they are submitted.
31. Proposals for development by members or officers shall be reported to the Planning Committees and should not be determined under delegated authority unless they relate to the residence of a member or officer *and* there are no objections to the application.
32. Officers should not deal with development proposals and planning applications in which they have a personal interest.

### *Lobbying of and by members*

33. Lobbying is a necessary and legitimate element of the political and democratic process. Those affected by a development proposal often try to canvass support from one or more members of a planning committee. The time for individual members of the Planning Committees to make a decision on a proposal is at the committee meeting when all the relevant information is available and has been properly considered. Members should not close their minds or give the appearance of having closed their minds, particularly in relation to an external interest or lobby group, prior to the Planning Committee meeting. Members who commit themselves in advance to a fixed view as to how the proposal should be determined **must** withdraw from the room in which the meeting is held and not participate when the Committee is discussing or voting on the application. They may, in their representative capacity, address the Committee on the planning merits of the application (see paragraph 26 above).

(Note: Where a matter is discussed and then deferred from one meeting to another, members may continue to take part in the decision at the second meeting, even if they have expressed views at the first meeting. Members should always keep an open mind and take into account new information presented at the second meeting when they vote)

34. Members are free to listen to a point of view about a particular proposal and to provide procedural advice, (e.g. by referring the person to a particular officer). They should be careful however to reserve their own final judgement on the matter until the Planning Committee meeting.
35. Members should not circulate unofficial papers not previously considered by officers at Planning Committee meetings.
36. Members should not use mobile telephones or hand held devices during the Planning Committee meeting to discuss the progress of the application with any other person.

## PLANNING PROTOCOL FOR MEMBERS

### Membership of lobbying groups

37. If a member is in a position of general control or management of an organisation that has made representations on a particular planning matter then s/he is likely to have a personal interest under the Code. Such membership may also give rise to a perception of bias or predetermination (see paragraph 26 above).
38. Whether membership constitutes a prejudicial interest will depend on the individual case. Where their lobby group has expressed a public view on a matter, members must consider whether a member of the public with knowledge of the relevant facts would reasonably regard the member's judgement of the public interest as prejudiced. In deciding whether they have a prejudicial interest, members should consider:
- the nature of the application
  - the nature of their involvement with the organisation
  - the publicly expressed views of the organisation
  - what the member has said or done in relation to issues relevant to the application
39. A personal interest may also be prejudicial where it relates to the determining of any planning application in relation to any persons or bodies described in paragraph 12.3 in Part 3 of the Code (see paragraph 21 above)

### *Pre and post application discussions*

40. Members of Planning Committees need to uphold their position as impartial decision makers and it would not be appropriate for them to take part in pre or post application discussions with applicants, developers or groups of objectors regarding the proposed development even if they find it desirable as a ward member to attend such meetings<sup>1</sup>. If it is necessary that they do so in order to fulfil some role other than ward member, this should be part of a structured arrangement agreed with a senior planning officer, who will arrange the meeting and the attendance of an officer at the meeting.
41. **Councillors should not participate** in pre-application meetings **without Officers also being present**. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage. Neither should they become drawn at any stage of the planning process into any negotiations, which should be done by officers.

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<sup>1</sup> "Pre and post application meetings" refer to meetings between applicants, developers or groups of objectors and members of Planning Committee, attending in their capacity as a councillor. It does not refer to such meetings where the member is attending in a personal capacity, such as consultation events for proposed development in the vicinity of their home, though members should still be mindful of the provisions in this protocol on interests, bias and predetermination in such circumstances.

## PLANNING PROTOCOL FOR MEMBERS

42. During any pre-application discussions or meetings with the applicant, developers or group of objectors that may take place, it shall be made clear by an officer at the outset that the Council will not - as a result of anything during the course of such communication - be bound to make a particular decision and further that any views expressed are provisional only and not those of the Council.
43. A written note shall be made of pre-application **meetings at which Councillors are present**. At least two officers should be present at meetings likely to arouse controversy as to what took place.
44. Officers and serving councillors must not act as agents for people pursuing planning matters within their authority even if they are not involved in the decision making on it.

### ***Officer reports to committee***

45. Officers' reports to the Planning Committees (except to present and update a report) shall be in writing except in the most exceptional circumstances. Oral reports which are material to the Committee's decision shall be minuted.
46. Officers should seek to apply and interpret national and local planning policies in a consistent and objective manner.
47. Reports to the Planning Committees shall be accurate and provide all relevant information. They shall contain a reasoned assessment of the proposal and justification of any recommendation. If an officer's recommendation is contrary to the Development Plan the material considerations which justify this shall be set out clearly.

### ***Decisions contrary to officer recommendation***

48. Members shall take decisions on planning matters in accordance with the Development Plan (or its statutory replacement) where relevant unless material considerations indicate otherwise. The reason for a contrary decision should be clear and convincing and fully minuted.
49. In order to ensure an accurate minute of decisions contrary to officer advice, members should ordinarily make a resolution that they are minded to grant or refuse permission. When such a resolution is made, officers will report to the next committee on the proposed course of action and shall produce a written record of the proposed decision and reasons for adoption by the Committee.
50. A senior officer **shall be invited** to explain to the Committee the implications of a contrary decision before the decision is taken.
51. If the Committee asks for additional planning conditions to be imposed or requests that amendments be made to proposed conditions, officers should prepare the draft condition. Standard conditions may be delegated to officers. Drafting of non-standard conditions which significantly depart from officers'

## **PLANNING PROTOCOL FOR MEMBERS**

recommendations as set out in the committee report should be delegated to officers in consultation with the Chair.

### **Committee site visits**

52. Site visits will be decided upon and carried out in accordance with the provisions of the Site Visit Protocol annexed to this Planning Protocol for Members.

### **Complaints and record keeping**

53. Any complaints made about the planning process should be recorded accurately, and would normally be dealt with in accordance with the Council's established Complaints Procedure, unless it is a complaint which is appropriate to be dealt with as a Standards or Conduct issue, in which case it should be reported to the Council's Monitoring Officer in the first instance.

### **Breach of the Members' code**

54. Breaches of the Code and/or this Planning Protocol by members should be reported to the Monitoring Officer.

## PLANNING PROTOCOL FOR MEMBERS

### ANNEX

#### SITE VISIT PROTOCOL

##### INTRODUCTION

In order to ensure that all Planning Committee site visits relating to planning matters are dealt with consistently and fairly, the following protocol will apply.

##### THE DECISION TO HOLD A SITE VISIT

1. A decision to carry out a site visit may be made where a proposal is contentious or complex and the impact is difficult to visualise or assess from the plans or any supporting presentation, **including photographs taken by officers**. The visit is intended to enable members to gain knowledge of the proposal and its physical context.
2. The purpose of the site visit is to obtain information relevant to the determination of the application only. The decision should not be arbitrary, unfair or be used as a lobbying device.
3. Site visits can, however, cause delay and additional cost, so should only be used where the expected benefit is **clear and** substantial.
4. A site visit will be held following a majority resolution of the Planning Committee. In reaching its decision, the Planning Committee, having heard the application and representations, must consider that such a visit would be of substantial benefit to the decision making process. Members should bear in mind that officers will have visited the site prior to writing their report and forming their recommendation.
5. A site visit should not be used as an opportunity to defer consideration or determination of an application.
6. The reason for a site visit based on sound and proper planning reasons must be recorded and minuted.

##### PRACTICAL ARRANGEMENTS FOR THE SITE VISIT

7. The site visit may take place at any reasonable time during any working day (including the day of the Committee) before the Committee meeting at which it is proposed to determine the application.
8. Wherever possible, a site visit should be attended by all members of the Planning Committee.
9. The appropriate Council officers will attend the site visit. This would include the Planning Officer and other officers who may be required to provide specialist advice and information relevant to the application.

## PLANNING PROTOCOL FOR MEMBERS

10. The applicant will be notified of the date and time of the site visit.
11. If it is proposed to enter onto private land as part of the site visit, it will be necessary to obtain permission from the landowner first.
12. **A site visit is ordinarily to be attended only by Officers and Members of the Committee.**

### PROCEDURE AT THE SITE VISIT

13. **The Planning Officer will explain the proposal to members and provide a summary of the objections.**
14. **Members can ask any questions concerning the proposal to the respective officer(s) in attendance.**
15. **In the event that anyone other than Officers or Members of the Committee is in attendance**, the Chair or Planning Officer (as appropriate) will inform those attending the site visit that they should not approach or attempt to speak to or engage with any member or officer of the Council about the application during the site visit and that this is not an opportunity for lobbying, representations, public address or debate.
16. In order to ensure transparency of public dealing by members, members shall keep together as a group and shall not engage individually in discussion with local members, applicants, objectors and other interested parties present at the site visit.
17. Members should not express an opinion on the planning application or on its merits (or otherwise) at the site visit. Members should be mindful at all times of the need to avoid allegations of predetermination or bias, or the fettering of the Council's discretion in relation to the application.
18. No hospitality may be accepted by members and officers from any party present at the site visit.
19. A note shall be taken by the Planning Officer of any significant events occurring during the site visit.

### PROCEDURE AT COMMITTEE FOLLOWING THE SITE VISIT

20. Officers will provide a brief update to members of any significant additional information or issues raised at the site visit.
21. Following the update, members of the Committee who were not able to attend the site visit should consider whether they have sufficient information before them to enable them to take part in determining the application and, if not, they should take no part in the deliberation and should abstain from the vote on the proposals.



**PLANNING PROTOCOL FOR MEMBERS**

- 22. Particular care should be taken by members who have proposed or voted in favour of a site visit**

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**USE OF COUNCIL RESOURCES**

**Section C**

**Use of Council Resources  
Guidance for Members**

## USE OF COUNCIL RESOURCES

### Use of Council Resources Policy for Members

<b>1. General Introduction .....</b>	<b>3</b>
<b>2. Resources general provisions.....</b>	<b>3</b>
<b>3. Publicity.....</b>	<b>5</b>
3.1 Council must not publish political material - section 2 of the Local Government Act 1986.....	5
3.2 The Code of Recommended Practice on Local Authority Publicity ....	6
<b>4. Personal Use .....</b>	<b>7</b>
<b>5.1 Information Communication Technology .....</b>	<b>7</b>
<b>5.2 Management and Usage of Mobile Devices.....</b>	<b>8</b>
<b>6.1 The Internet .....</b>	<b>8</b>
6.1.1 Acceptable Uses of the Internet .....	9
6.1.2 Unacceptable Uses of the Internet .....	9
6.1.3 Restrictions on Use of the Internet .....	9
<b>6.2 Email .....</b>	<b>10</b>
6.2.1 Acceptable Uses of Email .....	10
6.2.2 Unacceptable Uses of Email .....	10
6.2.3 Use of Council Email.....	11
<b>6.3 Etiquette and User Responsibilities.....</b>	<b>11</b>
<b>7. Information Security .....</b>	<b>11</b>
<b>8. Monitoring .....</b>	<b>12</b>
<b>9. If a Member Breaches This Policy .....</b>	<b>12</b>
<b>10. Review of this guidance .....</b>	<b>12</b>

## USE OF COUNCIL RESOURCES

### 1. General Introduction

Manchester City Council's local Code of Conduct for Members ("the Members' Code") provides that a Member of the Council ("a Member") when using or authorising the use by others of Manchester City Council's resources must ensure such resources are not used improperly and in accordance with this policy.

