

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

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

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

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

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

11	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.	Director of Highways
12	Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.	Director of Highways
13	Power to apply for variation of order under Section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.	Director of Highways
14	Power to authorise temporary disturbance of surface of footpath bridleways or restricted byways.	Section 135 of the Highways Act 1980.	Director of Highways
15	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.	Strategic Director (Neighbourhoods)
16	Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.	Director of Highways* see note below
17	Duty to keep a definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981.	Director of Highways
18	Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.	Director of Highways
19	Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.	Director of Highways
20	Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.	Director of Highways
21	Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984.	Director of Highways
22	Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1985.	Director of Highways
23	Power to make applications for orders for stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990	Director of Highways* see note below
24	Power to authorise stopping up or diversion of footpath, bridleway or restricted byways.	Section 257 of the Town and Country Planning Act 1980.	Director of Highways* see note below
25	Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1980.	Director of Highways* see note below
26	Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000.	Director of Highways
27	Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.	Director of Highways
28	Power to permit deposit of builders' skips on highway.	Section 139 of the Highways Act 1980.	Director of Highways (except in relation to enforcement regarding deposit of skips, which is delegated to the Strategic Director (Neighbourhoods))
29	Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	Director of Highways

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

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

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

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

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

DELEGATION

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

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

LICENSING AND APPEALS COMMITTEE

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

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

30	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981.	Commons Registration (New Land) Regulations 1969 (S.I.1969/1843).	Chief Executive
31	Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I.1966/1471).	Chief Executive
32	Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, and section 2 of the House to House Collections Act 1939.	Director of Planning, Building Control and Licensing
33	Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.	Director of Planning, Building Control and Licensing
34	[.....]		
35	[.....]		
36	Functions relating to the registration of common land and town or village greens.	Part 1 of the Commons Act 2006 (c.26) and the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 (S.I. 2007/457).	Chief Executive
37	Functions Relating to Smoke Free Premises - Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the Health Act 2006.	Strategic Director (Neighbourhoods)
38	Functions Relating to Smoke Free Premises - Power to authorise officers.	Section 10(5) of the Health Act 2006.	Strategic Director (Neighbourhoods)
39	Functions Relating to Smoke Free Premises - Functions relating to fixed penalty notices.	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2007/760).	Strategic Director (Neighbourhoods)
40	Functions Relating to Smoke Free Premises - Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).	Strategic Director (Neighbourhoods)
41	[.....]	.	
42	Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006.	City Solicitor
43	Power to protect unclaimed registered common land and unclaimed town or village greens	Section 45(2)(a) of the Commons Act 2006.	City Solicitor
44	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006.	City Solicitor

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

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

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

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

V	Conditions etc. and Enforcement	
1	The functions of imposing any condition, limitation or other restriction on any approval, consent, licence, permission or registration granted in the exercise of any of the above functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject.	Officer relevant to the function.
2	The function of determining whether, and in what manner, to enforce - (a) any contravention or failure to comply with an approval, consent, licence, permission or registration granted as mentioned above; or (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject.	Officer relevant to the function except in relation to the enforcement of licensing functions (excluding private hire and hackney carriage) within the remit of the Neighbourhoods Directorate or the Growth and Development Directorate which is delegated to the Strategic Director (Neighbourhoods).
3	The function of - (a) amending, modifying or varying any such approval, consent, licence, permission or registration as is mentioned above, or any condition, limitation or term to which it is subject, or (b) revoking any such approval, consent, licence, permission or registration.	Officer relevant to the function.
4	The function of determining - (a) Whether a charge should be made for any approval, consent, licence, permit or registration as is mentioned above; and (b) Where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.	Officer relevant to the function in consultation with the Chair.

DELEGATION

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

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

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

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

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

LICENSING COMMITTEE

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

Matter to be dealt with		Subcommittee (Licensing Panel)	Director of Planning, Building Control and Licensing
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 Strategic Director (Neighbourhoods) the function of discharge the functions of the Council in relation to the suspension of licences under section 55A (premises licence) and section 92A (club premises licence) of the Licensing Act 2003.
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	Director of Planning, Building Control and Licensing
1	Three year licensing policy.	✓		
2	Policy not to permit casinos.	✓		
3	Fee setting (when appropriate).			✓
4	Application for premises licences.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
5	Application for a variation to a licence.		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
6	Application for a transfer of a licence.		Where representations have been received from	Where no representations received from the

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

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

NOTE

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

LICENSING POLICY COMMITTEE

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

ART GALLERIES COMMITTEE

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

Delegation

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

AUDIT COMMITTEE

Purpose

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

Governance

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

Financial Reporting

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

External Audit

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

Internal Audit

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

control issues, including fraud risks, governance issues and other matters needed or requested by senior management and the Committee.

- **Consider the Head of Audit and Risk Management’s annual opinion and report.**
- **Seek assurance on the adequacy of management response to internal audit advice, findings and recommendations in the form of implementation of agreed action plans.**
- **To monitor the implementation and outcomes of the Council’s internal audit programme and where required, to review summary and individual audit reports with significant implications for financial management and internal control.**

Treasury Management

- 6. To monitor the performance of the Treasury Management function including:**
- **approval of / amendments to the organisation’s adopted clauses, treasury management policy statement and treasury management practices;**
 - **budget consideration and approval;**
 - **approval of the division of responsibilities;**
 - **receiving and reviewing regular monitoring reports and acting on recommendations; and**
 - **approving the selection of external service providers and agreeing terms of appointment.**

Additional role of Audit Committee

- 7. To overview the Council’s whistleblowing policy.**

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

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

CONSTITUTIONAL AND NOMINATION COMMITTEE

Delegations

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

	Function	Provision of Act	Delegation to Officers
1	Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983.	Not Delegated
2	Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.	Chief Executive
3	Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.	Not Delegated
4	Duty to provide assistance at European Parliamentary elections.	Section 6(7) & (8) of the European Parliamentary Elections Act 2002.	Chief Executive
5	Duty to divide constituency into polling districts.	Sections 18A, 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 Deputy Chief Executive and City Treasurer.
3. To determine which Deputy Chief Officer posts should be designated to be appointed by a panel of members.
4. To determine collective and corporate terms and conditions of staff.
5. To consider major Staffing and Organisational Reviews.
6. To provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such staff as are in their opinion sufficient to allow their statutory duties to be performed.
7. To determine "market rates" supplements for posts above SCP 51.
8. To determine the assignment and re-grading of posts:
 - above SCP51 (Grade 12) and below £100,000 p.a.; or
 - up to and including SCP51 (Grade 12) where there is disagreement between the Chief Executive and the relevant Chief Officer, or where the Chief Executive considers that the matter has corporate significance.
9. To determine the payment of honoraria exceeding 12 months duration in respect of posts above Grade 12.
10. To determine claims arising under the Scheme of Allowances for employees injured in the course of their employment above £10,000.
11. To determine policies relating to local government pensions and discretionary compensation for early termination of employment.
12. To constitute the Employers' side of any Local Joint Committee with the relevant trade unions.
13. To make recommendations to Council in relation to the annual Pay Policy Statement and any amendments to such statement.
14. To make recommendations to Council in relation to decisions affecting the remuneration of any post whose remuneration is or is proposed to be or would

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

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

Delegation

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

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

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

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.