

## **Planning and Highways Committee**

### **Minutes of the meeting held on 20 September 2018**

**Present:** Councillor Ellison (Chair).

**Councillors:** Shaukat Ali, Clay, Curley, Y Dar, Kamal, Kirkpatrick, Lovecy, Watson, White and Wilson.

**Apologies:** Councillors: Nasrin Ali and Madeleine Monaghan.

**Also present:** Councillors Akbar, Ahmed Ali, A Simcock, Wheeler and Wright.

#### **PH/18/74 Minutes**

To approve the minutes of the meeting held on 23 August 2018 as a correct record.

#### **Decision**

To approve the minutes of the meeting held on 23 August 2018 as a correct record.

#### **PH/18/75 118538/OO/2017 - North Manchester Business Park Land Off Brightside Road Manchester**

Planning application 118538/OO/2017 for development comprising: Erection of a commercial vehicle MOT and maintenance facility and provision of associated vehicle storage area with all matters to be considered, together with an outline application with all matters reserved except for means of access for up to 8,537m<sup>2</sup> of employment uses (B1/B2/B8) was received.

The development will comprise a predominantly single storey building with some office elements and storage at first floor level for the servicing, maintenance and VOSA testing of the Salford Van Hire fleet. In addition it is proposed that there will be a manned gatehouse to control access to the site, a canopied fuelling area and screened washing area, staff and visitor parking areas and a large area dedicated to vehicle storage.

Neither the applicant nor any objectors attended the meeting, and the Committee carefully considered all of the information contained in the report. The Committee concluded that that the proposed use will not result in significant impact upon either residential or visual amenity, or upon the operation of the local highway network.

Policy states that north Manchester is expected to provide approximately 14ha of employment land and identifies North Manchester Business Park as key development opportunity for employment purposes. The proposed development will help facilitate the long-term redevelopment of a former industrial, brownfield site and result in economic and environmental benefits to the area.

The site is situated in a highly sustainable location and will harness the economic objectives of both the City Council and the Government by bringing forward an

effective use of land that will ultimately create jobs and contribute to the local economy.

Any potential harm is significantly outweighed by the efficient use of land that will result in environmental improvements to the immediate area and also the creation of additional employment both during construction and during the operational life of the development. It is estimated that the development has the potential to support 300 full time jobs once complete.

## **Decision**

MINDED TO APPROVE subject to a legal agreement which requires that the vehicle maintenance and storage facility is completed in full within 2 years from the date of planning permission; to submit all reserved matter applications relating to the outline proposal within 2 years from the date of permission; and for the development to be completed in full within a further 2 years from the date of the last of the reserved matters.

### **PH/18/76 120707/FO/2018 - 20 Brideoak Street Manchester M8 0PN**

Planning application 120707/FO/2018 for the erection of single storey extension to the side and rear of the premises to form ancillary accommodation was received.

The application site relates to a single storey building used as a community centre (D1 use). The site is bounded by a wall of approximately 2 metres, along the periphery of the curtilage. The site also contains an area of hardstanding to the east of the building, which provides a number of off-street parking spaces.

The land is adjoined by residential properties on Brideoak Street to the south and west (C3 use), a place of worship (D1 use) to the east and garage (B2 use) on Cheetham Hill Road to the north. The building lies close to the junction between Brideoak street and Cheetham Hill Road, a major arterial route connecting the wider Cheetham area to the City centre. The location is nearby to the district centre of the Cheetham area with its wide range of commercial uses.

The submitted application seeks full planning permission for the erection of single storey extensions to the side and rear of the premises to form ancillary accommodation. The proposed extension would create 93 square metres of additional floor space within the community centre. The extension would lead to the creation of a mother and baby room, storage area, a larger kitchen area, larger male and female toilets and a quiet/study room.

Planning permission was granted on 16 July 1987 under planning reference 029257 for the conversion of a derelict church hall into a community centre.

The applicant spoke to the Committee in support of the application, and said that they acknowledged the concerns raised by the objectors, but that after discussions with officers, measures had been put in place to address all of the concerns raised.

Officers confirmed that there will be an amendment to Condition 10 regarding the Travel Plan, requiring the use of Traffic Marshalls and a further Condition requiring the windows at the rear of the premises to be obscurely glazed.

## **Decision**

To approve the application subject to the conditions and reasons in the report, the amended condition regarding the Travel Plan and an additional condition requiring the windows at the rear of the premises to be obscurely glazed.

### **PH/18/77 117249/FO/2017 - 231 Upper Brook Street Manchester M13 0HL**

This application was withdrawn prior to the meeting.

### **PH/18/78 120507/FO/2018 - 30 Albert Road, Manchester, M19 2FP**

Planning application 120507/FO/2018 for the change of use of former post office and sorting office to a mixed use licensed food hall, grocery shop and deli, microbrewery, community space and associated offices with installation of photo voltaic panels to flat roofs and elevational alterations to rear outbuildings was received.

This application relates to a former retail post office and associated postal sorting depot constructed in the 1920's. The applicant has indicated that the former retail post office was used as a restaurant for 8 years. This use was undertaken without planning permission and has recently ceased. The sorting depot was vacated by Royal Mail in April 2017 and was subsequently acquired by the applicant along with the former retail post office. The proposal therefore seeks the comprehensive development of the entire site.

A local resident spoke in relation to the proposals, but said that they did support the proposals in principle, but had concerns about the level of vehicle access at the site. He suggested that there should be changes to the entrance and exit arrangements to minimise the risk of traffic congestion or risk to the public from increased vehicle movements.

The applicant's agent also spoke to the Committee and said that the proposals would revitalise a currently unused building, and would add value to the local area. She said that Levenshulme had changed over the past few years, and that venues of this nature would add amenity to the Community, rather than detract from it. She also acknowledged the concerns of residents regarding traffic management, but said that these issues had been fully addressed and would be managed under the terms of the agreed conditions.

Officers reminded the Committee that the premises was a former Royal Mail Sorting Office, and that the level of vehicle movements proposed under the current scheme would be much less intensive than under the former use.

The Committee did welcome the proposals, as well as the employment opportunities and social value that would be created, but expressed concern that the site had been used as a restaurant without the appropriate planning permission for a period of 8

years without enforcement. However, the Committee concluded that the introduction of the proposed uses outside Levenshulme District Centre was justified given its close proximity to the established high street and potential for the development to positively contribute to the vitality of the retail offer and local regeneration. Any impact on residential amenity would be capable of being satisfactorily managed the proposed schedule of conditions.

## **Decision**

To approve the application subject to the conditions and reasons in the report and the late representations.

### **PH/18/79      120378/FO/2018 - Gorton Mount Primary Academy, Mount Road, Manchester, M18 7GR**

Planning application 120378/FO/2018 for the erection of a two-storey primary school with associated playgrounds, all-weather pitch, landscaping, car parking and new vehicular access onto Mount Road following the demolition of the existing building, with retention of existing temporary classroom during construction works was received.

The site is currently occupied by the former Gorton Mount Primary School. This school relocated to a new school building on Shillingford Road to the east of Mount Road (ref: 106655/FO/2014/N2) which was approved in November 2014. Since that time the building has been occupied by a pupil referral unit, which is due to relocate to premises adjacent to Plymouth Grove primary school, at the junction of Plymouth Grove and Plymouth Grove West shortly.

The proposed development comprises a primary school which has been designed to accommodate 420 pupils, and 52 nursery places, being taught by 21 teachers, 20 teaching assistants, 5 Special Educational Needs staff, and the head and deputy head teachers, with 3 office staff.

There were no objectors present, but the Committee carefully considered all of the representations contained in the report.

The applicant was present but did not wish to address the Committee and relied on the information contained in the report.

The Committee noted that this would be much needed provision, and welcomed the fact that it would utilise a previous school site. They acknowledged the concerns raised about poor parking and congestion and requested clarification as to how this could be effectively managed. The Committee also asked for clarification as to whether the provision for staff parking was adequate.

Officers confirmed that the existing school could operate without any further control measures in place, and said that the current proposals would include 23 additional car parking spaces. Officers also told the Committee that there was a comprehensive travel plan and package of measures to ensure that any loss of amenity due to traffic would be mitigated as far as possible.

Officer also confirmed that the BREEAM rating would be acceptable, and that there would be a comprehensive contaminated land condition attached to any approval.

The Committee also requested that officers explore the possibility of the applicant undertaking educational work with future pupils given the historic nature of the site and the surrounding area. Officers confirmed that they would be happy to propose such educational work to the applicant.

The Committee concluded that this proposal offers the opportunity to provide new primary school in response to an identified need, which is an essential facility to serve the local community. All other issues have been addressed in the report and subject to conditions the recommendation is to approve in line with the relevant policies.

## **Decision**

To approve the application subject to the conditions and reasons in the report and the late representations.

### **PH/18/80 120113/FO/2018 - 1 Alpha Place Manchester M15 4PP**

Planning application 120113/FO/2018 for the erection of a seven storey apart-hotel (use class C1), comprising 59 rooms on the upper floors, with reception area and ancillary residents' lounge and breakfast area on the ground floor was received.

The site measures 0.05 hectares and is within Knott Mill. It is bounded by Alpha Place, Jordan Street, Commercial Street and buildings that front onto Commercial Street and Constance Street. Opposite the site, fronting Jordan Street and Commercial Street, is the 10 storey Hill Quays residential development. To the north is a four storey brick building with a pitched slate roof, which is occupied by offices, with residential use on the top floor and within the roofspace. The buildings to the west are offices. The area contains a mixture of uses, including residential, offices and design studios and has a diversity of architectural styles.

The proposal is for a seven storey apart-hotel with a ground floor reception area, including a residents' lounge and breakfast area. A cycle store, with nine cycle spaces, and bin storage would be accommodated within the ground floor. The bin store would have four 1100l bins and two 240l bins, segregated to provide for general refuse, pulpable recycling, mixed recycling, garden waste and food waste. The bin store would have access doors onto Jordan Street and staff would be responsible for taking the bins to and from the collection point on Jordan Street. The building would have a basement to accommodate back-of-house facilities.

The applicant spoke to the Committee and said that the proposals would regenerate a currently derelict site, and would provide high quality accommodation with outstanding design quality. The aparthotel would be run and managed by an experienced operator, who would ensure minimal disruption and disamenity to existing residents. He pointed out that previous similar approval had established the principle that the site was suitable for an aparthotel.

The Committee asked why there was no car parking available, and queried why there was no mention of any off site provision, bearing in mind the prevalence of car use. Officers confirmed that there were several thousand car parking spaces available in the immediate vicinity, and that the site enjoyed excellent public transport links for train, tram and bus travel. Officers also reminded the Committee that the assessment of the proposals by Highways Officers included the opinion that the site was in “an optimum location for sustainable transport”, which accorded with both National and Local Policy. Officers added that the size of the site was so limited that it would not be realistic to expect on-site car parking to be provided.

The Committee also asked about the management of guests at the aparthotel, and how the operators would ensure that no disturbance would be caused to surrounding residents. Officers confirmed that the premises would be acoustically insulated to a high standard to prevent noise breakout and disturbance, but conceded that the behaviour of patrons while on the street could be hard to control. However, the responsibility for controlling people on the street was considered to be outside the responsibilities of the proposed operators. The application terms and conditions will ensure that what the operator can control will be properly controlled.

Officers also confirmed that there is adequate facilities for disabled people in and around the proposed premises. The Committee concluded that the proposal was in accordance with the City of Manchester’s planning policies and regeneration priorities including the Adopted Core Strategy, the relevant Strategic Regeneration Frameworks and the Community Strategy, as well as the national planning policies contained within the National Planning Policy Framework, and should be approved.

## **Decision**

To approve the application subject to the conditions and reasons in the report and the late representation.

### **PH/18/81      120149/FO/2018 - Car Park Between 57 And 59 Ducie Street Manchester M1 2JQ**

Planning application 120149/FO/2018 for the Erection of 7 to 8 storey residential building (Class C3) to provide 41 apartments ( 7 x 1-bedroom 1-person apartments, 6 x 1-bedroom 2-person apartments, 6 x 2-bedroom 3-person apartments, 22 x 2-bedroom 4-person apartments) with associated landscaping and other works was received.

The applicant’s agent spoke in support of the proposals and said that this would be a very high quality development in a sustainable location in the City Centre. The property would be managed by a reputable and experienced management company on a day to day basis, in the first phase of a new City district in this part of the City Centre. She said that the site currently has a negative impact on the street scene, which could be rectified by this development. There would also be a financial contribution towards the provision of affordable housing in alternative locations.

Councillor Wheeler spoke in objection to the proposals, and said that it was unacceptable that the contribution to affordable housing would be less than the 20%

target that was as per the Council's Policy. He also said that there was no indication where the affordable housing would be located, and that he was disappointed that the viability assessment had not been shared more widely. In addition, Councillor Wheeler objected to the fact that the proposed accommodation would not be suitable for longer term family residence.

Officers confirmed that the legal position regarding the sharing of viability assessments was in a transition period. The consultation period regarding the proposed assessment checklist had been virtually concluded, and that the checklist would be introduced imminently. The Head of Planning, Building Control and Licencing confirmed that they are committed to providing greater transparency, but that this had to be done within a legal framework.

Officers also confirmed that the target of 20% affordable housing was constantly monitored, and was an overall target encompassing all developments but not individual developments. In addition, officers confirmed that no new social housing has been built in the City Centre for over 2 years.

The Committee asked whether the waste disposal arrangements were adequate, and officers confirmed that total number of bins in the development has been calculated from City Council document 'GD04 Waste Storage and Collection Guidance for New Developments V2.00 -0 Citywide Support - Environmental Protection (September 2014). Officers confirmed that they would add to the Waste Management condition terms that each apartment would be supplied with separate containers to enable and encourage a greater degree of recycling.

## **Decision**

To be Minded to Approve the application subject to the conditions and reasons in the report and the later representation and subject to the signing of a S106 agreement for a financial contribution towards the provision of off-site affordable housing.

### **PH/18/82      118045/FO/2017 - Land Bounded By Worsley Street, Arundel Street, Ellesmere Street And Egerton Street Manchester, M15 4JZ**

Planning application 118045/FO/2017 for the erection of a 10 storey residential building (Use Class C3a) together ground floor commercial units (Use Classes A1, A2, B1, D1 and D2) (379 sqm) and the erection of 35 storey residential building (Use Class C3a), following demolition of existing buildings, together with the change of use of the former Department of Transport Building to form a mixed use residential and commercial building (Use Classes C3a, A1, A2, B1, D1 and D2), forming 386 residential apartments in total with associated amenity space, car and cycle parking, access, landscaping and other associated works was received.

The site measures 0.5 hectares and is bounded by Arundel Street, Ellesmere Street, Worsley Street and the inner ring Road. It includes the 4 storey DOT building fronting Ellesmere Street and a single storey gym and fire place on Arundel Street. It is divided into two distinct plots by Balmforth Street, an un-adopted highway. An area of green space at the top of Balmforth Street contains trees and the land rises,

providing a buffer to the IRR. The site is within the St Georges area but it has also has a prominent position on the IRR. .

The surrounding area is largely residential with some ancillary commercial and leisure uses. The 6 storey Box Works apartment building is to the north with the 7 storey Moho and 8 storey Base building to the west fronting Ellesmere Street and Arundel Street. Buildings within St George's island on the opposite side of the Bridgewater Canal are between 9 and 15 storeys in height. St George's Church, a grade II\* listed building to the south has been converted into apartments. The church is surrounded by a substantial former graveyard area and its gates and gate post are grade II listed.

The site is within the Castlefield Conservation Area and the following listed buildings are nearby: Church of St George (Grade II\*); Churchyard walls, gate, piers and gates at Church of St George (Grade II); Former Canal Flour Mills (Grade II); Hulme Lock Branch Canal (Grade II); Castlefield railway Viaduct Manchester Central to Dawson Street (Grade II); Rochdale Canal lock number 92 and Castle Street Bridge (Grade II); Merchants warehouse (Grade II); Middle Warehouse at former Castlefield goods yard (Grade II); Bridgewater canal offices (Grade II); 215-219 Chester Road (Grade II); Former Campfield Market Hall (Grade II); Former LNWR goods transfer shed (Grade II); and Former Liverpool Road station goods warehouse (Grade II).

The development proposes the construction of two residential buildings of 35 and 10 storeys and the conversion of the former DOT building to provide 386 apartments and 379 sqm of commercial floor space.

A representative of the Britannia Basin Community Forum spoke in objection to the proposals, and said that the proposals would be an overdevelopment of the site. In addition, although this was classified as a City Centre development, she pointed out that the site was in a residential area of Hulme. She said that the applicant had not addressed all of the concerns, and was especially concerned that only 3 of the proposed apartments would have 3 bedrooms which was not in keeping with Council policy to encourage families to live in or close to the City Centre.

The Committee were also told that the proposed commercial units could easily be converted to office use rather than retail or other commercial use, which would provide no value at all to local residents. The street scene would be taken up by more than 2/3's by bin stores, with less than 1/3 being retail or commercial units.

