

# SECTION F

## Scheme of Delegation to Officers

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# CHAPTER 1

## INTRODUCTION

1. Officers may only exercise the delegated powers in this Scheme in accordance with:
  - 1.1 statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice.
  - 1.2 the Constitution, the Council's Register of the Delegation of Executive Functions, Standing Orders and Financial Regulations of the Council.
  - 1.3 the revenue and capital budgets of the Council, subject to any variation thereof which is permitted by the Council's financial regulations.
2. Officers may not exercise delegated powers where -
  - 2.1. the matter is reserved to the Council by law or by the Council's Constitution.
  - 2.2. the matter is a function which cannot by law be discharged by an officer.
  - 2.3. the Council, a Committee or Sub-committee (in the case of a non-executive function), or the Leader or the Executive (in the case of an executive function), has determined that the matter should be discharged otherwise than by an officer.
  - 2.4. the relevant Executive Member or the Leader of the Council (in the case of an executive function) has directed that the matter should be referred to the Executive or the appropriate committee or sub-committee for determination.
  - 2.5. the Chief Executive has directed that the officer concerned should not exercise a delegated function in special circumstances.
3. Subject to 1 above, officers may not exercise delegated powers in a way contrary to the policies and plans approved by or on behalf of the Council.
4. Before exercising delegated powers, particularly on matters involving the reputation of the Council, officers should consider the advisability of consulting the Chief Executive or the appropriate Chief Officer and/or the appropriate Executive Member.
5. Before exercising delegated powers, on matters of significance to a particular ward or wards, officers should consult, where practicable, the relevant ward councillors.
6. The delegated powers of officers set out in this Scheme may be exercised by other officers authorised by the officer with the delegated power to act on their behalf and in their name, provided that those officers report directly or indirectly to the officer with the delegated power. **The officer with the delegated power should ensure that administrative procedures are in place to record the authorisation and to record and monitor decisions taken by officers acting under the authorisation.**

7. Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment to or re-enactment of the same.
8. For the purposes of this Scheme, except where expressly provided otherwise, the term "Chief Officer" will be defined as those officers defined as such in Part 8 of this Constitution. "Non-Statutory Chief Officer" shall have the same meaning as in the Officer Employment Procedure Rules in Part 4 Section F of this Constitution. "Chapter 3A Officer" means any of those officers included in Chapter 3A of this Scheme.
9. Where an officer has delegated authority to discharge functions by virtue of any other provision of this Constitution or a specific decision of the Council, a committee, a sub-committee (in the case of a non-executive function) or the Leader or the Executive (in the case of an executive function) whether made before or after the adoption of this Scheme, the absence of that delegation from this Scheme shall not be treated as preventing the exercise of that delegation.
10. Where an officer in exercise of delegated authority takes an Executive decision, a record of that decision must be made in accordance with Rule 22 of the Access to Information Procedure Rules in Part 4 Section B of this Constitution. In addition, where that Executive decision is also a "key decision" (as defined in Rule 15 of the Access to Information Procedure Rules) the officer must ensure that the particular publicity and procedural requirements relating to key decisions are met.
- 10A Where an officer in exercise of delegated authority takes a non-Executive decision, a record of that decision must be made in accordance with Rule 23 of the Access to Information Procedure Rules (where the non-Executive decision is of a type that is covered by that Rule).
11. Where, in relation to an item before the Council, the Executive, a Committee, or a Sub-Committee, an officer is given specific authority to determine a particular matter, the officer should ensure that there is an appropriate audit trail to evidence such determination.
12. Where an officer has delegated authority to discharge functions in consultation with an Executive member, in the absence of that Executive member the officer may discharge such function in consultation with the Leader instead (or in the Leader's absence, in cases of urgency, with the Deputy Leader).
13. Where the delegation provides for discharge of a function in consultation with the Leader, in the absence of the Leader the officer may discharge the function in case of urgency in consultation with the Deputy Leader instead.
14. Where an officer who is not a Chief Officer (as defined in Part 8 of this Constitution) has delegated authority to discharge a function ("the delegated function") by virtue of this Constitution, the relevant Chief Officer in relation to that officer or post may discharge the delegated function where that officer is unable to act, through absence or otherwise, or where the post with the delegated function is vacant or has been disestablished.

