



Joanne Roney OBE  
Chief Executive  
Telephone: 0161 234 3006  
j.roney@manchester.gov.uk  
PO Box 532, Town Hall  
Extension, Manchester  
M60 2LA

**Tuesday, 7 May 2019**

Dear Councillor / Honorary Alderman,

### **Meeting of the Council – Wednesday, 15th May, 2019**

You are summoned to attend a meeting of the Council which will be held at 10.00 am on Wednesday, 15th May 2019, in the Council Chamber, Level 2, Town Hall Extension.

1. **The Lord Mayor's Announcements and Special Business**
2. **Election of the Lord Mayor of Manchester**  
To elect the Lord Mayor of Manchester for the 2019/20 Municipal Year.
3. **Vote of Thanks**  
To adopt a resolution of thanks for the retiring Lord Mayor.
4. **Appointment of the Deputy Lord Mayor**  
To appoint a Deputy Lord Mayor for the 2019/20 Municipal Year.
5. **Minutes** 7 - 20  
To submit for approval and signature the minutes of the meeting held on 27 March 2019.
6. **Interests**  
To allow Members an opportunity to declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda. If Members have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
7. **Seniority of Councillors**  
The statement of the City Solicitor as to the seniority of members of the Council **will follow**.
8. **The Leader of the Council**  
To elect the Leader of the Council.

**9. Appointment of Committees and Chairs**

To approve the appointment of members of the following –

Art Galleries Committee	Audit Committee
Employee Appeals Committee	Licensing and Appeals Committee
Licensing Committee	Licensing Policy Committee
Personnel Committee	Planning and Highways Committee
Standards Committee	Health and Wellbeing Board
Executive Standing Consultative Panel	

Scrutiny Committees –	
Children and Young People	Communities and Equalities
Neighbourhoods and Environment	Economy
Health	Resources and Governance

(See recommendations of the Constitutional and Nomination Committee in the minutes of 15 May 2019 – to be circulated at the meeting.)

**10. Appointments to the Combined Authority, Joint Authorities and Joint Committees**

To approve appointment of representatives to the Combined Authority, Joint Authorities and Joint Committees.

(See recommendations of the Constitutional and Nomination Committee in the minutes of 15 May 2019 – to be circulated at the meeting.)

**11. Dates of Council meetings**

To agree the dates of ordinary meetings of the Council in 2019/20:

Wednesday 10 July 2019	Wednesday 2 October 2019
Wednesday 27 November 2019	Wednesday 29 January 2020
Friday 6 March 2020 (Budget meeting)	Wednesday 25 March 2020

and that the Annual Meeting of the Council 2020 will be on 20 May 2020.

**12. Greater Manchester Transport Committee - Roles and Responsibilities**

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The report of the City Solicitor is enclosed.

**13. Council Constitution 2019/20**

The report of the City Solicitor **will follow**.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Joanne Roney OBE'. The signature is fluid and cursive, with a large initial 'J' and a long horizontal stroke.

**Joanne Roney OBE**  
**Chief Executive**

## Information about the Council

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The Council is composed of 96 councillors with one third elected three years in four. Councillors are democratically accountable to residents of their ward. Their overriding duty is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Six individuals with previous long service as councillors of the city have been appointed Honorary Aldermen of the City of Manchester and are entitled to attend every Council meeting. They do not however have a vote.

All councillors meet together as the Council under the chairship of the Lord Mayor of Manchester. There are seven meetings of the Council in each municipal year and they are open to the public. Here councillors decide the Council's overall strategic policies and set the budget each year.

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)

## Members of the Council

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### Councillors:-

Hitchen (Chair), Adbullatif, Akbar, Ahmed Ali, Azra Ali, Nasrin Ali, Sameem Ali, Shaukat Ali, Alijah, Andrews, Appleby, Battle, Bridges, Butt, Chambers, Chohan (Deputy Chair), Clay, Collins, Cooley, Craig, Curley, M Dar, Dar, Davies, Doswell, Douglas, Evans, Farrell, Flanagan, Green, Grimshaw, Hacking, Harland, Hassan, Hewitson, Holt, Hughes, Igbon, Ilyas, Jeavons, Johns, S Judge, T Judge, Kamal, Karney, Kilpatrick, Kirkpatrick, Lanchbury, Leech, Leese, J Lovecy, Ludford, Lynch, Lyons, McHale, Midgley, Madeleine Monaghan, Mary Monaghan, Moore, N Murphy, S Murphy, Newman, Noor, O'Neil, Ollerhead, B Priest, H Priest, Rahman, Raikes, Rawlins, Rawson, Razaq, Reeves, Reid, Riasat, Richards, Rowles, Russell, Sadler, M Sharif Mahamed, Sheikh, Shilton Godwin, A Simcock, K Simcock, Stanton, Stogia, Stone, Strong, Taylor, Watson, Wheeler, Whiston, White, Wills, Wilson and Wright

### Honorary Aldermen of the City of Manchester –

Gordon Conquest, William Egerton JP, Andrew Fender, Audrey Jones JP, Paul Murphy OBE, Nilofar Siddiqi, John Smith and Keith Whitmore

## Further Information

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

Donald Connolly  
Tel: 0161 234 3034  
Email: [d.connolly@manchetser.gov.uk](mailto:d.connolly@manchetser.gov.uk)

This agenda was issued on **Tuesday, 7 May 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA



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## **Council**

### **Minutes of the meeting on 27 March 2019**

Present: The Right Worshipful the Lord Mayor Councillor June Hitchen – in the Chair

#### **Councillors –**

Akbar, Ahmed Ali, Azra Ali, Ali N, Shaukat Ali, Andrews, Barrett, Bridges, Chohan, Clay, Collins, Connolly, Craig, Curley, M Dar, Y Dar, Davies, Douglas, Ellison, Evans, Flanagan, Fletcher-Hackwood, Green, Grimshaw, Hacking, Harland, Hassan, Hewitson, Holt, Hughes, Igbon, Ilyas, Jeavons, Johns, S Judge, T Judge, Kamal, Karney, Kilpatrick, Kirkpatrick, Lanchbury, Leech, Leese, Lovecy, Ludford, Lynch, Lyons, McHale, Midgley, Madeleine Monaghan, Mary Monaghan, Moore, N. Murphy, S Murphy, Newman, Noor, O’Neil, Paul, B Priest, H Priest, Rahman, Raikes, Rawlins, Rawson, Razaq, Reeves, Reid, Riasat, Richards, Rowles, Russell, Sadler, Sharif Mahamed, Sheikh, Shilton Godwin, A Simcock, K Simcock, Stogia, Stone, Strong, Taylor, Watson, Wheeler, White, Wills, Wilson and Wright

#### **Honorary Aldermen of the City of Manchester –**

Mr William Egerton, Mr Andrew Fender and Mrs Nilofar Siddiqi

#### **CC/19/19 Lord Mayor’s Special Business – Killings in Christchurch, New Zealand**

The Lord Mayor invited Mr Anthony Greystone to address the Council regarding events following the killing of 49 innocent people in Christchurch, New Zealand.

The Lord Mayor then invited those present to stand for a minute silence in memory of the lives lost.

#### **CC/19/20 Lord Mayor’s Special Business – Retiring Members**

The Lord Mayor informed the Council that four Councillors would not be seeking re-election in May 2019 and thanked them for their contribution to the Council and the residents they represent. The Councillors not seeking re-election were:

Councillor Hugh Barrett  
Councillor Julie Connolly  
Councillor Chris Paul  
Councillor Mavis Smitheman

The Lord Mayor made reference to the length service of Councillor Smitheman and her term as Lord Mayor in 2008/2009.

The Lord Mayor also informed the Council that Councillor Hugh Barratt had served as a Manchester Councillor for 50 years, having been elected in 1968. In recognition

of this achievement and his long service to the residents of Manchester, the Lord Mayor presented Councillor Barratt with a gift and invited him to address the Council.

**CC/19/21 Lord Mayor's Special Business – Resignation of Member**

The Lord Mayor informed the Council that Grace Fletcher-Hackwood had resigned her position as Councillor for Fallowfield Ward. The Lord Mayor thanked Ms Fletcher-Hackwood for her service as a Councillor and wished her well for her future.

**CC/19/22 Presentation “Our Manchester – A Presentation by Manchester People”**

The Lord Mayor introduced the Manchester residents who had attended the meeting to address the Council. The Council was addressed by:

Karen Harrison from Bridging the Gap (Manchester – South Central Foodbank);  
Patricia Wells and Wendy Steele from Gateway Debt Advice (Collyhurst);  
Jamie Richardson (Didsbury Park Homewatch Scheme); and  
Jo Walby (Chief Executive - Mustard Tree).

The Lord Mayor thanked the representatives for their attendance.

**The Lord Mayor adjourned the meeting at 11.10am**

**The meeting resumed at 11:30am)**

**CC/19/23 Minutes**

**Decision**

To agree the minutes of the meeting of the Council held on 8 March 2019 as a correct record.

**CC/19/24 Motion without notice – Change of Order of Business**

The Leader of the Council moved a motion without notice to change the order of the Council business (Council Procedure Rule 19.1(c)), to allow the Notices of Motion on: “Public Health Funding”; and “Intentional Homelessness” to be brought forward on the agenda, to be considered as the items before the Proceedings of the Executive.

**Resolution**

The motion was put to Council and voted on, and the Lord Mayor declared that it was carried.

**Decision**



That the order of business be changed and the two Notices of Motion: “Public Health Funding”; and “Intentional Homelessness” be brought forward for consideration before the proceedings of the Executive.

### **CC/19/25 Motion – Public Health Funding**

#### **Motion proposed and seconded:**

The public health grant funds vital services and functions that prevent ill health and contribute to the future sustainability of the NHS. Local authorities are responsible for delivering most of these services, but their ability to do so is compromised by public health grant reductions and the broader funding climate.

In 2018/19 and 2019/20 every local authority will have less to spend on public health than the year before. Taking funds away from prevention is a false economy. Without proper investment in public health people suffer, demand on local health services increases and the economy suffers. Poor public health costs local businesses heavily through sick days and lost productivity. Unless we restore public health funding, our health and care system will remain locked in a ‘treatment’ approach, which is neither economically viable nor protects the health of residents.

The Government is looking to phase out the Public Health Grant by 2020/21. Thereafter, they plan to fund public health via 75% business rates retention. Whatever the model, it is vital that local authorities have enough funding to deliver the functions and services they need to provide. Deprived areas often suffer the worst health outcomes, so it is also vital that areas with the greatest need receive sufficient funding to meet their local challenges.

This Council notes that around four in ten cancers are preventable, largely through avoidable risk factors, such as stopping smoking, keeping a healthy weight and cutting back on alcohol. Smoking accounts for 80,000 early deaths every year and remains the largest preventable cause of cancer in the world. Smoking-related ill health costs local authorities £760 million every year in social care costs. Additionally, obesity and alcohol account for 30,000 and 7,000 early deaths each year respectively. All three increase the risk of: cancer, diabetes, lung and heart conditions, poor mental health and create a subsequent burden on health and social care.

This Council believes that the impact of cuts to public health on our communities is becoming difficult to ignore. This case becomes more pressing given the Government’s consideration of a 10-year plan for the NHS. For this reason, we support Cancer Research UK’s call for increased and sustainable public health funding.

This Council calls on the Government to deliver increased investment in public health and to support a sustainable health and social care system by taking a ‘prevention first’ approach. In turn, Manchester City Council will continue to support and fund public health initiatives to the best of our abilities to prevent ill-

health, reduce inequalities and support a health and social care system that is fit for the future.

### **Resolution**

The motion was put to Council and voted on and the Lord Mayor declared that it was carried unanimously.

### **Decision**

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health, reduce inequalities and support a health and social care system that is fit for the future.

(Councillor Moore declared a disclosable pecuniary interest in the item for the reason that she is employed by an organisation that had promoted public health funding and left the chamber prior to its consideration.)

## **CC/19/26 Motion – Intentional Homelessness**

### **Motion proposed and seconded:**

As a Council we have a responsibility to look after children and young people who come into our care. This responsibility does not stop when these young people leave care it continues through until they turn 25.

Currently if a care leaver presents as homeless to this council they can still be deemed intentionally homeless. We know our young people often face extensive challenges for a variety of reasons and sometimes need extra support to assist them to transition to adulthood.

These are Our Young people and we have a duty to support them as their corporate parents. This involves supporting them through their mistakes and providing guidance to help them make more positive choices in the future. This task is made more difficult if the young person is deemed intentionally homeless as this can lead to them losing touch with services.

In Manchester we are developing the homelessness pathway for all young people across the city. This is designed to support young people and prevent homelessness in the first place. We are however aware that sometimes people slip through the net.

This Council will

- 1) Ensure effective and appropriate support is available through personal advisors to our young people and that this support is effectively communicated to the young people
- 2) Take a clear stance and change policy to ensure that no care leavers are classed as intentionally homeless, and are always supported back into accommodation.

### **Resolution**

The motion was put to Council and voted on and the Lord Mayor declared that it was carried unanimously.

### **Decision**

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In Manchester we are developing the homelessness pathway for all young people across the city. This is designed to support young people and prevent homelessness in the first place. We are however aware that sometimes people slip through the net.

This Council will

- 1) Ensure effective and appropriate support is available through personal advisors to our young people and that this support is effectively communicated to the young people
- 2) Make a clear stance and change policy to ensure that no care leavers are classed as intentionally homeless, and are always supported back into accommodation.

### **CC/19/27 Proceedings of the Executive**

The proceedings of the Executive on 13 February and 13 March 2019 were submitted. The Council was asked to give particular consideration to the following recommendations:

**Exe/19/10 Capital Programme** - Council to approve the virements over £0.5m between capital schemes to maximise use of funding resources available to the City Council set out in the appendix to these minutes.

**Exe/19/31 Capital Programme Update** - Council to approve the following changes to the Council's capital programme:

- (a) ICT – End User Experience. A capital budget allocation and transfer of £4.193m from the ICT Investment Plan budget is requested, funded by borrowing.
- (b) ICT – Wi-Fi Business Case. A capital budget allocation and transfer of £1.468m from the ICT Investment Plan budget, funded by borrowing.

### **Exe/19/32 Relocation of Leaving Care Services to Seymour Road**

Council to approve a capital allocation of up to £1.2m to cover any unforeseen costs, funded by prudential borrowing.

Council to delegate authority to Deputy Chief Executive and City Treasurer, in consultation with Executive Member for Finance and Human Resources, to set the final budget for the project, the capital allocation and the borrowing.

### Decisions

1. To receive the minutes of the Executive held on 13 February and 13 March 2019.
2. To approve the virements over £0.5m between capital schemes to maximise use of funding resources available to the City Council set out in the appendix to these minutes.
3. To approve the following changes to the Council's capital programme:
  - ICT – End User Experience. A capital budget allocation and transfer of £4.193m from the ICT Investment Plan budget is requested, funded by borrowing.
  - ICT – Wi-Fi Business Case. A capital budget allocation and transfer of £1.468m from the ICT Investment Plan budget, funded by borrowing.
4. To approve a capital allocation of up to £1.2m to cover any unforeseen costs, funded by prudential borrowing.
5. To delegate authority to Deputy Chief Executive and City Treasurer, in consultation with Executive Member for Finance and Human Resources, to set the final budget for the project, the capital allocation and the borrowing.

### **CC/19/28 Questions to Executive Members under Procedural Rule 23**

Councillor N Murphy responded to a question from Councillor Wills regarding the tackling of anti-social behaviour in the areas of Withington, Ladybarn and South East Fallowfield.

Councillor Stogia responded to a question from Councillor Ellison regarding the spend on projects as part of the Council's £100 million highways investment programme.

Councillor Leese responded to a question from Councillor Leech regarding support for a People's Vote.

Councillor Stogia provided a response to a question from Councillor Leech regarding arrangements to complete works to the Manchester and Salford Inner Relief Route.

Councillor Leese responded to a question from Councillor Leech regarding safeguarding to ensure legitimacy of major developments in the city.

Councillor Leese responded to a question from Councillor Leech regarding Freedom of Information requests to the Council.

Councillor Akbar responded to a question from Councillor Leech regarding the use of CCTV to gather evidence of fly-tipping.

Councillor Stogia responded to a question from Councillor Leech regarding prosecutions resulting from the cutting down of protected trees.

Councillor Richards replied to a question from Councillor Kilpatrick regarding the building of affordable housing in the city.

Councillor Stogia responded to a question from Councillor Kilpatrick regarding an update on the Christie Parking Zone extension.

Councillor Richards responded to a question from Councillor Kilpatrick regarding an update on Aluminium Composite Material cladding on residential buildings.

Councillor N Murphy responded to a question from Councillor Kilpatrick regarding the proposed Public Spaces Protection Order.

### **CC/19/29 Scrutiny Minutes**

The minutes of the following Scrutiny Committee meetings were submitted:

- Health – 5 February and 5 March 2019
- Children and Young People – 5 February and 5 March 2019
- Neighbourhoods and Environment – 6 February and 6 March 2019
- Economy – 6 February and 6 March 2019
- Communities and Equalities – 7 February and 7 March 2019
- Resources and Governance – 7 February and 7 March 2019

### **Decision**

To receive those minutes.

### **CC/19/30 Proceedings of Committees**

The minutes of the following meetings were submitted:

- Audit Committee – 11 February and 11 March 2019
- Health and Wellbeing Board – 20 March 2019
- Licensing Committee – 4 March 2019
- Licensing and Appeals Committee – 4 March 2019
- Planning and Highways Committee – 14 February and 14 March 2019
- Standards Committee – 21 March 2019
- Personnel Committee – 13 February and 13 March 2019
- Constitutional and Nomination Committee – 27 March 2019

The Council was asked to give particular consideration to the following recommendations:

Personnel Committee 13 February 2019

**PE/19/08 Senior Management Arrangements for the Homelessness Service**

Council to approve that the Director of Homelessness Services post is remunerated at Grade SS4 (£94,072 - £103,863).

Personnel Committee 13 March 2019

**PE/19/011 Pay Policy Statement 2019/20**

Council to approve the organisation's Pay and Grading Structure for the financial year 2019/20, as appended to the Pay Policy Statement.

**PE/19/12 Director of ICT**

Council to approve the post of Director of ICT be recruited to at Grade SS4 (£94,072 - £103,863) increasing to £95,953 - £105,940 from 1 April 2019 with an additional market rate supplement of up to £30,000, subject to the stipulated review processes after 18 months.