She added that the proposals would be overbearing and bulky, given that the majority of the surrounding buildings were no more than 8 storeys high. She told the Committee that there was no evidence as to why underground parking could not be provided, given that many of the surrounding buildings did have underground parking provision. In addition, she raised concerns that the access to the site would be from the Mancunian Way, which was already heavily congested at all times.

The applicant's agent spoke in support of the proposals, and said that the proposal would have a positive impact on the regeneration of this part of the City Centre



including contributing to the supply of high quality housing. Active frontages together with high quality façade will make a positive contribution to the city scape.

The current condition of the application site has at best a neutral impact on the area in terms of wider townscape quality. There is the clearly capacity for change which could enhance the setting of adjacent heritage assets and wider townscape. The retention of the DOT building is also considered to be a welcomed addition as part of the proposals and the conservation area.

Councillor Wright spoke in objection to the proposed development, and said that she fully supported the objections of the residents. In addition, she said that the development would have a significantly negative impact on the Castlefield Conservation Area, as well as the setting of St Georges Church. She said that there has been a tendency to build bigger and bigger buildings over a period of time, that do not provide the family housing of community infrastructure that is needed in the Ward. She added that there are some positive aspects to the scheme, but that the positive aspects do not outweigh the negative impact that this development would have on the existing residents.

The nature of the accommodation provided would not encourage people to live and stay in the area, and in anticipation of a high level of transience she had concerns that this would not be a cohesive development for the wider community. In addition, she said that it was not acceptable that there would be no affordable or social housing provision.

Officers said that most of the issues raised were addressed in the report, the report had outlined that the proposal would not have any unduly harmful impacts on the setting of any heritage assets and in most instances will have a positive impact on the Manchester skyline. They added that the parts of the development that were closest to people's homes were fully in keeping with the scale of development in the immediate vicinity. The scale of the building to the Mancunian Way elevation would enhance a key entrance to the City and would be of benefit to the wider Cityscape as a whole.

The Committee expressed concern that a development of this scale and size would have a negative impact on the setting of the Castlefield Conservation area and the setting of the nearby listed buildings. They also expressed concerns regarding the impact on the existing residents of Britannia Basin, and concluded that the value of this scheme would not outweigh the negative impacts.

## **Decision**

Minded to refuse the application and request officers bring a report back which addresses the concerns raised by the Committee and to provide potential reasons for refusal for further consideration.

**PH/18/83      120908/FO/2018 - Langdale Hall Upper Park Road Manchester M14  
5RJ**

Planning application 120908/FO/2018 for the erection of 6no. three storey six

bedroom townhouses to provide managed student accommodation (sui generis) with landscaping, cycle parking and other associated uses was received.

In November 2005 planning permission was granted (ref. 073960/FO/2004/N2) for the conversion of Langdale Hall into 15 flats and for the erection of a three storey building to form 31 flats to the north of the villa.

In November 2006 planning permission was refused (ref. 080389/FO/2006/N2) for the erection of a three storey building to form 18 flats on this site. The subsequent appeal (ref. APP/B4215/A/07/2034511) was dismissed in May 2007.

The applicants submitted an identical application (117078/FO/2017) in July 2017 to the one now proposed. It was placed before the Planning and Highways Committee on 19 October 2017 with a recommendation of approve. At that meeting the Committee resolved to defer further deliberation until they had undertaken a site visit. The application was then further considered by the Planning and Highways Committee on 16<sup>th</sup> November 2017 following a site visit that morning. As Members resolved that they were minded to refuse the proposal, the application was deferred again and it was requested that a report be brought back which addressed the Committee's concerns and provided for further consideration potential reasons for refusal. The application was then placed before the Planning and Highways Committee on 14<sup>th</sup> December 2017 and was duly refused for the following reason:

*1) The proposed development, due to its siting would be harmful to the spacious character and landscaped setting of the site and as a result would have a detrimental impact upon the character of the Victoria Park Conservation Area and the setting of Langdale Hall, contrary to Policies DM1 and EN3 in the Core Strategy and saved UDP Policies DC18 and DC19.*

In March 2018 the applicants obtained planning permission (119003/FO/2018) to convert a number of basement rooms into 1 no. studio flat and 1 no. one-bedroom flat for student accommodation.

A local resident spoke in objection to the proposals and said that this identical application to one previously refused attracted the same reasons for objection.

The applicant's agent spoke to the Committee and said that the use of the site as student accommodation had been firmly established, and that the accommodation would be marketed at older students who wanted a quiet setting. They had fully considered the heritage of the site, and the proposals were sensitive to the setting of the Conservation area.

Councillor Ahmed Ali spoke in support of the residents objections, and said that the proposals were completely unsuitable for the conservation area, and supported the resident's assertion that the reasons for refusal remained unchanged.

Officers confirmed that in this case, after assessment the benefits of redeveloping the site would outweigh any harm to the Conservation area, with the careful design and siting of the student accommodation the impact upon the character of the Victoria Park Conservation Area and the setting of Langdale Hall can be preserved and that

as a result the harm to both can be categorised as “less than substantial”.

The Committee carefully considered all of the representations that had been made, but concluded that the negative impact of this development on the character of the Conservation area and the setting of Langdale Hall would be so great that any benefits of the scheme would be outweighed by the detriment to the Conservation area.

The recommendation was to approve the planning application but due to the fact that Committee has previously refused an identical application for the reason included within the report then the decision to refuse the application was able to be made without the requirement to bring the application back to a future meeting.

## **Decision**

To refuse to grant the application on the basis that the proposed development, due to its siting would be harmful to the spacious character and landscaped setting of the site and as a result would have a detrimental impact upon the character of the Victoria Park Conservation Area and the setting of Langdale Hall, contrary to Policies DM1 and EN3 in the Core Strategy and saved UDP Policies DC18 and DC19

### **PH/18/84      119450/FO/2018 - The Old House At Home 73 Burton Road Manchester M20 1HB**

Planning application 119450/FO/2018 for the erection of 12 no. four-bed, three-storey dwelling houses (Class C3) with associated parking, landscaping and boundary treatment following demolition of existing, vacant, public house was received.

This application was reported to the Committee on 23<sup>rd</sup> August 2018, as Committee resolved that it was minded to refuse the proposal, the application was deferred for the following reasons and asked that a report be brought back which addresses these concerns and provide for further consideration of potential reasons for refusal:

- Overdevelopment of the site
- Loss of privacy and impacts on residential amenity as a result

Officer confirmed that concerns have been raised with the applicant and amendments have been made to the proposal since first submitted. These amendments seek to address these concerns and have resulted in: the reduction of the number of dwellinghouses proposed from 13 to 12; reduction in height of the rear of the dwellinghouses by 1.4m; omission of rear balconies and second floor windows to overcome issues of overlooking and loss of privacy; site layout changes to retain TPO trees and provide two terraces of 5 dwellings and a central pair of semi-detached properties with private driveways; the end property adjacent to No. 59 Burton Road has been reconfigured to improve the transition between the building line of the two properties; the overall height of the proposed houses has been reduced by 1.32m; and additional non-opening windows overlooking the recessed parking spaces.

Councillor White, in his capacity as Ward Councillor, spoke in objection to the proposals it is the view of the Councillors that the applicant is still proposing to build too much, too high and too close to existing houses and, therefore, the application should be refused on the grounds of overdevelopment and proximity to existing properties.

The applicant's agent spoke in support of the proposals, and said that the development had been changed significantly in reaction to the concerns raised by residents, and that he felt that all concerns would be comprehensively addressed by agreement with officers and robust conditions attached to any permission.

The Committee carefully considered all of the representations, and concluded that the additional conditions combined with the information provided by the applicant was sufficient to mitigate their previous concerns.

### **Decision**

To grant the application subject to the conditions and reasons in the report and the late representation, with an additional condition regarding obscure glass to the windows at the rear of the properties.

*(Councillor White declared a prejudicial interest in this matter, and although he spoke in his capacity as Ward Councillor withdrew from the meeting while the matter was discussed and while the decision was made.)*

### **PH/18/85 116871/FO/2017 - 118 Egerton Road North Manchester M16 0DA**

Planning application 116871/FO/2017 for the retention of dormer to rear to provide additional living accommodation was received.

The host property is split into 5 residential flats, all flats are accessed from Egerton Road North. The building constitutes a large two storey white rendered semi-detached property. The dormer that has been constructed is clad in white UPVC.

Councillor Watson spoke in her capacity as Ward Councillor to object to the proposals. She said that the dormer was of shoddy design and inappropriately overlooked neighbouring properties. The dormer had been erected without planning permission, and this application was as a result of residents raising concerns with officers. She acknowledged that dormers were a common feature, but this addition was badly built and disturbs the privacy of neighbours.

Officers confirmed that the application was as a result of a report of unauthorised development, and had invited the applicant to submit the application. Officers had visited the premises and assessed the structure, and concluded that the materials selected could have been of a better quality, however the material selection has not resulted in undue material harm to the host dwelling or to the character of the area or the visual amenities of surrounding property. The introduction of the dormer has not provided any further overlooking than from pre-existing windows to the rear elevation of the application property. The structure sits within the roofscape to the west of

neighbouring property and would not be unduly overbearing or result in a loss of light to neighbouring property.

The Committee confirmed that this building contained 5 self contained dwellings, and was not an HMO.

## **Decision**

To approve the application subject to the conditions and reasons in the report.

*(Councillor Watson declared a prejudicial interest in this matter, and although she spoke in her capacity as Ward Councillor withdrew from the meeting while the matter was discussed and while the decision was made. Councillor Watson took no further part in the rest of the meeting.)*

### **PH/18/86     119242/FO/2018 & 119243/LO/2018 - 825 Wilmslow Road, Manchester M20 2SN**

Planning applications 119242/FO/2018 and 119243/LO/2018 for the Erection of 22 No. (2 x 3 bed, 18 x 4 bed, 2 x 5 bed) houses (C3), conversion of Parklands (use class B1a) to 39 No. (16 x 1 bed, 20 x 2 bed, 3 x 3 bed) apartments (C3), conversion of and extensions to The Cedars (use class B1a) to 21No (8 x 1 bed, 10 x 2 bed, 3 x 3 bed) apartments (C3), conversion of The Coach House into 2 No. (1 x 1 bed, 1 x 2 bed) houses (C3) and conversion of The Lodge into 1 No. (1 x 2 bed) house (C3), totalling 85 units, including demolition works, works to highways, provision of parking, landscaping and other associated works, and Listed Building Consent for the erection of 22 No. (2 x 3 bed, 18 x 4 bed, 2 x 5 bed) houses (C3), conversion of Parklands (use class B1a) to 39 No. (16 x 1 bed, 20 x 2 bed, 3 x 3 bed) apartments (C3), conversion of and extensions to The Cedars (use class B1a) to 21No (8 x 1 bed, 10 x 2 bed, 3 x 3 bed) apartments (C3), conversion of The Coach House into 2 No. (1 x 1 bed, 1 x 2 bed) houses (C3) and conversion of The Lodge into 1 No. (1 x 2 bed) house (C3), totalling 85 units, including demolition works, works to highways, provision of parking, landscaping and other associated works were received.

The immediate site is located in a predominately residential context with other uses nearby, such as the Towers Business Park and Francis House Children's Hospice. The site is not far removed from Didsbury Centre and the commercial properties associated with the A34, it lies in a highly sustainable location with access to the bus, Metrolink and Rail network.

The proposal would provide:

- 21No (8 x 1 bed, 10 x 2 bed, 3 x 3 bed) apartments (C3) within The Cedars
- 39 No. (16 x 1 bed, 20 x 2 bed, 3 x 3 bed) apartments (C3) within Parklands
- 22 No. (2 x 3 bed, 18 x 4 bed, 2 x 5 bed) new build houses (C3)
- 2 No. (1 x 1 bed, 1 x 2 bed) houses (C3) within the conversion of the Coach House and 1 No. (1 x 2 bed) house (C3), within the conversion of the Lodge, totalling the provision of 85 residential units.

A local resident spoke in objection to the proposals and said the proposed development will result in very significant extra traffic congestion and pollution to an already congested and polluted area. Specific reference is made to increase in congestion and pollution at peak hours. Detailed concerns are expressed that the development and other developments will adversely impact upon the operation of the highway leading to gridlock. She said that there should be modifications to the travel plan to take account of the increased movement of vehicles, and that there should be an extension of double yellow lines to prevent inappropriate parking and obstruction of egress from the site.

The applicant's agent spoke in support of the proposals, and said that they had worked closely with officers to ensure that all the concerns had been fully addressed. The development would see the removal of large scale inappropriate extensions to Grade II listed building and large areas of hard standing that impact harmfully upon the setting of the Listed Buildings and the character of the Didsbury St James Conservation Area in favour of the introduction of landscaping and homes within the grounds. The proposals would not cause harm to the designated heritage assets in the form of the listed buildings or the Didsbury St James Conservation Area.

The applicant has undertaken a trip generation exercise using the TRICS database to establish the current and expected level of trips. The information provided suggests that there would be a significant reduction in the number of trips generated by the housing development when compared with the existing office use. In the AM peak there is expected to be a decrease of 103 no. 2 way trips and in the PM peak there would be a decrease of 78 no. 2 way trips.

TfGM have reviewed the trip generation exercise and agree the predicted trips are appropriate. Based on this it is accepted that there is likely to be a reduced impact on local highway operation and no further assessment is required.

Councillor Wilson, in his capacity as Ward Councillor, spoke in support of the concerns raised by residents and said that while he does not object to the principle of the development, travel patterns would need to be closely monitored to ensure that measures were appropriate and supported the safety of residents. He also said that the tree to be retained at the Wingate Drive elevation should be reassessed.

Councillor Wilson spoke in his capacity as Ward Councillor also said that the 3% contribution towards off site affordable housing was disappointing, and requested that after the units have been sold a reconciliation exercise should be undertaken to determine whether the S106 contribution could be increased.

Councillor Andrew Simcock also spoke in support of the resident's concerns and agreed with Councillor Wilson. He said that he was not opposed to the principle of development, and recognised that this was an established and experienced operator. He also agreed that the viability assessment should be re-visited once all of the units were sold. He requested that consideration be given to using the S106 contribution not just for off site affordable housing but for community leisure facilities.

Officers confirmed that they would be happy to discuss the possibility of community facilities being provided from the S106 contribution.

The Committee expressed disappointment at the lack of affordable or Social housing provision under the terms of the proposals, and said that officers must be as robust as possible when negotiating S106 contributions.

### **Decision**

Minded to approve subject to the completion of a Section 106 agreement relating to affordable housing provision, and the conditions and reasons in the report and the late representation.

*(Councillor Wilson declared a prejudicial interest in this matter, and although he spoke in his capacity as Ward Councillor withdrew from the meeting while the matter was discussed and while the decision was made.)*





## **Constitutional and Nomination Committee Minutes of the meeting held on 1 October 2018**

**Present:** Councillor Karney - In the Chair

Councillors: Curley, Flanagan, Lanchbury, Leech, S Murphy, and N Murphy

**Apologies:** Councillors Leese, Razaq and Reeves

### **CN/18/11 Minutes**

#### **Decision**

To approve as a correct record the Minutes of the meeting held on 9 July 2018.

### **CN/18/12 Admission to the Roll of Honorary Aldermen**

#### **Decision**

To recommend to Council that a special meeting of the City Council be convened on 28 November 2018 for the purpose of adopting a resolution, to be proposed by the Lord Mayor and seconded by the Deputy Lord Mayor, that Mr Andrew Fender and Mrs Nilofar Siddiqi are admitted as Honorary Aldermen of the City of Manchester in recognition of the long and eminent service that they have rendered to the Council, and thereafter to install Mr Fender and Mrs Siddiqi as Honorary Aldermen.

### **CN/18/13 Proposed Revisions to the Constitution**

The Committee considered the report of the City Solicitor setting out proposed changes to the Council's Constitution.

The report described the changes that had been made.

#### **Decisions**

1. To recommend that the Council adopt, subject to 3 below, the attached revised Sections of the Constitution of the Council, namely:
  - a) Part 3: Sections A, C, and F
  - b) Part 4: Section F
  - c) Part 5: Section E
  - d) Part 8
2. To note that the remainder of the Constitution remains unchanged.
3. To note in relation to Part 3 of the Constitution that responsibility for the discharge of executive functions and the delegation of such responsibility rests with the Leader of the Council and that the recommended delegations of

executive functions set out in Part 3 (Sections A and F) are for the information of the Council only.

### **CN/18/14 Transport for Greater Manchester Committee**

The Committee considered the report of the City Solicitor which detailed that on 29 June 2018 the Greater Manchester Combined Authority (GMCA) resolved that the Transport for Greater Manchester Committee (TfGMC) membership be reduced to 23 members, with the appointments to be made as follows:-

- Each of the 10 Greater Manchester district councils shall:
  - appoint one member (save for Manchester City Council which shall appoint two members (based on population and therefore financial contribution to the levy);
  - nominate one member to be appointed to the TfGMC by the GMCA to ensure political balance;
- The GMCA shall appoint one member;
- The Mayor of Greater Manchester shall nominate one further member to be appointed to the TfGMC by the GMCA.