15. The delegations in this Scheme of Delegation include the discharge of both executive and non-executive functions.
16. The Scheme describes particular functions as executive functions and non-executive functions for illustrative purposes only, and misattribution of a function as executive or non-executive shall not be treated as preventing the exercise of the delegation.

## **GENERAL DELEGATIONS TO ALL CHIEF OFFICERS AND CHAPTER 3A OFFICERS**

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

### **General Functions**

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

1. 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.

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

### **Non-Executive Functions**

#### **Financial**

9. To agree payments not exceeding £1000 in cases of maladministration.
10. 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.

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 25 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 25, in consultation with the Deputy Chief Executive and City Treasurer.

21. Determination of the payment of removal expenses, lodging allowances or travelling allowances.
22. Determination of requests for the reimbursement of post-entry training and examination fees.
23. Determination of proposals to attend training courses.
24. Determination of proposals for the retention fees for trainers.
25. Determination of staff grievances.
26. Discipline, suspension and/or dismissal of employees.
27. Authority to assimilate staff on appointment or regrading where appropriate within the approved grade in exceptional circumstances where agreed by the relevant Chief Officer on the basis of a clear business case and in accordance with the Council's Pay Policy Statement.
- 27A. To determine market rate supplements for posts up to and including SCP 51 in consultation with the Director of HROD.

#### Miscellaneous

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

#### Health and Safety at Work Functions

31. Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.

#### **Executive Functions**

##### Business Plan/Policy

32. Implementation in conjunction with Heads of Service of Departmental Business Plans and delivery of service as defined therein within the annual cash limited net budget allocation identified to a particular service area within the overall approved Council budget.

## Financial

33. To accept tender(s) or bid(s) for the carrying out of works for the Council, the purchase, leasing or hiring of goods, materials and equipment by the Council, or the supply of services to the Council, where the estimated contract value does not exceed £250,000 or where it does exceed £250,000 with the agreement of the Deputy Chief Executive and City Treasurer and the written approval of a member of the Council's Strategic Management Team (as specified in Part 8 of the Constitution) provided in all cases that budget provision is available.
34. To enter into contract documentation following tender/bid acceptance (subject to the provisions of Financial Regulations relating to contract formalities and the execution of contracts under seal).
35. To negotiate and agree price increases where a contract provides for price increases to be negotiated and agreed by the parties, subject to the agreement of the Deputy Chief Executive and City Treasurer.
36. The assignment or novation of a contract.
37. The approval of the appointment of or the acceptance of the tender of a sub-contractor or supplier for the specialist work or material provided that this does not result in the budget provision for the works as a whole being exceeded.
38. Provided that authority to let a contract has been obtained: -
  - 38.1 Acceptance of the highest tender or bid for the award of concession/sponsorship contracts and the acceptance of other than the highest tender or bid with the agreement of the Chief Executive and the Deputy Chief Executive and City Treasurer.
  - 38.2 Entry into contract documentation following tender/bid acceptance (subject to the provisions of Financial Regulations relating to contract formalities and the execution of contracts under seal).
39. To bid and tender for and enter into contract documentation for the supply of works, goods or services to other bodies where provided for in the relevant Business Plan (subject to the provisions of Financial Regulations relating to contract formalities and the execution of contracts under seal).
40. Virement between heads of revenue and capital expenditure of up to £50,000 (or up to £100,000 for revenue expenditure on budgets under their control on any one budget head during the year) following notification to the Deputy Chief Executive and City Treasurer and in the case of revenue expenditure of up to £250,000 and capital expenditure of up to £100,000 with the approval of the Deputy Chief Executive and City Treasurer in consultation with the Executive Member for Finance and Human Resources provided that such virement does not result in increased commitment in future years.
41. Subject to the agreement of the Deputy Chief Executive and City Treasurer: -