Manchester City Council's requirements on the use of Council resources are set out below. This guidance note also sets out additional rules relating to the use of Council resources in connection with publicity and the use of the Internet and e-mail. Any breach of these requirements could result in a breach of Manchester's Members' Code.

It is each individual Member's responsibility to ensure that any proposed use of Council resources is acceptable. If a Member is unsure Members' Services can be consulted.

This policy is consistent with the rules Council officers are required to follow when using Council resources.

### 2. Resources general provisions

The City Council makes various resources available for the use of Members in connection with Council business and their role as an Elected Member. These resources include the Members' Secretariat, computer facilities, accommodation, stationery, postage, photocopying, telephones and mobile telephone devices, access to the Internet and e-mail. Collectively these are described as 'Council resources'.

Council resources are only available for Members' work in connection with Council business. Council business means matters relating to a Member's duties as an elected Councillor, as an Executive Member, as a Member of a Council committee, sub-committee, working party, or as a Council representative on another body or organisation e.g. Greater Manchester Combined Authority or the **Greater Manchester Transport Committee**.

So for example Council resources can legitimately be used:

- to send and receive communications (including email, letter and by telephone) in connection with Council business;
- to print documents or reports in connection with the formulation of policy and the decision making process of the Council or other organisations on which a Member represents the Council.

The use of any Council resources for non Council business is prohibited (save for the limited personal use of e-mail and Internet – see below).

So for example Council resources could not legitimately be used:

## USE OF COUNCIL RESOURCES

- for political purposes including to support a particular political party or candidate at an election;
- for private business purposes, such as running a commercial enterprise;
- where a Member of the Council is also a member on an outside body or organisation where they are not representing the Council (such as a school board of governors or charity);
- personal use which is excessive or inappropriate (see below).

Members are elected representatives of the Council and should always look to present the Council favourably. Council resources should never be used in a way which facilitates or encourages:

- The ridiculing of others based on race, religion, sex, sexual orientation, age or disability;
- Jokes or quips (whether in the form of words or images) based on race, religion, sex, sexual orientation, age or disability;
- Publication of material that is defamatory or libellous;
- Publication of material which is sexually orientated or has sexually explicit content (whether in the form of words or images);
- Publication of material that contains foul or obscene language;
- Publication of material that is intended to alarm others, embarrass the Council, negatively impact employee productivity or harm employee morale;
- Publication of material which contravenes the City Council's Equal Opportunities and Harassment Policies;
- Illegal or malicious use, including downloading or transmitting copyright material;
- The access, storing or transferring of pornographic or obscene material.

### Specific provisions - volume mailings

It is generally inappropriate for Members to use Council resources for volume mailings, including sending out circulars and conducting wide-scale consultation exercises, even though these may involve Council business. This is particularly the case where consultation has already been or is about to be undertaken as part of standard Council business (such as consultation on a planning application). If in an exceptional case a Member feels that a volume mailing can be justified they should submit a specific request to the Chief Executive.

### Specific provisions - booking and use of accommodation

The rules governing the booking and use of accommodation, meeting rooms and other Council offices must be strictly adhered to. For further details please refer to the Council's Monitoring Officer.

## USE OF COUNCIL RESOURCES

### Data Protection

In representing constituents, Members are separate data controllers for the purposes of compliance with the Data Protection legislation. In the use of the Council's resources Members must be mindful of both their own and the City Council's data protection obligations in ensuring that personal data is processed fairly and lawfully. (This includes asking an officer or department for the personal information of a resident with no legal justification for doing so).

### 3. Publicity

#### 3.1 Council must not publish political material - section 2 of the Local Government Act 1986

The Council is prohibited from publishing "political material" by virtue of section 2 of the Local Government Act 1986 ("the LGA 1986"). Sub-section 2(1) of the LGA 1986 states that;

"A local authority shall not publish or arrange for the publication of, any material which, in whole or in part, appears to be designed to affect public support for a political party."

Sub-section 2(2) of the LGA 1986 provides that in determining whether material falls within the prohibition, the Council must consider the "content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed". In determining whether material is "political material" the Council must give particular attention to the following matters:-

- a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another
- b) where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.

The prohibition on the Council publishing "political material" also extends to a prohibition on the Council giving "financial or other assistance to a person" for the publication of "political material" which the Council is prohibited from publishing itself.

Although section 2 of the LGA 1986 applies to all publicity produced by the Council, it is obviously particularly important to be aware of these provisions at election time.

## USE OF COUNCIL RESOURCES

### 3.2 The Code of Recommended Practice on Local Authority Publicity

Paragraph 6(c) of Part 1 of the Members' Code requires Members to have regard to any applicable Code of Publicity made under the Local Government Act 1986. From 31 March 2011, the applicable Code has been The Code of Recommended Practice on Local Authority Publicity ("the LA Publicity Code").

The Council is required to have regard to the LA Publicity Code in coming to any decision on the use of Council resources in relation to "publicity" which is defined as 'any communication in whatever form addressed to the public at large or to a section of the public'. This will include press releases and letters to the media (unless clearly marked "not for publication") but does not cover letters to individuals, unless this is on a scale which could constitute 'a section of the public'.

The LA Publicity Code requires that all publicity by the Council must:

- Be lawful
- Be cost effective
- Be objective
- Be even-handed
- Be appropriate
- Have regard to equality and diversity
- Be issued with care during periods of heightened sensitivity.

In relation to publicity by the Council about individual Members, the LA Publicity Code advises that the general position is as follows:

...it is acceptable for local authorities to publicise the work done by individual members of the authority, and to present the views of those individuals on local issues. This might be appropriate, for example, when one councillor has been the "face" of a particular campaign. If views expressed by or attributed to individual councillors do not reflect the views of the local authority itself, such publicity should make this fact clear.

The LA Publicity Code draws attention to the need for the Council to take care during periods of heightened sensitivity before elections and referendums and advises that:

During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.



## USE OF COUNCIL RESOURCES

### 4. Personal Use

There is a cost attached to providing Members with any piece of equipment or other resource and that cost can only be justified on the grounds that the equipment or resource is used for Council business.

This is why the use of Council stationery, rooms, telephones and mobile telephones, photocopying and postage may only be used when undertaking Council business.

With regard to the Internet and email however, a small amount of personal use may be acceptable as there is no additional cost to the Council. Any personal use by Members of either of these resources must comply with the general provisions above and any specific guidance in relation to the use of the Internet / e-mail (see below).

So for example the Internet could legitimately be used to purchase holidays, goods and services or general “surfing” for non work-related purposes provided the use is not excessive.

And the Council’s email system could for example be legitimately used to send a small number of personal emails to friends or family. These should be identified by the word “personal” in the email subject heading and when sending a personal email, the electronic signature on the bottom of the email should also be removed.

Personal use does not extend to the family of a Member and it is the responsibility of each Member to ensure family members do not use Council resources.

### 5.1 Information Communication Technology

A Member will be offered several pieces of ICT equipment to assist in the discharge of their duties.

The equipment offered is:

- **a mobile phone**
- **such IT equipment as the Director of ICT considers appropriate to enable the member to undertake their Council duties**
- access to the Council’s ICT network
- Internet access
- an account in the corporate email system and an ‘@manchester.gov.uk’ email address
- computer consumables (printer supplies)

This equipment however remains the property of Manchester City Council and must be returned as soon as practicable upon the Member ceasing to be a Manchester City Councillor. Access to the MCC network will also be revoked at this time.

## **USE OF COUNCIL RESOURCES**

The Council also provides several PCs in the Member's Workrooms to assist Members in the conduct of Council business.

Members must ensure they manage any information that they store electronically, to ensure it is easily accessible to them, confidential and correct. The Council's IT resources can be used to help Members to do this. However, please note that when a Member ceases to be a Manchester City Councillor it will not be possible to provide them with any of the personal data stored about constituents as there is not an easy method of distinguishing between this and other business information of a confidential nature which the Member may have received during their period of office. In so far as the Council acts as a data processor for Members in storing communications with constituents and on a personal basis, the Council confirms that, in accordance with the Council's Records Retention Schedule, once a Member ceases to be a Manchester City Councillor, all data will be securely and permanently erased from Council systems (including the IT equipment and mobile devices provided to Members by the Council) once these are returned. As stated above all equipment should be returned to the Council as soon as practicable upon the Member ceasing to be a Manchester City Councillor.

### **5.2 Management and Usage of Mobile Devices**

In accordance with the Council's Mobile Device Terms and Conditions Members must ensure they do not exceed the monthly usage limits specified of 2 gigabytes ('GB') for phones and 4 GB for tablets.

Use of all mobile devices will be monitored. If a member exceeds those usage limits they will in the first instance be informed by the City Solicitor and asked to bring their usage within the scope of their allocation.

If a Member fails to adhere to such a request then consideration may be given to changing the type of device the Member has or in the alternative putting a bar on the device in terms of data usage.

Any Member who is not clear about the monthly usage limits or how to monitor and manage their data consumption should consult with the ICT Helpdesk.

### **6.1 The Internet**

Members of the Council are able to gain access to the Internet to browse the web and use social media through computers held in Members' Services within the Town Hall complex; or remotely. Members will be provided with a unique user ID and password to access the Internet.

A Member should consider the appropriateness of accessing a website and / or using social media depending on the content, reason or situation they are in e.g. while in the presence of members of the public.

## **USE OF COUNCIL RESOURCES**

The Council has published separate Guidance for Members on the Use of Social Media (Twitter, YouTube, Blogging, Facebook etc).

### **6.1.1 Acceptable Uses of the Internet**

The following list, although not intended to be definitive, sets out broad areas of use that the Council considers to be acceptable uses of the Internet:

- to view and obtain information in direct support of the City Council's business activities;
- to promote services and products provided by the City Council;
- to communicate and obtain information in support of approved personal training and development activities;
- any other use that directly supports the work of a Councillor.

### **6.1.2 Unacceptable Uses of the Internet**

In addition to the uses listed as unacceptable uses of all Council Resources at section 2 there are further restrictions on the use of the Internet for Councillors.

In general terms, any use of the Internet must not contravene the Data Protection legislation; The Computer Misuse Act (1990); The Copyrights, Designs and Patents Act (1988); The Obscene Publications Act (1959) and (1964); or any Council policy (in particular, Council policies on Information and Internet Security; Equal Opportunities and Harassment).