**Decisions**

1. To receive those minutes.
2. To approve the Director of Homelessness Services post is remunerated at Grade SS4 (£94,072 - £103,863).
3. Council to approve the organisation's Pay and Grading Structure for the financial year 2019/20, as appended to the Pay Policy Statement.
4. to approve the post of Director of ICT be recruited to at Grade SS4 (£94,072 - £103,863) increasing to £95,953 - £105,940 from 1 April 2019 with an additional market rate supplement of up to £30,000, subject to the stipulated review processes after 18 months.
5. To note that minute ST/19/02 from the Standards Committee (21 March 2019) will be directed for consideration to the next meeting of the Constitutional and Nomination Committee on 15 May 2019.

(Councillor Shaukat Ali declared a personal interest under minute LAP/19/32 (Taxi Compliance Update Report) Licensing and Appeals Committee 4 March 2019, for the reason that he has a Hackney Carriage Licence.)

**CC/19/31 Business of the Combined Authority, Joint Authorities and Joint Committees**

The Lord Mayor reported that no questions had been received regarding business of the Combined Authority, Joint Authorities and Joint Committees.

**CC/19/32 Urgent Key Decisions**

The Council considered the report of the City Solicitor on key decisions that had been exempted from call-in.

**Decision**

To note the report.



**Appendix to Minute CC/19/27 (Exe/19/10 – Proposed Capital Virements)**

<b>Proposed Capital Virements £m</b>	<b>2018/19 Virement</b>	<b>2019/20 Virement</b>	<b>2020/21 Virement</b>	<b>2021/22 Virement</b>
<b>Highways</b>				
<b>Highways Stand Alone Projects</b>				
Public Realm	175	557		
Hostile Vehicles Mitigation Measures	-175	-89		
Automatic Bollard Replacement		-468		
Drainage		184		
Other Improvement works		-184		
<b>Total Highways</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Private Sector Housing</b>				
Collyhurst Regeneration			-505	-565
Collyhurst Acquisition & Demolition (Overbrook & Needwood Close)			505	565
<b>Total Private Sector</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Public Sector Housing</b>				
<b>01.00 Northwards - External Work</b>				
Environmental improvements Moston corolites	87			
Charlestown - Victoria Ave multi-storey replacement door entry systems	-19	-182	3,480	
Electricity North West distribution network phase 4 (various)	-122	-163		
External cyclical works phase 3a		-10		
External cyclical works phase 3b Ancoats Smithfields estate		10		
Delivery Costs		220	-125	
Replacement door entry Clifford Lamb Ct and Monsall multi storey blocks		-95		
<b>02.00 Northwards - Internal Work</b>				
Decent Homes mop ups phase 9 and decent homes work required to voids	27		-27	
Collyhurst - Rainwater pipes/guttering rectification work	-141	-85		
Boiler replacement programme	-75	-246	261	
Kitchen and Bathrooms programme	-2,107	-1,224	34	
Aldbourn Court/George Halstead Court/Duncan Edwards Court works		81		
Harpurhey - Monsall Multi Internal Works		2,385	85	
Fire precautions multi storey blocks	-676	-746	-500	

<b>Proposed Capital Virements £m</b>	<b>2018/19 Virement</b>	<b>2019/20 Virement</b>	<b>2020/21 Virement</b>	<b>2021/22 Virement</b>
Installations of sprinkler systems - multi storey blocks	-2,000	-2,779		
Various - Bradford/Clifford Lamb/Kingsbridge/Sandyhill Court Internal Works		2,471	108	
Collyhurst - Mossbrook/Roach/Vauxhall/Humphries Court Internal Works		2,791	106	
Replacement of Prepayment Meters in High Rise Blocks	-58	-694	20	
Delivery Costs		265	23	
<b>05.00 Northwards - Off Debits/Conversions</b>				
Bringing Studio Apartments back in use	-57	-78		
Delivery Costs		-12		
<b>06.00 Homeless Accommodation</b>				
Delivery Costs		19	19	
<b>12.00 Northwards - Acquisitions</b>				
Northwards Acquisitions	32			
Stock Acquisitions	-32			
<b>14.00 Northwards - Adaptations</b>				
Northwards Housing Programme	5,141	-1,928	-3,484	
<b>Total Public Sector Housing (HRA)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Children's Services</b>				
<b>Basic Need</b>				
Cheetham Academy	-14			
Cavendish Community - Increase capacity	-266			
Ashbury Meadow - Increase capacity	-71			
E-Act Academy - increase capacity	-11			
Claremont - Increase capacity	-71			
Briscoe Lane Academy	-23			
Manchester Communication Primary Academy	-224			
Dean Trust Ardwick	4			
United Learning Trust - William Hulme	47			
Lytham Rd	-143			
Co-op Academy expansion	270			
St Matthews RC	-172			
Beaver Rd Primary Expansion	-14			
Lily Lane Primary	-305			
St. James Primary Academy	-57			

<b>Proposed Capital Virements £m</b>	<b>2018/19 Virement</b>	<b>2019/20 Virement</b>	<b>2020/21 Virement</b>	<b>2021/22 Virement</b>
Crossacres Primary School	-17			
Ringway Primary School	-166			
Webster Primary School	-49			
St. Chrysostom's Primary School	160			
Camberwell Park Specialist School	65			
Piper Hill Special School	224			
SEND Programme		8,365	15,150	
Basic need - unallocated funds	833	-8,365	-15,150	
<b>Schools Maintenance</b>				
Abraham Moss - Hall Heating	-4			
Moston Lane - re-roof	-338			
Chorlton CofE Primary Rewire	1			
Wilbraham Primary Roof	19			
Abbott Primary School Fencing	-15			
Pike Fold Community Primary - Ground Stabilisation - Survey artificial play area	1			
Charlestown Primary Defects	-14			
All Saints Primary School	-1			
Collyhurst Nursery School	2			
Armitage CE Primary	3			
Higher Openshaw Community School - Renew Boiler	-25			
Crowcroft Park Primary School - Roof Repairs	-9			
Abbot Community Primary - Ext Joinery Repair	-14			
St Mary's - Joinery Repairs	-21			
Sandilands - Joinery Repairs	12			
Cheetwood - Rewire	112			
Pike Fold Community School - Repairs to air handling units	-11			
Button Lane Primary - Boiler Installation	-24			
Schools Capital Maintenance - unallocated	326			
<b>Education Standalone Projects</b>				
Tiny Tigers Ltd-Cheetham Children Centre	79			
Early Education for Two Year Olds - Unallocated	-79			
<b>Total Children's Services</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ICT Capital</b>				
<b>ICT Infrastructure &amp; Mobile Working</b>				
Citrix 7.6 Migration	2			

<b>Proposed Capital Virements £m</b>	<b>2018/19 Virement</b>	<b>2019/20 Virement</b>	<b>2020/21 Virement</b>	<b>2021/22 Virement</b>
Mobile Device Refresh	3			
PSN Windows 2003	-26			
Data Centre UPS Installation	-10			
Core Switch Firmware	-30			
Income Management	-32			
Customer & Bus. Relationship Management System	-32			
Corporate Reporting Tool (Business Objects)	3			
Communications Room Replacement Phase 2	5			
New Rent Collection System		9		
ICT Investment Plan	117	-9		
<b>Total ICT</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total CAPITAL PROGRAMME</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Manchester City Council  
Report for Information**

**Report to:** Council – 15 May 2019  
**Subject:** Seniority of Councillors 2019/20  
**Report of:** City Solicitor

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**1. Background**

- 1.1 Following the election held on 2 May 2019 the Order of Seniority of Members of the Council is as follows –

**Seniority by Office**

**The Right Worshipful, The Lord Mayor  
The Deputy Lord Mayor  
The Leader of the Council  
The Leader of the Opposition**

Patrick Karney  
Richard Leese  
Basil Curley  
Eddy Newman  
Glynn Evans  
Brian O’Neil  
Susan Murphy  
Susan Cooley  
Paul Andrews  
Bernard Priest  
Joanne Green  
Bernard Stone  
John Flanagan  
Tom Judge  
June Hitchen  
Abid Chohan  
Mary Watson  
Naeem Ul-Hassan  
Nigel Murphy  
Andrew Simcock  
John Leech  
Rosa Battle  
Sameem Ali  
Veronica Kirkpatrick  
Luthfur Rahman  
Suzannah Reeves  
Rabnawaz Akbar  
Suzanne Richards

Julie Reid  
Tracey Rawlins  
Aftab Razaq  
Matthew Strong  
Bev Craig  
John Hughes  
Carmine Grimshaw  
Carl Ollerhead  
Shelley Lanchbury  
Joan Davies  
Nasrin Ali  
Ahmed Ali  
Luke Raikes  
Angeliki Stogia  
Shaukat Ali  
Joanna Midgley  
Afia Kamal  
Tina Hewitson  
Donna Ludford  
Sarah Russell  
Azra Ali  
Madeleine Monaghan  
Sandra Collins  
Yasmin Dar  
John Hacking  
James Wilson  
Rebecca Moore  
Mandie Shilton Godwin  
Emily Rowles  
Dzidra Noor  
Basat Sheikh  
Paula Appleby  
Dave Rawson  
Garry Bridges  
Sarah Judge  
Lee-Ann Igbon  
John Farrell  
Paula Sadler  
Andy Harland  
Emma Taylor  
Mary Monaghan  
Mahadi Mahamed  
Hannah Priest  
Kelly Simcock  
Zahra Alijah  
Chris Wills  
Jill Lovecy  
Ali Ilyas  
Richard Kilpatrick  
Annette Wright

William Jeavons  
Sam Lynch  
Sean McHale  
Majid Dar  
Eve Holt  
Sam Wheeler  
Ben Clay  
Adele Douglas  
Gavin White  
Fias Riasat  
Jon-Connor Lyons  
Marcus Johns  
Tim Whiston\*\*  
Shazia Butt\*\*  
Greg Stanton\*\*  
Jade Mary Coswell\*\*  
Amna Saad Omar Abdullatif\*\*  
Becky Chambers\*\*

Notes

\* Seniority is calculated on total aggregated length of service as a member of the Council, with the exception of the member marked.

\*\* The seniority of these members, without previous service as councillors for Manchester, was determined by a ballot conducted by the Lord Mayor on 8 May 2019.

City Solicitor

8 May 2019

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Manchester City Council  
Report for Resolution

**Report to:** Constitutional and Nomination Committee – 15 May 2019  
Council – 15 May 2019

**Subject:** Greater Manchester Transport Committee – Role and Responsibilities

**Report of:** City Solicitor

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**Purpose of the report**

This report outlines the current Greater Manchester (GM) transport governance arrangements. In the context of the Devolution Agreement and specifically the Greater Manchester Combined Authority Transport Order 3, it then presents some broad revised terms of reference for a reconstituted GM Transport Committee, options for its structure, responsibilities and examples of how it might work in practice.

**Recommendations:**

The Council is recommended:

1. To approve the establishment of the new Greater Manchester Transport Committee as a joint committee of the 10 districts, Greater Manchester Combined Authority and Mayor.
  2. To approve the Terms of Reference and Operating Agreement for the Committee as set out in Schedule 1 of the report.
  3. To delegate the functions as set out in the Terms of Reference to the Transport Committee.
  4. To appoint two members to the Transport Committee for 2019 – 2020, one being the Executive Member for Environment, Planning & Transport, and one other Councillor as recommended by the Constitutional and Nomination Committee.
  5. To appoint as a substitute for the Executive Member the Assistant Executive Member for Environment, Planning and Transport, and to appoint another Councillor as the second substitute as recommended by the Constitutional and Nomination Committee.
- 

**Contact Officers:**

Name	Fiona Ledden
Position	City Solicitor
Email	f.ledden@manchester.gov.uk

Name Liz Treacy  
Position Greater Manchester Combined Authority Monitoring Officer  
Email l.treacy@greatermanchester-ca.gov.uk

Name Rod Fawcett  
Position Transport for Greater Manchester  
Email Rod.Fawcett@TfGM.com

Risk Management – N/A

Legal Considerations – Compliant with the GMCA Transport Order

Financial Consequences – Revenue – N/A

Financial Consequences – Capital – N/A

**Background Papers:**

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.

Greater Manchester Combined Authority Transport Order  
Greater Manchester Combined Authority Constitution  
TfGMC Terms of Reference and Operating Agreement

## 1. Strategic Policy Context

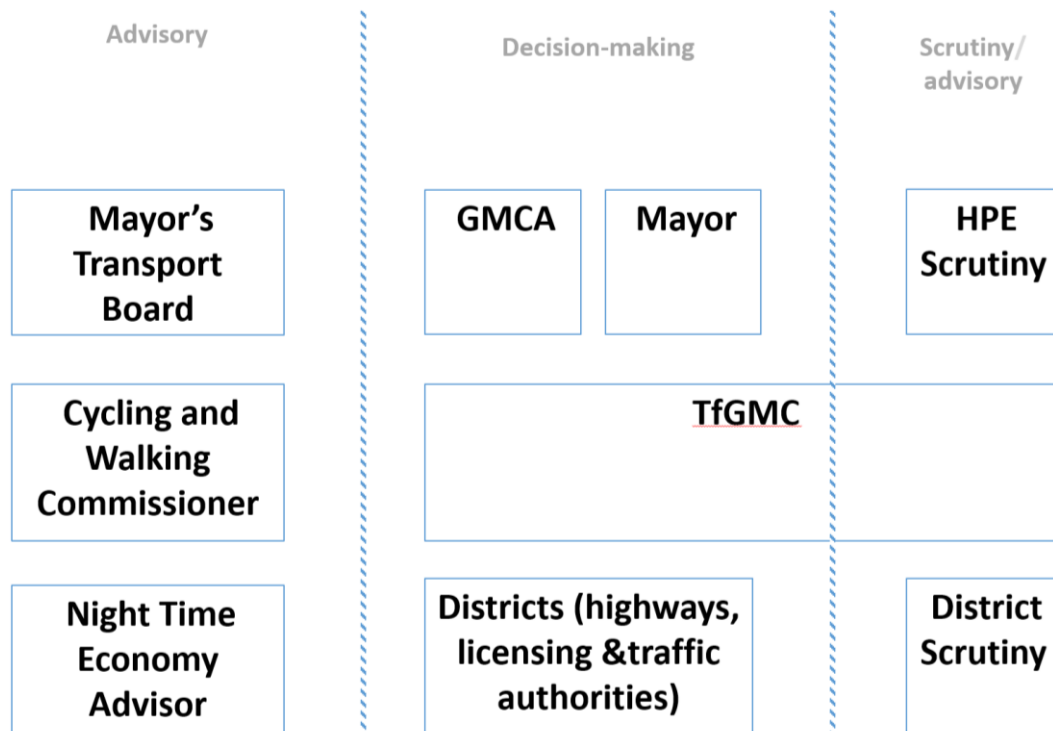
- 1.1 Greater Manchester (GM) has approached its growth and reform agenda from the principle of place-based integration of policy development and service delivery. This is echoed by GM's 2040 Transport Strategy, which promotes the development of one integrated transport system for the city-region that will maximize the impact of our transport assets in support of GM's economic, social and environmental ambitions.
- 1.2 Our ambition for integrated transport in support of place and people will be most efficiently achieved if managed by an accountable, efficient and well-informed governance system. Furthermore, transport infrastructure and services need to be managed and co-ordinated in a manner that directly supports GM's wider public policy agendas, such as spatial planning, health and housing, as set out in the Greater Manchester Strategy.
- 1.3 Given the long development periods required for transformative infrastructure and new regulatory structures to be delivered, any new system will need to provide stable governance to foster a long-term consensus over transport investment and policy.
- 1.4 To this extent then, it will be vital that the exercise of transport powers across all modes is undertaken collectively as far as is possible by the Mayor, GMCA and Districts acting in concert, bringing together their respective transport functions and budgets so they can be co-ordinated in a coherent manner.
- 1.5 The Transport Committee, as a joint committee comprising members from all of these bodies, has an important role to play as part of this, particularly in relation to operational oversight and performance monitoring of all transport modes (including highways) and scheme delivery.
- 1.6 A joint committee of the GMCA, Mayor and District Councils enables the appropriate functions to be delegated from all of these bodies, equipping one body with broad and balanced elected member representation from across Greater Manchester to assess all modes of transport as a whole.
- 1.7 Accordingly, what is proposed as the basic structure for GM transport governance is as follows.
  - **Mayor and GMCA:** to continue to undertake all strategic decision-making in relation to policy, strategy (LTP), funding and scheme decision-making.
  - **New joint Transport Committee:** refocused role as transport user champion – performance monitoring / management of all modes and highway network, holding operators to account, oversight on delivery (eg capital and other schemes) and ensuring the integration of transport policy within the parameters set by the Local Transport Plan (ie Transport Strategy 2040) and existing policy. A well briefed and informed Committee will be in a strong position to make recommendations to the Mayor, GMCA and Districts, as appropriate

- **Greater Manchester Scrutiny:** Scrutiny of Mayoral, GMCA and Transport Committee decisions as above, including wider integration with spatial issues, housing, environment, is currently undertaken by the Housing, Planning & Environment Overview and Scrutiny Committee. Transport budget issues are scrutinised by the Corporate Issues & Reform Overview and Scrutiny Committee.

- 1.8 The Transport Committee will continue to undertake decisions in relation to supported bus services, within agreed policy and budgets. This will require the bus functions that Order 3 transfers from the GMCA to the Mayor to be delegated to the new Transport Committee.
- 1.9 The proposed approach to transport governance outlined above will also provide greater clarity for the GM Scrutiny Committees, and in particular the Housing, Planning and Environment Scrutiny Committee, which includes transport in its remit, in undertaking their scrutiny, functions.
- 1.10 This will enable elected members, be they decision-makers or those with a scrutiny role, to be clear about their role and that of the bodies they are appointed to, as well as understanding the roles of related bodies. This is increasingly important when elected members may have multiple and overlapping roles, for example serving on a Licensing Panel and the Transport Committee.
- 1.11 The clearer distinction between where major transport decisions are taken (GMCA and Mayor), and where transport performance and operational delivery and integration is monitored and operators are held to account (Transport Committee), will help ensure that Scrutiny processes and oversight at the city-region level can be exercised in an efficient manner that avoids duplication.

## **2 Current Transport Governance Arrangements**

- 2.1 The diagram below shows the primary transport decision-making bodies in GM, alongside the various advisory and scrutiny bodies.