It further resolved that each of the Greater Manchester district councils be requested to agree the recommendations in the report.

The Committee were concerned that the structure of the appointments and nominations across the 10 District Council could potentially not lead to a political balance on the TfGMC and suggested that the GMCA provide clarification as to how this balance would be achieved.

#### **Decisions**

1. To agree the recommendations in the report and recommend that the Council endorse the changes to the size and structure of the TfGMC.
2. To appoint two members to the TfGMC.
3. To nominate one further member to be appointed to the TfGMC by the GMCA.

### **CN/18/15 Membership of Council committees and representation on joint boards and joint committees**

#### **Decisions**

1. To request the Council to agree to suspend Procedural Rule 25.1 to allow the following decisions which involve reconsideration of a decision taken by the Council within the previous six months.
2. To recommend the Council to make the following changes in appointments to Committees and Joint Committees of the Council.

## Membership of Committees

The Committee reviewed the membership of committees.

### Decision

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

| Committee                                     | Member removed   | Member appointed                                      |
|---|--|---|
| Executive Consultative Panel                  |  | Councillor Karney                                     |
| Communities and Equalities Scrutiny Committee |  | Councillor Collins                                    |
| Economy Scrutiny Committee                    |  | Councillor A Simcock<br>Councillor Paul               |
| Children and Young People Scrutiny Committee  | Councillor Collins<br><br>Monika Neall (Co-Opted Parent Governor Representative) | Walid Omara (Co-Opted Parent Governor Representative) |
| Licensing Committee                           |  | Councillor Paul                                       |
| Licensing and Appeals Committee               |  | Councillor Paul                                       |

## Transport for Greater Manchester Committee

### Decisions

2. To recommend the Council to appoint the following members to the Transport for Greater Manchester Committee:
  - a. Councillor Stogia
  - b. Councillor UI-Hassan
3. To recommend the Council nominate the following member to the Transport for Greater Manchester Committee, who may be appointed to maintain political balance:
  - a. Councillor Noor

## Health and Wellbeing Board

### Decision

4. To note the current membership of the Health and Wellbeing Board.

**Board Members:**

Sir Richard Leese  
Councillor Sue Murphy  
Councillor Bev Craig  
Councillor Garry Bridges  
Kathy Cowell  
Jim Potter  
Rupert Nichols  
Vicky Szulist  
Mike Wild  
Manisha Kumar  
Ruth Bromley  
Denis Colligan  
Raja Murugesan  
Tracey Vell  
Carolyn Kus  
Paul Marshall  
David Regan

**GP Provider Organisations - Members on rotation**

Central - Primary Care Manchester- Dr Vish Mehra

South- South Manchester GP federation - Dr Angus Murray Brown

North- Northern Health GP Provider Organisation- Dr Amjad Ahmed

**Board Members who have recently stood down:**

Philip Burns  
Fuzz Ahmed

**Manchester City Council  
Report for Resolution**

**Report to:** Constitutional and Nomination Committee – 1 October 2018  
Council – 3 October 2018

**Subject** Constitution of the Council

**Report of:** City Solicitor

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**Summary**

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

**Recommendations – Constitutional and Nomination Committee**

The Constitutional and Nomination Committee is requested to recommend that the Council:

1. Adopt, subject to 3 below, the attached revised Sections of the Constitution of the Council, namely:
  - a) Part 3: Sections A, C, and F
  - b) Part 4: Section F
  - c) Part 5: Section E
  - d) Part 8
2. Note that the remainder of the Constitution remains unchanged.
3. Note in relation to Part 3 of the Constitution that responsibility for the discharge of executive functions and the delegation of such responsibility rests with the Leader of the Council and that the recommended delegations of executive functions set out in Part 3 (Sections A and F) are for the information of the Council only.

**Recommendations – Council**

The Council is requested to agree the recommendations of the Constitutional and Nomination Committee and approve the consequential amendments to the Constitution of the Council.

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**Wards Affected:**

All

**Contact Officers:**

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

Name: Poornima Karkera  
Position: Head of Governance, Legal Services  
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**Background Documents** (available for public inspection)

Constitution of the Council – as amended July 2018  
Report of the Chief Executive to Personnel Committee – Senior Management  
Arrangements – 27 June 2018

## **Background**

- 1.1 Section 9P of the Local Government Act 2000, as amended, requires the Council to prepare and keep up-to-date a Constitution.
- 1.2 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. This report details certain matters that have arisen since the Council considered the full review of the Constitution set out in the Interim City Solicitor's report to the annual Council meeting on 16 May 2018. Attached to this report, and summarised below, are revised versions of certain sections of the Constitution that the City Solicitor brings forward for approval. New wording appears in bold text in the attached revised sections.
- 1.3 It should be noted that under the Leader and Cabinet form of executive governance, responsibility for the delegation of executive functions, including those local choice functions which the Council has designated as executive functions, does not rest with the Council, but is the responsibility of the Leader. The Leader may determine to exercise executive functions personally or to delegate their discharge to the Executive, a Committee of the Executive, an Executive Member, an area committee or an officer of the Council (without prejudice to the Leader's ability to exercise such functions personally). The Leader has approved the in-year changes to delegation of executive functions set out in the attached revised sections of the Constitution. Consequently, the recommended delegations of executive functions set out in Part 3: Sections A and F of the Constitution are for the purpose of information only; recommended delegations of non-executive functions set out in those sections remain, however, a matter for the Council.

### **Part 3 of the Constitution – Responsibility for Functions**

- 2.1 A number of proposed changes have been made to Section A ("Responsibility for Local Choice Functions"), Section C ("Council (Non-Executive) Functions") and Section F ("Scheme of Delegation to Officers") of Part 3 ("Responsibility for Functions") of the Constitution. These changes primarily result from the changes to the Council's senior management structure and the realignment of senior management portfolios, as detailed in the Chief Executive's 27 June 2018 report to Personnel Committee. At that meeting the Committee noted that the City Solicitor would report to Council on the required amendments to the Constitution arising as a result of the revised arrangements set out in the proposals.
- 2.2 Some additional proposed amendments have also been made to the above sections of Part 3 of the Constitution to reflect changes to legislation, provide clarity in respect of some existing delegations and deal with a limited number of identified omissions from the Scheme of Delegation. Such amendments include:
  - amending the delegations made to the Planning and Highways Committee and the Head of Planning, Building Control and Licensing to reflect the

introduction in the Town and Country Planning Acts of planning permissions in principle;

- making clear contingency provision for the exercise of the delegations that have been made to a Chief Officer where that officer is unable to act or the post is vacant or disestablished; and
- aligning the definition of “Chief Officer” within Part 3: Section F (“Scheme of Delegation to Officers”) with that used elsewhere in Constitution (and with the statutory meaning of that term).

#### **Part 4, Section F of the Constitution – Officer Employment Procedure Rules**

3.1 To reflect the changes to the senior management structure and the realignment of senior management portfolios referred to above, it is proposed that the references to the “Deputy Chief Executive (People, Policy & Reform)” contained in Annexes 1 and 3 to the Officer Employment Procedure Rules are amended to refer to the “Deputy Chief Executive”.

#### **Part 5, Section E of the Constitution – Contract Procurement Rules**

4.1 It is proposed to amend the Contract Procurement Rules, as requested by the City Treasurer, primarily to:

- strengthen the focus on pre-procurement commissioning activity;
- ensure that social value and contract monitoring arrangements are strengthened; and
- in line with a risk based approach, greater proportionality and easing speed of action, increasing the threshold for the engagement of corporate procurement from £30,000 to £50,000.

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

5.1 It is proposed that amendments are made to the management structure set out in Part 8 of the constitution to reflect the abovementioned changes to the senior management structure and the realignment of senior management portfolios.

#### **Recommendations**

6.1 The recommendations appear at the beginning of this report.



# **PART 3**

## **RESPONSIBILITY FOR FUNCTIONS**

# INTRODUCTION

Part 3 of the Constitution sets out who is responsible for the various functions of the Council.

The Local Government Act 2000 divides the Council's functions into the following categories:

## 1. Executive Functions

By virtue of section 9D of the Local Government Act 2000, every Council function is an "executive" function (i.e. the function is to be the responsibility of the Executive), unless a statute says differently or the function is identified as a "non-executive" function by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

The Leader of the Council may determine to exercise any of the "executive" functions of the Council personally, or may arrange for the exercise of any of the Council's "executive" functions by:

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

## 2. Council (Non-Executive) Functions

"Non-executive" functions are the responsibility of the Council, which may decide to delegate their discharge to a Council Committee, Joint Committee or Area Committee. They can also be delegated to a Council Sub-Committee or a council officer.

There are some non-executive functions that can only be the responsibility of the full Council and cannot be delegated to another body. These are set out in Part 2, Article 4.2 of this Constitution.

## 3. Local Choice Functions

Some Council functions are "local choice functions". This means that the Council can decide whether the function is to be the responsibility of the Executive (an "executive function") or the responsibility of the Council (a "non-executive" function). Part 3, Section A sets out these "local choice functions", designates them as "executive" or "non-executive", and shows who is authorised to discharge them.

# CONTENTS

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



# Section A

## Responsibility for Local Choice Functions

| Local Choice Functions |  | Executive or Non-Executive | Decision Maker                  | Further Delegation                              |
|------------------------|--|----------------------------|---------------------------------|---|
| 1                      | Any function under a Local Act not specifically excepted.  | See Annex 1 below          | See Annex 1 below               | See Annex 1 below                               |
| 2                      | The determination of any appeal against any decision made by or on behalf of the Authority.                                    | See Annex 2 below          | See Annex 2 below               | See Annex 2 below                               |
| 3                      | Making of arrangements in relation to appeals against the exclusion of pupils from maintained schools.                         | Non-Executive              | City Solicitor                  |   |
| 4                      | Making arrangements for school admission appeals.  | Non-Executive              | City Solicitor                  |   |
| 5                      | Making arrangements for appeals by governing bodies.   | Non-Executive              | City Solicitor                  |   |
| 6                      | [.....]  |                            |                                 |   |
| 7                      | [.....]  |                            |                                 |   |
| 8                      | Any function relating to contaminated land.  | Executive                  | Executive                       | <b>Chief Operating Officer – Neighbourhoods</b> |
| 9                      | The discharge of any function relating to the control of pollution or the management of air quality.                           | Executive                  | Executive                       | <b>Chief Operating Officer – Neighbourhoods</b> |
| 10                     | The service of an abatement notice in respect of a statutory nuisance.   | Non-Executive              | Licensing and Appeals Committee | <b>Chief Operating Officer – Neighbourhoods</b> |
| 11                     | The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area. | Non-Executive              | Full Council                    | Not Delegated                                   |
| 12                     | The inspection of the Authority's area to detect statutory nuisance.   | Non-Executive              | Licensing and Appeals Committee | <b>Chief Operating Officer – Neighbourhoods</b> |
| 13                     | The investigation of any complaint as to the existence of a statutory nuisance.  | Non-Executive              | Licensing and Appeals Committee | <b>Chief Operating Officer – Neighbourhoods</b> |

|        |  |               |  |   |
|--------|--|---------------|--|---|
| 14     | Obtaining information under section 330 of the Town and Country Planning Act 1990 as to interests in land.   | Non-Executive | Head of Planning, Building Control and Licensing |   |
| 15     | Obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.  | Non-Executive | All Chief Officers                               |   |
| 16     | Making agreements for the execution of highway works.  | Executive     | Executive  | <b>Director of Operations (Highways)</b>                                      |
| 17.1   | The appointment of any individual –<br>(a) to any office other than an office in which he is employed by the authority<br>(b) to any body other than<br>(i) The Authority<br>(ii) A Joint Committee of 2 or more Authorities or<br>(c) to any Committee or Sub-Committee of such a body,<br>in connection with executive functions and the revocation of any such appointment.     | Executive     | Executive  | Chief officer as provided in the Scheme of Delegation at Part 3               |
| 17.2   | The appointment of any individual –<br>(a) to any office other than an office in which he is employed by the authority<br>(c) to any body other than<br>(i) The Authority<br>(ii) A Joint Committee of 2 or more Authorities or<br>(c) to any Committee or Sub-Committee of such a body,<br>in connection with non-executive functions and the revocation of any such appointment. | Non-Executive | Full Council                                     | Committee or chief officer, as provided in the Scheme of Delegation at Part 3 |
| 17.3   | The appointment of the senior coroner, area and assistant coroners under Schedule 3 of the Coroners and Justice Act 2009.  | Non-Executive | Personnel Committee (to recommend appointment)   | City Solicitor (to make appointment)  |
| 18     | The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.   | Non-Executive | Personnel Committee                              | Chief Executive   |
| 19(i)  | [...]  |               |  |   |
| 19(ii) | [...]  |               |  |   |

## ANNEX 1

There are a number of functions in the Greater Manchester Act 1981 ('the Local Act') and the responsibility for the discharge of these functions should be as follows:

| Function |            |   | Executive or Non-Executive | Decision Making Body            | Further Delegation                               |
|----------|------------|---|----------------------------|---------------------------------|--|
| 1        | Section 11 | Bye-laws as to Leisure Centres                                  | Non-Executive              | Full Council                    | Not Delegated                                    |
| 2        | Section 12 | Closure of Parks  | Executive                  | Executive                       | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 3        | Section 13 | Provision of Parking Places in Parks, etc                       | Executive                  | Executive                       | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 4        | Section 14 | Provision of Vehicles in Parks etc.                             | Executive                  | Executive                       | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 5        | Section 15 | Contribution towards Provision of Recreational Facilities       | Executive                  | Executive                       | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 6        | Section 21 | Recovery of Street Works Charges Where Owner Unknown            | Executive                  | Executive                       | <b>Director of Operations (Highways)</b>         |
| 7        | Section 22 | Street Numbers  | Executive                  | Executive                       | City Treasurer                                   |
| 8        | Section 24 | Provision of Trees and Shrubs                                   | Non-Executive              | Planning and Highways Committee | <b>Director of Operations (Highways)</b>         |
| 9        | Section 26 | Prohibition of Parking of Goods Vehicles in Residential Streets | Executive                  | Executive                       | <b>Director of Operations (Highways)</b>         |
| 10       | Section 27 | Control of Verges   | Executive                  | Executive                       | <b>Director of Operations (Highways)</b>         |
| 11       | Section 28 | Temporary Stoppage of Footpaths and Bridleways                  | Executive                  | Executive                       | <b>Director of Operations (Highways)</b>         |
| 12       | Section 29 | Vesting of Former highway Land                                  | Executive                  | Executive                       | Head of Planning, Building Control and Licensing |
| 13       | Section 30 | Hairdressers and Barbers  | Non-Executive              | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 14       | Section 32 | Acupuncturists, Tatoists, Ear Piercers, Electrolysis etc.       | Non-Executive              | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 15       | Section 34 | Dust etc. from Building Operations                              | Non-Executive              | Licensing and Appeals Committee | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 16       | Section 35 | Carrying or Storage of Waste Food                               | Executive                  | Executive                       | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 17       | Section 36 | Power to Order Alteration of Chimneys                           | Non-Executive              | Licensing and Appeals Committee | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 18       | Section 37 | Control of Rats and Mice  | Executive                  | Executive                       | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 19       | Section 38 | Powers of Entry for Prevention of Damage by Pests Act 1949      | Executive                  | Executive                       | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 20       | Section 42 | Control of Stray Dogs   | Executive                  | Executive                       | <b>Chief Operating Officer – Neighbourhoods</b>  |

|    |                  |   |               |                                 |  |
|----|------------------|---|---------------|---------------------------------|--|
| 21 | Section 43       | Repair of Walls etc. of Yards                             | Non-Executive | Licensing and Appeals Committee | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 22 | Section 44       | Temporary Repair of Defective premises                    | Executive     | Executive                       | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 23 | Section 47       | Urgent Repairs to Water, Gas and Electricity apparatus    | Executive     | Executive                       | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 24 | Section 48       | Artificial Lighting in Habitable Rooms etc.               | Non-Executive | Licensing and Appeals Committee | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 25 | Section 49       | Trees impeding Natural Light to Houses, Shops and Offices | Non-Executive | Licensing and Appeals Committee | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 26 | Section 50       | Weatherproofing of Property                               | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 27 | Section 53       | Prohibition of Interference with Bird Traps               | Non-Executive | Licensing and Appeals Committee | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 28 | Section 54       | Dealings in Second Hand Goods                             | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 29 | Section 55       | Safety of Ceilings in Bingo Halls                         | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 30 | Section 58       | Safety of Stands  | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 31 | Section 59       | Bye-laws with regard to Certain Temporary Structures      | Non-Executive | Full Council                    | Not Delegated                                    |
| 32 | Section 60       | Touting, Hawking, Photographing etc.                      | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 33 | Sections 63 & 66 | Fire Precautions  | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 34 | Sections 67-73   | Storage of Flammable Material                             | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 35 | Sections 74-81   | Entertainment Clubs                                       | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing |
| 36 | Section 98-106   | Aviation  | Executive     | Executive                       | Not Delegated                                    |
| 37 | Section 117      | Power to Compound to Payment of Tolls                     | Non-Executive | Licensing and Appeals Committee | <b>Chief Operating Officer – Neighbourhoods</b>  |