Unacceptable uses include the following:

- the deliberate propagation of computer viruses, or use of the Internet to attempt unauthorised access to any other IT resource;
- access to, and use of, recreational games.

### **6.1.3 Restrictions on Use of the Internet**

Where possible, access to material known to be of an offensive or undesirable nature (for example, which may contravene the City Council's policies on Equal Opportunities and Harassment) will be prevented using appropriate security tools and filtering software.

If any Member unintentionally accesses an Internet site which contains material of an offensive or undesirable nature, they should immediately exit the site. In these instances Members should report the incident to Members' Services or the ICT Helpdesk who may prevent future access to such sites by implementing preventative measures.

Any use of the Internet which is considered to be a criminal matter, will be referred to the Police and may lead to criminal prosecution.

## **USE OF COUNCIL RESOURCES**

### **6.2 Email**

Each Member will have access to an MCC email account for the duration of their time as an Elected Member. Whenever an external e-mail is sent, the sender's name, email address and Council name must be included as the signature of the email (except when sending a personal email).

This will also prevent any private communications, including emails, sent or received by a Member in their private capacity becoming part of the Council's administrative records. Emails form part of the administrative records of the City Council and the City Council has the right of access to all emails sent or received, on the same basis as written documentation. Emails may also be requested under the Freedom of Information Act (2000) or Data Protection legislation and if in scope (unless exempt) would have to be disclosed.

#### **6.2.1 Acceptable Uses of Email**

The following list, although not intended to be definitive, sets out broad areas of use that the Council considers to be acceptable uses of its email system:

- to provide a means of communication within the Council, with other Councils, agencies, organisations and constituents;
- to promote services and products provided by the City Council;
- to communicate and obtain information in support of approved personal training and development activities;
- any other use that directly supports the work of a Councillor in that role.

#### **6.2.2 Unacceptable Uses of Email**

In addition to the uses listed as unacceptable uses of all Council Resources at section 2, there are further restrictions on the use of the MCC email system for Members.

Forgery or attempted forgery of electronic mail is prohibited. Attempts to read, delete, copy or modify the mail of others are prohibited. If a Member receives an e-mail from outside the Council that they consider to be offensive or harassing, Members' Services or the ICT Helpdesk should be consulted in accordance with the City Council's Incident Reporting Procedures. Members should not respond to such e-mails (internal e-mail of a harassing nature will be dealt with under the City Council's Harassment policy).

Council work should not be emailed to a Member's personal email address as this is not a secure method of transferring data. Any personal or sensitive email being sent outside of the MCC internal network should be sent securely via the Council's email encryption solution available via the MCC email system or zipped and password protected using the WinZip software available via Citrix. Advice on how to access these encryption solutions is available from the ICT helpdesk or Members' Services.

## **USE OF COUNCIL RESOURCES**

### **6.2.3 Use of Council Email**

As stated above it is not permissible to use the Council e-mail system to send an e-mail about a party political matter to other Councillors at a Council e-mail address or to reply from one.

In order to facilitate such communications, it is expected that every member has his/her own business e-mail address in order to transmit party political matters without using Council resources.

### **6.3 Etiquette and User Responsibilities**

As a general principle, remember that you are acting as an elected representative of the City Council, using Council equipment and are accessing a non private network when browsing the Internet or communicating using social media or emails which can be seen by anyone or reproduced for this purpose.

At all times have regard for City Council policies and legal requirements when using the Internet or sending or responding to emails. Where appropriate, have equal regard for specified rules and policies of the owners of services you access via the Internet.

## **7. Information Security**

The security of the Council's networks, and of the systems and information held on it, is paramount. Any information security breach could have an adverse impact on the Council, Members, officers and Manchester residents. Due to the likelihood of sensitive and personal information being held on equipment used by a Member, all equipment must be stored securely, be password protected and in the case of tablets, have secure encryption protection installed and operational. All Members must assign a password to their tablets and mobile devices of a complexity to comply with Manchester City Council's policy on password standards (available on the ICT pages on the intranet). Passwords must never be shared with anyone, however, if a Member forgets their password the ICT helpdesk is able to reset them.

Members are able to connect to the Manchester City Council network from home using Callsign. To be provided with Callsign, Councillors who use their own pc or laptop must ensure that anti virus is installed and up-to-date, the firewall is switched on and regular updates are being installed on the pc or laptop via the relevant Update Server (where the pc or laptop is provided by the Council, these features will be enabled as standard). Members' Services or the ICT Helpdesk will be able to assist in applying for Callsign access.

If a piece of equipment is lost or stolen, it is the responsibility of the Member to report this to Members' Services or the ICT helpdesk immediately. Cable locks should be used to secure equipment to desks as a preventative measure.

## USE OF COUNCIL RESOURCES

To protect the MCC network, the use of USB drives and other removable media is restricted in accordance with the Council's Removable Media Policy (available on the ICT pages on the intranet). Staff in Members' Services can assist if a Member requires a presentation or other information to be used for Council business to be loaded on to a tablet.

### **8. Monitoring**

In order to ensure compliance with the requirements of City Council policies and the contents of this policy, the City Council has the right to inspect any Council IT equipment used by a Member. This may include utilising monitoring software to check on the use of e-mail services, software to check the content of all e-mail messages sent and received, phone call and text message files and Internet log files.

These software monitoring tools will only be used for the legitimate purposes of ensuring compliance with stated policies and guidelines so as to protect the City Council against the risk of criminal and civil actions, as a result of the unauthorised actions of its employees, or Members. Where a request is made to access data held in ICT equipment allocated to a Member, such requests must be approved by the Monitoring Officer or Chief Executive. Requests must demonstrate why the information is necessary, how it is relevant and the time period required.

### **9. If a Member Breaches This Policy**

Action may be taken against any user of the City Council's resources who contravenes the requirements of this policy.

Breach of this policy may be a breach of the Council's Code of Conduct for Members and be subject to the sanctions therein.

### **10. Review of this guidance**

This guidance was last reviewed in **2020** and shall be reviewed every 3 years thereafter or earlier where there is a change in the applicable law or circumstances warrant an earlier review.



# The Employee Code of Conduct

## Contents

Introduction	Page 2
The Seven Principles of working at Manchester	Page 3
Principle One: Serving the public	Page 4
Principle Two: Respect for others	Page 5
Principle Three: Accountability	Page 8
Principle Four: Fairness	Page 13
Principle Five: Openness	Page 14
Principle Six: Honesty and Integrity	Page 15
Principle Seven: Leadership	Page 22

## Introduction

1. The [Our Manchester Strategy](#) sets out all that we have achieved so far as a City: our proud industrial history through to transformational regeneration, harnessing the diverse talents of our workforce and communities. We are known for our spirit of innovation, ambition, enterprise and ability to do things differently. The Strategy sets out how we can accomplish even more as a city through the continued commitment of our workforce.
2. The Employee Code of Conduct supports you to contribute to the achievement of our ambitions by providing a clear set of principles that underpin how we work and the behaviours and standards that are needed to achieve this vision.
3. The council exists for the benefit of the people of Manchester and we are accountable to them. Working in accordance with the code also helps us provide the best possible service to the public. It helps protect our reputation and ensure that we are trusted to deliver high quality services, with the public interest at the heart of everything we do.
4. The Code of Conduct has been developed in line with the statutory requirements. It is part of our constitution and covers all staff employed by Manchester City Council. It does not cover staff employed by schools; however, it is recommended that Governing bodies adopt the key principles, standards and behaviours that are covered in the code. The [Members Code of Conduct](#) is in place to guide the standards and behaviours of Members and is closely linked with the Employee Code of Conduct.
5. If your role entails you working as part of a partnership arrangement with another organisation, the Employee Code of Conduct still applies to you. In addition, those providing services to and on behalf of the council, for example contractors, commercial companies, agency staff and volunteers are required to follow the spirit of the code in the delivery of work for Manchester.
6. The Code is incorporated into your terms and conditions of employment. Individual service regulations and rules provide more detailed guidance for staff, and in some service areas certain roles are governed by specific professional standards and legislation. It is your responsibility to ensure your professional registration is maintained. In some cases, the absence of professional registration will prevent you carrying out your duties.
7. Failure to comply with the Employee Code of Conduct, service or professional standards may result in disciplinary action in accordance with the [Disciplinary Policy](#), actions taken could include dismissal. You should make yourself familiar with the policy which outlines the standards of behaviour expected of you and examples of the type of actions that would require disciplinary action to be taken. A serious breach of this code would include, for example, theft, fraud, or misuse of council



property which are offences classed as gross misconduct. Depending on the circumstances several steps will be taken which are outlined in the policy, including a full investigation by an appropriate manager.

8. You will be indemnified from personal legal action against you if you are acting in good faith in the discharge of your duties in accordance with the [terms of resolution](#) of the Personnel Committee of 20 December 2006.

9. You should seek advice from your Line Manager or Human Resources if you are unclear about any aspect of the code or associated guidance. If you are a manager, you should make sure those who report to you know about and understand the code, and act if there is behaviour which is inconsistent with it.

10. If you are working for another organisation whilst still employed by the Council (for example when undertaking employer supported voluntary work or on secondment) you are expected to continue to act in accordance with this code to help ensure that the public have confidence in us and the services we provide.

## The Seven Principles of Working at Manchester

1. Through engagement with staff and managers across services, **the seven principles of working at Manchester** have been developed. These principles help ensure there is a clear framework of standards which we operate within that have been.

2. The seven principles of working at Manchester have been adapted from The [Seven Principles of Public Life](#), upheld by the Committee on Standards in Public Life. These provide key guidance on the ethical standards which all people who hold public office should comply with and these standards are reflected in the seven principles of working at Manchester which are in place to ensure the principles reflect our priorities as a Council.

3. The [Our Manchester Strategy](#) sets out our key ambitions for Manchester, and our core values, developed through engagement with Manchester people. The [Our Manchester Behaviours](#) sets out the attitude, approach and treatment of others that are needed to achieve these ambitions and these core behaviours are central to this Employee Code of Conduct. The four key behaviours which should guide all our work for Manchester are:

- We take time to listen and understand
- We own it and we're not afraid to try new things
- We work together and trust each other
- We're proud and passionate about Manchester

These behaviours are linked closely to all seven principles and feature throughout the code.

The **seven principles of working at Manchester** set out the standards expected from all of us when working at Manchester: an overview of the seven principles is provided below:

- ***We serve the public***

We are here to provide services to the public and we always deliver the highest standards of service.

- ***Respect for Others***

We treat all people with dignity, consideration, and respect.

- ***Accountability***

We are all trusted to deliver high quality services and in return it is expected that we act responsibly. We are accountable to our Managers, the Council as a whole and the public for our decisions and actions.

- ***Fairness***

We treat people fairly regardless of their age, gender, disability, gender reassignment, race, religion or philosophical belief, sex, sexual orientation, and marital status. Decisions are made fairly, consistently and on merit.