- 2.2 The above structures exist within a much broader set of GM governance arrangements, all of which are underpinned by GM-wide officer networks to support work programmes. TfGM's board structure also provides for Non-Executive Directors, who act in an advisory capacity. All TfGM Board appointments are made by GMCA.
- 2.3 The number and membership of the current Transport for Greater Manchester Committee was modelled on the GM Integrated Transport Authority, which was disestablished in 2011 with its functions, powers and responsibilities passed to the GMCA.
- 2.4 The existing terms of reference of the TfGMC Committee do make reference to it making recommendations to GMCA, for example in relation to formulating general policies, considering proposals to promote or oppose Bills, eTransport Committee. It is proposed to retain this broad scope of activities.

### 3 New Joint Transport committee – Revised Membership

- 3.1 There has been significant change to GM governance since 2011, when the existing Transport for Greater Manchester Committee was established. In that time period, the mayoral combined authority has been established, major reforms of scrutiny arrangements and the former waste, fire and police authorities undertaken, and more recently the confirmation of GM Order 3 (which was agreed by all of the Districts) has specific implications for transport governance.

- 3.2 GM Order 3 represents a further step on the journey to equip GM with more robust governance arrangements better able to utilise existing and new powers and functions devolved to GM, and achieve the economic, social and environmental objectives in the GM Strategy.
- 3.3 As set out above these arrangements provide for the joining-up of the GM public policy agenda, within which transport is an essential supporting component, for example in relation to spatial planning, housing, skills and health.
- 3.4 The Order makes a series of changes, including conferring all operational bus powers on the Mayor, enables the Mayor to enter into joint arrangements with the GMCA and Districts in relation to transport functions and makes provision for a new joint Transport Committee.
- 3.5 All GM local authorities consented to the new Order in January 2019. In terms of membership arrangements, the Order states :
- 1.—(1) Where a joint transport committee is established in accordance with article 6 the members of the joint transport committee must be appointed in accordance with paragraphs (2) to (5).
- (2) The members appointed by the GMCA must be members or substitute members of that authority or members of the constituent councils.
- (3) The members appointed by the constituent councils must be members of those councils.
- (4) The members appointed by the Mayor must be members of the GMCA or of the constituent councils.
- (5) In appointing members to the joint transport committee—
- (a) the Mayor, the GMCA and the constituent councils must ensure that—
- i the number of members of the committee does not exceed twenty three;
  - ii members are appointed to act as members of the joint transport committee in the absence of the members appointed under paragraph (1) (“substitute committee members”); and
- (b) the GMCA and the constituent councils must ensure that the members of the committee appointed from among the members of the GMCA and the constituent councils, and any substitute committee members acting in place of those members, taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils.
- 3.6 In terms of constituting the new Joint Transport Committee, ensuring political, and geographical balance, the following is recommended:-
- Districts appoint to 11 places on the Joint Committee,
  - The CA to appoint to one place on the Joint Committee,
  - The Mayor to be a member of the Joint Committee and

- The remaining 10 members are appointed by Mayor and will be made to ensure political balance across GM is represented.
- That the committee shall select and recommend to the Mayor its own Chair

3.7 The Operating Agreement has been amended to reflect the Order and sets out how those appointments will be made. Clause 3.10 of the Agreement states that the appointments made by the Mayor to the 10 remaining places will reflect the wishes of the relevant political group as to the members to be appointed to the Committee allocated to that political group. This would mean that, if the political balance across GM remains the same as it is prior to the May 2019 local elections the 10 places would be made up of 4 labour members, 4 Conservative members and 2 Liberal Democrats. The three political parties will inform the Mayor of their preferences and they will be appointed by the Mayor.

#### 4 Revised Terms of Reference for the Transport Committee

4.1 The proposed Terms of Reference for the Committee are included in the Operating Agreement (Schedule 1). They set out the key areas of work for the Committee and the delegations from the Mayor, GMCA and the districts. The Terms of Reference more accurately reflect the proposed role of the Committee and do not make any changes to the delegations from the Districts.

4.2 The three key areas of work for the new joint transport committee, which will comprise representatives from each District, the GMCA and the Mayor, will be to ensure:

- **Accountability:** active and regular monitoring of the performance of the transport network, including the highway network (including the operation of the GM Road Activities Permit Scheme, road safety activities, eTransport Committee) as well as all public transport modes. This role will include holding service operators, TfGM, highway authorities and infrastructure providers to public account, and
- **Implementation:** oversee the delivery of agreed Local Transport Plan commitments. This includes the active oversight of the transport capital programme, and as noted above, decisions over subsidised bus services network to be made within the context of policy and budgets set by the Mayor and the GMCA as appropriate, and
- **Policy Development:** undertake policy development on specific issues, as may be directed by the Mayor and / or the GMCA.

4.3 With regard to decisions about subsidised bus services, it is proposed that the new Transport Committee undertakes this function, given the local nature of such decision-making, within the policy context and funding as determined by the Mayor.

4.4 Specific policy development work that the Committee was asked to explore by the GMCA, the Mayor or the Districts could be undertaken by task and

finish groups, comprising an appropriate selection of Transport Committee members. This group would undertake the policy development process outside of formal Committee meetings, supported by TfGM as appropriate, and provide recommendations for consideration by the whole Committee before subsequent presentation to the GMCA or the Mayor.

## 5. Operating Agreement

- 5.1 The first Operating Agreement was entered into between GMCA and the districts in 2011. It set out how the Committee would be appointed to, the Terms of Reference of the Committee, and other provisions relating to Transport Protocols, funding and scrutiny arrangements.
- 5.2 The proposed amendments update the membership and appointment process; include the Mayor as a signatory as he now has specific transport powers; deletes the references to a joint scrutiny committee as the CA now has Scrutiny functions; retains the same funding provisions and the Rules of Procedure.

## 6. Transport Committee training for members and work programme

- 6.1 If the proposals for the new committee are approved it is recommended that officers are asked to organise and provide training for new members prior to its first meeting. This can include member involvement in developing and agreeing the Committee's overall work programme.
- 6.2 The following section elaborates, through examples, how a revised Transport Committee might work in practice, to better support the transport agenda being pursued by the Mayor, GMCA and GM local authorities to help cement an effective and long term consensus.

### **Example One: The Transport Committee is informed of large scale bus de-registrations from the commercial network.**

- 6.3 The standard report on changes to the bus network is received by the **Transport Committee**, and members' comments and the operator's response noted. **Transport Committee** informs the **Mayor's Transport Board**, such that the **Mayor** can seek explanations or action at a more senior level. The issue may also be raised at **GMCA**, to the extent that any service withdrawals requiring replacement will impact significantly on the Subsidised Bus budget. The **Transport Committee** may also wish to inform the **Housing, Planning & Environment Scrutiny Committee**, either formally or otherwise, to provide them with reassurance that the issue is being addressed.

### **Example Two: Tracking performance and patronage of public transport network.**

- 6.4 Regular, comparable and clear performance monitoring reports to **Transport Committee**. Operators attend, and are held to account for service delivery by



members. Consistently inadequate performance that is beyond the remit or capacity of TfGMC to secure improvements to be referred to **Mayor's Transport Board** and **TfN** (if relating to rail).

### **Example Three: Policy Reviews**

- 6.5 Transport policy and strategy decisions are primarily for the **Mayor**, subject to the **GMCA's** agreement. For a formal revision of the LTP, a draft would be submitted by the mayor and would require approval by seven GMCA members in order to go forward to public consultation, then at least eight would be required to approve the post-consultation final version.
- 6.6 With regard to less significant transport strategy or policy measures, there may be a role for **Transport Committee** to consider and recommend any changes, if requested by the Mayor/GMCA, and then present its recommendations to GMCA. Examples might include revisions to School Bus policy, Metrolink bylaws, use of bus lanes.

### **Recommendations**

The recommendations appear on the front page of the report.

## Schedule 1

### OPERATING AGREEMENT

This Agreement is made on[     ] 2019

between:

**(1) Greater Manchester Combined Authority (“the GMCA”)**

and

**(2)The Mayor for the area of the Greater Manchester Combined Authority (“the Mayor”)**

and

**(3) The Borough Council of Bolton, Bury Metropolitan Borough Council, The Council of the City of Manchester, Oldham Borough Council, Rochdale Metropolitan Borough Council, Salford City Council, The Metropolitan Borough Council of Stockport, Tameside Metropolitan Borough Council, Trafford Metropolitan Borough Council, Wigan Borough Council (“the Constituent Councils”)**

#### WHEREAS:

- (A) On 1<sup>st</sup> April 2011 the GMCA was established as a Combined Authority for the combined area and the Greater Manchester Integrated Transport Area was dissolved and the ITA abolished.
- (B) The functions of the GMCA are those functions conferred or imposed on it, or delegated to it, by the Greater Manchester (Combined Authority) Order 2011 (S.I. , (“the **GMCA Order**”) or by any other enactment, including all the transport functions of the former Greater Manchester Integrated Transport Authority (the “**GMITA**”) which transferred to the GMCA on the abolition of the GMITA.
- (C) The Constituent Councils were established as local authorities by the Local Government Act 1972 with all the functions of a metropolitan district council, and in particular the Constituent Councils are the local highway authority and local traffic authority for their area.
- (D) The functions of the GMCA conferred on it by the GMCA Order include those transport functions of the Constituent Councils delegated to the GMCA by article 8 of the 2011 Order.
- (E) Pursuant to the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions Order 2016 (SI

2016/448) provision was made for the election of a Mayor for the GMCA Area (and the GMCA became a “mayoral combined authority”). Pursuant to section 107D (Functions of mayors: general) of the Local Democracy, Economic Development and Construction Act 2009 (the “**LDEDCA**”) the Secretary of State may by order make provision for any function of mayoral combined authority to be a function exercisable only by the Mayor (“**Mayoral Functions**”).

- (F) On 4 April 2019 The Greater Manchester Combined Authority (Functions and Amendment) Order 2019 (SI 2019/793) (the “**GMCA Transport Order**”) came into force. Pursuant to article 4 of the GMCA Transport Order, the transport functions of the GMCA specified in Schedule 1 of the GMCA Transport Order are general functions exercisable only by the Mayor (“**Mayoral Transport Functions**”).
- (G) Pursuant to Part 3, articles 6 to 9 (inclusive) of the GMCA Transport Order provision was made for the Mayor to enter into arrangements jointly with the GMCA and with the Constituent Councils in accordance with section 101(5) of the Local Government Act 1972 for the discharge of the Mayoral Transport Functions which are listed at Schedule 2 GMCA Transport Order (the “**Joint Transport Committee**”, hereinafter referred to as “**GM Transport Committee**”).
- (H) Part 3, articles 6 to 9 (inclusive) of the GMCA Transport Order sets out the statutory requirements in relation to membership of the GM Transport Committee and voting arrangements for any questions to be decided by the GM Transport Committee.
- (I) The Parties wish to co-operate with each other in the exercise of their functions and in particular their transport functions and have entered into this Agreement in order to facilitate this co-operation and the operation of the GM Transport Committee.

**THIS AGREEMENT** witnesses as follows:

**1. Definitions**

In this Agreement –

- 1.1 **Constituent Councils**” mean the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan.
- 1.2 **“GMCA Order”** means the Greater Manchester Combined Authority Order 2011.
- 1.3 **“the GM Transport Committee”** means the Greater Manchester Transport Committee being a joint committee established by the Parties pursuant to the GMCA Transport Order.
- 1.4 **“the GMCA Transport Order”** means The Greater Manchester Combined Authority (Functions and Amendment) Order 2019.
- 1.5 **“the LDEDCA 2009”** means the Local Democracy, Economic Development and Construction Act 2009.
- 1.6 **“the LGA 1972”** means the Local Government Act 1972.
- 1.7 **“the LGA 2000”** means the Local Government Act 2000.
- 1.8 **“the LGHA 1989”** means the Local Government and Housing Act 1989.
- 1.9 **“the Mayor”** means the person elected as the Mayor of the GMCA pursuant to the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions Order 2016 (SI 2016/448)
- 1.10 **“the 2012 Regulations”** means the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.11 **“the Parties”** mean the GMCA, the Mayor and the Constituent Councils.
- 1.12 **“the Relevant Date”** in relation to a payment for a financial year means 30<sup>th</sup> June in the financial year which commenced two years previously.
- 1.13 **“the Secretary”** means such person as shall be appointed by the GMCA to discharge the role of Secretary on behalf of the GM Transport Committee..

1.14 “the TfGMC” means the Transport for Greater Manchester Committee being a joint committee established by the Parties.

1.15 “the **TfGM**” means Transport for Greater Manchester being the executive body of GMCA for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the LDEDCA 2009.

## **2. Interpretation**

2.1 Clause, Schedule and paragraph headings shall not affect the interpretation of this Agreement;

2.2 The Schedules form part of this Agreement and shall have effect as if set out in full in the body of this Agreement. Any reference to this Agreement includes the Schedules.

2.3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.

2.4 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.

2.5 A reference to a statute or statutory provision shall include all subordinate legislation made from time to time.

2.6 A reference to “this Agreement” or to any other agreement or document referred to in this Agreement is a reference to this Agreement or such other document or agreement as varied from time to time.

2.7 References to clauses and Schedules are to the Clauses and Schedules of this Agreement and references to paragraphs are to paragraphs of the relevant Schedule.

2.8 No person other than a party to this Agreement shall have any rights to enforce any term of this Agreement.

2.9 This Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation shall be governed by and construed in accordance with the law of England and Wales.

2.10 If any court or competent authority finds that any provision of this Agreement (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this Agreement shall not be affected.

## **3. Establishment of GM Transport Committee**

3.1 Pursuant to Section 101(5) of the LGA 1972, Section 20 of the LGA 2000, Regulations 3, 4, 11 and 12 of the 2000 Regulations and articles

6, 7, 8 and 9 of the GMCA Transport Order,, the Parties agree to enter into arrangements to discharge certain of their functions relating to transport jointly and for this purpose to establish a joint committee to be called the Greater Manchester Transport Committee (the “**GM Transport Committee**”). The Mayoral Transport Functions which the Mayor may decide to arrange to be discharged by the GM Transport Committee are those listed in Schedule 2 of the GM Transport Order.

- 3.2 Pursuant to article 5(a)(i) of the GM Transport Order, the number of members of the GM Transport Committee shall not exceed 23.
- 3.3 Each Constituent Council (apart from Manchester City Council) shall appoint one of their elected members to be members of GM Transport Committee. Manchester City Council shall appoint two of their elected members to be members of the GM Transport Committee.
- 3.4 Each of the Constituent Councils are expected to appoint their district’s executive member with responsibility for transport to be a member of the GM Transport Committee.
- 3.5 Pursuant to article 5(a)(ii) of the GM Transport Order, each Constituent Council (apart from Manchester City Council) shall appoint one of their elected members to act as substitute member of the GM Transport Committee in the absence of the member appointed in accordance with clause 3.3 above. Manchester City Council is expected to appoint two of their elected members to act as substitute members of the GM Transport Committee in the absence of the members appointed in accordance with clause 3.3 above.
- 3.6 The GMCA will appoint one member of the GMCA to be a member of the GM Transport Committee.
- 3.7 Pursuant to article 5(a)(ii) of the GM Transport Order, the GMCA will appoint one member of the GMCA to act as substitute member of the GM Transport Committee in the absence of the member appointed in accordance with clause 3.6 above.
- 3.8 The Mayor will be a member of the GM Transport Committee.
- 3.9 Pursuant to article 5(a)(ii) of the GM Transport Order, the Mayor will appoint one member of the GMCA to act as substitute member of the GM Transport Committee in the Mayor’s absence.
- 3.10 The Mayor will appoint ten additional members of the GM Transport Committee, comprising one elected member of each of the Constituent Councils. The appointments to the GM Transport Committee made by the Mayor under this clause 3.10 will be made so as to ensure that the members of the GM Transport Committee, taken as a whole, reflect as far as reasonably practicable the balance of political parties for the time being prevailing among the Constituent Councils when taken together

as required by article 5(b) of the GM Transport Order. The appointments to the GM Transport Committee made by the Mayor under this clause 3.10 will reflect the wishes of the relevant political group as to the members to be appointed to any seat on the GM Transport Committee allocated to that political group.

- 3.11 Pursuant to article 5(a)(ii) of the GM Transport Order, the GMCA will appoint elected members of the Constituent Councils to act as substitute members of the GM Transport Committee in the absence of the members appointed in accordance with clause 3.10 above.
- 3.12. Pursuant to article 7(6) of the GM Transport Order, questions relating to the apportionment of membership under clause 3.10 require a unanimous vote in favour by all members, or substitute committee members acting in place of those members, of the GMCA to be carried.

#### 4. Terms of Reference of the GM Transport Committee

### TRANSPORT COMMITTEE

#### Terms of Reference

##### 1. Overview

The Transport Committee, as a joint committee of the ten Greater Manchester district councils ('the Constituent Councils'), the GMCA and the Mayor, brings together the principal local transport decision-making bodies.

The primary role of the Transport Committee is not to replicate strategic decision-making functions, but to ensure that through its work, those bodies are able to make informed and co-ordinated decisions by being fully informed about the operation and performance of the transport system, its individual modes and the infrastructure it relies on, including the Key Route Network.

It also has an important role in helping shape the development of transport strategy and policies, and in advising the GMCA and the Mayor on specific transport issues, as directed by them. In relation to bus services, the Transport Committee will undertake the function of making decisions in relation to the supported bus network, which has been delegated by the Mayor.

In summary the three key areas of work for the Transport Committee will be to ensure:

- **Accountability:** active and regular monitoring of the performance of the transport network, including the Key Route Network, the operation of the GM Road Activities Permit Scheme, road safety activities, etc as well as all public transport modes. This role will include holding service operators, TfGM, highway authorities and transport infrastructure

providers to public account, and to recommend appropriate action as appropriate;

- **Implementation:** oversee the delivery of agreed Local Transport Plan commitments. This includes the active oversight of the transport capital programme, and decisions over supported bus services network to be made within the context of policy and budgets set by the Mayor and the GMCA as appropriate; and
- **Policy Development:** undertake policy development on specific issues, as may be directed by the Mayor and / or the GMCA.