|    |                 |   |               |                                 |   |
|----|-----------------|---|---------------|---------------------------------|---|
| 38 | Section 118     | Power to require information to allow Council to discharge its duties and powers in relation to markets | Non-Executive | Licensing and Appeals Committee | <b>Chief Operating Officer – Neighbourhoods</b> (where information required in relation to functions of the Council delegated to the <b>Chief Operating Officer – Neighbourhoods</b> ).<br><br>Head of Planning, Building Control and Licensing (where information required in relation to functions of the Council delegated to the Head of Planning, Building Control and Licensing). |
| 39 | Section 119     | Power to permit market places to be used for Public Meetings etc.                                       | Non-Executive | Licensing and Appeals Committee | <b>Chief Operating Officer – Neighbourhoods</b> (excluding any property matters which are to be exercised by the Strategic Director (Development)).   |
| 40 | Section 120     | Market Bye-laws   | Non-Executive | Full Council                    | Not Delegated   |
| 41 | Section 136-144 | Night Cafes in Manchester   | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing  |
| 42 | Section 148     | Appointment of Art Galleries Committee  | Non-Executive | Full Council                    | Not Delegated   |
| 43 | Section 149     | Manchester Central Art Gallery  | Non-Executive | Art Galleries Committee         | Deputy Chief Executive (with the exception of Section 149(3) which in the case of the proposed sale or exchange of any work of art worth more than £25,000 the proposed sale or exchange shall be approved by the Art Galleries Committee).   |
| 44 | Section 152     | North Western Museum of Science and industry  | Executive     | Executive                       | Not Delegated   |
| 45 | Section 162     | Restriction on the use of Armorial Bearings   | Executive     | Executive                       | Not Delegated   |
| 46 | Section 163     | Unauthorised Activities on Playing Fields (education)   | Executive     | Executive                       | Strategic Director of Children's Services   |
| 47 | Section 164     | Pedal Cycles  | Executive     | Executive                       | <b>Director of Operations (Highways)</b>  |
| 48 | Section 165     | Prohibition of Entry of Goods Vehicles in Front Gardens   | Executive     | Executive                       | Not Delegated   |
| 49 | Section 166     | Hackney Carriage Fares  | Executive     | Executive                       | Not Delegated   |
| 50 | Section 167     | Signs on Vehicles   | Non-Executive | Licensing and Appeals Committee | Head of Planning, Building Control and Licensing  |

## Annex 2

| Appeals |  | Executive or Non-Executive | Decision Making Body            | Further Delegation     |
|---------|--|----------------------------|---------------------------------|------------------------|
| 1       | To determine appeals where payments of the National Non-Domestic Rate would cause hardship, appeals in function to Discretionary Rate Relief, and appeals to reduce amount of council tax payable. | Non-Executive              | Licensing and Appeals Committee | Not Delegated          |
| 2       | To determine appeals against the decisions of Chief Officers to remove companies from approved lists of contractors in relation to the execution of works and the supply of goods and services.    | Non-Executive              | Licensing and Appeals Committee | City Treasurer         |
| 3       | To determine appeals by market traders where the trader's licence has been revoked.  | Non-Executive              | Licensing and Appeals Committee | Deputy Chief Executive |
| 4       | To determine any other appeals referred to the Committee against any decision made by or on behalf of the authority.   | Non-Executive              | Licensing and Appeals Committee | All Chief Officers     |
| 5       | To determine appeals against dismissal.  | Non-Executive              | Employee Appeals Committee      | Not Delegated          |

## **Section C**

### **Council (Non-Executive) Functions**

## **SECTION C: RESPONSIBILITY FOR NON - EXECUTIVE FUNCTIONS**

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

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

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

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

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

## PLANNING AND HIGHWAYS COMMITTEE

| Function  |  | Provision of Act or Statutory Instrument  | Delegation to Officers  |
|-----------|--|---|---|
| <b>I.</b> | <b>Functions relating to town and country planning and development control</b>   |   |   |
| 1         | Power to determine applications for planning permission <b>or permission in principle</b> .  | Sections <b>59A(1)(b)</b> , 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.  | Head of Planning, Building Control and Licensing*<br>See note below |
| 2         | Power to determine applications to develop land without compliance with conditions previously attached.  | Section 73 of the Town and Country Planning Act 1990.   | Head of Planning, Building Control and Licensing*<br>See note below |
| 3         | Power to grant planning permission for development already carried out.  | Section 73A of the Town and Country Planning Act 1990.  | Head of Planning, Building Control and Licensing*<br>See note below |
| 4         | Power to decline to determine application for planning permission <b>or permission in principle</b> .  | Section 70A of the Town and Country Planning Act 1990.  | Head of Planning, Building Control and Licensing                    |
| 5         | Duties relating to the making of determinations of planning applications.  | Sections 69 and the Town and Country Planning (Development Management Procedure) (England) Order 2015/595 and directions made thereunder.                       | Head of Planning, Building Control and Licensing                    |
| 6         | Power to determine applications for planning permission <b>or permission in principle</b> made by a local authority, alone or jointly with another person. | Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I.1992/1492).                               | Head of Planning, Building Control and Licensing*<br>See note below |
| 7         | Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.                     | Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I.1995/418).   | Head of Planning, Building Control and Licensing                    |
| 8         | Power to enter into agreement regulating development or use of land.   | Section 106 of the Town and Country Planning Act 1990.  | Head of Planning, Building Control and Licensing                    |
| 9         | Power to issue a certificate of existing or proposed lawful use or development.  | Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.   | Head of Planning, Building Control and Licensing                    |
| 10        | Power to serve a completion notice.  | Section 94(2) of the Town and Country Planning Act 1990.  | Head of Planning, Building Control and Licensing                    |
| 11        | Power to grant consent for the display of advertisements.  | Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783). | Head of Planning, Building Control and Licensing                    |
| 12        | Power to authorise entry onto land.  | Section 196A of the Town and Country Planning Act 1990.   | Head of Planning, Building Control and Licensing                    |

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| 13 | Power to require the discontinuance of a use of land.  | Section 102 of the Town and Country Planning Act 1990.   | Not Delegated  |
| 14 | Power to serve a planning contravention notice, breach of condition notice or stop notice.   | Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.  | Head of Planning, Building Control and Licensing   |
| 15 | Power to issue a temporary stop notice   | Section 171E of the Town and Country Planning Act 1990.  | Head of Planning, Building Control and Licensing   |
| 16 | Power to issue an enforcement notice.  | Section 172 of the Town and Country Planning Act 1990.   | Head of Planning, Building Control and Licensing   |
| 17 | Power to apply for an injunction restraining a breach of planning control.   | Section 187B of the Town and Country Planning Act 1990.  | Head of Planning, Building Control and Licensing   |
| 18 | Power to determine applications for hazardous substances consent, and related powers.  | Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10).   | Head of Planning, Building Control and Licensing   |
| 19 | Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject. | Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of schedule 14 to that Act.                 | Head of Planning, Building Control and Licensing   |
| 20 | Power to require proper maintenance of land.   | Section 215(1) of the Town and Country Planning Act 1990.  | Head of Planning, Building Control and Licensing (subject to consultation with the <b>Chief Operating Officer – Neighbourhoods</b> ) |
| 21 | Power to determine application for listed building consent, and related powers.  | Section 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9).  | Head of Planning, Building Control and Licensing*<br>See note below  |
| 22 | [.....]  |  |  |
| 23 | Duties relating to applications for listed building consent.   | Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I.1990/1519). | Head of Planning, Building Control and Licensing   |
| 24 | Power to serve a building preservation notice, and related powers.   | Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.   | Not Delegated  |
| 25 | Power to issue listed building enforcement notice.   | Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.   | Head of Planning, Building Control and Licensing   |
| 26 | Powers to acquire a listed building in need of repair and to serve a repairs notice.   | Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.   | Head of Planning, Building Control and Licensing   |
| 27 | Power to apply for an injunction in relation to a listed building.   | Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.  | Head of Planning, Building Control and Licensing   |
| 28 | Power to execute urgent works.   | Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.   | Head of Planning, Building Control and Licensing subject to  |

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|    |  |  | consultation with the Chair of Planning and Highways Committee  |
| 29 | Power to enter land in Part 2 of the brownfield land register  | Regulations 3 and 5 of the Town & Country Planning (Brownfield Land Register) Regulations 2017 | Head of Planning, Building Control and Licensing*<br>See note below   |
| 30 | Power to grant permission under Section 115E of the Highways Act 1980 ("the 1980 Act") for the provision of refreshment facilities on highways (table and chairs licences), and related powers under Sections 115E and 115F of the 1980 Act (but subject to the referral of objections / representations to any such Section 115E proposals to the 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. | Sections 115E, 115F and 115K of the Highways Act 1980  | Head of Planning, Building Control and Licensing*<br>See note below<br><br>Deputy Chief<br>Executive objections and representations |
| 31 | Duty under Section 115G of the 1980 Act to publish notice in respect of proposals to grant permission under Section 115E of the 1980 Act, insofar as it relates to the above delegation  | Sections 115G of the Highways Act 1980   | Head of Planning, Building Control and Licensing  |

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

| <b>II Miscellaneous Functions relating to highways.</b> |   |                                       |  |
|---|---|---------------------------------------|--|
| 1   | Power to create footpath, bridleway or restricted byway by agreement.                   | Section 25 of the Highways Act 1980.  | <b>Director of Operations (Highways)*</b> see note below |
| 2   | Power to create footpaths, bridleways and restricted byways.                            | Section 26 of the Highways Act 1980.  | <b>Director of Operations (Highways)*</b> see note below |
| 3   | Duty to keep register of information with respect to maps, statements and declarations. | Section 31A of the Highways Act 1980. | <b>Director of Operations (Highways)</b>                 |
| 4   | Power to stop up footpaths bridleways and restricted byways.                            | Section 118 of the Highways Act 1980. | <b>Director of Operations (Highways)*</b> see note below |
| 5   | Power to make a rail crossing extinguishment order.                                     | Section 118A the Highways Act 1980.   | <b>Director of Operations (Highways)*</b> see note below |
| 6   | Power to make a special extinguishment order.   | Section 118B the Highways Act 1980.   | <b>Director of Operations (Highways)*</b> see note below |
| 7   | Power to divert footpaths bridleways or restricted byways.                              | Section 119 of the Highways Act 1980. | <b>Director of Operations (Highways)*</b> see note below |

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| 8  | Power to make a rail crossing diversion order.   | Section 119A of the Highways Act 1980.                    | <b>Director of Operations (Highways)*</b> see note below |
| 9  | Power to make a special diversion order.   | Section 119B of the Highways Act 1980.                    | <b>Director of Operations (Highways)*</b> see note below |
| 10 | Power to make SSSI diversion order.  | Section 119D of the Highways Act 1980.                    | <b>Director of Operations (Highways)*</b> see note below |
| 11 | Duty to assert and protect the rights of the public to use and enjoyment of highways.  | Section 130 of the Highways Act 1980.                     | <b>Director of Operations (Highways)</b>                 |
| 12 | Duty to serve notice of proposed action in relation to obstruction.  | Section 130A of the Highways Act 1980.                    | <b>Director of Operations (Highways)</b>                 |
| 13 | Power to apply for variation of order under Section 130B of the Highways Act 1980.   | Section 130B(7) of the Highways Act 1980.                 | <b>Director of Operations (Highways)</b>                 |
| 14 | Power to authorise temporary disturbance of surface of footpath bridleways or restricted byways.   | Section 135 of the Highways Act 1980.                     | <b>Director of Operations (Highways)</b>                 |
| 15 | Powers relating to the removal of things so deposited on highways as to be a nuisance.   | Section 149 of the Highways Act 1980.                     | <b>Chief Operating Officer – Neighbourhoods</b>          |
| 16 | Power to extinguish certain public rights of way.  | Section 32 of the Acquisition of Land Act 1981.           | <b>Director of Operations (Highways)*</b> see note below |
| 17 | Duty to keep a definitive map and statement under review.  | Section 53 of the Wildlife and Countryside Act 1981.      | <b>Director of Operations (Highways)</b>                 |
| 18 | Power to include modifications in other orders.  | Section 53A of the Wildlife and Countryside Act 1981.     | <b>Director of Operations (Highways)</b>                 |
| 19 | Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981. | Section 53B of the Wildlife and Countryside Act 1981.     | <b>Director of Operations (Highways)</b>                 |
| 20 | Power to prepare map and statement by way of consolidation of definitive map and statement.  | Section 57A of the Wildlife and Countryside Act 1981.     | <b>Director of Operations (Highways)</b>                 |
| 21 | Power to designate footpath as cycle track.  | Section 3 of the Cycle Tracks Act 1984.                   | <b>Director of Operations (Highways)</b>                 |
| 22 | Power to extinguish public right of way over land acquired for clearance.  | Section 294 of the Housing Act 1985.                      | <b>Director of Operations (Highways)</b>                 |
| 23 | Power to make applications for orders for stopping up or diversion of highway.   | Section 247 of the Town and Country Planning Act 1990     | <b>Director of Operations (Highways)*</b> see note below |
| 24 | Power to authorise stopping up or diversion of footpath, bridleway or restricted byways.   | Section 257 of the Town and Country Planning Act 1980.    | <b>Director of Operations (Highways)*</b> see note below |
| 25 | Power to extinguish public rights of way over land held for planning purposes.   | Section 258 of the Town and Country Planning Act 1980.    | <b>Director of Operations (Highways)*</b> see note below |
| 26 | Power to enter into agreements with respect to means of access.  | Section 35 of the Countryside and Rights of Way Act 2000. | <b>Director of Operations (Highways)</b>                 |
| 27 | Power to provide access in absence of agreement.   | Section 37 of the Countryside and Rights of Way Act 2000. | <b>Director of Operations (Highways)</b>                 |



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| 28 | Power to permit deposit of builders' skips on highway.   | Section 139 of the Highways Act 1980.                  | <b>Director of Operations (Highways)</b> (except in relation to enforcement regarding deposit of skips, which is delegated to the <b>Chief Operating Officer – Neighbourhoods</b> )                                       |
| 29 | Power to license planting, retention and maintenance of trees etc. in part of highway.   | Section 142 of the Highways Act 1980.                  | <b>Director of Operations (Highways)</b>  |
| 30 | Power to authorise erection of stiles etc. on footpaths or bridleways.   | Section 147 of the Highways Act 1980.                  | <b>Director of Operations (Highways)</b>  |
| 31 | Power to license works in relation to buildings etc. which obstruct the highways.  | Section 169 of the Highways Act 1980.                  | <b>Director of Operations (Highways)</b>  |
| 32 | Power to consent to temporary deposits or excavations in streets.  | Section 171 of the Highways Act 1980.                  | <b>Director of Operations (Highways)</b>  |
| 33 | Power to dispense with obligation to erect hoarding or fence.  | Section 172 of the Highways Act 1980.                  | <b>Director of Operations (Highways)</b>  |
| 34 | Power to restrict the placing of rails, beams etc. over highway.   | Section 178 of the Highways Act 1980.                  | <b>Director of Operations (Highways)</b>  |
| 35 | Power to consent to construction of cellars etc. under street.   | Section 179 of the Highways Act 1980.                  | <b>Director of Operations (Highways)</b>  |
| 36 | Power to consent to the making of openings into cellars etc. under streets, pavement lights, ventilators.  | Section 180 of the Highways Act 1980.                  | <b>Director of Operations (Highways)</b> (except in relation to enforcement relating to making of openings, which is delegated to the <b>Chief Operating Officer – Neighbourhoods</b> )                                   |
| 37 | Power to grant a street works licence.   | Section 50 of the New Roads and Street Works Act 1991. | <b>Director of Operations (Highways)</b>  |
| 38 | Power to grant permission under Section 115E of the 1980 Act ( except in relation to the provision of refreshment facilities on highway ('table and chairs licences') ) and related powers under Sections 115E and 115F of the 1980 Act but subject to the referral of objections/representations to any such Section 115E proposals to the 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. | Sections 115E, 115F and 115K of Highways Act 1980.     | <b>Director of Operations (Highways)</b> (except 'table and chairs' licences which are delegated to the Head of Planning, Building Control and Licensing)<br><br>Deputy Chief Executive – objections and representations. |
| 39 | Duty to publish notice in respect of proposal to grant permission under S115E of the Highways Act 1980, insofar as it relates to the above delegation.   | Section 115G of Highways Act 1980.                     | <b>Director of Operations (Highways)</b> and Head of Planning, Building Control and Licensing   |