- ***Openness***

The public have a right to know and understand reasons behind key decisions. We act and take decisions openly and transparently within the legal framework.

- ***Honesty and Integrity***

We are honest and truthful and act according to the public, rather than our own, interests.

- ***Leadership***

We promote these principles in everything we do and act in ways to inspire public confidence.

## **Principle One: Serving the public**

1. Serving the public is at the heart of what we do, whether we work directly with the public, or provide important 'back office' support that enables customer facing staff to provide the highest possible standards. You should make yourself familiar with any service specific customer service guidance that you are required to follow, in addition to the general standards set out below. This section covers customer service standards and dress code.

### **Customer Service Standards**

1. Members of the public should be treated with dignity and respect. To help build constructive relationships with our service users, we must take the time to listen and understand. We should take a strength-based approach in how we work with service users which means recognising their unique skills and knowledge and the

role they can play in facilitating positive change. This helps us to build better relationships and be more empathetic and responsive to individual needs.

2. You also have a right to be treated with dignity and respect by our service users. You are not expected to tolerate aggressive, abusive, or violent behaviour. This includes hate crimes, which are crimes that are targeted at a person because of hostility or prejudice towards that person's disability, race or ethnicity, religion or belief, sexual orientation, or transgender identity. If you experience this, you should report this to your manager and be supported appropriately.

### **Dress Code**

1. You are expected to dress appropriately according to the service that is being delivered and your role within the organisation and you should refer to any service specific guidance that applies. For example, in front line services, depending on your role, the dress code may be practical to ensure safety and hygiene standards are met. In some services, the nature of your role may mean that it is important to dress in a way that residents can relate to. In 'back office' services, professional dress may be particularly important due to the client base.

2. In all cases, uniform, and clothing provided for health and safety reasons must be worn. Across services there may however be flexibility on dress on certain days with 'dress down' days and some services may allow staff to wear trainers at work to support active lifestyles.

3. The Council values and welcomes the ethnic, religious and gender diversity of our work force and service dress codes will include ethnic and religious dress requirements to ensure that you are free to wear them.

## **Principle Two: Respect for Others**

1. Trust, listening and understanding are critical [Our Manchester behaviours](#) and essential to developing strong working relationships which will allow us to deliver our objectives. This section covers your relationships with your colleagues, your manager, service users and Councillors. Respectful treatment of others is crucial in your use of Social Media and behaviour outside of work and this is also covered here.

### **Our relationships**

1. Internally it is important that we work as one organisation and have constructive working relationships within our teams and are also able to work across teams, services, and directorates. Externally we need to be adaptable to the distinctive styles and approaches of the diverse range of service users, partners, and agencies that we work with.

2. You should be professional in your behaviour towards colleagues and we should treat each other with mutual dignity and respect. The Council does not tolerate behaviour that undermines dignity or respect or can cause others to think less or be disrespectful towards any individual or group. In addition, if you experience bullying or harassment or at work, this should be reported to your manager, or an

alternative manager if this is preferred, at the earliest opportunity. Please refer to the [Equal Opportunities in Employment policy](#) for information on the framework of protection that is in place to support fairness in the workplace.

3. Complaints can be raised through the [Employee Dispute Resolution Policy](#) which is in place to support fair treatment and resolution of employees complaining about behaviour in the workplace, including harassment and victimisation by other employees or managers.

4. Sometimes, despite best efforts, work relationships break down. The Council has several trained [internal conciliation officers](#) who can support you to resolve conflicts at work without recourse to formal processes. This process can be helpful in resolving issues early on and establishing dialogue between two parties. The aim of internal conciliation is to support both parties find a way forward and new ways of working together through a mutual agreement.

### **Relationship with your manager**

1. Managers have a duty of care to staff and are responsible for ensuring clarity of role, tracking, and monitoring of performance, and setting reasonable standards around behaviour within a particular role.

2. The [‘About You’](#) framework helps facilitate constructive conversations between you and your manager to help you meet your goals and progress key actions. It allows opportunity for you and your manager to discuss key strengths as well as areas you may need support or development.

### **Relationship with councillors**

1. Mutual respect between employees and councillors is also essential to provide high quality services. You are accountable to the council through your Chief Officer. In addition, depending on your role, you may be required to give advice to members as part of your duties.

2. Councillors and officers must not seek to take unfair advantage of their position or seek to exert undue influence on the other party and must remain impartial. Close personal familiarity between employees and individual Councillors should be avoided as this can damage the ability of both parties to act objectively and create a perception of bias with other employees, Councillors and the public. The [Officer/Member Relation Protocol](#) provides more detailed guidance on this respect (Part six, section F of the Council’s constitution).

3. Members have been elected by local people to represent them, the position should be recognised regardless of the parties they represent or your own views. If employees or councillors feel that they have not been treated with respect by the other, this can be raised with the appropriate Chief Officer or the Chief Executive.

### **Relationship with service users**

1. You should ensure that you treat all service users with dignity, respect, and impartiality. Avoid unnecessary personal familiarity with service users you come

into contact within the course of your work. You should not use your position to take or confer unfair advantage of people accessing our services or allow yourself to be unduly influenced by service users.

2. Your role may involve work with vulnerable service users. All support and interactions with these service users during your employment must comply with relevant legislation, professional standards, and service rules.

## Use of Social Media

1. Social media channels provide us with unique opportunities to build relationships and to connect and engage with our communities. People are more connected than ever with social media often now their preferred way of communicating with the Council.

2. The aim of our [Social Media Policy](#) is to ensure that social media is used in a respectful way and supports the Council's leadership role in the community, maintaining the trust of all our stakeholders. It is also here to support and protect you as our staff.

3. As the use and popularity of social media continues to grow, the line between what is public and private, personal, and professional can become blurred. Whilst you have a right to a private life, it is important that you are aware of the negative impact that inappropriate personal social media activity can have on the trust in the Council and the services we provide. You are therefore expected to maintain the behaviours outlined in this Code.

4. If you choose to access social networking sites and/or other online forums or blogs you are expected to act responsibly and exercise judgement regarding what is appropriate to post online.

5. Inappropriate or offensive activity on social media that is brought to the Council's attention may result in disciplinary action. As well as damaging to individuals, this can undermine the trust in the Council, our reputation, and the services we provide. Examples include:

- Abusive or threatening behaviour
- Inappropriate comments or material that may be regarded as discriminatory
- False or misleading statements that could have a negative impact on our reputation
- Inciting or supporting somebody to commit a crime or other unlawful act

Even if you do not identify yourself on Social Media as a Council employee these standards apply. This could include content you share, 'like' or 'retweet' as this suggests approval of that content.

6. Be aware of any real or perceived conflicts of interest that could occur if you include service users, their families, friends, contractors used by the council or

Councillors as 'friends' on social media. You should exercise judgement when you decide whether it is appropriate to accept a friend request.

7. Do not publish anything that is confidential to the council or use social media to comment on potentially sensitive matters in any context. This could include, for example politically sensitive information and information about service users who use our services.

### **Official use of social media for Council business**

1. You may be required and encouraged as part of your role to use Council social media accounts to further Council business. Social media is a welcomed and valued tool of engagement however you must be aware that information you post in this context must reflect our values. Social media posts and interactions are public statements and count as a council record as well as evidence of the Council's work. They can be used as reference at any time in the future and you are responsible for anything that you say online.

### **Behaviour outside Work**

1. The principles of behaviour and respect for others outlined in this Code extend to other situations outside work that may result in a conflict of interest or impact on your suitability for your role. For example, abusive, violent, or discriminatory behaviour towards another person outside of your workplace, could be treated as a breach of this code and result in disciplinary action.

2. You should be aware that it is particularly important that behaviour meets the standards outlined in this code at events that are recognised as council led or organised events. This includes informal events such as work Christmas parties and other celebrations organised and including work colleagues.

## **Principle Three: Accountability**

1. As council employees you are responsible for your behaviour, the decisions you make and your use of Council resources and equipment. This section outlines key areas where responsible actions are integral to your role in the Council. This includes your safeguarding duty, your accountabilities in line with key employment policies, environmental responsibility, your use of Council resources and your protection of information.

### **Safeguarding**

1. The Council has a statutory duty to protect children and adults. If, following contacts with adults or children, you have any safeguarding concerns, you should report to the Manchester City Council contact centre (children and adults) by phone on 0161 234 5001. You can also seek advice from your Safeguarding Lead, if appropriate.

### **Attendance**

1. Levels of attendance have a major impact on the quality of services we can provide to the public. The [Managing Attendance Policy](#) sets out the standards required for employees and managers in this area and you should make yourself familiar with this policy.

2. Managers are expected to provide a supportive work environment that promotes health and wellbeing, to enable maximum attendance at work. In return, whilst it is recognised that there may be times when you are prevented from attending work due to ill health, you are expected to take personal responsibility for supporting your health, by, for example attending appointments or treatment programmes where appropriate. You must also follow the attendance reporting and recording procedures set out in the policy.

3. As a Disability Confident Employer we are committed to supporting our disabled employees and those staff with physical or mental health conditions, through providing reasonable adjustments, in line with the Equality Act 2010. Managers are responsible for ensuring that [reasonable adjustments](#) such as, but not limited to; [flexible working](#), aids and adaptations, [disability related leave](#), assistive technology, and job redesign, are identified, put into place in a timely manner and reviewed regularly for effectiveness or a change of circumstance.

## Performance

1. You are responsible for delivering work of the highest possible standard to ensure that the public receives the quality services that they have a right to expect. You are expected to seek support where you identify a need and discuss any issues that may be impacting on performance with your Manager.

2. Managers are responsible for communicating clear targets and standards, providing appropriate training and support, and ensuring any workplace assessments and adjustments are implemented. Managers and staff should work together to identify development needs and ensure that suitable development plans are put in place.

3. It is recognised that there may be occasions when there are performance issues that need to be addressed. Please refer to the [Capability Policy](#) for more information. If it is believed that you are wilfully not working to the required standard, this will be dealt with under the [Disciplinary Policy](#).

## Health and Safety

1. The Council has a legal duty to ensure that working here is safe and healthy. You also have a personal responsibility for the health and safety of yourself and others. You have a vital duty to raise concerns about health and safety issues, identify hazards, give your opinion on suitable solutions to health and safety problems, participate in training, and contribute to risk assessment and risk control procedures.

2. You must follow established safe systems of work, including the appropriate use of personal protective equipment. You should also comply with instructions to ensure safe systems of work due to Covid-19. At the earliest opportunity report any

accidents, incidents and near misses immediately to your line manager. Ensure you have also read the Council's [Health and Safety Policy](#).

3. Managers are responsible for the active promotion of the health, safety and wellbeing of staff and those affected by the work of their teams through risk assessment and consistent application of health and safety arrangements.