- 41.1 the writing off of debts which are irrecoverable or losses due to burglaries, etc.; and
- 41.2 the writing off or making adjustments in respect of deficiencies or surpluses of stock, equipment, etc.
42. Provision of reasonable hospitality to representatives of other authorities visiting the Department or premises under the Chief Officer's / Chapter 3A Officer's control, subject to agreement by the Chief Executive for expenditure in excess of £500.
43. To make grants and loans to voluntary and other organisations in accordance with such grant procedures in place at the time of making the grant.
44. To vary the price of goods and services supplied, in accordance with changes in the cost incurred by the Council, in consultation with the Deputy Chief Executive and City Treasurer.
45. To negotiate and agree variations in contracts arising out of statutory requirements.
46. Determination of ex-gratia claims for damage to, or loss of, personal property subject to the approval of the City Solicitor for claims in excess of £1000.
47. To settle claims not exceeding £1000 in line with the Council's procedure for low value claims handling.
48. Disposal of surplus or obsolete equipment, (except vehicles) to the highest tenderer.

#### Land and Property

49. Management of land, property, accommodation and facilities held or used for a purpose within their remit.
50. Repair and maintenance of buildings and upkeep of grounds.
51. The authorisation of repairs or adaptations by lessees or occupiers in respect of property owned by the Council and under the appropriate Officer's control.
52. Authorising the use of premises for political meetings (other than public election meetings held in accordance with candidates' rights under electoral legislation) but with a discretion for the Officer to refuse any such application, after consultation with the Leader of the Council, the Leader of the Opposition and the Chief Executive, where the Officer is of the opinion that a breach of the peace, injury to persons, damage to the Council's premises or equipment, is likely to arise should such a meeting take place.
53. Temporary closure of premises.
54. Determination of hours of opening of premises and facilities, including seasonal arrangements and closure during holiday periods.

## Miscellaneous

55. Production of publications, relating to the service provided, for sale or free distribution to the public, subject to Section 2 of the Local Government Act 1986 and the Code of Recommended Practice on Local Authority Publicity.
56. Authorisation to statutory authorities to carry out essential works.
57. To determine requests for the installation of wireless receiving apparatus, telecommunications installations, electricity sub-stations and other minor works in or on any land or property under their management in consultation with the Chief Executive.
58. To respond to consultation papers relating to matters within the Officer's remit, subject to consultation with the appropriate Executive Member where the consultation raises policy issues and (where the matter has corporate significance) the Chief Executive.
59. To exercise the functions of the Council pursuant to Section 115 (disclosure of information to a relevant authority) of the Crime and Disorder Act 1998.
60. To arrange for the determination of requests for information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, including dealing with internal reviews and complaints.
61. To arrange for:
  - 61.1 the determination of requests to exercise individual data subject rights under data protection legislation (including the General Data Protection Regulation and the Data Protection Act 2018);
  - 61.2 the determination of requests by third parties for disclosure of personal data, including where there is reliance on relevant exemptions set out in data protection legislation;
  - 61.3 (subject to consultation with the City Solicitor) the entering into of Information Sharing and Data Processing Agreements; and
  - 61.4 effective reporting of breaches of data protection legislation.