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

| <b>III Trees and Hedgerows</b> |   |  |  |
|--------------------------------|---|--|--|
| 1                              | Powers relating to the preservation of trees.             | Sections 197, 198, 200, 202 and 206 to 214D of the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012 (2012/605). | Head of Planning, Building Control and Licensing |
| 2                              | Powers relating to the protection of important hedgerows. | The Hedgerows Regulations 1997.  | Head of Planning, Building Control and Licensing |
| 3                              | Powers relating to complaints about high hedges.          | Part 8 of the Anti-Social Behaviour Act 2003.  | Head of Planning, Building Control and Licensing |

| <b>IV Local Choice Functions</b> |                                |   |  |
|----------------------------------|--------------------------------|---|--|
| 1                                | Provision of trees and shrubs. | Section 24 Greater Manchester Act 1981. | <b>Director of Operations (Highways)</b> |

| <b>V Conditions etc. and Enforcement</b> |  |  |
|--|--|--|
| 1  | The Functions of -<br>(a) Imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of any of the functions set out in sections I, II, III and IV above, and<br>(b) determining any other terms to which any such approval, consent, licence, permission or registration is subject.  | Delegated to the same officer who has been delegated the power to approve, consent, licence permit or register in the exercise of any of the above functions.  |
| 2  | The function of determining whether, and in what manner, to enforce -<br>(a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned in sections I, II, III and IV above;<br>(b) any contravention or failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject. | Delegated to the same officer who has been delegated the power to approve, consent, licence permit or register in the exercise of any of the above functions except in relation to the enforcement of licensing functions (excluding private hire and hackney carriage) within the remit of the Neighbourhoods <b>Directorate or the Strategic Development Directorate</b> which is delegated to the <b>Chief Operating Officer – Neighbourhoods</b> . |
| 3  | The function of -<br>(a) amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned at sections I, II, III and IV above, or any condition, limitation or term to which it is subject, or<br>(b) revoking any such approval, consent, licence, permission or registration.  | Delegated to the same officer who has been delegated the power to approve, consent, licence permit or register in the exercise of any of the above functions.  |
| 4  | The function of determining -<br>(a) Whether a charge should be made for any approval, consent, licence, permit or registration as is mentioned at sections I, II, III and IV above; and<br>(b) Where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.  | Delegated to the relevant officer in consultation with the Chair.  |

## **DELEGATION**

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

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

## LICENSING AND APPEALS COMMITTEE

| Function  |   | Provision of Act or Statutory Instrument   | Delegation to Officers   |
|-----------|---|--|--|
| <b>I.</b> | <b>Licensing and Registration Functions</b>   |  |  |
| 1         | Power to issue licences authorising the use of land as a caravan site ("site licences").        | Section 3(3) of the Caravan Sites and Control of Development Act 1960.   | Head of Planning, Building Control and Licensing   |
| 2         | Power to license the use of moveable dwellings and camping sites.                               | Section 269(1) of the Public Health Act 1936.  | Head of Planning, Building Control and Licensing   |
| 3         | Power to licence hackney carriages and private hire vehicles.                                   | (a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;<br><br>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. | Head of Planning, Building Control and Licensing   |
| 4         | Power to license drivers of hackney carriages and private hire vehicles.                        | Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.  | Head of Planning, Building Control and Licensing   |
| 5         | Power to license operators of hackney carriages and private hire vehicles.                      | Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.  | Head of Planning, Building Control and Licensing   |
| 6         | [...]   |  |  |
| 7         | [...]   |  |  |
| 8         | [...]   |  |  |
| 9         | [...]   |  |  |
| 10        | [...]   |  |  |
| 11        | [...]   |  |  |
| 12.       | Power to institute proceedings for failing to provide for safety of children at entertainments. | Section 12 of the Children and Young Persons Act 1933.   | City Solicitor   |
| 13        | Power to license sex shops and sex cinemas, and sexual entertainment venues.                    | Section 2 & Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).   | Head of Planning, Building Control and Licensing (limited to power to renew existing licences) |
| 14        | Power to license performances of hypnotism.   | The Hypnotism Act 1952.  | Head of Planning, Building Control and Licensing   |
| 15        | Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.            | Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.   | Head of Planning, Building Control and Licensing   |
| 16        | Power to license pleasure boats and pleasure vessels.   | Section 94 of the Public Health Acts Amendment Act 1907.   | Head of Planning, Building Control and Licensing   |

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| 17 | Power to license market and street trading.   | Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.  | Head of Planning, Building Control and Licensing (in relation to street trading);<br>In relation to market trading – <b>Chief Operating Officer – Neighbourhoods</b> (power to license) and Deputy Chief Executive (appeals on revocation) |
| 18 | [...]   |  |  |
| 19 | Power to register and license premises for the preparation of food.   | Section 19 of the Food Safety Act 1990.  | <b>Chief Operating Officer – Neighbourhoods</b>  |
|    | [.....]   |  |  |
| 21 | Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.   | The Safety of Sports Grounds Act 1975.   | Head of Planning, Building Control and Licensing   |
| 22 | Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.  | Part III of the Fire Safety and Safety of Places of Sport Act 1987.  | Head of Planning, Building Control and Licensing   |
| 23 | Power to license premises for the breeding of dogs.   | Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.  | Head of Planning, Building Control and Licensing   |
| 24 | Power to license or register activities involving animals including pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business. | Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding of Dogs (Welfare) Act 1999; and Section 13 of the Animal Welfare Act 2006. | Head of Planning, Building Control and Licensing   |
| 25 | Power to register animal trainers and exhibitors.   | Section 1 of the Performing Animals (Regulation) Act 1925.   | Head of Planning, Building Control and Licensing   |
| 26 | Power to license zoos.  | Section 1 of the Zoo Licensing Act 1981.   | Head of Planning, Building Control and Licensing   |
| 27 | Power to license dangerous wild animals.  | Section 1 of the Dangerous Wild Animals Act 1976.  | Head of Planning, Building Control and Licensing   |
| 28 | Power to license the employment of children.  | Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963.  | Head of Planning, Building Control and Licensing   |
| 29 | Power to approve premises for the solemnisation of marriages and civil partnerships.  | Section 46A of the Marriage Act 1949, Section 28 of the Civil Partnership Act 2004, and The Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I.2005/3168).   | City Solicitor   |

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|----|---|---|--|
| 30 | Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981. | Commons Registration (New Land) Regulations 1969 (S.I.1969/1843).   | Chief Executive                                  |
| 31 | Power to register variation of rights of common.  | Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I.1966/1471).   | Chief Executive                                  |
| 32 | Power to license persons to collect for charitable and other causes.  | Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, and section 2 of the House to House Collections Act 1939.                            | Head of Planning, Building Control and Licensing |
| 33 | Power to grant consent for the operation of a loudspeaker.  | Schedule 2 to the Noise and Statutory Nuisance Act 1993.  | Head of Planning, Building Control and Licensing |
| 34 | [ .....]  |   |  |
| 35 | [.....]   |   |  |
| 36 | Functions relating to the registration of common land and town or village greens.   | Part 1 of the Commons Act 2006 (c.26) and the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 (S.I. 2007/457). | Chief Executive                                  |
| 37 | Functions Relating to Smoke Free Premises - Duty to enforce Chapter 1 and regulations made under it.  | Section 10(3) of the Health Act 2006.   | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 38 | Functions Relating to Smoke Free Premises - Power to authorise officers.  | Section 10(5) of the Health Act 2006.   | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 39 | Functions Relating to Smoke Free Premises - Functions relating to fixed penalty notices.  | Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2007/760).               | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 40 | Functions Relating to Smoke Free Premises - Power to transfer enforcement functions to another enforcement authority.   | Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).  | <b>Chief Operating Officer – Neighbourhoods</b>  |
| 41 | Power to make a public spaces protection order.   | Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.   | Not Delegated                                    |
| 42 | Power to apply for an enforcement order against unlawful works on common land.  | Section 41 of the Commons Act 2006.   | City Solicitor                                   |
| 43 | Power to protect unclaimed registered common land and unclaimed town or village greens  | Section 45(2)(a) of the Commons Act 2006.   | City Solicitor                                   |
| 44 | Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.  | Section 45(2)(b) of the Commons Act 2006.   | City Solicitor                                   |

| <b>II Functions relating to health and safety at work</b> |  |  |   |
|---|--|--|---|
|   | Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health & Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer. | Part I of the Health & Safety at Work etc. Act 1974. | All Chief Officers/Strategic Directors and Chapter 3A Officers (as defined in Section F of Part 3 of this Constitution) |

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

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

| <b>IV Appeals</b> |  |                        |
|-------------------|--|------------------------|
| 1                 | To determine appeals where payments of the National Non-Domestic Rate would cause hardship, appeals in function to Discretionary Rate Relief, and appeals to reduce amount of council tax payable. | Not Delegated          |
| 2                 | To determine appeals against the decisions of Chief Officers to remove companies from approved lists of contractors in relation to the execution of works and the supply of goods and services.    | City Treasurer         |
| 3                 | To determine appeals by market traders where the trader's licence has been revoked.  | Deputy Chief Executive |
| 4                 | To determine any other appeals referred to the Committee against any decision made by or on behalf of the authority.   | All Chief Officers     |

| <b>V Conditions etc. and Enforcement</b> |   |                                   |
|--|---|-----------------------------------|
| 1  | The functions of imposing any condition, limitation or other restriction on any approval, consent, licence, permission or registration granted in the exercise of any of the above functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject. | Officer relevant to the function. |



|   |  |  |
|---|--|--|
| 2 | The function of determining whether, and in what manner, to enforce -<br>(a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned above; or<br>(b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject. | Officer relevant to the function except in relation to the enforcement of licensing functions (excluding private hire and hackney carriage) within the remit of the Neighbourhoods <b>Directorate or the Strategic Development Directorate</b> which is delegated to the <b>Chief Operating Officer – Neighbourhoods</b> . |
| 3 | The function of -<br>(a) amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned above, or any condition, limitation or term to which it is subject, or<br>(b) revoking any such approval, consent, licence, permission or registration.  | Officer relevant to the function.  |
| 4 | The function of determining -<br>(a) Whether a charge should be made for any approval, consent, licence, permit or registration as is mentioned above; and<br>(b) Where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.  | Officer relevant to the function in consultation with the Chair.   |

## **DELEGATION**

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

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

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

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

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

## **LICENSING COMMITTEE**

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

| <b>Matter to be dealt with</b> |   | <b>Subcommittee (Licensing Panel)</b>             | <b>Head of Planning, Building Control and Licensing</b> |
|--------------------------------|---|---|---|
| 1                              | Application for personal licence.   | If a police objection made and not withdrawn      | If no unwithdrawn objection made                        |
| 2                              | Application for personal licence with unspent convictions.  | If a police objection made and not withdrawn      | If no unwithdrawn objection made                        |
| 3                              | Application for premises licence/club premises certificate.   | If relevant representation made and not withdrawn | If no relevant unwithdrawn representation made          |
| 4                              | Application for provisional statement.  | If relevant representation made and not withdrawn | If no relevant unwithdrawn representation made          |
| 5                              | Application to vary premises licence/club premises certificate.   | If relevant representation made and not withdrawn | If no relevant unwithdrawn representation made          |
| 6                              | Application to vary designated premises supervisor.   | If a police objection made and not withdrawn      | All other cases   |
| 6A                             | Request to be removed as designated premises supervisor   |   | All cases   |
| 7                              | Application for transfer of premises licence.   | If a police objection made and not withdrawn      | All other cases   |
| 8                              | Applications for interim authorities.   | If a police objection made and not withdrawn      | All other cases   |
| 9                              | Application to review premises licence/club premises certificate.   | All cases   |   |
| 9A                             | Decision on whether a representation is irrelevant, frivolous or vexatious.   |   | All cases   |
| 9B                             | Decision on whether a ground for review is irrelevant, frivolous or vexatious.  |   | All cases   |
| 10                             | Decision to object when local authority is a consultee and not the relevant authority considering the application.    | All cases   |   |
| 11                             | Determination of an objection to a temporary event notice.  | All cases   |   |
| 11A                            | Determination of application to vary premises licence at community premises to include alternative licence condition. | If a police objection made and not withdrawn      | All other cases   |
| 12                             | Determination of minor variation.   |   | All cases   |

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

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

3. The Licensing Committee has delegated to the Deputy Chief Executive the function of discharge the functions of the Council in relation to the suspension of licences under section 55A (premises licence) and section 92A (club premises licence) of the Licensing Act 2003.
4. To discharge the functions of the Council as licensing authority under the Gambling Act 2005 and Regulations made thereunder with the exception of any function conferred on the Council under sections 166, and 349 of the Act.
5. Without prejudice to the generality of the above the Committee may arrange for the sub-delegation of the functions to sub-committee(s) established by it or (subject to the exceptions in Section 154(4) of the Gambling Act 2005) to an officer of the licensing authority.

| Matter to be dealt with |   | Full Council | Sub-committee of licensing committee                         | Head of Planning, Building Control and Licensing                      |
|-------------------------|---|--------------|--|---|
| 1                       | Three year licensing policy.              | ✓            |  |   |
| 2                       | Policy not to permit casinos.             | ✓            |  |   |
| 3                       | Fee setting (when appropriate).           |              |  | ✓   |
| 4                       | Application for premises licences.        |              | Where representations have been received and not withdrawn   | Where no representations received/representations have been withdrawn |
| 5                       | Application for a variation to a licence. |              | Where representations have been received and not withdrawn   | Where no representations received/representations have been withdrawn |
| 6                       | Application for a transfer of a licence.  |              | Where representations have been received from the Commission | Where no representations received from the Commission                 |
| 7                       | Application for a                         |              | Where representations  | Where no representations  |

|    |  |  |   |   |
|----|--|--|---|---|
|    | provisional statement.                                       |  | have been received and not withdrawn                | received/representations have been withdrawn            |
| 8  | Review of a premises licence.                                |  | ✓   |   |
| 9  | Application for club gaming/club machine permits.            |  | Where objections have been made (and not withdrawn) | Where no objections made/objections have been withdrawn |
| 10 | Cancellation of club gaming/club machine permits.            |  | ✓   |   |
| 11 | Applications for other permits.                              |  |   | ✓   |
| 12 | Cancellation of licensed premises gaming machine permits.    |  |   | ✓   |
| 13 | Consideration of Temporary Use Notice.                       |  |   | ✓   |
| 14 | Decision to give a counter notice to a Temporary Use Notice. |  | ✓   |   |

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

**NOTE**

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

## **LICENSING POLICY COMMITTEE**

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

## **ART GALLERIES COMMITTEE**

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

### **Delegation**

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

## **AUDIT COMMITTEE**

1. To consider and approve the authority's statement of accounts, including the Annual Governance Statement in accordance with the Accounts and Audit Regulations 2015.
2. To consider, as soon as reasonably practicable, the annual letter from the external auditor in accordance with the Accounts and Audit Regulations 2015 and to monitor the Council's response to individual issues of concern identified.
3. To consider the findings of the Council's annual review of the effectiveness of its system of internal control under the Accounts and Audit Regulations 2015, including the effectiveness of its system of internal audit.
4. In furtherance of the Council's duty to make arrangements for the proper administration of its financial affairs and the Committee's responsibilities under the Accounts and Audit Regulations 2015 set out above:
  - 4.1 To obtain assurance over the Council's corporate governance and risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
  - 4.2 To review and approve (but not direct) the terms of reference for internal audit and an Internal Audit Strategy.
  - 4.3 To review and approve (but not direct) the internal annual audit programme considering the effectiveness of proposed and actual coverage in providing adequate assurance over the Council's arrangements for governance, risk management and system of internal control.
  - 4.4 To monitor the implementation and outcomes of the Council's internal audit programme and where required, to review summary and individual audit reports with significant implications for financial management and internal control.
  - 4.5 To seek assurance on the adequacy of management response to internal audit advice, findings and recommendations in the form of implementation of agreed action plans.
  - 4.6 To receive the Annual Report of the Head of Internal Audit.
  - 4.7 To consider the external auditor's annual letter, relevant reports and the annual report to those charged with governance on issues arising from the audit of the Statement of Accounts.
  - 4.8 To engage with the external auditor and external inspection agencies and other relevant bodies to ensure that there are effective relationships between external and internal audit.
  - 4.9 To make recommendations to the Chief Finance Officer and Monitoring Officer in respect of Part 5 of the Council's Constitution (Financial Regulations).

4.10 To consider the Code of Corporate Governance.

4.11 To monitor the performance of the Treasury Management function including:

- approval of / amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices
- budget consideration and approval
- approval of the division of responsibilities
- receiving and reviewing regular monitoring reports and acting on recommendations
- approving the selection of external service providers and agreeing terms of appointment.