4. You must wear your Council security pass and ensure it is always visible. It is not to be shared with anyone else, and any lost or misplaced security passes should be reported to [Facilities Management](#). It is also important that you do not 'tailgate' through security barriers or doors or allow anyone else following you to do the same. If it is safe to do so, you are expected to challenge anyone in a staff only area who does not have a pass and report it to Facilities Management. Ensure that any visitors you have follow the appropriate visitor protocol that applies to the building.

### **Smoking and Vaping**

1. To ensure that your health is protected at work, you must not smoke or vape in any Council premises. The full details on the restrictions that are in place are available in the Tobacco Control and Vaping Policy. It is also recognised that smoking is an addiction, and you have the option of taking up to two hours paid leave to access an initial smoking cessation consultation.

### **Alcohol and Substance Misuse**

1. The provision of high-quality services may be compromised if alcohol or substances have been misused. [The Alcohol and Substance Misuse Policy](#) sets out the manager and employee responsibilities in this area. The council is committed to supporting, wherever possible, staff with alcohol and substance misuse issues. You in return are expected to cooperate with any support and assistance provided.

2. The relevant legal framework in relation to alcohol and substance misuse is contained within the policy; if you commit a criminal offence in relation to this on Council premises, in Council vehicles or at Council-related events, it may lead to disciplinary action which could result in dismissal.

### **Work outside the council**

1. You are responsible for ensuring that any outside work or secondary jobs does not have a negative impact on your work with the Council and that the total number of hours you worked does not exceed the limits on maximum number of hours to be worked per week as set out in the Working Time Regulations 1998 and covered by your NJC terms and conditions. Ensure that you consult with your manager before taking on any additional work so that any impacts can be assessed. You should also contact payroll if additional work is agreed to ensure that your tax code is correct. Managers should keep a record of any relevant information in relation to additional employment on the individual's personnel file.



2. If there are any conflicts of interest arising from any additional employment it is also essential that you declare these interests through the usual process (refer to the Declarations of Interest section, page 16).

### **Volunteering**

1. Volunteering provides a valuable contribution to the community as well as a range of personal benefits and we positively encourage you to participate: both outside work or as part of your allocated volunteering leave as set out in the [Employer Supported Volunteering policy](#).

2. There are also an extensive [range of public service volunteering activities](#) you can get involved in, which provide important support to critical public services. This could include, for example, undertaking Magistrate duties or working as a retained firefighter. You are responsible for ensuring that any additional work you undertake does not conflict with your delivery of your primary role within the Council.

### **Environmental responsibility**

1. We are committed to the rapid reduction of carbon emissions and are aiming for the city and the council to be a zero carbon by 2038 at the latest. You can contribute to achieving this ambition by incorporating zero carbon activities and thinking into your working practices and by making informed choices. You are encouraged to embed this within your day-to-day work by choosing, for example, the lowest carbon mode of business travel wherever possible, avoiding the use of single use plastics and unnecessary use of paper, and recycling rubbish using the recycling bins provided in most offices.

2. Further support about how to reduce your emissions, both in your role and more widely, is available through [Carbon Literacy training](#). Managers are encouraged to discuss this area at About You and Team Meetings.

### **Intellectual property**

1. The Council will seek to recognise and acknowledge the contributions you make as part of your work, however the intellectual property or copyright of anything created at work as part of your job belongs to the Council. You are not entitled to use, sell or otherwise exploit the rights to this copyright/intellectual property without written permission from the Council and breaching this may be a criminal offence. You should not breach any other employee's intellectual property rights.

### **Financial Resources**

1. The Council's [Financial Regulations](#) safeguard our assets and use of resources and you should refer to these when using financial resources, for example when placing orders for goods and services.

### **Use of Council Systems, Property, Vehicles, Facilities and Equipment**

1. The Council's resources are in place to further the council's objectives and deliver council business and should not be used to carry out private work. You must take care when using the council's resources and avoid any damage to them.

2. If you have access to Council assets, which includes property, buildings, cash, equipment, and other assets, including vehicles, you must take responsibility for the security of such assets and ensure assets are managed securely and protected against accidental loss or damage and unauthorised use. Any loss or theft should be reported immediately to your line manager.

3. Where you use council services, for example occupy Council property, claim benefits or use leisure services, you are expected to behave responsibly and with integrity.

### **Use of Internet or Email**

1. The Digital Media Policy provides guidance on the responsibilities of all users of the email system and sets out the consequences of any breaches. Access to email facilities is provided to employees to facilitate council business, but it is recognised that employees may need to use their council account for occasional personal use which is permitted on the conditions set out in the policy.

2. E-mails will also be monitored using filtering software and all email content must comply with the Council's [Equal Opportunities in Employment Policy](#) It is recognised that access to the internet is often essential and necessary for delivering our services. The internet should not, however, be used inappropriately for personal reasons or used in a way which compromises security. Examples of inappropriate use are contained in the Internet and Email Policy.

3. There may be occasions when you need to access Council systems from your own personal devices such as laptops/PCs, tablets, or smartphones. It may also be necessary for you to use your own device to facilitate home or mobile working if you are not provided with a mobile Council device. The Internet and Email Policy also sets out the appropriate use of personal devices for these purposes.

### **Protecting Information**

1. Most of us have, as part of our daily role, responsibility for information that must be safeguarded, for example records and details about residents, service users, other employees or partners and businesses. We are trusted with this information and all employees are accountable for ensuring that information is handled, held or shared appropriately. We must make sure:

- Information is protected against unauthorised access and loss
- Confidentiality is ensured
- The integrity of information is maintained
- That legal and regulatory requirements are met

2. The Council recognises that mistakes can happen and is committed to learning when things go wrong. In support of this approach, we have adopted a [Fair Blame Statement](#). This means that in most circumstances a constructive approach will be taken to understand with you why the mistake happened and there will be no reference to disciplinary processes.

3. You must, however, report any data breaches to your manager immediately and there are some circumstances where formal disciplinary processes will need to be

used. These are, for example, if your behaviour is malicious or criminal in intent, there are repeated mistakes or there is evidence of a reckless failure to follow service procedures.

4. Your responsibilities are set out in the Information Governance policies and guidance that are available on the Council's intranet. You are expected to familiarise yourself with the [12 Golden Rules](#) of protecting information which are available on the intranet. You must complete essential [Information Governance training](#). Full details of the requirements of data protection legislation are covered in the Council's [Data Protection Policy](#)

5. Data Protection legislation allows for organisational fines of up to 20 million euros (or the equivalent in sterling) for non-compliance. You could also face individual criminal charges for offences in relation to obtaining, disclosing, or procuring personal data without appropriate consents and the sale or offering for sale of that data. Appropriate disclosure of information does not limit you from exercising your rights under the Council's [Whistleblowing Policy](#).

## Principle Four - Fairness

This section outlines how you can ensure your work is conducted with objectivity and impartiality. It covers Equality, Diversity and Inclusion, and political neutrality.

### Equality, Diversity, and Inclusion

1. Manchester has a rich cultural and ethnic diversity which we celebrate, recognising the positive contribution that our many communities make to the city. We work to meet and exceed our Public Sector Equality Duty which gives us the responsibility of fostering good relationships with our communities, promoting equality and eliminating discrimination.
2. We aim to reflect the community we serve in our workforce: this helps us to better meet the needs of Manchester's communities and brings different perspectives to the work of our teams.
3. Respect for others is fundamental to our behaviour as city council employees, and essential to working together. All members of the local community, service users and colleagues have a right to be treated with fairness and equality regardless of their 'protected characteristic' in line with the Equality Act 2010.
4. 'Protected characteristics' include age, disability, gender reassignment, race, religion or philosophical belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. Protection from discrimination extends to perceived as well as actual characteristic. This means that employees must not be treated unfairly due to a characteristic they are assumed to have (even if this assumption is incorrect).
5. Please refer to the [Equal Opportunities in Employment Policy](#) for information on the framework of protection that is in place for staff with protected characteristics, in line with the Equalities Act. You should also ensure you have completed mandatory Equality, Diversity and Inclusion e-learning including role specific

training to ensure you have the knowledge and skills to promote equality both in your treatment of residents/service users and of your colleagues.

6. Our [Equality Objectives](#) promote the development of our understanding of how our work impacts different communities. With a workforce increasingly representative of the communities we serve, this understanding extends to how we interact with each other at work. Through taking the time to listen and understand each other and our differences, we can appreciate individual needs, work flexibly, and adapt our arrangements to meet them where we can.

7. Mutual dignity and respect are vital to strong working relationships. Actions, words, or behaviour that undermine dignity and respect of others will not be tolerated. Any harassment or victimisation at work should be reported to a line manager, or another appropriate manager as soon as possible.

8. The [Flexible Working Policy](#) provides support for employees with responsibilities outside work, including carers who we recognise can also experience disadvantage in the workplace. Services' flexible working practices established as part of 'Our Ways of Working' also allows employees to balance work and personal responsibilities, subject to service needs.

## Principle Five: Openness

Openness in all our interactions with the public is essential to developing the trust we need in our services and is part of our ambassador role, acting as proud and passionate champions for the City. This section covers our responsibilities in relation to Freedom of Information, relationship with the press and media and complaints.

### Freedom of Information

1. The Council is committed to openness and transparency. We proactively publish a significant amount of information, and make other information publicly available, to support public awareness as well as involvement in our decision making.

2. This principle is supported by The Freedom of Information (FOI) Act 2000 and the Environmental Information Regulations which (unless the information falls within a limited number of exemptions) gives individuals the right of access to recorded information held by the Council. Given this, you must ensure that any information (including emails) produced as part of day-to-day work does not conflict with the Council's values, and would not damage public confidence in the Council or its reputation if it were made publicly available

3. All requests for information should be dealt with in accordance with the [Council's procedures](#). Anyone who makes a request has a right both to be told whether we provide the information, and to be provided with any information that we hold related to the request (unless the information falls within a limited number of exemptions).

## Relationship with the press and the media

1. If the press contacts you for comment in the course of your work you must seek advice and authorisation from your Head of Service and the Council's Media team before providing any information. Heads of Service are responsible for any decisions on press releases, quotes from officers and photo opportunities which should be made in consultation with the relevant Strategic Director and Executive Member/Committee Chair. Further [advice and guidance](#) on dealing with the press and media is available.

## Responding to complaints

1. Complaints from members of the public will be dealt with through the Council's [complaints procedure](#). You are expected to be open and honest in responding to any complaints and investigation, and willing to assist as required.

## Principle Six: Honesty and Integrity

1. Honesty and Integrity are fundamental to the relationship we have with our service users and the community we serve and essential to promote our pride and passion in Manchester. This section covers political neutrality, declarations of interest, procurement, recruitment, selection and promotion, gifts and hospitality, criminal offences, fraud and personal financial management and whistleblowing.