## 2. **Transport functions of the Greater Manchester Combined Authority ('GMCA') referred to the Transport Committee**

- 2.1 The following transport functions of the GMCA are not delegated but are referred by the GMCA or, as the case may be, the Mayor to the Transport Committee in order for the Transport Committee to make recommendations (where appropriate) to the GMCA or, as the case may be, the Mayor in respect of:
- (a) Considering proposals by TfGM to promote or oppose any Bill in Parliament pursuant to Section 10(1)(xxix) of the Transport Act 1968; and
  - (b) Policy reviews and development on specific issues, undertaken by the Transport Committee on the direction of the Mayor and/or the GMCA.

## 3. **Transport functions of the GMCA delegated to the Transport Committee**

- 3.1 The following transport functions of the GMCA are delegated by the GMCA or, as the case may be, the Mayor to the Transport Committee, subject to the Transport Committee exercising these functions in accordance with any transport policies of the GMCA and the Mayor, the Local Transport Plan and the agreed transport budget and borrowing limits (and without prejudice to the GMCA's or, as the case may be, the Mayor's right to discharge such functions directly):
- (a) Monitoring and overseeing the activities and performance of TfGM (and where appropriate recommending that the GMCA exercise the power pursuant to Section 15(6) of the Transport Act 1968 to give to TfGM such directions as appear to the Transport Committee to be appropriate to secure the observance of the rights of the GMCA);
  - (b) Ensuring that the TfGM secures the provision of appropriate public passenger transport services pursuant to Section 9A(3) of the Transport Act 1968;



- (c) Considering what local bus information should be made available, and the way in which it should be made available pursuant to Sections 139 to 143 of the Transport Act 2000;
  - (d) Ensuring that the TfGM implements those actions delegated to it for promoting the economic, social and environmental well-being of Greater Manchester and its residents pursuant to Section 99 of the Local Transport Act 2008;
  - (e) Monitoring performance against the Local Transport Plan and other transport policies of the Mayor and the GMCA;
  - (f) Formulating, developing and monitoring procedures for public consultation on the GMCA's and the Mayor's transport policies;
  - (g) Active promotion of Greater Manchester's transport and travel interests as set by the GMCA and the Mayor;
  - (h) Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services;
  - (i) Determining the operation, performance and development of the GMCA's accessible transport provision pursuant to Sections 106(1) and 106(2) of the Transport Act 1985; and
  - (j) Monitoring the operation and performance of Metrolink, bus and local rail services and initiating appropriate action, including making recommendations to the GMCA and/or the Mayor.
- 3.2. The following transport functions of the GMCA, which are delegated by the Constituent Councils to the GMCA, are sub-delegated by the GMCA to the Transport Committee, subject to the Transport Committee exercising these functions in accordance with any transport policies of the GMCA or the Mayor, the Local Transport Plan and the GMCA's agreed transport budget and borrowing limits:
- (a) In respect of those functions:
    - (i) under section 23 of the Road Traffic Regulation Act 1984 (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997; and
    - (ii) under section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984 so far as it relates to traffic signs that are traffic light signals where "traffic light signals" means a traffic sign of the size, colour and type prescribed by any of the following regulations of the Traffic Signs Regulations 2002:

- Regulation 33 – Light signals for the control of vehicular traffic – standard form
- Regulation 34 – Green arrow light signals for the control of vehicular traffic
- Regulation 37 – Light signals for control of vehicular traffic entering or proceeding on motorways and all purpose dual carriageway
- Regulation 39 – Light signals to control traffic at level crossings etc.
- Regulation 41 – Light signals for the control of tramcars
- Regulation 44 – Light signals for lane control of Vehicular traffic
- Regulation 45 – Warning light signal for motorways and all-purpose dual carriageway roads
- Regulation 46 – Matrix signs for motorways and all purpose dual carriageway roads
- Regulation 47 – Light signals at signal controlled pedestrian facilities
- Regulation 48 – Light signals at equestrian crossings
- Regulation 49 – Light signals at toucan crossings
- Regulation 52 – Light signals for pedestrian traffic at level crossings

the GMCA delegates to the Transport Committee responsibility for:

(i) Making recommendations to the GMCA in respect of:

- the development of policies relating to the installation, maintenance, and management of Traffic Light Signals that take both strategic and local strategies and frameworks into account; and
- the GMCA's budget for Traffic Light Signals.

(ii) Making arrangements for the discharge of the functions to be carried out in relation to Traffic Light Signals by TfGM.

(iii) Monitoring and overseeing the activities and performance of TfGM in relation to the Traffic Light Signal function.

(b) In respect of those functions under section 2 of the Road Traffic Reduction Act 1997 (“the Transport Studies Function”) the GMCA delegates to the Transport Committee responsibility for:

(i) Making recommendations to the GMCA in respect of:

- producing and updating policies in respect of the Transport Studies Function which are consistent with the Greater Manchester Strategy, the GM Local Transport Plan objectives and GMCA's and the Constituent Council's budgets;

- settling budgets in respect of the Transport Studies Function
  - (ii) Making arrangements for the discharge of the functions to be carried out in relation to the Transport Studies Function by TfGM.
  - (iii) Monitoring and overseeing the activities and performance of TfGM in relation to the Transport Studies Function.
- 3.3 In respect of functions under section 39 (2) and (3) of the Road Traffic Act 1988 ('the road safety function'), which may be exercised concurrently with Constituent Councils, the GMCA delegates to the Transport Committee responsibility for:
- (a) Producing and developing policies in relation to the road safety function.
  - (b) Drawing up budgets in relation to the road safety function insofar as it is exercised by the TfGM. Determining the tasks to be carried out in relation to the road safety function by TfGM.
  - (c) Making recommendations to the GMCA and the Mayor in respect of the development of policies for the promotion and encouragement of safe transport to, from and within its area under s108 Transport Act 2000.
  - (d) Monitoring and overseeing the activities and performance of TfGM.

#### **4. Transport functions of the Constituent Councils delegated directly to the Transport Committee**

- 4.1 The following transport related functions of the Constituent Councils will be delegated directly to the Transport Committee subject to the Transport Committee exercising these functions in accordance with any policies of the GMCA (as local transport authority), the Local Transport Plan and the terms of the delegation from the Constituent Councils:
- (a) Carrying out actions to facilitate the performance by local traffic authorities of their duty to manage their road traffic on their own roads and facilitating the same on other local authorities' roads pursuant to Sections 16 and 17 (except for sub-sections 17 (2) and (3)) of the Traffic Management Act 2004, including in particular –
    - (i) establishing processes for identifying things (including future occurrences) which are causing or have the potential to cause road congestion or other disruption to the movement of traffic on the road network;

- (ii) determining specific policies and objectives in relation to strategic roads;
  - (iii) monitoring the effectiveness of traffic authorities in managing their road network.
- (b) Preparing and carrying out a programme of measures designed to promote road safety, including carrying out road safety studies, studies into accidents, accident prevention campaigns, the dissemination of information and advice relating to the use of roads and arranging for the giving of practical training to road users pursuant to Sections 39(2) and 39(3)(a) and (b) of the Road Traffic Act 1988.

## **6. GM Transport Committee – Other Provisions**

- 5.1 The GM Transport Committee may establish sub-committees.
- 5.2 When establishing a sub-committee, the GM Transport Committee will determine -
- (i) the terms of reference of the sub-committee
  - (ii) the size and membership of the sub-committee
  - (iii) the Chair (and Vice-Chair, if any) of the sub-committee
  - (iv) any delegated powers of the sub-committee
  - (v) the period (where appropriate) for which the sub-committee will remain constituted.
- 5.3 Appointments to sub-committees will be made in accordance with the principles of political balance set out in Section 15(5) of the LGHA 1989.
- 5.4 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a function delegated to the GM Transport Committee by the GMCA under the GM Transport Committee Terms of Reference arrange for its discharge by an officer of one of the Constituent Councils or by TfGM.
- 5.5 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a Mayoral Transport Function listed in Schedule 2 of the GMCA Transport Order which the Mayor has delegated to the GM Transport Committee under the GM Transport Committee Terms of Reference arrange for its discharge by an officer of one of the Constituent Councils or by TfGM.
- 5.6 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a function delegated to them by the Constituent Councils under the GM Transport Committee Terms of Reference, arrange for its discharge by an officer of one of the

Constituent Councils and may enter into agreements with TfGM for the provision of services by TfGM.

- 5.7 The GM Transport Committee will establish a scheme of delegation to sub-committees and officers and will review the scheme annually.
- 5.8 The GM Transport Committee will conduct its business in accordance with this Agreement, including the Rules of Procedure set out in Schedule 1.

## **6. Transport Protocols**

- 6.1 The Parties will draw up and agree detailed Protocols in relation to the operation and discharge of those functions –
- delegated from the Constituent Councils to GMCA pursuant to Article 8 of the GMCA Order, and
  - delegated by the Constituent Councils to the GM Transport Committee by virtue of the GM Transport Committee Terms of Reference.
- 6.2 The Parties will keep the Protocols under regular review and may revise them from time to time, such revisions to be agreed by the Chief Executives of the Constituent Councils, the Head of Paid Service of the GMCA and the Chief Executive of TfGM.
- 6.3 Protocols drawn up, agreed or revised under this Clause will not override anything provided for or required by this Agreement and will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the LGA 1972 and the 2012 Regulations.

## **7. Funding of Constituent Council Transport Functions delegated by the GMCA Order**

- 7.1 For the financial year beginning on 1<sup>st</sup> April 2011, the Constituent Councils will meet the costs of the GMCA reasonably attributable to the exercise of those transport functions of the Constituent Councils delegated to the GMCA by virtue of Article 8 of the GMCA Order.
- 7.2 The amount payable by each of the Constituent Councils is to be determined by apportioning the costs of the GMCA referred to in Clause 7.1 between the Constituent Councils in such proportions as they may agree or, in default of agreement, in proportion to the total resident population on 30<sup>th</sup> June 2009 of the area of each council concerned as estimated by the Register General.
- 7.3 In the financial year beginning on 1<sup>st</sup> April 2012 and in subsequent financial years the costs of the GMCA referred to in Clause 7.1 shall be

recovered from the Constituent Councils as part of the levy issued to those councils pursuant to the Transport Levying Bodies Regulations 1992, as amended, except where and to the extent that all the Constituent Councils agree that costs should be defrayed by the Constituent Councils and not the GMCA pursuant to Article 8(4) of the GMCA Order.

- 7.4 Without prejudice to the generality of Article 8(4) of the GMCA Order, it is agreed that each Constituent Council will be responsible for defraying the costs of the initial installation of traffic signs that are traffic light signals or pelican or puffin crossings in their area, except insofar as such costs are met by the third parties pursuant to agreements under Section 278 of the Highways Act 1980 or otherwise.

## **8. Amendments to this Agreement**

- 8.1 This Agreement may be amended following a resolution approved by all the Parties.
- 8.2 The operation of this Agreement will be subject to an annual review.

## **9. Dispute Resolution**

- 9.1 Any dispute between the Parties arising out of this Agreement which cannot be settled shall be referred to the Head of Paid Service of the Parties to the dispute who will negotiate to resolve the matter in good faith.

## **10. Notices**

- 10.1 Any notice, demand or other communication required to be served on the GMCA under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post to the GMCA's Monitoring Officer at First Floor, Churchgate House, 56 Oxford Street Manchester M1 6EU If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the GMCA's Monitoring Officer at the time of personal delivery or on the second working date after the date or posting as the case may be.
- 10.2 Any notice, demand or other communication required to be served on the Mayor under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post or email or facsimile transmission to the Office of the GM Mayor at First Floor, Churchgate House, 56 Oxford Street Manchester M1 6EU the Town Hall, Manchester M60 2LA. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the Mayor at the time of personal delivery or on the second working date after the date or posting or transmission as the case may be.

10.3 Any notice, demand or other communication required to be served on one or more of the Constituent Councils under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post to the monitoring officer(s) of the Constituent Council(s) concerned at the principal office of the Constituent Council or such other address as has been notified to the Parties. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the Constituent Council(s) concerned at the time of personal delivery or on the second working date after the date of posting as the case may be.

**IN WITNESS** whereof the Parties have caused this Agreement to be executed the day, month and year first before mentioned.

Signed by **GMCA**

Authorised Signatory

Dated

Signed by the **GMCA Mayor**

Dated

Signed by **The Borough Council of Bolton**

Authorised Signatory

Dated

Signed by **Bury Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by **The Council of the City of Manchester**

Authorised Signatory

Dated

Signed by **Oldham Borough Council**

Authorised Signatory

Dated

Signed by **Rochdale Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by **Salford City Council**

Authorised Signatory

Dated

Signed by **The Metropolitan Borough Council of Stockport**

Authorised Signatory



Dated

Signed by **Tameside Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by **Trafford Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by **Wigan Borough Council**

Authorised Signatory

Dated

## **SCHEDULE 1**

### **GM Transport Committee**

#### **Rules of Procedure**

#### **1. Interpretation, Suspension and Variation/Revocation of Rules of Procedure**

- 1.1 The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.
- 1.2 References in these Rules to the “Chair” means the member of the GM Transport Committee for the time being presiding at the meeting of the GM Transport Committee, and a meeting of the GM Transport Committee. References in these Rules to the “Secretary” means the officer of the GMCA who is appointed to discharge the role of the Secretary to the GM Transport Committee.
- 1.3 These Rules shall apply to the GM Transport Committee and any Sub Committee of the GM Transport Committee, and any reference to the GM Transport Committee shall accordingly include reference to a Sub Committee of the GM Transport Committee.
- 1.4\* Except for those provisions which accord with the provisions of the Local Government Acts (and which are indicated with an asterisk \*) any Rule may be suspended at a meeting of the GM Transport Committee with the consent of the majority of the whole number of members of the GM Transport Committee but not otherwise.
- 1.5\* These Rules (except for those Rules marked with asterisk\*) may be varied or revoked by a decision of a two-thirds majority of the GM Transport Committee and any motion to vary or revoke any of these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the GM Transport Committee which shall determine the matter having considered a report of the secretary to the GM Transport Committee on the proposed variation or revocation.

#### **2. Chair and Vice-Chairs**

- 2.1\* The Chair of the GM Transport Committee will be appointed annually by the Mayor from among its members and shall, unless they resign, cease to be members of the GM Transport Committee or become disqualified, act until their successor becomes entitled to act as Chair.
- 2.2\* The appointment of the Chair, for recommendation to the Mayor shall be the first business transacted at the Annual Meeting of the GM Transport Committee.

- 2.3\* On a vacancy arising in the office of Chair for whatever reason, the GM Transport Committee shall recommend an appointment to fill the vacancy at the next ordinary meeting of the GM Transport Committee held after the date on which the vacancy occurs, or, if that meeting is held within 14 days after that date, then not later than the next following meeting. The member appointed shall hold such office for the remainder of the year in which such vacancy occurred.

### **3. Meetings**

- 3.1\* The Annual Meeting of the GM Transport Committee shall be held in June or the month after local elections on a date and at a time determined by the GM Transport Committee.
- 3.2\* Ordinary meetings of the GM Transport Committee TfGMC for the transaction of general business shall be held on such dates and at such times as the GM Transport Committee shall determine.
- 3.3\* An Extraordinary Meeting of the GM Transport Committee may be called at any time by the Chair.

### **4. Notice of Meetings**

- 4.1 At least five clear days before a meeting of the GM Transport Committee or one of its Sub Committees:
- (a) notice of the time and place of the intended meeting shall be published by the Secretary and posted at Churchgate House, Oxford Street, Manchester, M1 6EU; and
  - (b) a summons to attend the meeting, specifying an agenda for the meeting, shall be sent by electronic email to the usual email address of each member of the GM Transport Committee, or any other email address notified to notified to the Secretary by a member of the GM Transport Committee.
- 4.2\* Lack of service on a member of the GM Transport Committee of the summons shall not affect the validity of a meeting of the GM Transport Committee.
- 4.3\* A member of the GM Transport Committee may require a particular item of business, including any motion, which is relevant to the powers of the GM Transport Committee, to be discussed at an ordinary meeting of the GM Transport Committee subject to at least eight clear days notice of such intention being given to the Secretary in writing, signed by the member concerned and specifying the business to be discussed. The Secretary shall set out in the agenda for each meeting of the GM Transport Committee the items of business requested by members (if any) in the order in which they have been received, unless the member concerned has given prior written notice to the Secretary prior to the issue of the agenda for the meeting, for it to be withdrawn. If the member concerned is not present at the meeting when an item of

which they have given notice comes up for discussion, this item shall, unless the GM Transport Committee decides otherwise, be treated as withdrawn. A member shall not have more than one item of business, or motion, standing in their name to be discussed at any meeting of the GM Transport Committee.

- 4.4 No motion by way of notice to rescind any resolution which has been passed within the preceding six months, nor any motion by way of notice to the same effect as any motion which has been negated within the preceding six months, shall be in order, unless the notice thereof shall have been given in time for inclusion on the agenda for the meeting, in accordance with paragraph 4.3 above, and the notice shall have been signed by four other members in addition to the member who is to propose the motion.
- 4.5\* Except in the case of business required by these Rules to be transacted at a meeting of the GM Transport Committee, and other business brought before the meeting as a matter of urgency, and of which the Secretary shall have prior notice and which the Chair considers should be discussed at the meeting, no business shall be transacted at a meeting of the GM Transport Committee other than that specified in the agenda for the meeting.

## **5. Chair of Meeting**

- 5.1\* At each meeting of the GM Transport Committee the Chair, if present, shall preside.
- 5.2\* If the Chair is absent from a meeting of the TfGMC, the Secretary shall invite the members present to elect a member to preside for the duration of the meeting or until such time as the Chair joins the meeting.
- 5.3 Any power or function of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.

## **6. Quorum**

- 6.1\* No business shall be transacted at any meeting of the full GM Transport Committee unless at least 8 of the members are present).
- 6.2\* The quorum for any meeting of a Sub Committee of the GM Transport Committee shall be one third of the membership of that body.
- 6.3 If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place.
- 6.4 If during any meeting of the GM Transport Committee the Chair, after counting the number of members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by

the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the GM Transport Committee.

## **7. Order of Business**

7.1 At every meeting of the GM Transport Committee the order of business shall be to select a person to preside if the Chair is absent and thereafter shall be in accordance with the order specified in the agenda for the meeting, except that such order may be varied -

- (a) by the Chair at his/her discretion, or
- (b) on a request agreed to by the GM Transport Committee

7.2 The Chair may bring before the GM Transport Committee at their discretion any matter that they consider appropriate to bring before the GM Transport Committee as a matter of urgency.