4.12 To consider and advise the Council on the Annual Governance Statement.

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

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



## CONSTITUTIONAL AND NOMINATION COMMITTEE

### Delegations

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

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

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

### **Referred to make recommendations**

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

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

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

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

## **EMPLOYEE APPEALS COMMITTEE**

### **Delegations**

1. To determine appeals against dismissal.

## **PERSONNEL COMMITTEE**

1. To establish at the appropriate time panels of members as a sub-committee to act as appointment panels for the appointment of the Chief Executive, Chief Officers (except where the Chief Executive exercises his delegation to appoint Non-Statutory Chief Officers (as defined in the Officer Employment Procedure Rules)) and designated Deputy Chief Officers.
2. To establish at the appropriate time two sub-committees to act as an investigating and disciplinary committee and an appeals committee in relation to disciplinary proceedings against the Chief Executive, the Monitoring Officer and the City Treasurer.
3. To determine which Deputy Chief Officer posts should be designated to be appointed by a panel of members.
4. To determine collective and corporate terms and conditions of staff.
5. To consider major Staffing and Organisational Reviews.
6. To provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such staff as are in their opinion sufficient to allow their statutory duties to be performed.
7. To determine "market rates" supplements for posts above SCP 57.
8. To determine the assignment and re-grading of posts:
  - above SCP57 (Grade 12) and below £100,000 p.a.; or
  - up to and including SCP57 (Grade 12) where there is disagreement between the Chief Executive and the relevant Chief Officer, or where the Chief Executive considers that the matter has corporate significance.
9. To determine the payment of honoraria exceeding 12 months duration in respect of posts above Grade 12.
10. To determine claims arising under the Scheme of Allowances for employees injured in the course of their employment above £10,000.
11. To determine policies relating to local government pensions and discretionary compensation for early termination of employment.
12. To constitute the Employers' side of any Local Joint Committee with the relevant trade unions.
13. To make recommendations to Council in relation to the annual Pay Policy Statement and any amendments to such statement.
14. To make recommendations to Council in relation to decisions affecting the remuneration of any post whose remuneration is or is proposed to be or would

become £100,000 p.a. or more and in relation to proposed severance packages with a value of £100,000 or more.

15. To make recommendations to Council in relation to the appointment of the senior coroner for the coroner area of Manchester (City) and to make recommendations to Council in accordance with the provisions of paragraph 15 of Schedule 3 to the Coroners and Justice Act 2009 in relation to agreeing the salary to be paid to the senior coroner where the salary is or is proposed to be or would become £100,000 p.a. or more.
16. To determine whether the Council should appoint an area coroner for the coroner area of Manchester (City), and to determine the number assistant coroners to be appointed for the coroner area of Manchester (City);
17. To agree in accordance with the provisions of paragraphs 16 and 17 of Schedule 3 to the Coroners and Justice Act 2009:
  - the salary to be paid to any area coroner; and
  - the amount of the fees to be paid to any assistant coroners.
18. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.

### **Delegation**

In exercising the above powers and responsibilities, the Committee shall have delegated power (subject to Council Procedure Rule 9 – Reference to Council of decisions taken under Delegated Powers) to make decisions on behalf of the Council, except in relation to delegations 12 - 14 or any matter where:

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

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

## **HEALTH AND WELLBEING BOARD**

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

# SECTION F

## Scheme of Delegation to Officers

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DIRECTOR OF DEVELOPMENT AND CORPORATE ESTATE

HEAD OF WORK AND SKILLS



# **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 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 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 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 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 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 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 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 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 thirds 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 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 well being of the area, or of plots of land of no strategic importance and incapable of being developed on their own, or where the Leasehold Reform Act will eventually require a freehold sale, in which cases Executive consent is not required).
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).

*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.*

## **CITY TREASURER**

The holder of the post of City Treasurer shall be responsible for the management of the Corporate Services 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 exercise the responsibilities assigned to the City Treasurer in the Financial Regulations.
2. In consultation with the Executive Member for Finance and Human Resources, to determine the council tax base pursuant to the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.
3. 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.

### **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).

## **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 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.

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

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

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



## **DEPUTY CHIEF EXECUTIVE**

The holder of the post of Deputy Chief Executive shall be responsible for the management of the Directorate of Neighbourhoods **and those parts of the Corporate Core Directorate not within that Directorate's Corporate Services or City Solicitor's Divisions**, and without prejudice to the foregoing, shall have the powers set out below subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements.

### **General Functions**

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

1. Without prejudice to the specific delegations of the **Director of Operations (Highways)** and the **Chief Operating Officer** – Neighbourhoods, to exercise a strategic overview of the Council's functions and services relating to highways, traffic, private sector housing, environmental health, environmental services, waste, environmental protection, pollution control, trading standards, street scene services (including grounds maintenance), regeneration, environmental strategy, sports and recreational facilities, sports development, parks and recreational open spaces and community and cultural services, including Art Galleries, Museums, Libraries and Theatres.
2. At the request of the Chief Executive, to exercise any power delegated to the Chief Executive relating to economic development and regeneration.
3. Subject to consultation with the City Solicitor to enter into Agreements in relation to any of the above matters.

### **Art Galleries and Museums**

4. 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:

5. 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.
6. To determine grants, contributions, subscriptions or loans in appropriate cases to bodies or organisations for the provision of artistic activities in the City.
7. To approve the acceptance of gifts, donations, deposits or offers of grant.
8. 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.
9. To maintain war memorials and public statues.

## **Non-Executive Functions**

10. 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).
  11. 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.
  12. 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.
- 12A. To consider grievances which cannot appropriately be resolved at departmental level.**
- 12B. To approve the filling of vacant posts within approved establishments (except for Chief Officer and Deputy Chief Officer posts).**

## **Markets**

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

## **Executive Functions**

14. 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.
15. To consider and determine, in consultation with the Deputy Leader, objections and representations in respect of proposed public spaces protection orders affecting highways under the Anti-Social Behaviour, Crime and Policing Act 2014.
16. 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.
17. To prepare where necessary statutory statements for works carried out by the Direct Labour Organisations ("DLOs") / Direct Service Organisations ("DSOs") within the department including street cleansing, grounds maintenance, fleet management, vehicle maintenance, street lighting, highways, building cleansing.
18. 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).

19. To consider and determine representations made under Part 4 of the Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.
- 20. To pay compensation in lieu of wages to persons excluded from work on public health grounds.**
- 21. 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.**
- 22. 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.**

## **STRATEGIC DIRECTOR OF CHILDREN'S SERVICES**

The holder of the post of Strategic Director of Children's 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 Services Division of the Children and Families 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 (MAPPA).
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) :

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 STRATEGIC COMMISSIONING / DIRECTOR OF ADULT SOCIAL SERVICES**

The holder of the post of Executive Director of Strategic Commissioning / 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 Division of the Children and Families 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 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.**

### **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 Strategic Commissioning / 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.

## **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.
- 47. Without prejudice to the generality of the above, to discharge the Council's functions in relation to:
  - (a) the "local flood risk management strategy" under Section 9 of the Flood Act;
  - (b) "investigations" under Section 19 of the Flood Act.
- 48. To perform the enforcement functions of the Council regarding reservoirs.
- 49. To exercise the Council's remedial and enforcement functions in relation to watercourses, non-main rivers classified as streams, brooks and ditches etc.
- 50. Establishing and maintaining a "register" of flood risk structures and features under Section 21 of the Flood Act.
- 51. To determine plans relating to schemes for culverting watercourses.

## **CCTV Cameras**

- 52. To operate or commission (in consultation with the 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.

## **CHIEF OPERATING OFFICER – NEIGHBOURHOODS**

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

### **GENERAL FUNCTIONS**

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

1. To support and assist the Chief Executive in their responsibilities in relation to civil contingencies, emergencies and disasters, and to take day to day responsibility for such matters.
- 1A. To co-ordinate all sponsorship and advertising activity for the Council.
2. To exercise the functions of the Council in relation to environmental health, waste and environmental protection, pollution control, contaminated land, private sector housing, street scene services (including grounds maintenance), trees (except trees on or affecting highways), health and safety, food safety, animal welfare, consumer protection, trading standards and weights and measures.
3. To exercise the functions of the Council relating to the enforcement of all relevant legislation relating to the registration and licensing functions within the remit of the Neighbourhoods **Directorate or the 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.
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.

### **NON-EXECUTIVE FUNCTIONS**

#### **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.

### **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 FUNCTIONS**

#### **Crime 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 (save for consideration of objections/representations) 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, 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 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).

#### 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.

### **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.

### **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.



## **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 Services** Division of the Corporate Core Directorate and for the development, implementation and delivery of an ICT Strategy and development of the Digital Strategy.

## **DIRECTOR OF EDUCATION**

The holder of the post of Director of Education shall be responsible for the management of the Education Department of the Children's Services Division of the Directorate for Children and Families 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).

# 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 of Children's 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 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.

# **Section F**

## **Officer Employment Procedure Rules**

## **1. RECRUITMENT AND APPOINTMENT**

### **1.1 Declarations**

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

### **1.2 Seeking support for appointment**

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

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

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

2.2 The appointment panel will:

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

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

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

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

### **4. APPOINTMENT OF STATUTORY CHIEF OFFICERS AND DESIGNATED DEPUTY CHIEF OFFICERS**

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

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

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

### **6. APPOINTMENT OF NON-DESIGNATED DEPUTY CHIEF OFFICERS**

- 6.1 In relation to Deputy Chief Officer posts other than those designated under 4.1 above the Personnel Committee will determine whether appointments to such posts should be made by an officer in consultation with an all officer panel or an officer in consultation with a mixed panel of officers and members.
- 6.2 An offer of employment as a Deputy Chief Officer shall only be made where the procedure set out in Annex 1 to these Rules has been completed.

## **7. OTHER APPOINTMENTS**

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

## **8. DISCIPLINARY ACTION**

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

## **9. DISMISSAL**

- 9.1 Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.
- 9.2 Where a committee or sub-committee of the authority is discharging, on behalf of the authority, the function of or in relation to, the dismissal of the Head of Paid Service, a Chief Officer or a Deputy Chief Officer, that committee or sub-committee must include at least one member of the executive.
- 9.3 Where a committee or sub-committee is discharging its function in relation to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, the full Council must approve any recommendation of dismissal before notice of dismissal is given.
- 9.4 The Council must appoint a panel ("the Panel") under Section 102(4) of the Local Government Act 1972 to advise the Council on matters relating to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer in accordance with the procedure set out in Annex 2.
- 9.5 The full Council may not approve any recommendation of dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer without first taking into account, in particular:
- (a) any advice, views or recommendations of the Panel;
  - (b) the conclusions of any investigation into the proposed dismissal; and
  - (c) any representations from the relevant officer.
- 9.6 Notice of dismissal of the Head of Paid Service, a Chief Officer or a Deputy Chief Officer must not be given until the procedure set out in Annex 3 has been completed.

## **10. DEFINITIONS**

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

- Notwithstanding the definition in the 1989 Act, a reference in these Rules to a "Non-Statutory Chief Officer" shall be taken to mean only those officers defined as such in sections 2(7)(a) and 2(7)(b) of the 1989 Act.
- "Deputy Chief Officer" has the same meaning as in section 2(8) of the 1989 Act.
- "Senior Officer" means an officer on spinal column point 32 or above.

## ANNEX 1

### APPOINTMENT OF HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

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



## ANNEX 2

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

### ANNEX 3

## DISMISSAL OF HEAD OF PAID SERVICE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

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

# **Section E**

## **Contract Procurement Rules**

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#### **DEFINITIONS**

# A BRIEF GUIDE TO CONTRACT PROCUREMENT RULES

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

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

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

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

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

# SCOPE OF CONTRACT PROCUREMENT RULES

## 1. BASIC PRINCIPLES

All purchasing and disposal procedures must:

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

## 2. OFFICER RESPONSIBILITIES

### 2.1 Officers

2.1.1 Officers responsible for purchasing or disposal must comply with these contract procedure rules, Financial Regulations, the Code of Conduct and with all UK and European Union binding legal requirements.

2.1.2 Officers must:

- have regard to the Purchasing Guidance including any relevant Gateway procedures
- **comply with the Council's Corporate Procurement Guidance, Contract Management Standards and any Directorate Commissioning Strategies in place at the time the decision is taken**
- check whether a suitable Corporate Contract exists before seeking to let another contract; where a suitable Corporate Contract exists, this must be used unless there is an auditable reason not to
- keep the records required by Rule 6
- take all necessary legal, financial and professional advice.

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

### 2.2 Chief Officers

2.2.1 Chief Officers must:

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

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

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

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

### **3. EXEMPTIONS, COLLABORATIVE AND E-PROCUREMENT ARRANGEMENTS**

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

3.2 A Chief Officer may, (subject to the City Treasurer's and a Strategic Management Team (as defined in Part 8 of the Constitution) member's written approval where the Total Value is likely to exceed £50,000 or where the proposed arrangement is estimated to exceed £50,000 in income to the Council) waive any requirements within these contract procedure rules, where they are satisfied:

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

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

- 3.3 Where a proposed contract or agreement is subject to the EU Procedure, a Chief Officer, the City Treasurer and Strategic Management Team (as defined in Part 8 of the Constitution) members have no delegated powers. No exemption under Rules 3.1 and 3.2 can be used if the EU Procedure applies.
- 3.4 All exemptions, and the reasons for them, must be recorded by the Chief Officer.
- 3.5 In order to secure Value for Money, the Council may enter into collaborative procurement arrangements with other local authorities, government departments, public bodies or Central Purchasing Bodies and may use Framework Agreements let by other local authorities, government departments, public bodies or Central Purchasing Bodies.
- 3.6 All purchases made via a local authority purchasing consortium are deemed to comply with these contract procedure rules and no exemption is required. However, purchases subject to the EU Procedure must be let under the EU Procedure, unless the consortium or Central Purchasing Body has satisfied this requirement already by letting its agreement in accordance with the EU Procedure on behalf of the Council or specifying the Council as a potential user.
- 3.7 Advice must be sought from the City Solicitor's department and/or the Corporate Procurement Service regarding any contracts entered into through collaboration with other local authorities or other public bodies or use of Central Purchasing Body arrangements to ensure compliance with the procurement rules.
- 3.8 The use of e-procurement technology does not negate the requirement to comply with all applicable elements of these contract procurement rules, particularly those relating to competition and Value for Money.

#### **4. RELEVANT CONTRACTS**

- 4.1 All Relevant Contracts and Framework Agreements must comply with these contract procedure rules. A Relevant Contract is any arrangement made by the Council (including schools) for the carrying out of works or for the supply of goods, materials or services. These include arrangements for:
- the carrying out of construction and engineering works
  - the supply or disposal of goods
  - the hire, rental or lease of goods or equipment and
  - the delivery of services.
- 4.2 Relevant Contracts do not include:
- contracts of employment which make an individual a direct employee of the Council, or



- agreements regarding the acquisition, disposal, or transfer of land which do not form part of a wider transaction under which the Council procures works, goods or services.

# COMMON REQUIREMENTS

## **5. STEPS PRIOR TO PURCHASE**

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

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

5.2 and by confirming that:

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

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

**5.4 Social Value must be included in any specification, whether done through formal tender or by approval to purchase from a Chief Officer or by any other**

way. It must be clearly evidenced how a contract will deliver its social value commitments and how this will be monitored post contract award.

- 5.5 Specifications should not be approved or used in procurement without clear statements of requirements for performance measurement and monitoring. These should be approved by Chief Officers or their formal delegated officers. Implementation plans should be developed in draft at specification stage and refined during the evaluation process so that officers can be clear with bidders how contract monitoring will work in practice**
- 5.6 Key stakeholders must be kept informed during the commissioning, procurement and contract lifetime, as set out in the MCC Contract Management Standards**

## **6. RECORDS**

- 6.1** Where the Total Value is less than £30,000, the following records must be kept:
- a unique reference number for the contract and the title of the contract
  - invitations to quote or tender and Quotations or Tenders
  - a record:
    - of any exemptions and the reasons for them
    - of any Contracting Decision and the reasons for it including the evaluation of the Quotation or Tender
  - written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.
- 6.2** Where the Total Value exceeds £30,000 the Officer must record (using the Corporate Procurement Service template documentation available from the Corporate Procurement Service):
- a unique reference number for the contract and the title of the contract
  - the method for obtaining bids (see Rule 8.1)
  - any Contracting Decision and the reasons for it
  - any exemption under Rule 3 together with the reasons for it
  - the Award Criteria in descending order of importance
  - Invitation to Tender documents sent to and Tender documents received from Candidates
  - pre-tender market research (if any)

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

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

## **7. ADVERTISING, APPROVED LISTS AND FRAMEWORK AGREEMENTS**

### **7.1 Identifying and Assessing Potential Candidates**

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

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

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

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

to fulfil the requirements of the Council.

## 7.2 Framework Agreements

7.2.1 The term of a Framework Agreement which is subject to the EU Procedure must not exceed four years save in exceptional cases duly justified, in particular by the subject matter of the framework agreement and Framework Agreements may be entered into with one or several providers.