### Political Neutrality

1. You serve the council as a whole and all Councillors, not just those of the controlling group. You must remain impartial due to your role as a Council employee and not allow your personal or political opinions to interfere with your work. You must ensure that individual rights of all Members are respected and act in accordance with any rules relating to relationships with Members as set out in the [Council's Constitution](#) and the Member/Officer Protocol\_(Part six, section F).

2. On occasions senior officers may be requested to advise or brief political groups. In this instance you must make your Chief Officer aware and seek advice to ensure that this is done in a way which does not compromise political neutrality.

3. If you are in a politically restricted post, this will be incorporated into your terms and conditions of employment and you should be advised on these restrictions as part of your induction into the Council. This means you cannot undertake certain activities, inside and outside work time, to ensure that the influence you have in your role is not used for political purposes inappropriately. These restrictions do not prevent ordinary membership of a political party.

### Declarations of Interest

1. You must not misuse your position to further private interests or the interests of anyone you have a close personal relationship with. A conflict of interest or association is a situation where a reasonable person might think that someone in

the same role as you, with the same outside interests, could be influenced inappropriately in the decisions or recommendations you make as part of your work for the council. You should also avoid situations where your involvement or contribution could indirectly compromise the interests or values of the council.

2. Close personal relationships include someone you are married/have a civil partnership with or live with, immediate family (parents, siblings, and children) and close personal friends. If there are any conflicts of interest or association, or potential conflicts of interest or association, you must declare them via the SAP system or by completing a declaration of interest form if you do not have access to SAP.

3. Although it will be necessary for your manager and Head of Service to have access to the information contained in your declaration, to ensure good governance care must be taken to ensure this information is not shared more widely than necessary.

4. There are several types of interest which you should declare which are reflected in the Declarations of Interest Form. These include:

- Interests (financial or otherwise) that you, your spouse/partner, or immediate family have in any contract that the Council has entered into or proposes to enter into (for example your partner runs a business that is tendering for a Council contract)
- Interests (financial or otherwise) that you, your spouse/partner, or immediate family have that could conflict with the Council's interests (for example, you are a trustee or a board member for an organisation that receives Council funding)
- Close personal relationships with people at work that could cause a conflict with the Council's interests (consider relationships with members, employees, staff you manage or staff who manage you, staff in politically restricted posts). This could be, for example you are involved in employment decisions in your service where immediate family also works.
- Membership of any organisation whose membership could conflict with your employment with the Council (for example you are a member of Governing Body at an establishment that receives Council funding).
- Outside work (paid or unpaid) that may impact adversely on your employment in the Council (for example you are a Director or Partner in a Business which has a relationship with the Council)
- Any other known/possible conflicts or outside activities that the Council should be aware of (for example you are involved in policy development in Social Care and a member of your immediate family is in care in the area in which you work)

5. You must by law declare any financial interest that you have in any contract whether it has been or is proposed to be entered into by the Council. This is a statutory obligation set out in the Local Government Act 1972. Failure to comply may amount to a criminal offence.

6. If you do declare any conflicts of interest you should provide the following information:

- The actual or potential conflict and the parties involved
- Context to explain why there is conflict
- Name of the individuals or organisations involved
- Explain if this will be ongoing or specific to a particular decision or piece of work

7. You are required to complete the declaration of interest form as part of the new starter process and submit a revised form annually in April, in line with the financial year. You should consider any new interests that you, your spouse/partner or immediate family or close personal friend may have during the year and any changes should be recorded in a new declaration.

8. Line Managers are required to review every declaration from the staff they manage and take appropriate actions to ensure any risks that could arise are managed effectively. The actions taken should also be recorded via the declarations of form or in SAP. Examples of actions Line Managers can take to manage the risks include redistributing responsibilities across a team or changing approval mechanisms. If paper forms are completed these should be sent to the [employee lifecycle team](#) to be retained on personnel files.

9. Heads of Service should analyse overall patterns of interests that are occurring within the service and ensure any significant risks in this area are escalated to Chief Officers where appropriate.

10. Chief Officer declarations of interest should be reviewed by the Monitoring Officer (or in the absence of the Monitoring Officer the Deputy Chief Executive and City Treasurer) The Monitoring Officer's declarations of interest should be reviewed to the Chief Executive. Decisions should then be made about the appropriate course of action in line with the principles above.

## **Procurement**

1. As set out in the Contract Procurement Rules in the [Council's Constitution](#) (Part 5, Section E), the tendering process must be fair and transparent. If you are involved in the procurement process you should be clear on your role. If you have both a client and contractor responsibility you must be open and accountable in relation to both roles and declare this as a conflict of interest so that appropriate actions can be taken (refer to the Declarations of Interest section for further information on this).

2. You should be fair and impartial when dealing with all service users, suppliers, contractors and subcontractors. Any conflict of interest should be declared, in line with the Declarations of Interest section of this Code, and you should not invite bids from any individual or organisation with whom you have a close personal

relationship. If you have access to confidential information on tenders or costs for either internal or external contracts you should not disclose that information to any unauthorised party or organisation.

3. When awarding contracts, you should be mindful of any potential conflict of interest arising from involvement with external contractors or potential contractors, who employ, in a senior or relevant managerial capacity, people you have close personal relationships with.

4. 'Social Value' must be incorporated into any contract awarded by the council and included in all specifications from providers. This is the value that a contract brings in order to improve the economic, social and environmental well-being of a relevant area.

### **Recruitment, Selection and Promotion**

1. If you are involved in the recruitment process you must make sure that all appointments are made on merit. It is unlawful for you to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. You should make yourself familiar with the [Recruitment and Selection Policy](#) and ensure that you undertake the mandatory recruitment and selection training

2. If you have a close personal relationship with the applicant you must not take any part in the recruitment or selection process involving that applicant. The Council's application forms ask candidates to make a declaration of any potential conflicts they are aware of. You must also inform the recruitment manager if a personal or business relationship exists.

3. Similarly, you should not be involved in decisions relating to promotion or pay adjustments for anyone with whom you have a close personal relationship.

### **Gifts and Hospitality**

1. You, or anyone you have a close personal relationship with, should not benefit from your position at the council beyond the pay and reward schemes already in place. Decisions on Council Services, or the quality of Council Services, should not be, or perceived to be, inappropriately influenced. As a general rule, offers of hospitality and/or gifts should be declined.

2. Practical information regarding gifts and hospitality including a template Service Gifts and Hospitality Register and frequently asked questions are available in the Employee Code of Conduct guidance.

3. You must never accept gifts or hospitality in the following circumstances:

- as motivation or reward for delivery of a Service
- where acceptance places you under inappropriate obligation
- if acceptance could be open to misunderstanding



4. Failure to comply with these standards could lead to disciplinary action and possible prosecution under The Bribery Act 2010. On conviction, penalties include up to ten years imprisonment for individuals or unlimited fines. You should refer to the Council's [Anti Bribery Policy](#) and [Anti-Fraud and Corruption Policy](#) as appropriate.

### **Accepting Hospitality**

1. You may, as part of your duties, be required to represent the Council where hospitality may be offered. For example, functions within the community, meetings or visits to agencies or contractors. Hospitality includes offers of transport, refreshments, meals, accommodation, or events that would normally be paid for. This list is not exhaustive, which means that something which is not mentioned may still be considered to be hospitality.

2. You must make a judgement regarding whether it is appropriate to accept hospitality in any particular case. Where hospitality is offered it should be recorded in the Gifts and Hospitality Register. If you consider it appropriate to attend the event you should ensure that this is authorised by your Head of Service. You do not, however, need to get authorization to accept a modest working lunch or refreshments received as part of a conference/course that you attend.

3. You should only accept hospitality if there is a genuine need to represent the Council and where the hospitality meets the following criteria:

- Attendance is unlikely to cause any reputational damage
- Refreshments, if provided, are a small part rather than the main purpose of the occasion
- The timing is not likely to give rise to criticism due to decisions being made by the council in relation to the provider of the hospitality

4. Before attending functions, you should establish the purpose of the event, be able to justify your attendance and identify an outcome which will benefit the Council. An example of inappropriate hospitality that you should refuse is attendance at entertainment events (such as drinks parties, fashion shows, sporting events) and other events where there is no clear benefit to the Council. As a guide to whether something is acceptable, you should consider how much a person could reasonably expect to pay to attend a similar function or event run on a commercial basis.

5. If hospitality is declined, the offer should be respectfully but firmly refused, and the organiser informed of the procedures and standards operating within the Council. Any hospitality which has been declined must still be recorded in the Service Register of Gifts and Hospitality.

6. Where specific visits are required in relation to procurement decisions, for example to attend demonstrations or inspect equipment, the Council should meet the cost of such visits to help ensure objectivity.

### **Provision of Hospitality**

1. As a general principle, you should not provide hospitality to anyone you are working with, such as partners or commercial organisations delivering services with or for the Council. Hospitality excludes the provision of light refreshments, such as tea and coffee or water. There are also limited exceptions to this restriction where the provision of hospitality is in the public interest, and necessary to further Council interests. Examples where the provision of hospitality may be appropriate are:

- The provision of low-key refreshments at a meeting with partners which extends beyond normal working hours, where it has been necessary to schedule the meeting at this time
- The provision of modest refreshments to international delegations as part of a civic event

2. Any provision of hospitality should be signed off by your Head of Service. Authorisation should be recorded in a suitable format and available for future reference. Provision of refreshments should not be the main focus of any hospitality that is provided by the Council.

### **Acceptance of Gifts**

1. As a general rule, you should not accept gifts from service users, contractors or outside suppliers, commercial partners, or sponsors. Gifts may be objects, favours, discounts, loans, legacies (gifts left in wills) or other things that are a benefit. This list is not exhaustive, which means that something which is not mentioned may still be considered a gift. Alcohol or money should never be accepted as a gift in any circumstance. All gifts offered (including any declined) should be recorded in your Service Gifts and Hospitality Register.

2. There is a general exception to this rule in relation to gifts of token value which could include pens or inexpensive diaries, which could be received, for example at a conference you attend to develop your professional knowledge. There is no requirement to declare the gift in these circumstances.

3. There are also a few exceptional circumstances where refusing gifts may cause offence and damage relationships with stakeholders. This could be, for example, a customary gift offered by an international delegation during official visits to the city or a very small gift given as a gesture by a service user for services received (for example following a bereavement) where the situation is sensitive, and refusal may cause offence. In these situations, it may not be practical to obtain Head of Service authorisation prior to acceptance and judgement should be applied in each case.

4. In these circumstances it is important that, following acceptance of the gift a decision is made, with your Head of Service, on the most appropriate use for the gift. Options include donating the gift to charity or retaining it within the office if this is not practical. This ensures that you as an individual have not inappropriately benefited from the gift. Heads of Service must indicate they approve the use of the gift in the Gifts and Hospitality Register.

5. When a gift is declined, the offer should be politely but firmly refused and the Council policy relating to gifts explained to the person making the offer. Any gift

which has been declined should still be recorded in the Service Gifts and Hospitality Register.