## **8. Submission of Sub Committee Proceedings**

8.1 Except where a Sub Committee appointed by the GM Transport Committee is acting under delegated authority, the Minutes of the proceedings of each of the GM Transport Committee's Sub Committees shall be submitted to the GM Transport Committee for confirmation. Confirmation by the GM Transport Committee of those Minutes shall constitute approval of the proceedings of those Sub Committees.

8.2 The Chair of a Sub Committee, or other member of the Sub Committee acting in their place, shall deal with matters arising during any debate on the proceedings of the Sub Committee.

8.3 A Chair of a Sub Committee, or other member of the Sub Committee acting in their place, may, with the consent of the GM Transport Committee, withdraw any item on the Minutes of that Sub Committee, or correct any factual inaccuracy, which might otherwise result in the GM Transport Committee being misinformed on any item in the Sub Committee's Minutes.

8.4 When considering the Minutes of the proceedings, no motion or amendment shall be made or proposed, or any discussion allowed upon any matter which, although within the province of the Sub Committee, does not appear in the Minutes of the proceedings.

## **9. Rules of Debate**

### **Motions**

- 9.1 A Motion (or amendment) shall not be discussed unless it has been proposed and seconded. It shall, if required by the Chair, be put in writing and handed to the Chair, who shall determine whether it is in order before it is further discussed or put to the meeting.
- 9.2 A member when seconding a Motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate. No member may, except at the discretion of the Chair, address the GM Transport Committee more than once on any Motion. The mover of the original Motion may reply but shall confine such reply to answering previous speakers and shall not introduce any new matter into the debate. After the reply the question shall be put forthwith.
- 9.3 A member when speaking shall address the Chair. If two or more members signify their desire to speak, the Chair shall call on one to speak: the other or others shall then remain silent. While a member is speaking no other member shall intervene unless to raise a point of order or by way of personal explanation.
- 9.4 A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Chair.

#### **Amendments to Motions**

- 9.5 An amendment shall be relevant to the Motion and shall be either:-
- (a) to refer a subject of debate to a Sub Committee for consideration or reconsideration: or
  - (b)
    - (i) to leave out words from the Motion
    - (ii) to leave out words from, and insert or add others to, the Motion:
    - (iii) to insert words in, or add words to, the Motion:
- but such omission, insertion or addition of words shall not have the effect of negating the Motion before the GM Transport Committee.
- 9.6 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. The mover of an amendment shall read the same before speaking to it.
- 9.7 If an amendment is negated, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended shall take the place of the original Motion and shall become the substantive Motion upon which any further amendment may be moved, except any amendment which would be inconsistent with that already carried. The right of reply under paragraph 9.2 above shall not extend to the mover of an amendment which, having been carried, has

become the substantive Motion. No member shall move more than one amendment on any Motion.

- 9.8 A member may, with the consent of the GM Transport Committee, signify without discussion:-
- (a) alter a Motion of which they have given notice
  - (b) with the consent of their seconder alter a Motion which they have moved:
- if in either case the alteration is one which could be made as an amendment thereto.
- 9.9 A Motion or amendment may be withdrawn by the mover with the consent of the GM Transport Committee (which shall be signified without discussion) and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.
- 9.10 When a Motion is under debate no other Motion shall be moved except the following:-
- (a) That the Motion be amended
  - (b) That the GM Transport Committee proceed to the next business
  - (c) That the question be put
  - (d) That the debate be adjourned
  - (e) That the meeting be adjourned
  - (f) That the member named be warned
  - (g) (By the Chair under paragraph 11.2 below) That the member named leave the meeting, or
  - (h) That the press and public be excluded (in accordance with Section 100A of the Local Government Act, 1972)
- 9.11 A member who has not already spoken on the item under consideration may move without comment at the conclusion of a speech of another member “That the GM Transport Committee proceed to the next business”, “That the question be put”, “That the debate be adjourned” or “That this meeting of the GM Transport Committee be adjourned” and on the seconding of that Motion the Chair shall proceed as follows:
- (a) on a Motion to proceed to the next business, unless in their opinion the original Motion or amendment has been insufficiently discussed, they shall first give the mover of the original Motion a right of reply, and then put to the vote the Motion to proceed to the next business; if this latter Motion is carried, the original Motion or amendment under discussion shall be deemed to be withdrawn

- (b) on a Motion that the question be put, unless in their opinion the Motion or amendment before the meeting has not been sufficiently discussed, they shall first put to the vote the Motion that the question be put and, if it is carried, they shall then give the mover of the original Motion their right of reply under paragraph 9.2 above, before putting the Motion or any amendment then under discussion to the vote
  - (c) on a Motion to adjourn the debate, if, in the Chair's opinion, the Motion or amendment before the meeting has not been sufficiently discussed, and cannot reasonably be sufficiently discussed on that occasion, they shall put to the vote a Motion to adjourn the debate to the next meeting of the GM Transport Committee, or to a time stated, without giving the mover of the original Motion their right of reply on that occasion; if the adjournment Motion is carried, then, on the resumption of the debate, the Chair shall reintroduce the Motion or amendment before the meeting at the time the debate was adjourned, and the member who moved the adjournment of the debate shall be entitled to speak first
  - (d) on a Motion to adjourn a meeting of the GM Transport Committee until a specified date and time, the Chair shall forthwith put such a Motion to the vote without giving any right of reply to the mover of any Motion under discussion and, if the Motion is carried, the remaining business of the day shall stand adjourned until the date and time stated in the Motion. On the resumption of the meeting of the GM Transport Committee the procedure in paragraph 9.11(c) above shall apply
- 9.12 No member may move any of the Motions in paragraph 9.11 above on more than one occasion at each meeting and, when such a Motion is not carried, a second Motion of the like nature shall not be made within half an hour unless, in the opinion of the Chair, the circumstances of the question are materially altered.

### **Points of Order**

- 9.13 A member may, with the permission of the Chair, raise a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of the Rules of Procedure or statutory provision and the member shall specify which part of the Rules of Procedure or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some material part of a former speech by the member which they consider to have been misunderstood in the present debate.
- 9.14 The ruling of the Chair on a point of order, or the admissibility of a personal explanation, shall not be open to discussion.



- 9.15 Whenever the Chair intervenes during a debate a member then speaking or offering to speak shall give way.

### **Motion to exclude the Press and Public**

- 9.16 A Motion to exclude the press and public in accordance with Section 100A of the Local Government Act, 1972 may be moved, without notice, at any meeting of the GM Transport Committee during an item of business whenever it is likely that if members of the public were present during that item there would be disclosure to them of confidential or exempt information as defined in Section 100A of the 1972 Act.

### **10. Voting**

- 10.1 Whenever a vote is taken at meetings of the GM Transport Committee it shall be by a show of hands. On the requisition of any member of the GM Transport Committee, supported by four other members who signify their support by rising in their places, and before the vote is taken, the voting on any question shall be recorded so as to show whether each member present gave their vote for or against that question or abstained from voting.
- 10.2\* In the case of an equality of votes, the Chair shall have a second, or casting, vote.
- 10.3\* A member may demand that his/her vote be recorded in the Minutes of the meeting.

### **11. Conduct of Members at meetings**

- 11.1 If at a meeting any member of the GM Transport Committee, misconducts him or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the GM Transport Committee, the Chair or any other member may move "That the member named be warned" and the Motion if seconded shall be put and determined without discussion.
- 11.2 If the member named continues such misconduct after a Motion under the foregoing paragraph has been carried, the Chair shall either:-
- (a) move "That the member named leave the meeting" (in which case the Motion shall be put and determined without seconding or discussion)
  - (b) adjourn the meeting of the GM Transport Committee for such period as they consider expedient
- 11.3 In the event of general disturbance, which in the opinion of the Chair, renders the due and orderly dispatch of business impossible the Chair, in addition to any other power vested in him or her may, without

question put, adjourn the meeting of the GM Transport Committee for such period as he or she considers expedient.

## **12. Disturbance by Members of the Public**

- 12.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn him or her. If they continue the interruption the Chair shall order his or her removal from the room. In the case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

## **13. Interests of Members**

- 13.1\* A member must have regard to the Code of Conduct for Members of the local authority for which they are an elected member and their obligations in relation to the disclosures of, and possible withdrawal from a meeting, for reason of personal and prejudicial interests.

## **14. Appointment of Sub Committees**

- 14.1 The GM Transport Committee shall at the Annual Meeting appoint such Sub Committees as it has at that, or any earlier meeting, resolved to establish; may, at any time, appoint such other Sub Committees as are necessary to carry out the work of the GM Transport Committee; and may, at any time, dissolve a Sub Committee or alter its membership.
- 14.2 The terms of reference of Sub Committees shall be approved by the GM Transport Committee and shall be subject to review at each Annual Meeting.
- 14.3 The GM Transport Committee shall at each Annual Meeting, or whenever there is a vacancy in such office, appoint the Chair of each Sub Committee.
- 14.4 The GM Transport Committee may at any time remove a member from the office of a Sub Committee and appoint another member to fill the resultant vacancy.
- 14.5 A member may resign from the office of Chair of a Sub Committee by notice in writing delivered to the Secretary, the resignation to take effect from the time of receipt of such notice.
- 14.6 Wherever possible, a programme of dates and times of Sub Committee meetings for the ensuing year shall be approved at the Annual Meeting of the GM Transport Committee, or, on the first appointment of a Sub Committee, at any other meeting of the GM Transport Committee. Such a programme shall, however, be capable of variation by the GM Transport Committee, and, in case of urgency, by the Chair of the Sub Committee.

- 14.7 GM Transport Committee members may attend a meeting of any Sub Committee of which they are not a member, but shall not, without the consent of the Chair, take part in any proceedings. They shall not, in any event, move any Motion or amendment, or vote at such a meeting. Such members may attend a Sub Committee meeting during consideration of any business indicated on the agenda as likely to be considered when the public have been excluded, provided advance written notice has been given to the Secretary of the member's intention to attend for the discussion of such business, and his or her reasons for so doing.
- 14.8 A member of the GM Transport Committee who has moved a Motion that has been referred to any Sub Committee shall have notice of the meeting of the Sub Committee at which it is proposed to consider the Motion. They shall have the right to attend the meeting and if the member attends, they shall be afforded an opportunity of explaining the Motion.

## **15. Publication of Reports**

- 15.1\* Reports or other documents for the consideration of the GM Transport Committee or a Sub Committee shall be marked "Private & Confidential Not for Publication" only if the Secretary, as Proper Officer under Section 100B(2) of the Local Government Act 1972 determines that this should be done on one or more of the grounds specified in the Act.
- 15.2 A Member of the GM Transport Committee or a member of the public may request that an item of business containing exempt information should be taken in public and such a request should be dealt with by the meeting at which the item is to be considered in private as the first item on the agenda. The procedure for dealing with such requests is set out in Rules 16 and 17 below.
- 15.3\* Copies of the agenda of meetings of the GM Transport Committee or its Sub Committees, including prints of reports or other documents to be submitted to the GM Transport Committee or Sub Committees (other than reports or other documents marked "Not for Publication") shall be furnished prior to the meeting to representatives of the press, radio and television and shall also be furnished at the meeting to members of the public attending such meetings. Such documents shall also be made available for public inspection, at least five clear days before any meeting, at Churchgate House, Oxford Street, the Town Hall, Manchester, M1 6EU.
- 15.4\* Where an item or report has been added to an agenda, any revised agenda or additional report shall be available for public inspection as soon as the item or report has been added to the agenda, provided copies are also, at that time, available to members of the .

## **16. Access to Information Procedure Rules**

- 16.1 Except as otherwise indicated, these rules apply to all meetings of the GM Transport Committee and its Sub Committees.
- 16.2 The Rules in Section 16 do not affect any more specific rights to information contained elsewhere in these Rules of Procedure or the law.
- 16.3 The GM Transport Committee will supply copies of:
- (a) any agenda and reports that 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
  - (c) if the Secretary thinks fit, copies of any other documents supplied to members in connection with an item
  - (d) to any person on payment of a charge for postage and any other costs.
- 16.4 The GM Transport Committee will make available copies of the following for six years after a meeting:
- (a) the minutes of the meeting, 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
  - (d) reports relating to items when the meeting was open to the public
- 16.5 The relevant Chief Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report that in his/her opinion:
- (a) disclose any facts or matters on which the report or an important part of the report is based
  - (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

## **17. Exclusion of access by the public to meetings**

### **(a) Confidential information – requirement to exclude public**

- 17.1 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.

- 17.2 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons stated in Article 6.

**(b) Meaning of confidential information**

- 17.3 Confidential information means information given to the GM Transport Committee by a Government department on terms that forbid its public disclosure or information that cannot be publicly disclosed by reason of a Court Order or any enactment.

**(c) Meaning of exempt information**

- 17.4 Exempt information means information falling within the following categories (subject to any qualifications):

- (i) information relating to any individual
- (ii) information which is likely to reveal the identity of any individual
- (iii) information relating to the financial or business affairs of any particular person (including the authority holding that information)
- (iv) information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the GM Transport Committee or a Minister of the Crown and employees of, or office holders under, the GM Transport Committee
- (v) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
- (vi) information which reveals that the GM Transport Committee 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
- (vii) information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

**(e) Exclusion of Access by the public to reports**

- 17.5 If the Secretary thinks fit, the GM Transport Committee may exclude access by the public to reports which in his/her opinion relate to items during which the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed.

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**Manchester City Council****Report for Resolution**

**Report to:** Constitutional and Nomination Committee – 15 May 2019  
Council – 15 May 2019

**Subject:** The Constitution of the Council

**Report of:** City Solicitor

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**Purpose of Report**

To enable the Council to consider recommendations that the Constitution of the Council be amended to:

- reflect changes to the management structure and the responsibilities of senior officers; and
- change the order of business at ordinary meetings of the Council.

**Recommendations**

The Council is recommended to:

1. adopt, subject to 3 below, the attached Parts of the Constitution of the Council, namely –  
  
Part 3, Section F  
Part 4, Section A  
Part 8
2. agree that the City Solicitor may make such consequential amendments to other Parts of the Constitution as may be required to reflect the changes made to the Parts referred to in 1 above;
3. note in relation to Part 3 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 as set out in the attached Part 3, Section F (Scheme of Delegation to Officers) are for the information of the Council only;
4. note that the Leader has approved the delegations of executive functions contained in Part 3, Section F and has agreed that the City Solicitor may make any consequential amendments to Part 3, Section A (Local Choice Functions) of the Constitution, insofar as they relate to executive functions; and

5. note that this report represents an interim review of the Constitution and a report on a full review will be brought to the Council's October meeting.
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**Wards Affected:** All

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

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

**Implications for:**

**Equal Opportunities**

No

**Risk Management**

No

**Legal Consideration**

Yes

**Contact Officers:**

Name: Fiona Ledden  
 Position: City Solicitor  
 Telephone: 0161 234 3087  
 E-mail: fiona.ledden@manchester.gov.uk

Name: Stephen Hollard  
 Position: Group Manager, Democratic Services Legal Team  
 Telephone: 0161 234 3336  
 E-mail: s.hollard@manchester.gov.uk

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

Constitution of the Council – October 2018  
 Report of the Chief Executive to Personnel Committee, 29 January 2019 – ‘Senior Management Capacity Review’



## Background

1. Section 9P of the Local Government Act 2000, as amended, requires a local authority which is operating executive arrangements to prepare and keep up-to-date a Constitution which contains a copy of the authority's standing orders for the time being. 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.
2. In previous years a fully revised draft version of the Constitution has been presented to the Council for consideration at its Annual Meeting. This has meant that the version of the Constitution presented at the meeting may not fully reflect changes to the Council's governance arrangements that are often decided at or shortly after the time of the Annual Meeting, thus necessitating later in-year revision of the Constitution.
3. This year only a partial revision of the Constitution is presented to the Council at its Annual Meeting for approval, focused on taking into account the particular matters detailed in paragraphs 6 to 10 below. A fully revised version of the Constitution will be brought before Council at its meeting in October. It is proposed that in future years the October meeting of the Council will be the usual meeting for consideration of a fully revised version of the Constitution.
4. It should be noted that under the Leader and Cabinet form of executive, responsibility for the delegation of executive functions, including those local choice functions which the Council has designated as executive functions, 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). Where the Leader delegates the exercise of functions to the Executive it may in turn delegate to officers. In these circumstances, the recommended delegations of executive functions as set out in the attached revised Part 3, Section F of the Constitution (Scheme of Delegation to Officers) are for the purpose of information only.
5. The main amendments to the Constitution are summarised below. New wording appears in bold in the attached revised Parts of the Constitution.

## Changes to Senior Management Arrangements and the Scheme of Delegation

6. A report to Personnel Committee on 29 January 2019 detailed proposals to realign senior leadership capacity, in the context of impending vacancies in the Strategic Management Team and below, together with the need to develop wider leadership capacity and resilience. The Personnel Committee agreed certain proposals, as previously reported to Council, and made recommendations to Council in respect of the creation of the new senior management posts of Deputy Chief Executive and City Treasurer, Strategic Director (Neighbourhoods) and Director of Policy, Performance and Reform.

The Council agreed those recommendations at its meeting on 30 January 2019.

7. The attached revised versions of Part 3, Section F (Scheme of Delegation to Officers) and Part 8 (Management Structure) of the Constitution are amended to reflect the changes brought about as a result of the proposals contained in the 29 January 2019 report to Personnel Committee. Certain other changes to the Council's management structure are also reflected, along with some other minor amendments.
8. In addition to seeking the Council's approval of the abovementioned revised Parts of the Constitution this report also seeks the Council's agreement for the City Solicitor to make any consequential amendments to other Parts of the Constitution. This would include, for example, changing references to the "City Treasurer" to the "Deputy Chief Executive and City Treasurer" and references to the "Chief Operating Officer – Neighbourhoods" to the "Strategic Director (Neighbourhoods)".

### **Changes to the Order of Business at Ordinary Meetings of the Council**

9. Rule 13.4 of the Council Procedure Rules sets out the order of business at ordinary meetings of the Council. Currently Notices of Motion submitted under Rule 14.1 are listed as the eleventh item of business. As a consequence, it is not uncommon at ordinary Council meetings for a Motion Without Notice to be moved to bring the standing item concerning Notices of Motion to an earlier position in the order of business of the meeting.
10. To streamline the business of the Council it is proposed that Rule 13.4 of the Council Procedure Rules be amended to change the order of business at ordinary meetings of the Council so that the item concerning Notices of Motion becomes the fifth item (therefore immediately following approval of the minutes of the last meeting). The attached revised version of Part 4, Section A of the Constitution (Council Procedure Rules) is revised accordingly.