7.2.2 Where a Framework Agreement is concluded with a single provider contracts let under that Framework agreement shall be awarded within the limits of the terms specified in the Framework Agreement

7.2.3 Where a Framework Agreement is concluded with more than one provider contracts based on that Framework Agreement shall be awarded as follows:

- (i) direct award without re-opening competition where all the terms governing the provision of the works/services/supplies concerned are set out in the Framework Agreement and the objective criteria for determining which provider shall perform the contract are identified in the Framework Agreement; or
- (ii) where the Framework Agreement sets out all the terms governing the provision of the works/services/supplies concerned and where the Framework Agreement states that it may be used, partly by direct award and partly by reopening competition provided that the Framework Agreement sets out the objective criteria which will be used to determine whether a contract will be placed by a re-opening of competition or by direct award; or
- (iii) where the Framework Agreement does not include all the terms governing the provision of the works/services/supplies concerned, by holding a further competition with the providers which are party to the Framework Agreement

# CONDUCTING PURCHASE AND DISPOSAL

## 8. COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS

The Officer must calculate the Total Value.

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

### 8.1 Purchasing – Competition Requirements

8.1.1 Subject to Rules 8.1.2 and 8.5 where the Total Value for a purchase is within the values in the first column below, the Award Procedure in the second column must be followed.

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

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

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

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

## **8.2 Assets for Disposal**

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

## **8.3 Providing Services to External Purchasers**

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

## **8.4 Collaborative and Partnership Arrangements**

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

## **8.5 The Appointment of Consultants to Provide Services**

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

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

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

- 8.5.2 Irrespective of Rule 8.5.1 Relevant Contracts and Framework Agreements that are subject to European Union grant funding requirements shall be advertised in accordance with published guidance, ERDF National Procurement Requirements (ERDF–GN-1-004) as amended from time to time.
- 8.5.3 The engagement of a Consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a formal letter or contract of appointment.
- 8.5.4 Records of consultancy appointments shall be maintained in accordance with Rule 6.
- 8.5.5 Consultants shall be required to provide evidence of, and maintain appropriate professional indemnity insurance policies for the periods specified in the respective agreement.
- 8.5.6 The instruction of external legal advisers must only be carried out by the City Solicitor and the instruction of counsel shall not be subject to the requirements of Rules 8.5.1 – 8.5.4 (inclusive)

## **9. PRE-TENDER MARKET RESEARCH AND CONSULTATION**

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

## **10. STANDARDS AND AWARD CRITERIA**

- 10.1 The Officer must ascertain the standards necessary to properly describe the subject matter of the contract having regard to any relevant British, European or international standards.
- 10.2 The Officer must define Award Criteria that are appropriate to the purchase and designed to secure an outcome giving Value for Money for the Council. The basic criteria shall be one of the following:
  - ‘most economically advantageous’ where considerations of quality, price, social value and other relevant factors apply or
  - ‘lowest price’ where payment is to be made by the Council (provided that lowest price is not permissible under the EU Procedure) or



- 'highest price' if payment is to be received

If the first criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, relevant community benefit and social considerations (where permitted by UK and European Union Law and in accordance with the Council's Ethical Procurement Policy) aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters. Supplier suitability assessment questions may also be asked by the Council provided such are relevant to the subject matter of the procurement, are proportionate and are used to assess whether bidders meet requirements or minimum standards of suitability, capability, legal status and financial standing. Officers shall have regard to the Purchasing Guidance when defining the Award Criteria.

### 10.3 Award Criteria must not include:

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

## 11. INVITATIONS TO TENDER/QUOTATIONS

11.1 The Invitation to Tender shall state that the Council reserves the right to reject a Tender that is not received by the date and time stipulated in the Invitation to Tender. No Tender delivered in contravention of this requirement shall be considered without the City Treasurer's prior approval.

11.2 All Invitations to Tender shall include the following:

- 11.2.1 A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers.
- 11.2.2 A requirement for tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).
- 11.2.3 A requirement for tenderers to complete fully and sign all Tender documents including a form of Tender and certificates relating to canvassing and non-collusion.
- 11.2.4 Notification that Tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense.
- 11.2.5 A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms and if possible in descending order of importance.

**11.2.6** Unless the Tender is sought in accordance with an electronic tendering process which is approved by the City Treasurer and City Solicitor and/or which is permitted by the Invitation to Tender documents, a statement that any Tenders submitted by fax or other electronic means shall not be considered.

**11.2.7 A submission on contract monitoring should be required from bidders, within the qualifying and quality documentation at the Invitation to Tender stage**

**11.2.8 Bidders' contract monitoring proposals should achieve a minimum threshold as defined in the Invitation to Tender Documents to be considered for tender evaluation**

11.3 All Invitations to Tender or Quotations must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply (see Rule 18).

11.4 The Invitation to Tender or Quotation may state that the Council is not bound to accept any Quotation or Tender.

## **12. SHORTLISTING**

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

## **13. SUBMISSION, RECEIPT AND OPENING OF TENDERS/QUOTATIONS**

13.1 Candidates must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the complexity of the Council's requirement. Normally at least four weeks should be allowed for submission of Tenders. The EU Procedure lays down specific time periods (see guidance in the Purchasing Guidance).

13.2 All Tenders must be returned in accordance with the Invitation to Tender.

13.3 Tenders received by fax or other electronic means (e.g. e-mail) must be rejected, unless they have been sought in accordance with an electronic tendering process which is approved by the City Treasurer and City Solicitor and/or they are permitted by the Invitation to Tender documents,

13.4 Each Tender must be:

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

## **14. CLARIFICATION PROCEDURES**

14.1 Providing clarification of an Invitation to Tender to potential or actual Candidates or seeking clarification of a Tender, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a Tender and

before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) are the exception rather than the rule. In particular, they must not be conducted in an EU Procedure where this might distort competition, especially with regard to price.

## **15. EVALUATION**

- 15.1 Apart from the debriefing required or permitted by these contract procedure rules, the confidentiality of Quotations, Tenders and the identity of Candidates must be preserved at all times and information about one Candidate's response must not be given to another Candidate.
- 15.2 Contracts must be evaluated and awarded in accordance with the Award Criteria. During this process, Officers shall ensure that submitted Tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.
- 15.3 The arithmetic in compliant Tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the rates in the Tender, rather than the overall price, were stated within the Invitation to Tender as being dominant, an amended Tender price may be requested to accord with the rates given by the tenderer.

## **16. POST TENDER NEGOTIATIONS**

- 16.1 Post-tender negotiations under the EU Procedure can only be undertaken on the grounds allowing for such specified in the EU Procedure. For all other procedures if post-tender negotiations are necessary after a single-stage Tender process or after the second stage of a two-stage Tender process, then such negotiations shall only be undertaken with the tenderer who is identified as having submitted the most economically advantageous Tender and after all unsuccessful Candidates have been informed. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the Tender documents. Officers appointed by the Chief Officer to carry out post-tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.
- 16.2 Post-tender negotiation must only be conducted in accordance with the guidance issued by the City Solicitor who, together with the Corporate Procurement Service, must be consulted wherever it is proposed to enter into post-tender negotiation. Negotiations must be conducted by a team of at least two officers, one of whom must be from a division independent to that leading the negotiations.
- 16.3 Where post-tender negotiation would result in fundamental changes to a Relevant Contract or Framework Agreement (such as to the specification or price) which would be likely to distort competition the contract or agreement must not be awarded but re-tendered.

## **17. AWARD OF CONTRACTS AND FRAMEWORK AGREEMENTS AND DEBRIEFING CANDIDATES**

- 17.1 Chief Officers may accept Quotations and Tenders received in respect of proposed contracts and Framework Agreements, provided they have been sought and evaluated fully in accordance with these contract procedure rules and, in respect of proposed contracts and Framework Agreements that are expected to exceed £250,000 (relating to either expenditure or income) with the approval of the City Treasurer and a Strategic Management Team (as defined in Part 8 of the Constitution) member.
- 17.2 For contracts and Framework Agreements subject to the EU Procedure, the Officer must notify all Candidates simultaneously and as soon as possible of the intention to award the contract or Framework Agreement to the successful Candidate and provide information required by the EU Procedure specifying the name(s) of the successful Candidate(s), the award criteria and the reasons for the decision including the score of the Candidate being debriefed and the successful Candidate(s) and the characteristics and relative advantages of the successful tender. The Officer must provide unsuccessful Candidates with a period of at least ten days in which to challenge the decision before the Officer awards the contract or Framework Agreement. If the decision is challenged by an unsuccessful Candidate then the Officer shall not award the contract or Framework Agreement until the advice of the City Solicitor's department and Corporate Procurement Service has been obtained. The requirement to notify candidates of the intention to award a contract or Framework Agreement in this Rule 17.2 does not apply to:
- contracts and Framework Agreements that are not subject to the full application of the EU Procedure (such as social and other specific services listed under the EU Procedure, or where the value is under the EU Threshold) and
  - contracts subsequently called off and awarded based on a Framework Agreement that was let in accordance with the EU Procedure
- 17.3 If a Candidate requests in writing the reasons for a Contracting Decision relating to an unsuccessful Quotation or Tender it has submitted, the Officer must give in writing the name(s) of the successful Candidate(s), the award criteria and the reasons for the decision including the score of the candidate being debriefed and the successful Candidate(s) and the characteristics and relative advantages of the successful tender.

# CONTRACT AND OTHER FORMALITIES

## 18. CONTRACT DOCUMENTS

### 18.1 Relevant Contracts

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

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

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

18.1.3 The Council's standard terms and conditions **as defined by the City Solicitor**, or:

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

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

18.1.4 In addition, every contract or agreement must also state clearly as a minimum:

- that the contractor may not assign or sub-contract without prior written consent
- any insurance requirements
- health and safety requirements
- data protection requirements, if relevant
- Equality Act 2010 requirements
- anti-bribery compliance
- Freedom of Information Act requirements
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.

- that the Council shall pay the contractor and the contractor shall pay its subcontractors within 30 days of an undisputed invoice

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

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

## 18.2 Contract Formalities

18.2.1 Agreements shall be completed as follows:

| Total Value   | Method of completion      | By  |
|---|---------------------------|---|
| Up to £30,000   | <b>One</b> Signature      | Authorised Signatory                        |
| £30,001 -<br><b>£150,000</b>  | Two signatures or sealing | Two Authorised Signatories or see Rule 18.3 |
| Above<br><b>£150,000 AND construction and related professional service appointments</b> | Sealing                   | See Rule 18.3                               |

**18.2.2** All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances.

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

## 18.3 Sealing

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

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

18.3.3 A contract must be sealed where:

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

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

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

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

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

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

# CONTRACT MANAGEMENT

## **20. MANAGING CONTRACTS**

- 20.1 Heads of Service in sponsoring departments are to name contract managers for all new contracts. All contracts must have a Council contract manager for the entirety of the contract.
- 20.2 Contract managers must follow the procedures set out in the Council's Purchasing Guidance.
- 20.3 The Contract Management Standards set out a governance framework with the roles and responsibilities of all involved in contract management decisions during each phase of the commissioning and contract management lifecycle.**
- 20.4 **Specifically executive members should be kept informed at each stage of the commissioning and contract management stages as set out in the Commissioning and Contract Management Standards.**

## **21. RISK ASSESSMENT AND CONTINGENCY PLANNING**

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

## **22. CONTRACT MONITORING, EVALUATION AND REVIEW**

- 22.1 The City Treasurer may require that a Council-developed Gateway review process may be applied to all contracts deemed to be High Risk, High Value, or High Profile. This process must be applied at key stages of major procurements.
- 22.2 During the life of the contract, the Officer must monitor in respect of:
- performance
  - compliance with specification and contract
  - cost
  - user satisfaction and risk management.



## DEFINITIONS

|                         |   |
|-------------------------|---|
| “Approving Officer”     | An officer referred to and/or identified in Chapters 2 <b>and</b> 3A of Part 3 (scheme of delegation) of the Constitution   |
| Authorised Signatory    | An officer authorised by the City Solicitor in accordance with the Council’s constitution to sign a contract or the Council’s seal.   |
| Award Criteria          | The criteria by which the successful Quotation or Tender is to be selected (see further Rules 10 and 11.2.5).   |
| Award Procedure         | The procedure for awarding a contract as specified in Rules 8, 10 and 15.   |
| Best Value              | The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council. |
| Candidate               | Any person who applies for, asks or is invited to submit a Quotation or Tender.   |
| Central Purchasing Body | Means a contracting authority which provides centralised purchasing activities and which may also provide ancillary purchasing activities   |
| Chief Officers          | The Officers defined as such in Part 8 of the Constitution.   |
| City Solicitor          | As identified in the Constitution.  |
| City Treasurer          | The Council’s City Treasurer or such other Officer as may be designated City Treasurer by the Council.  |
| Code of Conduct         | The code of conduct for employees as set out from time to time in the Constitution.   |
| Commercial Board        | The group of Officers that meets regularly to consider procurement issues on a corporate basis.   |
| Committee               | A committee which has power to make decisions for the Council, for example a joint committee with another local authority, but not a scrutiny committee.  |
| Constitution            | The constitutional document approved by the Council of which those Contract Procedure Rules form part issued under Section 9P of the Local Government Act 2000.   |
| Consultant              | Specialist advisers engaged to provide services to the Council.   |

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

|                               |   |
|-------------------------------|---|
| High Risk                     | A high-risk purchase that is in the opinion of the City Treasurer one which presents the potential for substantial exposure on the Council's part should it fail or go wrong.   |
| High Value                    | A high-value purchase is where the value exceeds the EU Threshold values.   |
| Invitation to Tender          | Invitation to tender documents in the form required by these contract procedure rules.  |
| Key Decision                  | Decisions that are defined as key decisions in the Access to Information Rules in Part 4 of the Constitution.   |
| Non-Commercial Considerations | <p>(a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').</p> <p>(b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.</p> <p>(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</p> <p>(d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').</p> <p>(e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.</p> <p>(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</p> <p>(g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.</p> <p>(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</p> <p>Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be Non-Commercial Considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which the</p> |

|  |  |
|--|--|
|  | Transfer of undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply.   |
| Officer  | The Officer designated by the Chief Officer to deal with the contract in question.   |
| Parent Company Guarantee                                 | A contract which binds the parent of a subsidiary company whereby if the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead.   |
| Procurement Strategy                                     | The document setting out the Council's approach to procurement and key priorities for the next few years.  |
| Purchasing Guidance                                      | Any guidance documents issued from time to time by the City Treasurer and/or Corporate Procurement Service that support the implementation of these contract procurement rules. The guidance is available on the Council's intranet.   |
| Quotation  | A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).  |
| Relevant Contract  | Contracts to which these contract procurement rules apply (see Rule 4).  |
| Shortlisting   | The process of selecting Candidates who are to be invited to quote or bid or to proceed to final evaluation.   |
| Tender   | A Candidate's offer submitted in response to a Council Invitation to Tender.   |
| Total Value  | <p>The whole of the value (net of VAT) or estimated value (in money or equivalent value) calculated as follows:</p> <ul style="list-style-type: none"> <li>(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period</li> <li>(b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months</li> <li>(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48</li> <li>(d) in the case of framework agreements and dynamic purchasing systems, the maximum estimated value of all contracts envisaged for the total term of the framework agreement or the dynamic purchasing system</li> </ul> |
| TUPE/Transfer of Undertakings (Protection of Employment) | Subject to certain conditions, the regulations applying where responsibility for the delivery of works or services for the authority is transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a contracting  |

|                                   |   |
|-----------------------------------|---|
| Regulations 2006 (SI 2006 No.246) | out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business or service. |
| Value for Money                   | Value for money is not the lowest possible price; it is the most economically advantageous proposal that combines goods or services that fully meet the needs, with the level of quality required, delivery at the time required, and at an appropriate price.  |

# **PART 8**

## **MANAGEMENT STRUCTURE**

# **Management Structure**

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

- Chief Executive
- Deputy Chief Executive
- City Treasurer
- City Solicitor
- Strategic Director of Children's Services
- Executive Director of Strategic Commissioning/Director of Adult Social Services\*\*
- Strategic Director (Development)

## **Chief Officers**

- The full members of SMT
- Director of Population Health and Wellbeing\*\*

## **Statutory Officers**

- Head of Paid Service - Chief Executive
- Chief Finance Officer - City Treasurer
- Monitoring Officer - City Solicitor
- Director of Children's Services - Strategic Director of Children's Services
- Director of Adult Social Services - Executive Director of Strategic Commissioning / Director of Adult Social Services\*\*
- Director of Public Health - Director of Population Health and Wellbeing\*\*
- Deputy Chief Finance Officer - Deputy City Treasurer
- Deputy Monitoring Officer - Deputy City Solicitor
- Scrutiny Officer - Governance and Scrutiny Support Unit Manager

\*While other senior officers may attend SMT on an occasional or regular basis, only the listed officers are considered full members of SMT for the purposes of Part 8 of the Council's Constitution.

\*\*The Director of Strategic Commissioning (with DASS responsibilities) and the Director of Population Health and Wellbeing sit on the Single Commissioning Function Executive Leadership Team reporting to the Chief Officer of the Single Commissioning Function. The posts also have reporting lines to the Council's Chief Executive in relation to their statutory Local Authority duties.