# **CHAPTER 2**

## **CHIEF EXECUTIVE**

The holder of the post of Chief Executive **shall have overarching responsibility for the Council's paid service, with direct management responsibility for the senior management team, and without prejudice to the foregoing** shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations, and any legal requirements, to:

### **General Functions**

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

1. Discharge any function of the Council or the Executive which has not been specifically delegated to another officer, committee or otherwise reserved by full Council or the Executive and may direct any officer not to exercise a delegated function in special circumstances except where that officer is required to do so by law.
2. Authorise officers to enter premises in exercise of specific statutory powers.
3. Take any action which is required as a matter of urgency in the interests of the Council, in consultation with the Leader if time permits.
4. Take preliminary steps to protect the rights and interests of the Council subject to consultation with the Leader in relation to any Bill or Statutory Instrument or Order in Parliament.
5. Nominate, appoint and remove, in consultation with the Leader, Council representatives on the board of companies, trusts and other bodies (including those companies, trusts and other bodies on which the Council has representatives who have been nominated by other bodies) and to agree constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within relevant constitutions.
6. Discharge any function that has been delegated to a Chief Officer (as defined in Part 8 of this Constitution), where that Chief Officer is unable to act, through absence or otherwise, or where the Chief Officer post with the delegated function is vacant or has been disestablished.

### **Non-Executive Functions**

7. Discharge the following functions of the Council relating to parliamentary, local government and European parliamentary elections and referenda:
  - 7.1. Power to assign officers in relation to requisitions of the registration officer (Section 52(4) of the Representation of the People Act 1983)
  - 7.2. Duty to provide assistance at European Parliamentary elections (Section 6(7) & (8) of the European Parliamentary Elections Act 2002)

- 7.3. Powers in respect of holding of elections (Section 39(4) of the Representation of the People Act 1983)
  - 7.4. Power to pay expenses properly incurred by electoral registration officers (Section 54 of the Representation of the People Act 1983)
  - 7.5. Power to fill vacancies in the event of insufficient nominations (Section 21 of the Representation of the People Act 1985)
  - 7.6. Duty to declare vacancy in office in certain cases (Section 86 of the Local Government Act 1972)
  - 7.7. Duty to give public notice of a casual vacancy (Section 87 of the Local Government Act 1972)
  - 7.8. Duties relating to publicity (Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007)
  - 7.9. Duties relating to notice to the Local Government Boundary Commission for England (Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007)
8. To appoint Deputy Electoral Registration Officers.
  9. In consultation with the Leader, Executive Member for Finance and Human Resources, Chair of Personnel Committee and relevant Portfolio Executive Member to appoint Non-Statutory Chief Officers in accordance with the Officer Employment Procedure Rules in Part 4 Section F of this Constitution.
  10. In conjunction with the Deputy Chief Executive and City Treasurer, administer the scheme of Members' allowances and to uprate such allowances annually in accordance with the formula agreed by the Council.
  11. Agree in consultation with the Leader, starting salaries (within the range determined by the Council) on appointment of Chief Officers and for any assimilations into revised grades if the Chief Officer's post is re-graded.
  12. Without prejudice to the power of individual Chief Officers and Chapter 3A Officers in relation to the assignment of posts up to and including SCP25 (Grade 6), to determine in consultation with the Director of HROD the assignment and regrading of posts up to and including SCP51 (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

## **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. [...]
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, **except for those specifically relating to Information and Communications Technology (ICT) matters.**
  - 50. To act as the Council's Senior Information Risk Owner.
  - 51. To provide training to Members that is relevant to their role in the carrying out of 'Council business' (as defined in the Use of Council Resources Guidance for Members contained in Section C of Part 6 of this Constitution).
  - 52. To control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations including the issue of official publicity and official publications.

*The CITY SOLICITOR is designated as the Council's MONITORING OFFICER for the purposes of Section 5 of the Local Government and Housing Act 1989. The functions of the monitoring officer are listed in Article 12.3 in Part 2 of the Constitution and include:*

- *Report on contraventions or likely contraventions of any enactment or rule of law.*
- *Report on any maladministration or injustice where the Ombudsman has carried out an investigation.*
- *Appointment of a Deputy.*
- *Power to delegate functions of the Monitoring Officer.*
- *Establish and maintain the Register of Members' interests.*
- *Maintain, monitor and review the Constitution (and to make minor or consequential changes to the Constitution in accordance with Article 15.2(a) of Part 2 of the Constitution).*