### **Recommendations**

11. The recommendations are set out at the beginning of this report.

# SECTION F

## Scheme of Delegation to Officers

### **CONTENTS**

#### **CHAPTER 1 – GENERAL**

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GENERAL DELEGATIONS TO ALL CHIEF OFFICERS AND CHAPTER 3A OFFICERS

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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 (DEVELOPMENT)

**STRATEGIC DIRECTOR (NEIGHBOURHOODS)**

DIRECTOR OF POPULATION HEALTH AND WELLBEING

#### **CHAPTER 3A – OFFICERS**

DIRECTOR OF OPERATIONS (HIGHWAYS)

DIRECTOR OF HROD

DIRECTOR OF ICT

**DIRECTOR OF EDUCATION AND SKILLS**

**DEPUTY CITY TREASURER**

#### **CHAPTER 3B – OFFICERS**

HEAD OF PLANNING, BUILDING CONTROL AND LICENSING

DIRECTOR OF CAPITAL PROGRAMMES

DIRECTOR OF DEVELOPMENT AND CORPORATE ESTATE

HEAD OF WORK AND SKILLS

**HEAD OF COMMISSIONING AND DELIVERY**

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

### **Non-Executive Functions**

#### **Financial**

9. To agree payments not exceeding £1000 in cases of maladministration.
10. To maintain a departmental register of interests in which is recorded any hospitality or gifts which are accepted by an employee or any pecuniary interest in a contract which is declared by an employee and authorised by a Chief Officer in accordance with the Code of Conduct for Employees set out in Part 6 Section E of this Constitution. For the purposes of this Constitution the existing references to "Strategic Director" within Part 6 Section E are to be taken as referring to Chief Officers as defined by Part 8 of the Constitution.



11. To approve financial assistance for private legal proceedings on behalf of employees, on the advice of the City Solicitor, where the police/Crown Prosecution Service have declined to prosecute in cases of violence to employees.

### Human Resources

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

20. In exceptional circumstances determination of planned overtime for officers above Spinal Column Point 31, in consultation with the **Deputy Chief Executive and City Treasurer**.
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 up to and including SCP 57 in consultation with the Director of HROD.

#### Miscellaneous

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

#### **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. Virement between heads of revenue and capital expenditure of up to £50,000 (or up to £100,000 for revenue expenditure on budgets under their control on any one budget head during the year) following notification to the **Deputy Chief Executive and City Treasurer** and in the case of revenue expenditure of up to £250,000 and capital expenditure of up to £100,000 with the approval of the **Deputy Chief Executive and City Treasurer** in consultation with the Executive

Member for Finance and Human Resources provided that such virement does not result in increased commitment in future years.

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. Repair and maintenance of buildings and upkeep of grounds.
51. The authorisation of repairs or adaptations by lessees or occupiers in respect of property owned by the Council and under the appropriate Officer's control.
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. Temporary closure of premises.
54. Determination of hours of opening of premises and facilities, including seasonal arrangements and closure during holiday periods.

#### 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. To determine requests for the installation of wireless receiving apparatus, telecommunications installations, electricity sub-stations and other minor works in or on any land or property under their management in consultation with the Chief Executive.
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.
61. To arrange for:
  - 61.1 the determination of requests to exercise individual data subject rights under data protection legislation (including the General Data Protection Regulation and the Data Protection Act 2018);
  - 61.2 the determination of requests by third parties for disclosure of personal data, including where there is reliance on relevant exemptions set out in data protection legislation;
  - 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.

# CHAPTER 2

## CHIEF EXECUTIVE

The holder of the post of Chief Executive 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, local government and European parliamentary 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. Duty to provide assistance at European Parliamentary elections (Section 6(7) & (8) of the European Parliamentary Elections Act 2002)

- 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 conjunction with the **Deputy Chief Executive and City Treasurer**, 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. Without prejudice to the power of individual Chief Officers and Chapter 3A Officers in relation to the assignment of posts up to and including SCP31 (Grade 6), to determine in consultation with the Director of HROD the assignment and regrading of posts up to and including SCP57 (Grade 12), unless there is a disagreement between the Chief Executive (or the Director of HROD) and the appropriate Chief Officer or Chapter 3A Officer about the proposals, or, where the proposals have corporate significance, in which cases the matter shall be determined by the Personnel Committee.
  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. Authorise the appointment of consultants and professional advisors.

#### Land and Property

24. Accept any offer or tender for the disposal of 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.
25. Agree and arrange for, the disposal of land and property, and any other interests in land and property subject to the consent of the Executive in the case of disposals of the freehold (other than freehold disposals for the purposes of the economic wellbeing of the area, or of plots of land of no strategic importance and incapable of being developed on their own, or where the Leasehold Reform Act will eventually require a freehold sale, in which cases Executive consent is not required).



26. Agree terms for the sale of land and property where the Council's property is subject to compulsory purchase by another body.
27. Dedicate where appropriate Council owned land as a highway.

#### Manchester Airport.

28. Grant consent to the waiver of covenants or to variations to the Leases granted to Manchester Airport PLC where these are urgently required to enable the Company to carry out specific development projects.
29. Acquire land and property within the Airport's operational area on behalf of Manchester Airport PLC subject to no net cost to the Council being incurred and to the basis of the purchase and the provisional terms being approved by the Airport Board.
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.

#### Development Briefs

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

#### 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 press and media relations, the organisation of press conferences, publicity and public relations including the issue of official publicity and official publications.
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. Determine applications to advertise on Council vehicles.
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 Manchester Airport PLC meetings, including meetings of any associated companies of Manchester Airport PLC and to nominate a member of staff to attend and vote where the Chief Executive is unable to do so.
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 Children's Board and Manchester Safeguarding Adults Board.

*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 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 and defend any 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 settle, if appropriate, and in the interests of the Council, any actual or threatened legal proceedings.
3. To recover debts due to the Council by way of legal proceedings and the levying of distress on goods and chattels.
4. To instruct Counsel and professional advisers, where appropriate.
5. To determine procedural arrangements for the issue of all consents, refusals, decisions and notices on behalf of the Council under statutory powers.
6. To give undertakings on behalf of the Council.
7. To give indemnities on behalf of the Council to organisations for the use of their facilities or to persons or bodies to whose land access is required by the Council to carry out any development or works.
8. To determine applications made under the Council's Scheme of Allowances to employees injured in the course of their employment up to a maximum of £10,000.
9. To prepare, seal or sign documents.
10. To authorise other officers to seal documents in accordance with Article 14.5 of Part 2 of the Constitution or to sign documents which are not required to be under seal.
11. To accept on behalf of the Council the service of notices, orders and legal procedures.
12. To approve the entering into of arrangements for the provision of legal services to third parties.

**Non-Executive Functions**

13. Make arrangements for reviews of the permanent exclusion of pupils.
14. Make arrangements for school admission appeals.
15. Make arrangements for appeals by governing bodies.
16. Approve premises for the solemnisation of marriages and civil partnerships.
17. Maintain a register of common land and a register of town or village greens.
18. Power to apply for an enforcement order against unlawful works on common land pursuant to Section 41 of the Commons Act 2006.
19. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference pursuant to Section 45(2)(a) of the Commons Act 2006.
20. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens pursuant to Section 45(2)(b) of the Commons Act 2006.
21. To designate an officer of the Council to discharge the functions of the Council's Scrutiny Officer under Section 9FB of the Local Government Act 2000.
22. To appoint (i) a Senior Coroner for the Manchester (City) Coroner area 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.
23. 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.
24. To institute proceedings for failing to provide for safety of children at entertainments under Section 12 of the Children and Young Persons Act 1933.

**Ethical Standards**

25. 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;
26. 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.

27. To seek informal resolution of complaints that Council Members have failed to comply with the Council's Code of Conduct for Members where appropriate and practicable.
28. To refer decisions dealing with a complaint against a Council Member to the Standards Committee in exceptional circumstances.
29. To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with the Independent Person) determines that a complaint merits formal investigation.
30. To issue guidance to be followed by an Investigating Officer on the investigation of complaints.
31. To determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, whether to confirm an Investigating Officer's finding of no failure to comply with the Council's Code of Conduct for Members.
32. Where an Investigating Officer's report finds that the Subject Member has failed to comply with the Council's Code of Conduct for Members, to determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, either to seek a local resolution or to send a matter for local hearing.
33. Independent Persons and Co-opted Independent Members
  - a. To make arrangements, to advertise a vacancy for the appointment of
    - i. Independent Persons and
    - ii. Co-Opted Independent Members.
  - b. To make arrangements, in consultation with the Chair of the Council's Standards Committee for short-listing and interviewing candidates for appointment as Independent Persons and Co-opted Independent Members and to make recommendations to Council for appointment.
34. 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.
35. 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**

- 36. To complete all property transactions and contractual arrangements where terms have been agreed by the Council or Committees or officers acting under the scheme of delegation.
- 37. 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.
- 38. 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: -
  - 38.1 the recovery of possession of houses and other property belonging to the Council;
  - 38.2 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.
- 39. To serve Notices to Quit in respect of Council land and properties and other notices required to terminate tenancies or otherwise secure recovery of possession.
- 40. To serve notices and enter into agreements with respect to the making-up of new streets.
- 41. To apply for forfeiture on behalf of the Council under the provisions of the Consumer Protection Act 1987.
- 42. To arrange for the discharge of the Council's functions relating to petitions.

43. To arrange for the discharge of the Council's functions relating to Local Land Charges.
44. When authorised by the Council, to apply to the Secretary of State for consent to dispose of land under Sections 32 and 43 of the Housing Act 1985.
45. To appoint a secretary to Local Access Forums and to provide administration and support to the same and its members.
46. Without prejudice to the generality of the above delegations: -
  - 46.1 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.
  - 46.2 To make byelaws in relation to Access Land and to prosecute contravention of such byelaws.
  - 46.3 To defend appeals against notices served under Sections 36(3) and 37(1) of the Countryside and Rights of Way Act 2000.
  - 46.4 To prosecute for obstruction of persons entering land pursuant to Section 40 of the Countryside and Rights of Way Act 2000.
47. 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.
48. 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.
49. To approve information governance policies and guidance.
50. To act as the Council's Senior Information Risk Owner.
51. 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).
- 52. 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.**

*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 vires 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 Executive Member for Finance and Human Resources and the relevant Chief Officer, to determine applications for voluntary early retirement (including compassionate early retirement and flexible retirement) and to determine discretionary payments/awards in connection with such applications in accordance with the Council's policy statement.
  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. To agree requests or recommendations for honoraria (subject to the approval of the Personnel Committee in the case of honoraria of more than 12 months' duration in respect of posts above Grade 12).
  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) and 9(2).
- 18A. To consider grievances which cannot appropriately be resolved at departmental level.**

**18B. To approve the filling of vacant posts within approved establishments (except for Chief Officer and Deputy Chief Officer posts).**

**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 complete and sign 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.**

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 functions in relation to Safeguarding Children and Domestic Violence and to be accountable for discharging the Council's functions in relation to the Manchester Multi Agency Risk Conference (MARAC) and the Greater Manchester Multi Agency Public Protection Arrangements (MAPPAs).
4. To discharge the functions conferred on the authority under Sections 10 to 12, 12C 12D, and 17A of the Children Act 2004.
  - 4.1 To make arrangements to promote co-operation between the authority and relevant partners to improve the well-being of children in the area.
  - 4.2 To make arrangements to safeguard and promote the welfare of children.
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 and the Youth Service.

8. To exercise the functions of the authority under the Safeguarding Vulnerable Groups Act 2006, so far as those functions relate to children.
9. To discharge the functions of the authority in relation to youth justice and youth offending services.
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 **and Skills**) :

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  
 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. To enforce all relevant legislation relating to the attendance in suitable full-time education of children of compulsory school age, including the investigation of offences under Section 444 of the Education Act 1996, and the issue of penalty notices under Section 444A of the Education Act 1996.
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, guidance and policy.
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.

## **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 and Domestic Violence, and to be accountable for discharging the functions of the Council in relation to the Manchester Multi-Agency Risk Assessment Conference (MARAC) and the Greater Manchester Multi Agency Public Protection Arrangements (MAPPA).

#### Housing

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

#### Financial

7. To set fees for rates of maintenance at homes operated by voluntary and private organisations in consultation with the **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 Deputy Chief Executive 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.

## **STRATEGIC DIRECTOR (DEVELOPMENT)**

The holder of the post of Strategic Director (Development) shall be responsible for the management of the Strategic 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 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 Head 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 Head 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 and subject to consultation with the City Solicitor to enter into Agreements in relation to the same.**
- D1. At the request of the Chief Executive, to exercise any power delegated to the Chief Executive relating to economic development and regeneration and subject to consultation with the City Solicitor to enter into Agreements in relation to the same.**

### **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 does not exceed £500,000 and 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 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 and the consideration does not exceed £500,000.

#### Estate Management

6. To deal with all matters relating to the management of the Council's interests in land and property without prejudice to 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 Deputy Chief Executive 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.

#### Building Cleaning

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

#### Public Conveniences

21. To be responsible for provision of public conveniences.

Town Hall Services

22. To be responsible for Town Hall Services, including security.

Miscellaneous

**23. 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).**



## **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, 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 Strategic 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 Operations (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. Subject to consultation with the City Solicitor to enter into Agreements in relation to any of the above matters.
7. To take any urgent action in connection with the matters 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 approve the acceptance of gifts, donations, deposits or offers of grant.**
- 7E. To make arrangements in relation to exhibitions including the borrowing of works of art from other collections and temporary loan of works of art from Manchester City Galleries collections.**
- 7F. To maintain war memorials and public statues.**

### **NON-EXECUTIVE FUNCTIONS**

- 7G. 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 (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 Head 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. Obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
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.
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.**

#### Waste and Cleansing

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

Without prejudice to the generality of the above:

56. To be responsible for community based clean up campaigns.
57. To be responsible for litter abatement and environmental education
58. To liaise with the Chief Executive, the Greater Manchester Combined Authority (“GMCA”) and other local authorities in the preparation and revision by the GMCA of waste disposal plans.
59. To manage the storage, collection and transportation for final disposal of domestic, commercial and industrial refuse, certain classes of hazardous wastes, liquid wastes, bulky items of waste, clinical waste, garden refuse and building materials.
60. To arrange for the provision, hire or sale of refuse receptacles, the provision, hire or sale of receptacles for clinical waste, and the provision of litter bins.
61. To participate in the recycling of waste materials.
62. To purchase refuse containers, compactors and skips in accordance with the needs of the service.
63. To remove refuse abandoned on land in the open air.
64. To operate disinfection and sharps collection services.

### Housing

65. 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

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

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

69. To discharge the functions of the Council relating to grounds maintenance, street cleansing, arboriculture services and the removal of graffiti etc.
70. 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.
71. To be responsible for grounds maintenance functions (excluding schools).

#### Sport and Leisure

72. To determine applications for the concessionary use of recreational facilities.
73. 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.
74. To determine the use of recreational facilities for events under Pleasure Fairs.
75. To determine applications for the hire of bands, concert parties and entertainments in recreational facilities.
76. To approve Programmes of Events.
77. To set tariffs and charges for use of Council controlled leisure facilities.
78. Closure of parks under Section 12 of the Local Act.
79. Provision of parking places in parks, etc. under Section 13 of the Local Act.
80. Provision of vehicles in parks, etc. under Section 14 of the Local Act.
81. Contribution towards provision of recreational facilities under Section 15 of the Local Act.

#### Libraries

82. To authorise the selection of books and other materials in accordance with the Council's policies.



83. To determine the retail price of handbooks and programmes produced by the Department.
84. To hire out rooms in the departmental premises to suitable external organisations and individuals and power to charge when deemed appropriate a fee for such service.
85. To sell redundant materials held by the service and to determine when necessary the re-sale price thereof.
86. To sell items that are produced for resale.
87. To apply for grants, gifts or sponsorship in promotion and furtherance of the work of the Department.
88. To bar persons from library premises and/or refuse persons borrowing rights in accordance with the byelaws and regulations approved by the Council.
89. To accept gifts from benefactors to the Department.
90. Authority to make loan arrangements for items in the library collections.
91. To grant permission to reproduce items in the library collections.
92. To offer accommodation in departmental premises where available for the meeting of suitable bodies e.g. societies of educational or cultural nature.

### **Catering Services**

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

### **Miscellaneous**

96. To operate a Dog Control Service (including the control of stray dogs).
97. To exercise the Council's powers in relation to the control of stray dogs under Section 42 of the Local Act.
98. To take action for the seizure and retention, or destruction, or disposal of animals in circumstances where emergency action is warranted.

99. 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).
100. To issue fixed penalty notices for offences under Section 224 of the Town and Country Planning Act 1990.
- 100A. To authorise officers to serve suspension notices under the provisions of the Consumer Protection Act 1987.
- 100B. 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.**

### Highways

101. 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.
- 101A. 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**

102. 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).
103. To arrange and undertake cremations and associated activities under the Regulations as to Cremation 1930 (as amended) and the Environmental Protection Act 1990.
104. To arrange for the provision of a municipal funeral service under the Local Government Act 1972.
105. 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**

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

Without prejudice to the generality of the above:

107. To discharge the Council's functions in relation to the control of rats and mice under Section 37 of the Local Act.

**Manchester Markets**

108. To discharge the functions of the Council relating to Manchester Markets.
109. To revoke and suspend market traders' licences.
110. Without prejudice to the generality of the above, to determine the following matters:-
111. Allocation, letting or revocation of stalls and premises to traders; applications for occupants of markets to install equipment in connection with their business;
112. Routine assignment of tenancies;
113. Minor variations in type of business and change of names;
114. Charity collections in markets;
115. Applications for licences for privately operated specialist markets and the level of licence fees;

- 116. Applications for licences for charity car boot sales; and
- 117. Legal action as necessary in order to protect the Council's market rights in consultation with the City Solicitor.

**Fleet Management**

- 118. 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.
- 119. To arrange for the management of the Council's vehicle fleet including the disposal of surplus vehicles.
- 120. 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 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 (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.