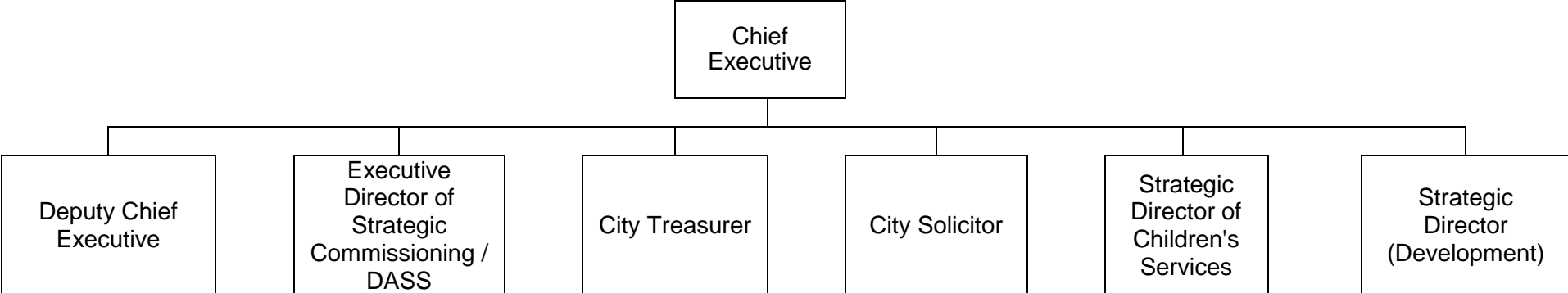
## Deputy Chief Officers/Heads of Service

| <b>Directorate/Division</b>   | <b>Deputy Chief Officer/Head of Service</b>  |
|---|--|
| <b>Corporate Core: Corporate Services</b>   | Deputy City Treasurer<br>Director of Capital Programmes<br>Director of Customer Services & Transactions<br>Director of ICT<br>Head of Audit & Risk Management  |
| <b>Corporate Core: City Solicitor's</b>   | Deputy City Solicitor  |
| <b>Neighbourhoods</b>   | Chief Operating Officer: Neighbourhoods<br>Director of Operations (Highways)   |
| <b>Corporate Core: excluding the Corporates Services and City Solicitor's Divisions</b> | Director of HROD<br>Director of Strategic Communications<br>Head of Reform & Innovation<br>Head of Policy, Partnerships & Research<br>Head of Performance, Research & Intelligence                             |
| <b>Children and Families: Adult Social Services</b>                                     | Director of Adult Services<br>Deputy Director of Adult Social Services<br>Head of Homelessness   |
| <b>Children and Families: Children's Services</b>                                       | Deputy Director of Children's Services<br>Director of Education<br>Head of Safeguarding Quality Assurance  |
| <b>Strategic Development:</b>   | Director of Housing & Residential Growth<br>Director of Development & Corporate Estate<br>Head of City Centre Growth & Regeneration<br>Head of Work & Skills<br>Head of Planning, Licensing & Building Control |

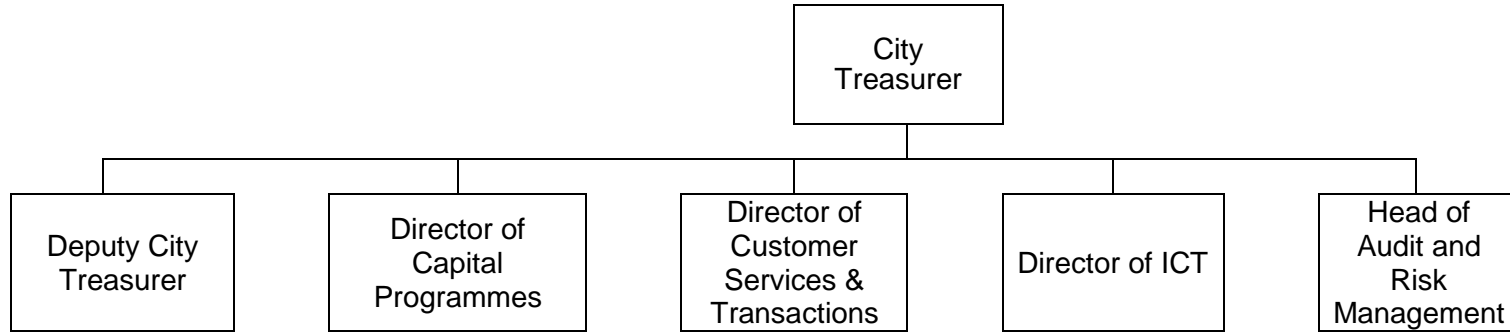
Additional information on the Council's structure is published within the 'Open Data' section of the Council website in accordance with the DCLG Code of Recommended Practice on Data Transparency.



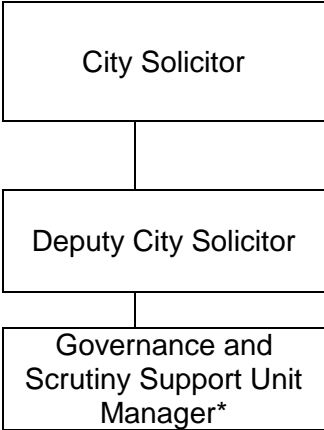
**Full Members of the Strategic Management Team (SMT)**



**Corporate Core: Corporate Services**

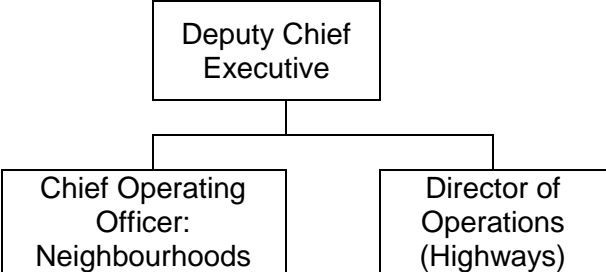


**Corporate Core: City Solicitor's**

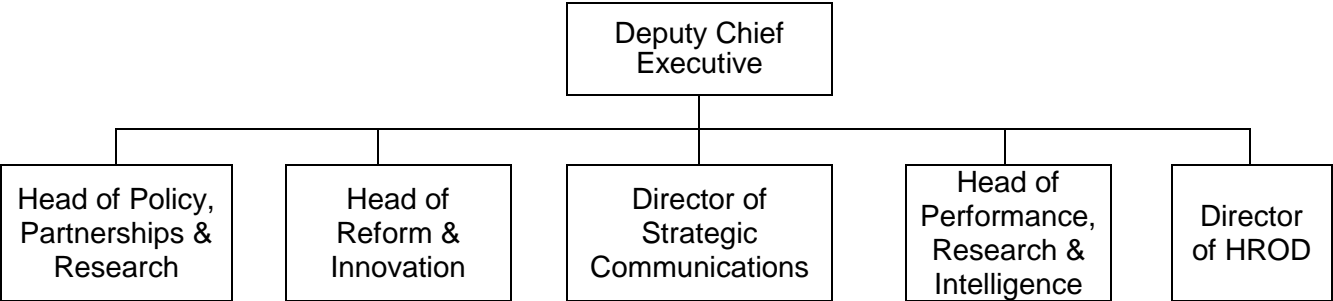


\*Indirect report. Reports to Deputy City Solicitor via Head of Governance

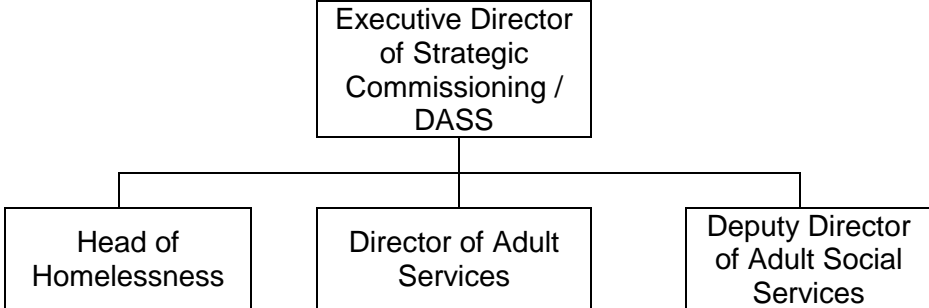
**Directorate for Neighbourhoods**



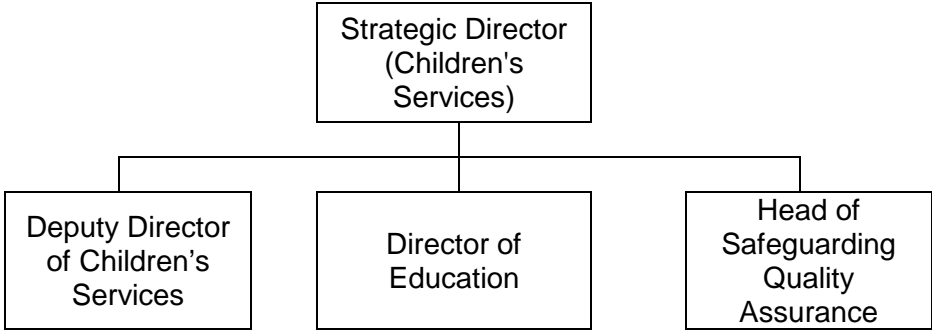
**Corporate Core: excluding the Corporates Services and City Solicitor's Divisions**



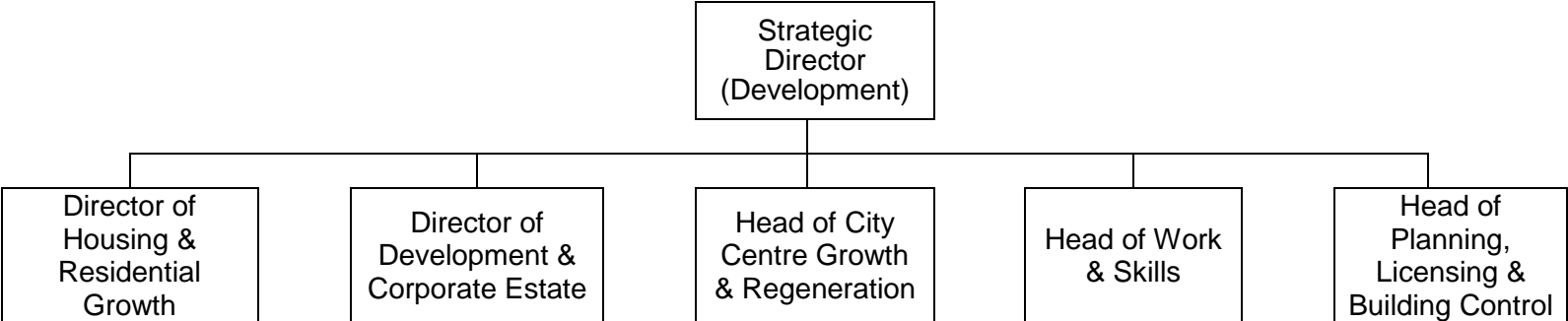
**Directorate for Children & Families: Adult Social Services**



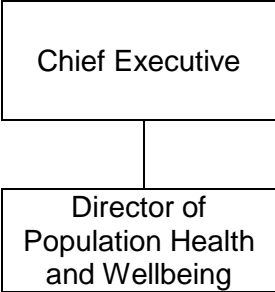
**Directorate for Children & Families: Children's Services**



**Strategic Development**



**Chief Executive's Direct Reports (Non-SMT)**





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

**Report to:** Executive – 12 September 2018  
Constitution and Nomination Committee – 1 October 2018

**Subject:** Transport for Greater Manchester Committee

**Report of:** City Solicitor

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### **Summary**

To agree a reduction in the size of the Transport for Greater Manchester Committee (TfGMC) to 23 members.

### **Recommendations**

The Executive is recommended to:

- Agree the reduction in size of the Transport for Greater Manchester Committee (TfGMC) to 23 members;
- Agree that each of the 10 Greater Manchester district councils shall:
  - appoint one member to the TfGMC (save for Manchester City Council which shall appoint two members),
  - nominate one further member to be appointed to the TfGMC by Greater Manchester Combined Authority (GMCA) to ensure political balance;
- Agree that the GMCA shall appoint one member;
- Agree that the Mayor of Greater Manchester shall nominate one further member to be appointed to the TfGMC by the GMCA;
- Agree that the TfGMC Operating Agreement be amended to reflect the above changes;
- Agree that the TfGMC Terms of Reference be amended to ensure that they reflect the Mayor of Greater Manchester's current transport powers; and
- Agree that the Operating Agreement and Terms of Reference of the TfGMC be further reviewed in 2019/20 when the final Mayoral transport powers are agreed by Order.

The Constitution and Nomination Committee is requested to recommend that Council:

- Agree the above recommendations;
  - Appoint two members to the TfGMC; and
  - Nominate one further member to be appointed to the TfGMC by the GMCA.
- 

### **Wards Affected**

All

| <b>Manchester Strategy outcomes</b>   | <b>Summary of the contribution to the strategy</b>   |
|---|--|
| A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities | <p>The Our Manchester Strategy sets out the vision for the city to 2025.</p> <p>The TfGMC is a joint committee of the ten GM district councils and the GMCA (and in future also of the Mayor of Greater Manchester). It is responsible for advising the GMCA on transport policy, recommending how much money is spent on supporting public transport and monitoring the quality and performance of transport services. TfGM (formerly the GMPTE) carries out the transport decisions of the GMCA, the TfGMC and the Mayor of Greater Manchester.</p> <p>The work of the TfGMC will contribute to the Our Manchester Strategy.</p> |
| A highly skilled city: world class and home grown talent sustaining the city's economic success                   |  |
| A progressive and equitable city: making a positive contribution by unlocking the potential of our communities    |  |
| A liveable and low carbon city: a destination of choice to live, visit, work                                      |  |
| A connected city: world class infrastructure and connectivity to drive growth                                     |  |

**Full details are in the body of the report, along with any implications for**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

**Financial Consequences – Revenue**

Changes to the membership of the TfGMC would be expected to have financial implications in respect of the special responsibility allowances paid under the Council's Members' Allowance Scheme.

**Financial Consequences – Capital**

None

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

There are no background documents for this report.

## **1.0 Introduction**

- 1.1 On 29 June 2018 the Greater Manchester Combined Authority (GMCA) resolved that the Transport for Greater Manchester Committee (TfGMC) membership be reduced to 23 members. It further resolved that each of the Greater Manchester district councils be requested to agree the recommendations in this report.

## **2.0 Background**

- 2.1 The TfGMC is a joint committee of the GMCA and the ten district councils in Greater Manchester. It is responsible for advising the GMCA on transport policy, recommending how much money is spent on supporting public transport and monitoring the quality and performance of transport services. TfGM (formerly the GMPTE) carries out the transport decisions of the GMCA and the TfGMC.

- 2.2 There are currently 33 members on the TfGMC appointed by the ten GM district councils as follows:

|            |   |
|------------|---|
| Bolton     | 3 |
| Bury       | 2 |
| Manchester | 5 |
| Oldham     | 3 |
| Rochdale   | 3 |
| Salford    | 3 |
| Stockport  | 4 |
| Tameside   | 3 |
| Trafford   | 3 |
| Wigan      | 4 |

- 2.3 Through a series of devolution deals, the Mayor of Greater Manchester and the GMCA now have a broad range of responsibilities, of which transport is just one. At the same time, a new Greater Manchester Strategy is now in place with newly defined priorities recognising the important role of transport in connecting people to jobs and opportunities both at a local and city region level. These changes have presented an opportunity to reflect on existing transport governance arrangements, the new powers of the Mayor of Greater Manchester and the GMCA and the joint working with district councils to ensure these transport governance arrangements are transparent, accountable, modern and efficient.

## **3.0 Proposal**

- 3.1 The GMCA has therefore proposed that the TfGMC remains a joint committee of the ten GM district councils and the GMCA (and in future also of the Mayor of Greater Manchester). The GMCA considers the joint committee route to be necessary if transport is to be dealt with in an integrated way with delegated authority from each district to carry out some of its transport functions. The

TfGMC also requires members with detailed local knowledge of their area to respond to, for example, proposed changes in bus services routes.

3.2 The GMCA has also proposed that the membership of the TfGMC be reduced from 33 to 23 with the appointments to be made as follows:

- Each of the 10 Greater Manchester district councils shall:
  - appoint one member (save for Manchester City Council which shall appoint two members (based on population and therefore financial contribution to the levy)),
  - nominate one member to be appointed to the TfGMC by the GMCA to ensure political balance;
- The GMCA shall appoint one member;
- The Mayor of Greater Manchester shall nominate one further member to be appointed to the TfGMC by the GMCA.

3.3 The GMCA has requested that each of the 10 district councils appoint its Transport and Highways Portfolio Lead to the TfGMC.

3.4 The GMCA has further requested that each of the 10 GM district agree further supplemental proposals that are contained in the recommendations to this report.

#### **4.0 Approval Process**

4.1 Because the TfGMC discharges both executive and non-executive functions, the approval of Manchester City Council's Executive and Full Council is required.

#### **5.0 Recommendations**

5.1 Recommendations are set out at the front of this report.