

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.

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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	Strategic Director (Neighbourhoods)
9	The discharge of any function relating to the control of pollution or the management of air quality.	Executive	Executive	Strategic Director (Neighbourhoods)
10	The service of an abatement notice in respect of a statutory nuisance.	Non-Executive	Licensing and Appeals Committee	Strategic Director (Neighbourhoods)
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	Strategic Director (Neighbourhoods)
13	The investigation of any complaint as to the existence of a statutory nuisance.	Non-Executive	Licensing and Appeals Committee	Strategic Director (Neighbourhoods)

14	Obtaining information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Non-Executive	Director 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	Director of Highways
17.1	The appointment of any individual – (a) to any office other than an office in which he is employed by the authority (b) to any body other than (i) The Authority (ii) A Joint Committee of 2 or more Authorities or (c) to any Committee or Sub-Committee of such a body, in connection with executive functions and the revocation of any such appointment.	Executive	Executive	Chief officer as provided in the Scheme of Delegation at Part 3
17.2	The appointment of any individual – (a) to any office other than an office in which he is employed by the authority (c) to any body other than (i) The Authority (ii) A Joint Committee of 2 or more Authorities or (c) to any Committee or Sub-Committee of such a body, in connection with non-executive functions and the revocation of any such appointment.	Non-Executive	Full Council	Committee or chief officer, as provided in the Scheme of Delegation at Part 3
17.3	The appointment of the senior coroner, area and assistant coroners under Schedule 3 of the Coroners and Justice Act 2009.	Non-Executive	Personnel Committee (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	Strategic Director (Neighbourhoods)
3	Section 13	Provision of Parking Places in Parks, etc	Executive	Executive	Strategic Director (Neighbourhoods)
4	Section 14	Provision of Vehicles in Parks etc.	Executive	Executive	Strategic Director (Neighbourhoods)
5	Section 15	Contribution towards Provision of Recreational Facilities	Executive	Executive	Strategic Director (Neighbourhoods)
6	Section 21	Recovery of Street Works Charges Where Owner Unknown	Executive	Executive	Director of Highways
7	Section 22	Street Numbers	Executive	Executive	Deputy Chief Executive and City Treasurer
8	Section 24	Provision of Trees and Shrubs	Non-Executive	Planning and Highways Committee	Director of Highways
9	Section 26	Prohibition of Parking of Goods Vehicles in Residential Streets	Executive	Executive	Director of Highways
10	Section 27	Control of Verges	Executive	Executive	Director of Highways
11	Section 28	Temporary Stoppage of Footpaths and Bridleways	Executive	Executive	Director of Highways
12	Section 29	Vesting of Former highway Land	Executive	Executive	Director of Planning, Building Control and Licensing
13	Section 30	Hairdressers and Barbers	Non-Executive	Licensing and Appeals Committee	Director of Planning, Building Control and Licensing
14	Section 32	Acupuncturists, Tatoists, Ear Piercers, Electrolysis etc.	Non-Executive	Licensing and Appeals Committee	Director of Planning, Building Control and Licensing
15	Section 34	Dust etc. from Building Operations	Non-Executive	Licensing and Appeals Committee	Strategic Director (Neighbourhoods)
16	Section 35	Carrying or Storage of Waste Food	Executive	Executive	Strategic Director (Neighbourhoods)
17	Section 36	Power to Order Alteration of Chimneys	Non-Executive	Licensing and Appeals Committee	Strategic Director (Neighbourhoods)
18	Section 37	Control of Rats and Mice	Executive	Executive	Strategic Director (Neighbourhoods)
19	Section 38	Powers of Entry for Prevention of Damage by Pests Act 1949	Executive	Executive	Strategic Director (Neighbourhoods)
20	Section 42	Control of Stray Dogs	Executive	Executive	Strategic Director (Neighbourhoods)

21	Section 43	Repair of Walls etc. of Yards	Non-Executive	Licensing and Appeals Committee	Strategic Director (Neighbourhoods)
22	Section 44	Temporary Repair of Defective premises	Executive	Executive	Strategic Director (Neighbourhoods)
23	Section 47	Urgent Repairs to Water, Gas and Electricity apparatus	Executive	Executive	Strategic Director (Neighbourhoods)
24	Section 48	Artificial Lighting in Habitable Rooms etc.	Non-Executive	Licensing and Appeals Committee	Strategic Director (Neighbourhoods)
25	Section 49	Trees impeding Natural Light to Houses, Shops and Offices	Non-Executive	Licensing and Appeals Committee	Strategic Director (Neighbourhoods)
26	Section 50	Weatherproofing of Property	Non-Executive	Licensing and Appeals Committee	Director of Planning, Building Control and Licensing
27	Section 53	Prohibition of Interference with Bird Traps	Non-Executive	Licensing and Appeals Committee	Strategic Director (Neighbourhoods)
28	Section 54	Dealings in Second Hand Goods	Non-Executive	Licensing and Appeals Committee	Director of Planning, Building Control and Licensing
29	Section 55	Safety of Ceilings in Bingo Halls	Non-Executive	Licensing and Appeals Committee	Director of Planning, Building Control and Licensing
30	Section 58	Safety of Stands	Non-Executive	Licensing and Appeals Committee	Director 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	Director of Planning, Building Control and Licensing
33	Sections 63 & 66	Fire Precautions	Non-Executive	Licensing and Appeals Committee	Director of Planning, Building Control and Licensing
34	Sections 67-73	Storage of Flammable Material	Non-Executive	Licensing and Appeals Committee	Director of Planning, Building Control and Licensing
35	Sections 74-81	Entertainment Clubs	Non-Executive	Licensing and Appeals Committee	Director 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	Strategic Director (Neighbourhoods)

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	Strategic Director (Neighbourhoods) (where information required in relation to functions of the Council delegated to the Strategic Director (Neighbourhoods)). Director of Planning, Building Control and Licensing (where information required in relation to functions of the Council delegated to the Director of Planning, Building Control and Licensing).
39	Section 119	Power to permit market places to be used for Public Meetings etc.	Non-Executive	Licensing and Appeals Committee	Strategic Director (Neighbourhoods) (excluding any property matters which are to be exercised by the Strategic Director (Growth and 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	Director 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	Strategic Director (Neighbourhoods) (with the exception of Section 149(3) which in the case of the proposed sale or exchange of any work of art worth more than £25,000 the proposed sale or exchange shall be approved by the Art Galleries Committee).
44	Section 152	North Western Museum of Science and industry	Executive	Executive	Not Delegated
45	Section 162	Restriction on the use of Armorial Bearings	Executive	Executive	Not Delegated
46	Section 163	Unauthorised Activities on Playing Fields (education)	Executive	Executive	Strategic Director (Children's and Education Services)
47	Section 164	Pedal Cycles	Executive	Executive	Director of Highways
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	Director 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	Deputy Chief Executive and City Treasurer
3	To determine appeals by market traders where the trader's licence has been revoked.	Non-Executive	Licensing and Appeals Committee	Head of Commissioning and Delivery
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