# **CHAPTER 3A**

## **DIRECTOR OF OPERATIONS (HIGHWAYS)**

The holder of the post of Director of Operations (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 1980 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 Deputy Chief Executive 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 Deputy Chief Executive;
  - 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 Deputy Chief Executive;
  - 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:
  - i) Traffic Management
  - ii) Transportation
  - iii) Network management and maintenance
  - iv) Street lighting
  - v) Design and consultancy
  - vi) Traffic commissioners and heavy goods vehicle operators' licences
  - vii) Consultations on the highway/traffic implications of planning proposals
  - viii) 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

- ix) 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
- x) The removal and immobilisation of vehicles in accordance with the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 and to authorise the City Solicitor to take proceedings in connection therewith and to store and dispose of such vehicles
- xi) To deal with abandoned vehicles and vehicles causing a nuisance and to take whatever action is required, including authorisation of entry onto land and premises
- xii) To provide and maintain parking spaces on the highway and regulate parking on grass verges, central reservations and footways
- xiii) To determine applications for operational car parking spaces in the Council's car parks and to reserve car parking spaces in off street car parks for exhibitions and other events, subject to capacity being available.

### **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.

46. 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 Deputy Chief Executive) 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 HROD**

The holder of the post of Director of HROD 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 for the development, implementation and delivery of an ICT Strategy and development of the Digital Strategy.



## **DIRECTOR OF EDUCATION AND SKILLS**

The holder of the post of Director of Education **and Skills** 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.***

# **CHAPTER 3B**

## **HEAD OF PLANNING, BUILDING CONTROL AND LICENSING**

The holder of the post of Head of Planning, Building Control and Licensing shall be responsible for the management of the Planning Division within the Strategic 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. To determine fees and charges (where there is an express power to charge) in consultation with the appropriate Chair or Executive Member.
2. To discharge the functions of the Council as Local Planning Authority (within the meaning of Section 1(2) of the Town and Country Planning Act 1990) and other functions of the Council under the Building Act 1984 and its regulations except where the matter is:
  - reserved to full Council or the Executive by statute or this Constitution; or
  - delegated exclusively to the Planning and Highways Committee; or
  - delegated to the Joint Committee for the Joint Waste Development Plan Document; or
  - 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 Strategic Development Directorate, but not those licensing enforcement functions specifically delegated to the Chief Operating Officer – Neighbourhoods.

Without prejudice to the generality of the above:

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

under the Building Act 1984 and its Regulations and any other functions delegated to the Head of Planning, Building Control and Licensing.

7. To authorise the City Solicitor to take legal proceedings in connection with non-compliance with any statutory notice, and to exercise any other available remedies in connection with the same.
8. To authorise the City Solicitor to take legal proceedings under the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. To authorise the City Solicitor to take injunctive proceedings under Section 222 of the Local Government Act 1972 and Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 214A of the Town and Country Planning Act 1990 in exercise of the Council's functions as Local Planning Authority.
10. To issue decision notices in respect of any application for planning consent and for listed building consent upon receipt of an indication by the Secretary of State that he/she does not require that application to be referred to him/her, such notices to reflect the decision which the Council has already indicated that it is minded to take on the application concerned.
11. To respond to consultations and all other requests relating to planning applications, listed building applications, nationally significant infrastructure projects and any other plans and proposals, and all other matters of a planning nature in accordance with approved planning policies of the Council.
12. To take decisions on applications to determine whether planning permission is required, in consultation with the City Solicitor where appropriate.
13. To exercise the powers of the Council in relation to access and egress to public and other buildings and means of escape in the case of fire.
14. To exercise the powers of the Council as Local Planning Authority (within the meaning of Section 1(2) of the Town and Country Planning Act 1990) to carry out works in default under the Planning (Listed Building and Conservation Areas) Act 1990 and the Town and Country Planning Act 1990 ("the 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 and to authorise the City Solicitor to take injunctive proceedings under Section 26AA 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 authorise the City Solicitor to prepare and serve notices under Section 330 of the 1990 Act and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in exercise of the Council's functions as Local Planning Authority.
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 67-73 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 15-18 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 Chief Operating Officer – Neighbourhoods) to require proper maintenance of land under Section 215(1) of the 1990 Act.
  41. To authorise the City Solicitor to prepare and serve Notices under Section 215 of the 1990 Act.
  42. Power to determine application for listed building consent, and related powers under Sections 16(1) and (2), 17, and 33(1) of the Planning (Listed Buildings in Conservation Areas) Act 1990 (to approve (including approvals subject to conditions) applications for planning consent either where there is no objection of a planning nature from third parties or where there are objections of a planning nature from third parties but the proposal is clearly in accordance with approved Council planning policies).
  43. 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 Deputy Chief Executive) 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. Not allocated.

#### 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 – 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 – 141 and 143 – 4 of the Local Act and the power to enter upon, inspect and examine premises used as Night Cafes under Section 142 of the Local Act.
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. Not allocated.
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).

### **Executive Functions**

90. After consultation with the City Solicitor, to issue certificates of alternative development under the Land Compensation Act 1961.
91. To authorise the City Solicitor to respond to applications to the High Court under Sections 287 and 288 of the Town and Country Planning Act 1990 or to make applications to the High Court under the same sections in respect of decisions by the Secretary of State.
92. On receipt of blight notices, to authorise the City Solicitor to serve a counter-notice under Sections 151 and 152 of the Town and Country Planning Act 1990.
93. On receipt of a purchase notice, to authorise the City Solicitor to serve a response notice under Section 139 of the Town and Country Planning Act 1990.
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. To provide advice and guidance to Council departments and other organisations about energy conservation, purchasing and efficiency and related promotional activities and, in conjunction with the **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 (when provision is in force).
105. Powers in respect of licences under the provisions of the Scrap Metal Dealers Act 2013.

**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.



**HEAD OF COMMISSIONING AND DELIVERY**

**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**

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- Section A.** Council Procedure Rules
- Section B.** Access to Information Procedure Rules
- Section C.** Budget and Policy Framework Procedure Rules
- Section D.** Executive Procedure Rules
- Section E.** Scrutiny Procedure Rules
- Section F.** 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**
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- Rule 13A. Petitions Requiring Debate**
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- 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 –
- (a) resigns the office of Leader, or

**COUNCIL PROCEDURE RULES**

- (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.
- 8.11 A joint meeting should appoint a member to chair the meeting.

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### 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 prejudiced if action were not taken in advance of the next ordinary Council meeting, or



## COUNCIL PROCEDURE RULES

- c) where the relevant Committee determines on the advice of the City Solicitor that a matter is quasi-judicial.

9.5 Decisions of relevant Committees will be published, including where possible by electronic means, and shall be available at the Town Hall normally within 2 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.

### 11 Cancelling Meetings

11.1 The Chief Executive may cancel or postpone any meeting, in consultation with the chair (or the Lord Mayor in the case of City Council meetings), prior to the issue of the agenda or subsequently if there is no business to be transacted.

**COUNCIL PROCEDURE RULES****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) ...
- 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.

**COUNCIL PROCEDURE RULES**

- 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.
- j) Minutes of other committees and any questions under Rules 23.2 and 23.3.
- k) Questions to nominated spokespersons of joint authorities (as in Rule 24.1).
- l) Any other business specified in the summons to the meeting.

**13A. Petitions Requiring Debate**

## **COUNCIL PROCEDURE RULES**

### **13A.1 Presentation of Petition Requiring Debate**

Where a Petition Requiring Debate has been properly submitted in accordance with the Council's Petition Scheme and is included on the Agenda for an ordinary or extraordinary Council meeting, the main petition contact (as defined in the Council's Petition Scheme) or a person nominated by the main petition contact to act on their behalf, will be allowed to speak for a maximum of 5 minutes in order to present their petition to Council.

### **13A.2 Petition Debate**

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

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

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

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

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

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

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

## **14. Notices of Motion to Council**

**COUNCIL PROCEDURE RULES**

- 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.
- 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: -

**COUNCIL PROCEDURE RULES**

- a) Increase the capital and / or, revenue expenditure of the Council and / or,
- b) Reduce the income of the Council / must first be referred to the Executive by the Chief Executive prior to consideration by Council.

14.12 Prior to consideration of a motion, the Lord Mayor may invite the meeting to decide whether it should be referred to the Executive or an appropriate committee(s) for a report.

**15. Quorum**

15.1 The minimum number of voting Members necessary for business to be dealt with at each meeting (the "Quorum") is as follows: -

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

[\*In determining that a quorum for a joint meeting is present, a member who sits on more than one of the committees / sub - committees involved shall be counted towards each individual quorum.]

- 15.2 Subject to Rule 15.4, there must be a quorum within fifteen minutes of the scheduled start time of a meeting, otherwise it cannot take place.
- 15.3 If, during the course of a meeting, the number of members present falls below the quorum the meeting cannot continue and any outstanding business will be carried forward to the next meeting.
- 15.4 The City Solicitor (or the City Solicitor's representative) may determine, with the agreement of the members present, that the deadline in Rule 15.2 should be extended by a further period (not exceeding 45 minutes) provided that
  - (a) there is a reasonable expectation that a quorum could be achieved by extending the deadline, and
  - (b) failure to determine the matter on the day of the meeting would cause serious prejudice or cause serious inconvenience to parties affected.

**COUNCIL PROCEDURE RULES****16. Minutes of Meetings**

- 16.1 The City Solicitor will prepare the minutes of every meeting.
- 16.2 \*\*\*The minutes will be submitted for approval and signature as a correct record at the following meeting, unless that meeting is an extraordinary meeting in which case they may be submitted to the next ordinary meeting.
- 16.3 \*\*\*The names of members present at a meeting will be recorded in the minutes.

**17. Committee Minutes/Reports Submitted to Council**

- 17.1 When moving approval of committee minutes, a chair may: -
- a) Correct any factual inaccuracy; and / or,
  - b) Following an explanation, seek the consent of Council to take back any item for reconsideration by the committee.

There will be no discussion.

- 17.2 \*\*\*If a chair declares a prejudicial interest in part of a committee's minutes, s/he should move them with the exception of that part.
- 17.3 A chair may move part of a committee's minutes, s/he may move them with the exception of any item.
- 17.4 Any excepted items must be moved, after the other proceedings have been dealt with, by another member of the committee who was present at that meeting.

**18. Amendments to be Moved at Council**

- 18.1 Subject to Rules 18.2, 18.3, 18.4, 18.5 and 18.6 amendments to be moved at Council must be in writing and be received by the Chief Executive at least 30 minutes before the meeting.
- 18.2 Amendments to items of urgent business circulated on the day of the meeting must be in writing and received by the Chief Executive within 30 minutes of the item being circulated to members.
- 18.3 When the Executive makes recommendations to the Council in relation to calculating the budget requirement and setting the Council tax, any amendments to those recommendations which affect those calculations or the level of Council tax must be submitted in writing and received by the Chief Executive by 4.00 p.m. on the seventh day after the meeting of the Executive. Any such amendment, together with the recommendations of the Executive, will be referred to the Resources

## COUNCIL PROCEDURE RULES

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.
- 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.



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- f) May delete words or, where more than one item is moved at the same time, may delete any item.
  - g) May not be made to decisions of a committee or sub-committee under delegated powers.
- 18.8 Copies of every amendment received will be available to members at the meeting and in the public gallery. Where they are so available they need not be read out.
- 18.9 The Lord Mayor may allow two or more amendments to be debated together if it will help the business to be dealt with more efficiently.
- 18.10 If there is more than one amendment on any item, they will be dealt with in the order in which they were received or in an order determined by the Lord Mayor as being conducive to the efficient conduct of business.
- 18.11 An amendment must be moved by the member who submitted it.
- 18.12 The mover of a motion may not submit an amendment to their own motion.

**19. Motions Without Notice at Council**

- 19.1 The following motions may be moved without notice. There will be no discussion: -
- a) To appoint a member to chair the meeting.
  - b) To approve or correct the minutes of the previous meeting.
  - c) To change the order of business on the agenda.
  - d) To combine debates on items on the agenda.
  - e) To withdraw an item from the agenda.
  - f) To move committee minutes.
  - g) To withdraw any motion or amendment (by the mover).
  - h) To not hear a member further.
  - i) To require a member to leave the meeting.
  - j) To extend the time limit on speeches.
  - k) To suspend particular Rules. (see Rule 2.1)

## COUNCIL PROCEDURE RULES

- l) To exclude the public during consideration of confidential business.
- m) To go to the next business. If seconded, the vote will then be taken. If carried, the item under discussion will be treated as withdrawn.
- n) To put the question immediately to a vote. If seconded, the vote will then be taken. If carried, the mover of the original motion shall have a right of reply.
- o) To adjourn the debate. If seconded, the vote will then be taken, and if carried, there are no rights of reply. On resuming the debate, the member who moved the original motion will have the right to speak first.
- p) To adjourn the meeting. If seconded and before taking the vote, the Lord Mayor will deal with any unopposed business (i.e. against which no amendment has been notified in accordance with Rules 18.1 to 18.3). If the motion to adjourn is carried, there will be no right of reply allowed.

(NOTE: During the course of a debate motions (k) to (p) may only be moved by members who have not already spoken in the debate).

19.2 A member may not move any of the motions in Rule 19.1 more than once at a meeting. If a motion under that Rule 19.1 is not carried, it cannot be moved again on the same item unless the Lord Mayor decides the circumstances have changed significantly.

### **20. Submission of Motions and Amendments**

- 20.1 Motions and amendments must relate to items included on the agenda or accepted by the meeting as urgent business.
- 20.2 An amendment cannot be considered if it is inconsistent with an amendment previously adopted or repeats an amendment previously rejected.
- 20.3 The mover of a motion may, with the consent of the mover of an amendment, incorporate an amendment into the motion. If this happens, the mover of the amendment will have the same speaking rights as if the amendment had been debated separately.
- 20.4 Motions and amendments cannot be debated until they have been moved and seconded.
- 20.5 Subject to Rule 18.9 and Rule 19.1(d) only one amendment may be moved at a time. No further amendments can be moved until the previous amendment has been dealt with.

## COUNCIL PROCEDURE RULES

- 20.6 Each amendment must be voted on separately.
- 20.7 If an amendment is carried, the amended motion becomes the substantive motion to which further amendments may be moved.
- 20.8 If an amendment is lost, other amendments may be moved to the original motion.
- 20.9 The mover may withdraw an amendment at any time in which case no debate will be allowed.
- 20.10 A member may only move one amendment on an item.

### 21. Speeches at Council

- 21.1 Speeches on motions and amendments will be in the following order: -
- a) Mover then seconder of a motion.
  - b) Mover then seconder of any amendment.
  - c) Any other member including those who have reserved the right to speak.
  - d) Right of reply of mover of the original motion.
- 21.2 The right of reply is to enable points made in the debate to be answered. New matters must not be introduced.
- 21.3 A member moving a motion may nominate another member (with the exception of the mover of a defeated amendment) to exercise the right of reply.
- 21.4 A member may only speak once on a motion or an amendment except:-
- a) When exercising a right of reply.
  - b) When raising a point of order. (This is a request for the Lord Mayor to rule on an alleged irregularity in either the constitution or conduct of the meeting). In these circumstances:-
    - i) A point of order must be raised as soon as it arises.
    - ii) The member must refer to both the Rule in question and how it has been broken.
    - iii) A ruling must be given by the Lord Mayor before the debate continues.
    - iv) There will be no discussion on the ruling.

**COUNCIL PROCEDURE RULES**

- 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.
- 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.

## COUNCIL PROCEDURE RULES

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 – General**

23.1 A member may submit a question to the Leader of the Council or a member of the Executive in respect of reports of the Executive submitted to Council.

23.2 Subject to Rule 23.4, a member of the Council may ask the Leader of the Council, a member of the Executive, or the chair of a committee, a

## COUNCIL PROCEDURE RULES

question on any matter in relation to which the Council has powers or duties, or which affects the interests of Manchester or its residents.

- 23.3 Subject to Rule 23.4, a member of the committee or sub committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties, or which affects Manchester, and which falls within the terms of reference of that committee or sub committee.
- 23.4 A member may only ask a question under Rules 23.2 or 23.3 if either: -
- a) they have given at least 48 hours notice in writing of the question to the Chief Executive; or
  - b) the question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Chief Executive at least two hours prior to the start of the meeting.
- 23.5 An answer may take the form of: -
- a) a direct oral answer;
  - b) where the desired information is contained in a publication of the Council or other published work, a reference to that publication; or
  - c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- 23.6 A member asking a question under Rule 23.2 or 23.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.
- 23.7 The submission of a question under Rule 23.2 or 23.3 shall not restrict the right of a member to propose a motion or amendment upon the minutes.

### **24. Questions at Council about Joint Authorities or Joint Committees**

- 24.1 A member may put a written question to the nominated spokesperson of the following joint authorities and joint committees about any matter which relates to the work of that authority: -
- a) The Greater Manchester Combined Authority.
  - b) [...]
  - c) [...]

**COUNCIL PROCEDURE RULES**

- d) The Transport for Greater Manchester Committee
  - e) The Greater Manchester Police and Crime Panel.
- 24.2 The nominated spokesperson must receive the question (and a copy must also be given to the Chief Executive) no later than 48 hours prior to the meeting.
- 24.3 The question will be put, the nominated spokesperson will present his/her reply, there may then be a debate, following which the nominated spokesperson will have a right of reply.
- 24.4 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

**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

## COUNCIL PROCEDURE RULES

cleared of those making the disturbance, and may adjourn the meeting for as long as necessary.

- 26.6 Members of the Council, officers and members of the public shall not permit mobile telephones, pagers, or other such devices with audible operating signals, to be brought into Council, Committee or sub committee meetings unless the audible call function is muted for the duration of the meeting.

### **27. Duration of Council Meetings**

- 27.1 Unopposed business may be taken if the meeting continues beyond 3.00pm, or such other time as the Lord Mayor may decide.
- 27.2 Unopposed business is business on which no amendment has been moved.

### **28. Recording, 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.



## COUNCIL PROCEDURE RULES

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.

### **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 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 PROCEDURE RULES**

Council, made an exceptional contribution to the city, its people or the city's reputation nationally or internationally.

# **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 (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             | - <b>Deputy Chief Executive and City Treasurer</b>       |
| • Monitoring Officer                | - City Solicitor   |
| • Director of Children's Services   | - Strategic Director (Children's and Education Services) |
| • Director of Adult Social Services | - <b>Executive Director of Adult Social Services**</b>   |
| • 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.