- *Support the Standards Committee.*
- *Promote and maintain high standards of conduct.*
- *Advise on whether executive decisions are within the Budget & Policy Framework.*
- *Provide advice on vices issues, maladministration, financial impropriety, probity, Budget and Policy Framework issues to all members.*

*The City Solicitor is also:*

- 1. Authorised to act as Solicitor to the Council.*
- 2. The Clerk to the Independent Education Appeals Panel and authorised to appoint lay members to serve on the Panel.*
- 3. The monitoring officer for Ringway Parish Council.*
- 4. The Senior Responsible Officer on behalf of the Council in relation to Part 1 of the Regulation of Investigatory Powers Act 2000.*
- 5. Responsible for approving and authorising officers to act as: -*
  - a. An Authorising Officer in relation to Part 2 of the Regulation of Investigatory Powers Act 2000, and*
  - b. A designated person and single point of contact in relation to Part 1 of the Regulation of Investigatory Powers Act 2000.*
- 6. The proper officer:*
  - a. for the purposes of Sections 225 (Deposit of Documents) and 229 (Certification of Photocopies) of the Local Government Act 1972.*
  - b. in respect of declarations of acceptance of office for the purpose of Section 83 of the Local Government Act 1972.*
  - c. for the Registration of Births, Deaths and Marriages or to nominate in writing another officer to be the Proper Officer.*
  - d. for Access to Information.*
- 7. The qualified person for the purposes of section 36 of the Freedom of Information Act 2000.*

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

The holder of the post of Deputy Chief Executive and City Treasurer shall be responsible for the management of the Corporate Core Directorate (except for the City Solicitor's Division) and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to:

### **General Functions**

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

1. To exercise the responsibilities assigned to the Deputy Chief Executive and City Treasurer in the Financial Regulations.
  2. In consultation with the Executive Member for Finance and Human Resources, to determine the council tax base pursuant to the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.
  3. In consultation with the Executive Member for Finance and Human Resources, to estimate any surplus or deficit with respect to council tax in the collection fund in respect of any financial year and to notify relevant precepting authorities accordingly.
  4. In consultation with the Executive Member for Finance and Human Resources, to estimate any surplus or deficit with respect to business rates in the collection fund in respect of any financial year and to notify relevant precepting authorities accordingly.
  5. In consultation with the Executive Member for Finance and Human Resources, to calculate the Council's business rate income for budget setting purposes, including the share of such income of central government and the Greater Manchester Combined Authority ("GMCA") and such other calculations in relation to business rate income as may be required by the Local Government Finance Acts 1988 and 2012 and any regulations made thereunder.
  6. To approve Form NNDR1 and notify relevant business rate calculations to the Secretary of State and the GMCA.
  7. To agree dates for payment of their respective shares of council tax with the GMCA and of business rates with central government, the GMCA the relevant major precepting authorities.
  8. In consultation with the Executive Member for Finance and Human Resources to determine whether the Council should be part of a business rate pooling arrangement with other local authorities.
- 8A. To exercise a strategic overview of the Council's functions and services relating to environmental strategy and subject to consultation with the City Solicitor to enter into Agreements in relation to the same.

## **Non-Executive Functions**

9. Determine appeals against the decisions of officers to remove companies from approved lists of contractors in relation to the execution of works and the supply of goods and services.
10. Subject to 11 and 13 below, to exercise the functions of the authority in relation to pensions.
11. In consultation with the 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), 9(2) **and 20(1)**.
- 18A. To consider grievances which cannot appropriately be resolved at departmental level.
- 18B. To approve the filling of vacant posts within approved establishments (except for Chief Officer and Deputy Chief Officer posts).