6. The circumstances surrounding offers of gifts need to be considered. For example, it will be inappropriate to accept even a small token gift from someone the Council is in dispute with, or more than one gift from the same party even if they are all of token value if the total value over a period is substantial. Timing also needs to be considered and any possible connection (either real or perceived) with decisions being made by the Council. If in doubt, you should always discuss this with your Head of Service.

7. Heads of Service are responsible for maintaining registers and ensuring regular review of them. Any issues or risks associated with gifts and hospitality should be escalated to Chief Officers who should have regular opportunity to scrutinise registers.

8. Any offers of gifts or hospitality Chief Officers receive should be referred to the Monitoring Officer (or in the absence of the Monitoring Officer the Deputy Chief Executive and City Treasurer) Any offers of gifts or hospitality that the Monitoring Officer receives should be referred to the Chief Executive. Decisions should then be made about the appropriate course of action in line with the principles above.

### **Criminal Offences**

1. You are expected to work within the law. In addition, failure to uphold the law outside work could damage public confidence in you or the Council. Notify the Council immediately in writing if you are arrested, charged with or convicted of any offence. If the offence damages public confidence in you or the Council; or makes you unsuitable for the job you do, this may impact on your employment and will be dealt with under the Disciplinary Policy.

2. You must cooperate with any checking process where posts are identified as requiring disclosure of criminal convictions, particularly where there is a legal requirement to do so.

### **Fraud and personal financial management**

1. Whilst your personal finances should remain private, you must ensure that, where you have a financial relationship with the Council outside your contract of employment, that this relationship is conducted with honesty and integrity.

2. You must not deliberately evade any debts owed by you or seek to obtain monies from the Council to which you are not legally entitled. This could include, for example, avoidance of payments or false or inflated claims for Council Tax reliefs, false or inflated claims for benefits, false claims for blue badges, evasion of fines and false claims for compensation. Please refer to the [Anti-Fraud and Corruption Policy](#).

3. You are expected to behave responsibly in relation to payments to public authorities. If you are in a situation where you owe Council Tax or have any other

debt to a Local Authority and are struggling to meet your commitments, you are expected to be open and honest and declare this to your manager, so that you can get the support that you need to resolve the situation. There are a range of resources available to you to support you with your [financial wellbeing](#) and advice on council tax arrears is available from our Revenues and Benefits service who can refer you to professional debt counselling where appropriate or support where multiple debts are involved.

4 If you are in breach of these requirements you may be subject to disciplinary action which may include summary dismissal where appropriate.

### **Raising Concerns**

1. If you become aware of any significant deficiency of service provision, wrongdoing, fraud, customer abuse, breach of procedure or malpractice, you must report this to the appropriate level of management.
2. If you become aware of activities that are illegal, unethical or violate this Code, you must also report this in accordance with the [Council's Whistleblowing Policy](#).

### **Principle 7: Leadership**

1. Our responsibility is to our communities, and as proud and passionate ambassadors for Manchester we are all expected to lead by example through our actions and behaviour in line with the principles set out in this code.
2. Those undertaking a leadership role at Manchester are responsible for the delivery of high-quality services through empowering and trusting others, providing positive influence, innovation, and creativity, and modelling the ethical behaviours needed from their teams. Leaders are accountable for the decisions they make and should ensure they are free of bias to maintain public trust.
3. Managers have a duty of care to staff and are responsible for providing a safe, encouraging, and supportive work environment that values diversity and individual talents. Managers are also responsible for ensuring clarity of role, tracking, and monitoring of performance and setting reasonable standards around behaviour within a particular role. Managers should demonstrate trust in their teams whilst providing support when needed, treating employees fairly and consistently.
4. Both Leaders and Managers should pursue any training or development opportunities that will support them to demonstrate the required standards and behaviours in their role.

# **PART 8**

# **MANAGEMENT STRUCTURE**

# **Management Structure**

## **Full Members of the Strategic Management Team (SMT)\***

- Chief Executive
- Deputy Chief Executive and City Treasurer
- City Solicitor
- Strategic Director (Children’s and Education Services)
- Executive Director of Adult Social Services
- Strategic Director (Growth and Development)
- Strategic Director (Neighbourhoods)
- Director of Population Health and Wellbeing

## **Chief Officers**

- The full members of SMT

## **Statutory Officers**

- |                                     |  |
|-------------------------------------|--|
| • Head of Paid Service              | - Chief Executive  |
| • Chief Finance Officer             | - Deputy Chief Executive and City Treasurer              |
| • Monitoring Officer                | - City Solicitor   |
| • Director of Children’s Services   | - Strategic Director (Children’s and Education Services) |
| • Director of Adult Social Services | - Executive Director of Adult Social Services            |
| • Director of Public Health         | - Director of Population Health and Wellbeing            |
| • Deputy Chief Finance Officer      | - Deputy City Treasurer                                  |
| • Deputy Monitoring Officer         | - Deputy City Solicitor                                  |
| • Scrutiny Officer                  | - Governance and Scrutiny Support Unit Manager           |

\*While other senior officers may attend SMT on an occasional or regular basis, only the listed officers are considered full members of SMT for the purposes of Part 8 of the Council’s Constitution.

**Deputy Chief Officers/Heads of Service**

<b>Directorate/Division</b>	<b>Deputy Chief Officer/Head of Service</b>
<b>Corporate Core: excluding City Solicitor's</b>	Deputy City Treasurer Director of HR <b>and</b> OD Director of Capital Programmes Director of Customer Services and Transactions Director of ICT Director of Policy, Performance and Reform Head of Audit and Risk Management
<b>Corporate Core: City Solicitor's</b>	Deputy City Solicitor <b>Head</b> of Strategic Communications Head of Electoral Services Registration and Coroners Service Manager
<b>Neighbourhoods</b>	Director of Highways <b>Director of Commercial and Operations</b> Head of Service (Compliance and Community Safety) Head of Service (Libraries, Galleries and Culture) Head of Service (Parks, Leisure, Youth and Events) Head of Neighbourhood Management
<b>Adult Social Services</b>	Deputy Director of Adult Social Services Director of Homelessness Assistant Director (Complex Needs) Assistant Director (Front Door) Assistant Director (Neighbourhood Teams) <b>Programme Lead for Health &amp; Social Care Integration</b>
<b>Population Health &amp; Wellbeing</b>	Public Health Consultant Public Health Consultant Strategic Lead (Population Health Programmes) Strategic Head of Health Intelligence
<b>Children's &amp; Education Services</b>	Deputy Director of Children's Services Director of Education

Strategic Lead Safeguarding and Practice Improvement  
**Strategic Lead Commissioning**

**Growth and Development:**

**Director of City Centre Growth and Infrastructure**

Director of Development and Corporate Estate

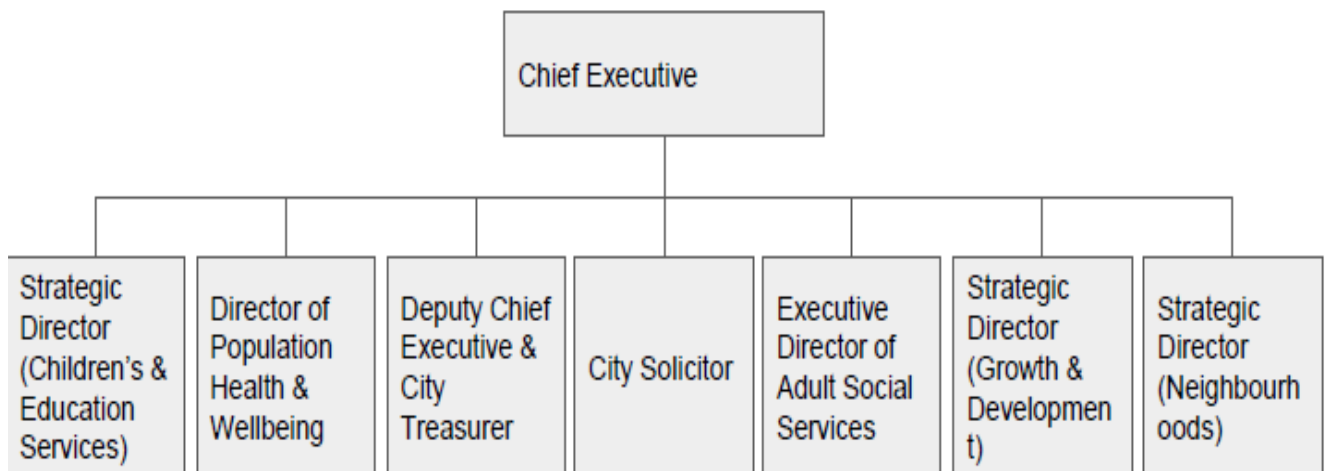
Director of Housing and Residential Growth

**Director of Inclusive Growth**

Director of Planning, Licensing and Building Control

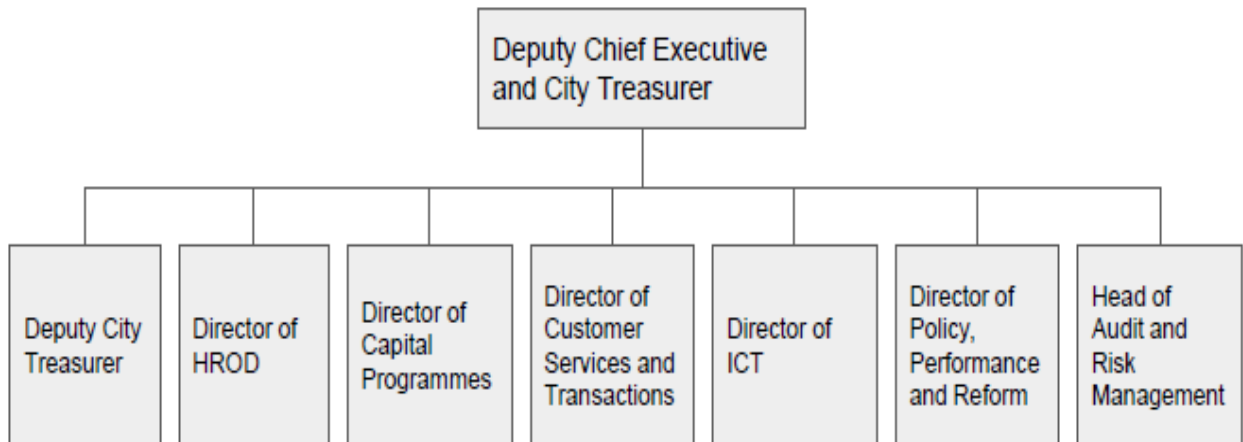
Additional information on the Council’s structure is published within the ‘Open Data’ section of the Council website in accordance with the DCLG Code of Recommended Practice on Data Transparency.