\*\* The Executive Director Adult Social Services sits on the Manchester Local Care Organisation and Single Commissioning Function Leadership Teams reporting to the Chief Executive of the Manchester Local Care Organisation and Chief Officer of the Single Commissioning Function. The post also has a reporting line to the Council's Chief Executive in relation to their statutory Local Authority duties.

\*\*\* The Director of Population Health and Wellbeing sits on the Single Commissioning Function Leadership Team reporting to the Chief Officer of the Single Commissioning

Function. The post also has a reporting lines to the Council's Chief Executive in relation to their statutory Local Authority duties.

### Deputy Chief Officers/Heads of Service

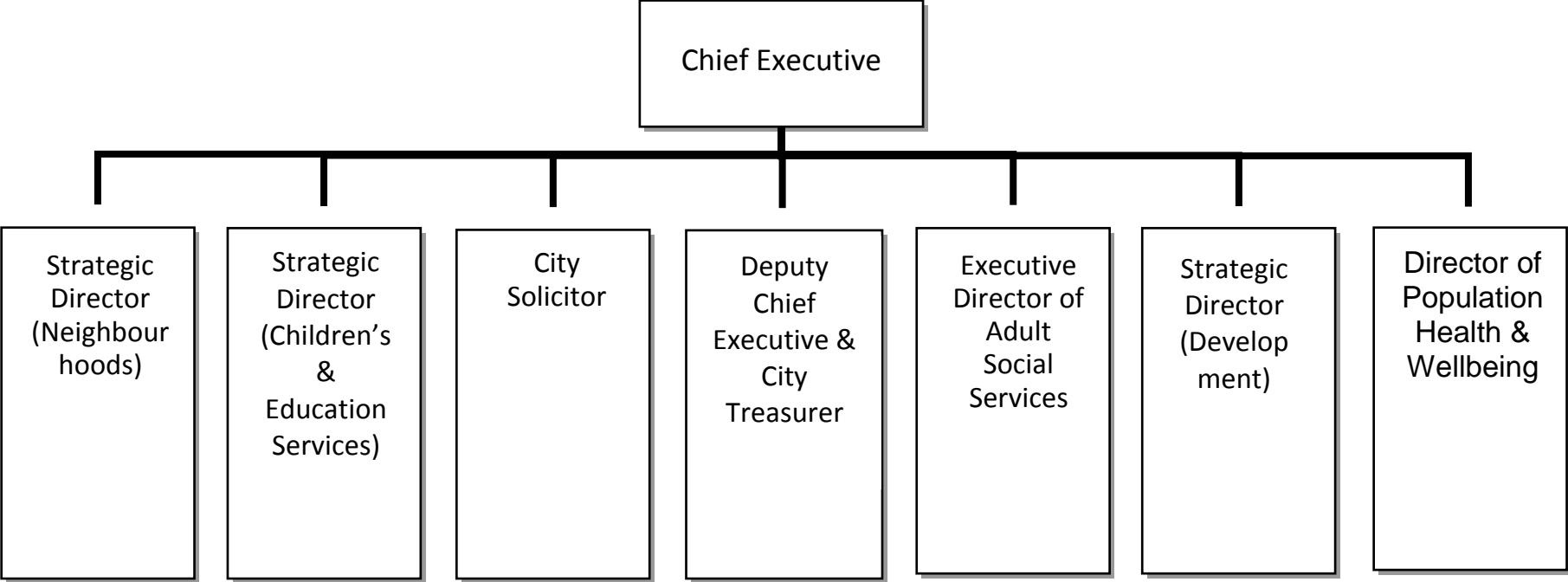
<b>Directorate/Division</b>	Deputy Chief Officer/Head of Service
<b>Corporate Core: excluding City Solicitor's</b>	Deputy City Treasurer <b>Director of HROD</b> Director of Capital Programmes Director of Customer Services & Transactions Director of ICT <b>Director of Policy, Performance and Reform</b> Head of Audit & Risk Management
<b>Corporate Core: City Solicitor's</b>	Deputy City Solicitor <b>Director of Strategic Communications</b> <b>Head of Electoral Services</b>
<b>Neighbourhoods</b>	Director of Operations (Highways) <b>Head of Commissioning and Delivery</b> <b>Strategic Lead (Compliance and Community Safety)</b> <b>Strategic Lead (Libraries, Galleries and Culture)</b> <b>Strategic Lead (Park, Leisure and Events)</b> <b>Strategic Lead (Waste, Recycling and Street Cleansing)</b> <b>Strategic Lead (Neighbourhoods and City Centre)</b> <b>Strategic Lead (Neighbourhoods)</b> <b>Strategic Lead (Neighbourhoods)</b> <b>Strategic Lead (Neighbourhoods)</b>
<b>Adult Social Services</b>	Director of Adult Services <b>Director Adult Social Care Transformation</b> <b>Director of Homelessness</b> <b>Strategic Lead Commissioning</b>
<b>Population Health &amp; Wellbeing</b>	<b>Public Health Consultant</b> <b>Public Health Consultant</b> <b>Strategic Lead (Children's Public Health)</b> <b>Strategic Lead (Adult's Public Health)</b> <b>Strategic Lead (Older People's Public Health)</b> <b>Strategic Head of Health Intelligence</b>

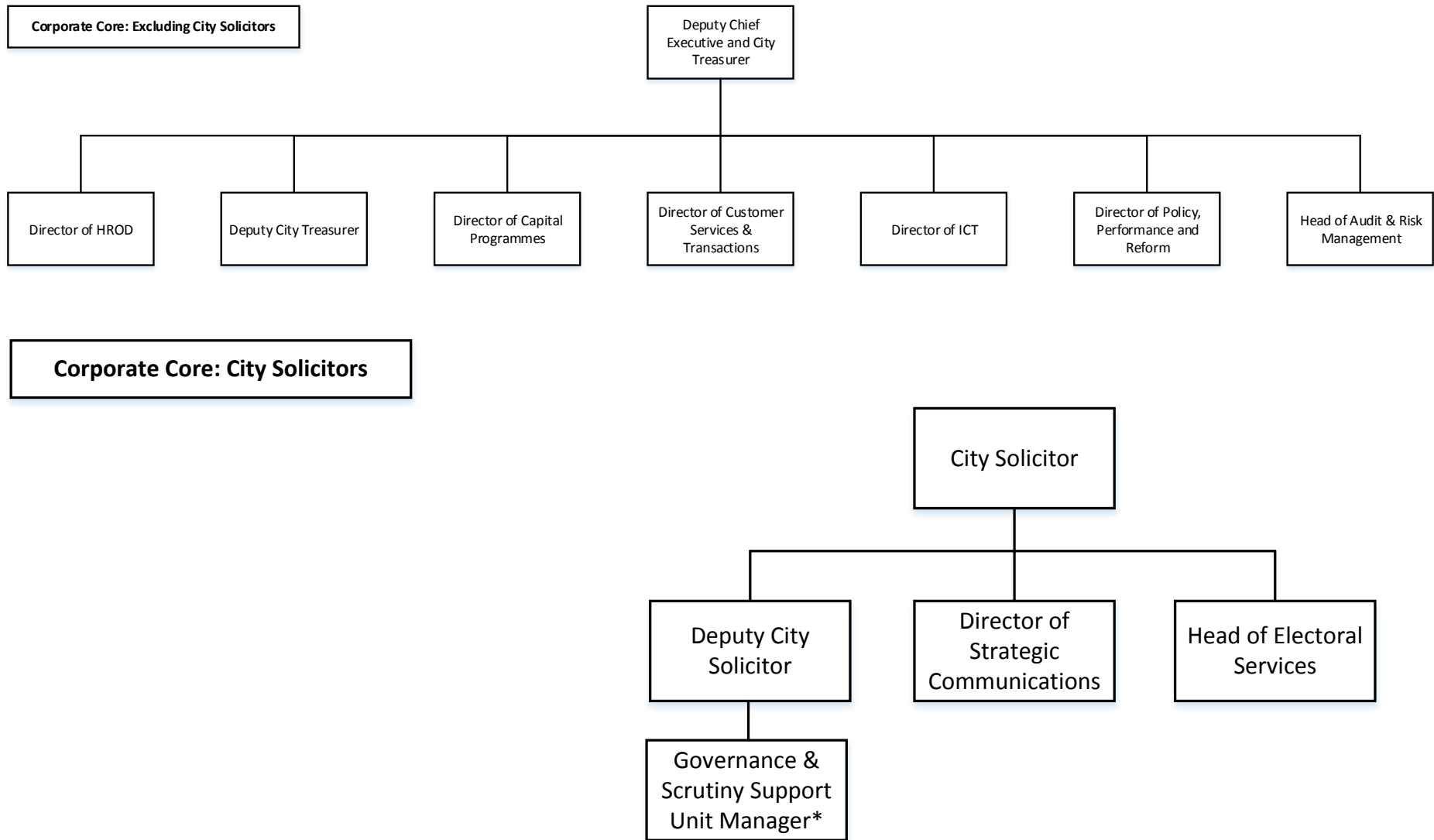
**Children's & Education Services** Deputy Director of Children's Services  
Director of Education **and Skills**  
**Strategic Lead Safeguarding & Practice**

**Strategic Development:** Director of Housing & Residential Growth  
Director of Development & Corporate Estate  
Head of City Centre Growth & Regeneration  
Head of Work & Skills  
Head of Planning, Licensing & 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.

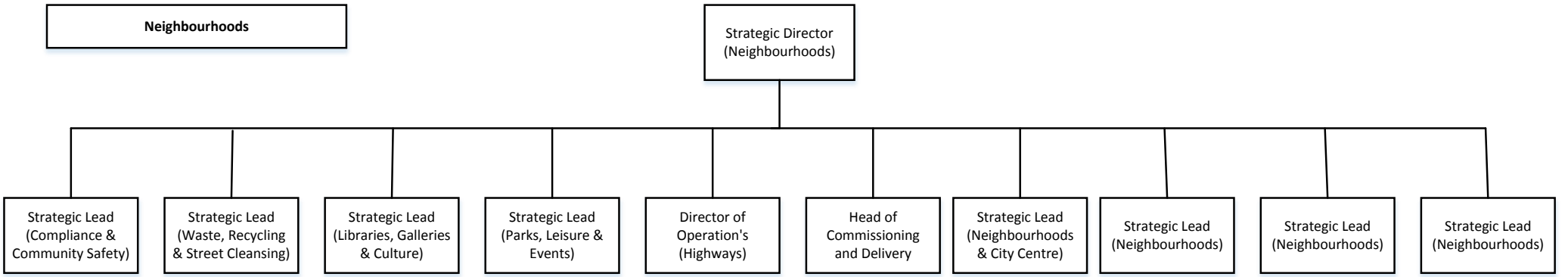
**Full Members of the Strategic Management Team (SMT)**





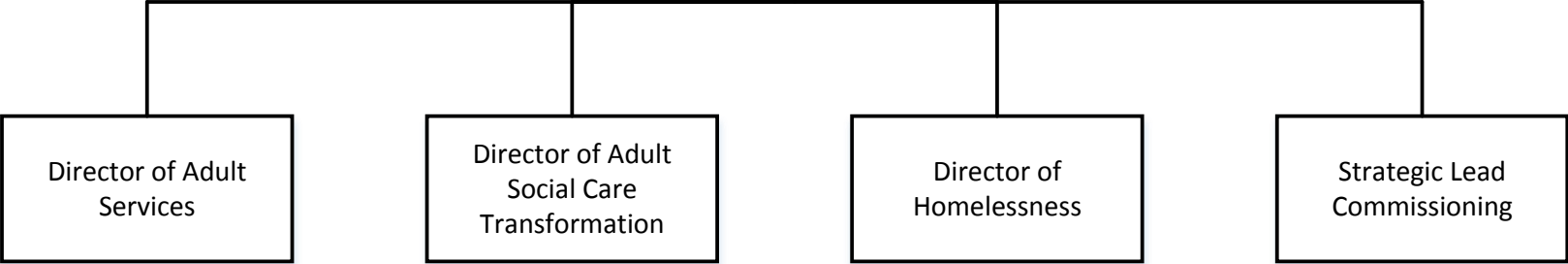
\*The Governance & Scrutiny Support Unit Manager Reports to the Deputy City Solicitor via the Head of Governance





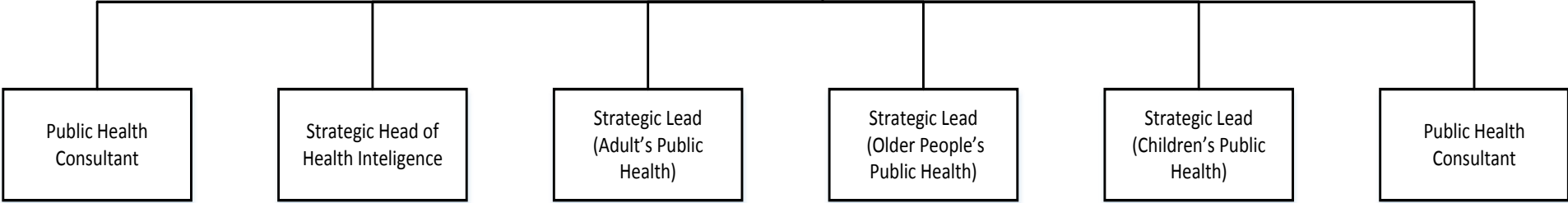
**Adult Social Services**

Executive Director of  
Adult Social Services

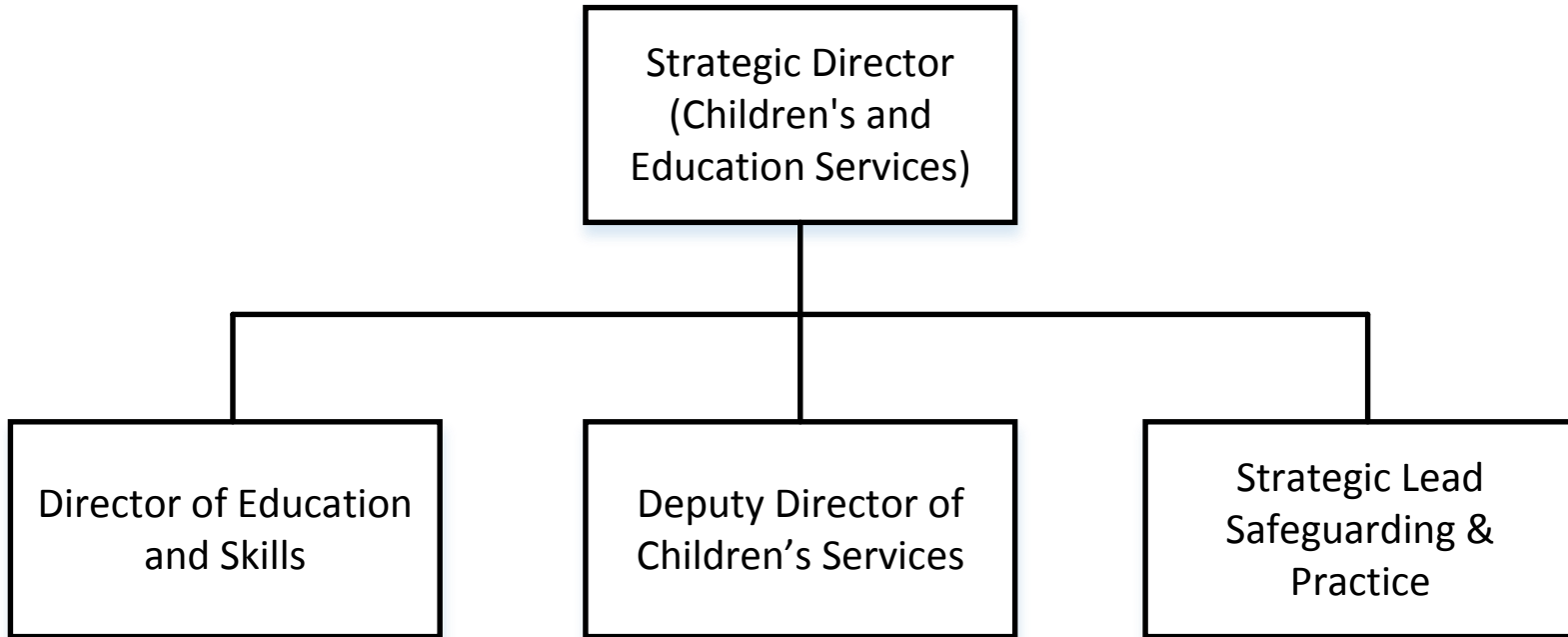


Population Health & Wellbeing

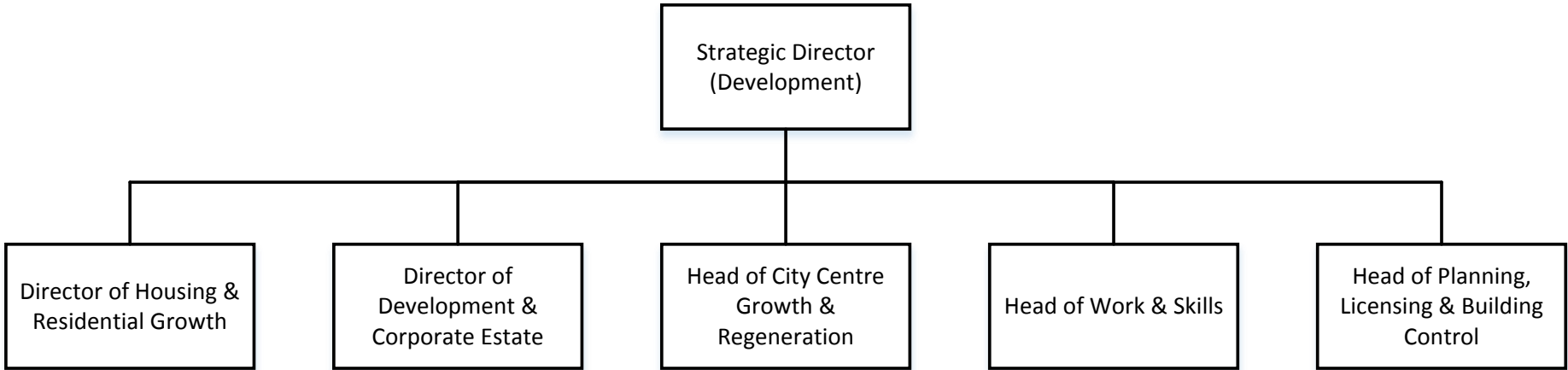
Director of  
Population Health &  
Wellbeing



**Children's & Education Services**



Strategic Development



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