**Full Members of the Strategic Management Team (SMT)**

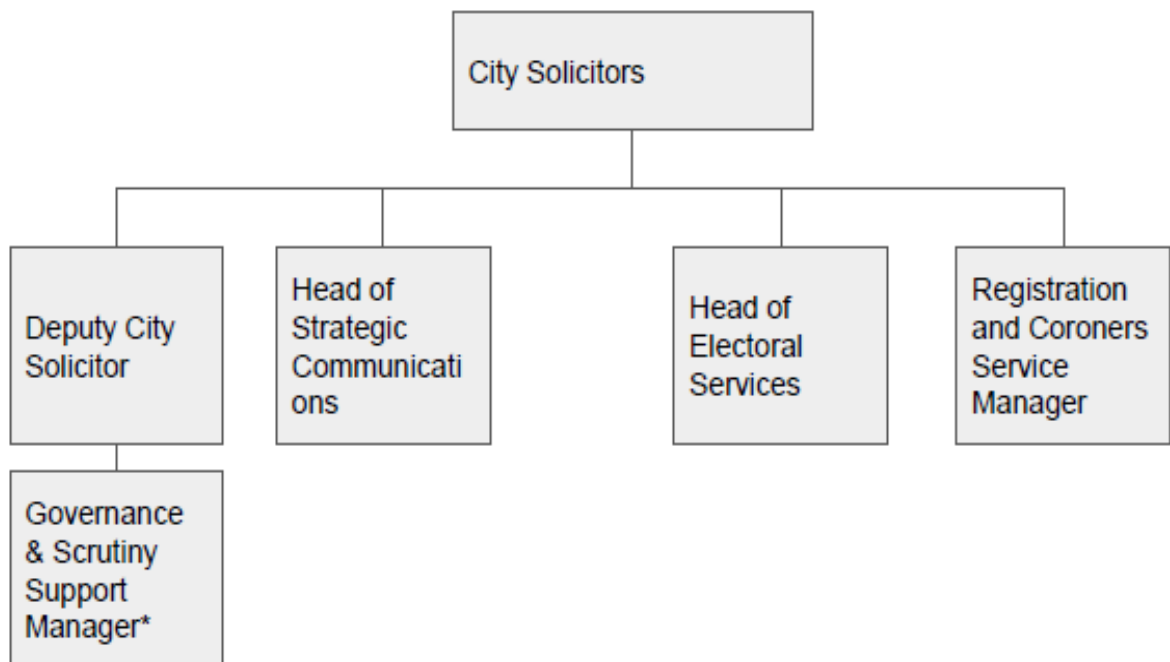




**Corporate Core: Excluding City Solicitors**

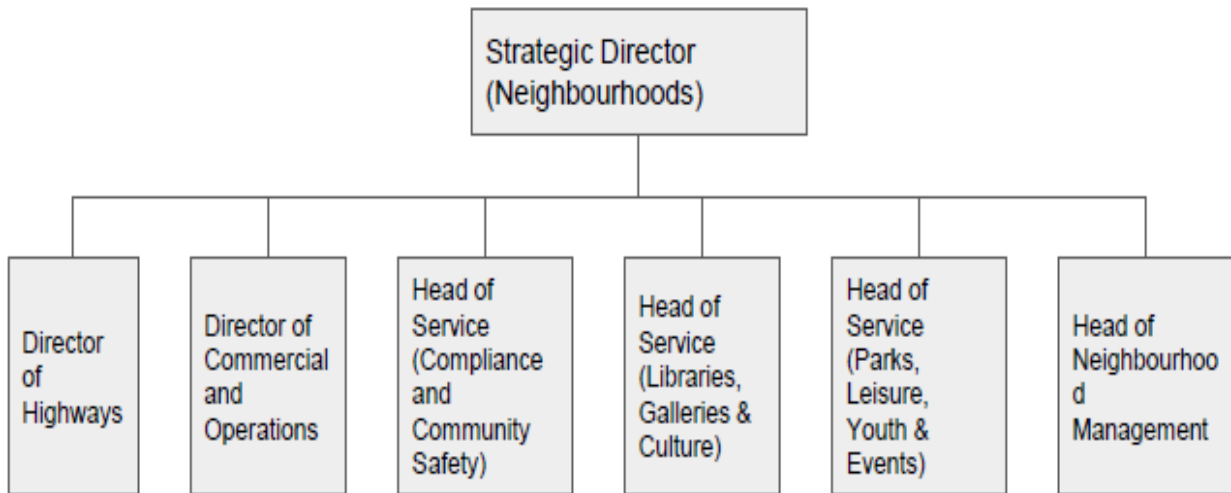


**Corporate Core: City Solicitors**

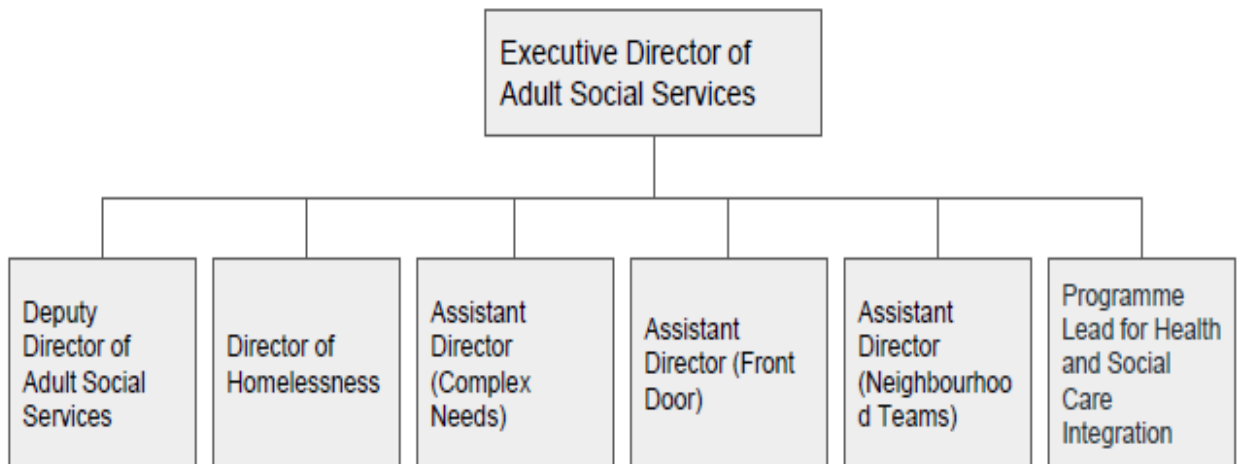


\*The Governance & Scrutiny Support Unit Manager Reports to the Deputy City Solicitor via the Head of Governance

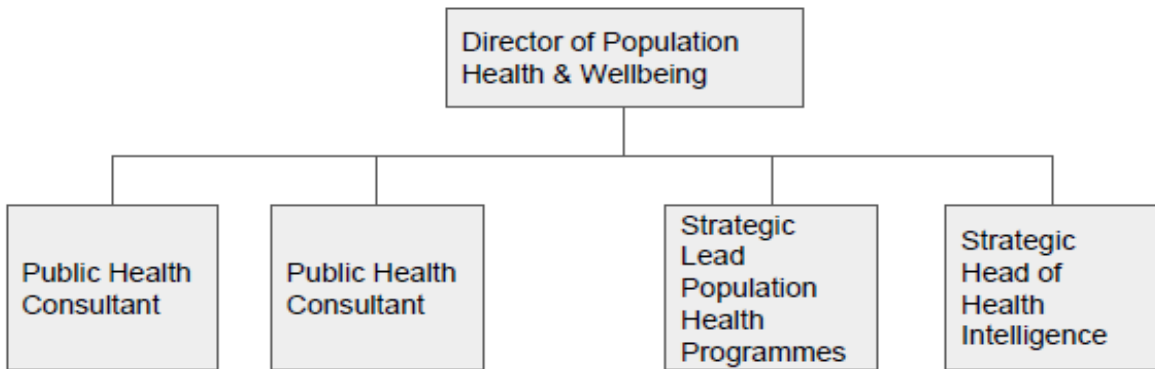
**Neighbourhoods**



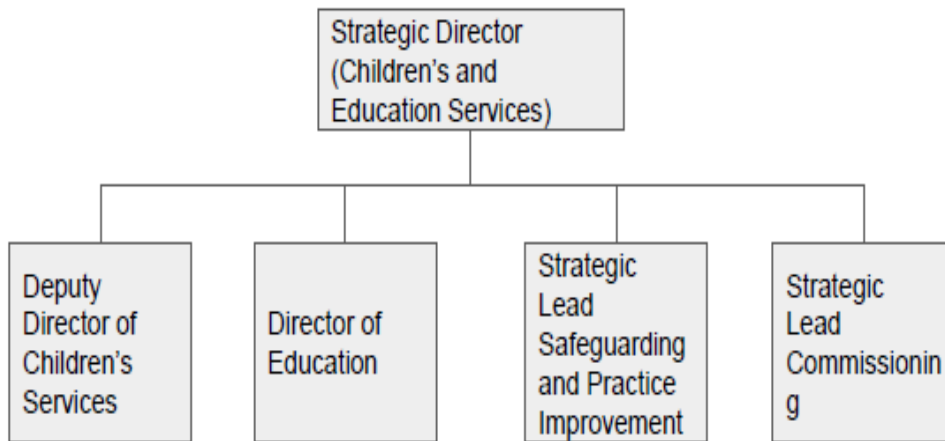
**Adults**



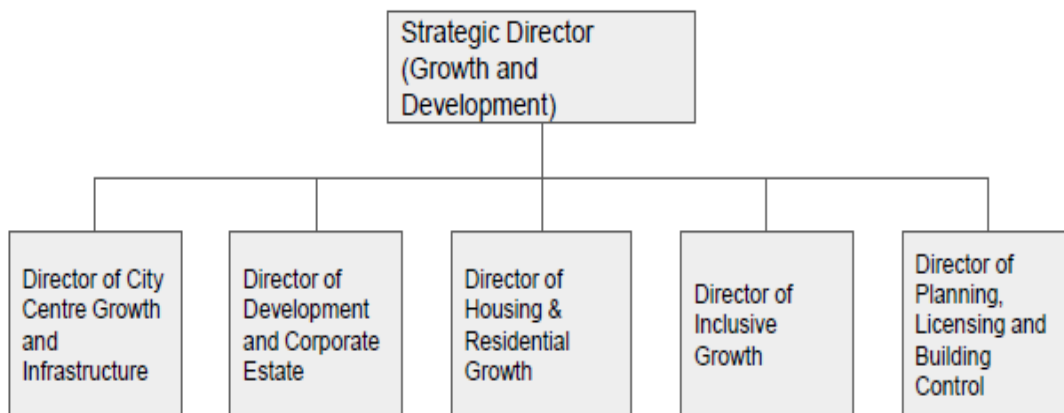
**Population Health & Wellbeing**



**Children's and Education Services**



**Growth and Development**



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