## **Executive Functions**

### **Financial**

19. To raise loans and make investments (temporary investment of surplus monies and longer term investment of monies held for specific purposes) as and when required at appropriate rates.
20. To complete and sign leasing agreements for items included within the approved capital or revenue budgets.
21. To assess and administer the Council Tax support scheme and Housing and Education benefits.
22. To determine requests for the award of discretionary housing payments in exceptional circumstances.
23. To grant discretionary rate relief under Section 47 of the Local Government Finance Act 1988.
24. To reduce or remit liability for rates under Section 49 of the Local Government Finance Act 1988.
25. To reduce the liability of a person for council tax under Section 13A of the Local Government Finance Act 1992.
26. To institute and conduct recovery proceedings (including winding up of companies) in relation to council tax, poll tax and national non-domestic rates.
27. To nominate persons to appear in Courts of Law in connection with any proceedings for distress or other recovery action relating to the National Non-Domestic Rate and Council Tax.
28. To operate the Home Loans scheme including mortgage advances, transfer of mortgages, sales of houses in possession and guarantees to building societies.
29. To provide financial services, either on an agency basis or where required by statute for other authorities or bodies.
30. To determine and declare local average rates in accordance with legislation and the interest rate for loans to housing associations.
31. To organise (in consultation with the Leader, Executive Member for Finance and Human Resources and the Chief Executive) the letting of capital contracts through MANSAT Developments Ltd; subject to: -
  - schemes let to MANSAT already having approval in accordance with Financial Standing Regulation 4.7; and
  - the approval of the MANSAT Board of Directors to undertake the projects concerned.

32. To sign certificates under the Local Government (Contracts) Act 1997.
33. To authorise persons to act for the Council at Company and creditors meetings.
34. In accordance with Section 38 of the Local Government Finance Act 1992, to publish within 21 days in the local newspaper notice of the amount of Council tax set by the authority.
35. To appoint, and determine the rate of remuneration, of any accountant employed by the Council concerning gaming, lotteries and amusements after consultation with a registered pool betting promoter or the occupier of a licensed betting track.
36. To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder.
37. To determine an amount (not exceeding the sterling equivalent of 15,000 euros) being the maximum sum which the Council will receive in cash without the express written consent of the Deputy Chief Executive and City Treasurer.
38. To determine (in consultation with the relevant Executive Member) whether to accept, reject or modify any expression of interest in providing a relevant service that is made to the Council under the Localism Act 2011 (Community Right to Challenge).
- 38A. To make amendments to the Council's Community Right to Challenge Procedure.
39. To authorise in consultation with the Executive Member for Finance and Human Resources, increases in capital expenditure by up to £500,000 per scheme, subject to external funding, capital receipts or revenue budget being available.
40. To exercise the Council's powers under the Prevention of Social Housing Fraud Act 2013.

#### VAT

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

#### General

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

45. To exercise the Council's functions in relation to the naming and numbering of streets and their renaming and renumbering, including the exercise of the Council's powers in relation to Street Numbers under Section 22 of the Greater Manchester Act 1981, in consultation with the Executive Member for Environment, Planning and Transport.

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

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

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

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

The holder of the post of Strategic Director (Children's and Education Services) is the statutory officer (referred to as the Director of Children's Services) for the purposes of Section 18 of the Children Act 2004 and shall be responsible for the management of the Children's and Education Services Directorate in accordance with that section and without prejudice to the foregoing, shall have the powers set out below subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements.

### **Executive Functions**

1. To discharge the education functions (as defined by Section 18(10) of the Children Act 2004) conferred on or exercisable by the Council.
2. To discharge the Social Services functions (as defined by Section 1A of the Local Authority Social Services Act 1970) conferred on or exercisable by the Council in so far as those functions relate to children.

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

3. To discharge the functions conferred on the authority under Sections 23B to 24D of the Children Act 1989 (so far as not falling within paragraph 2 above).
- 3A. To be accountable for discharging functions in relation to Safeguarding Children and Domestic Violence and to be accountable for discharging the Council's functions in relation to the Manchester Multi Agency Risk Conference (MARAC) and the Greater Manchester Multi Agency Public Protection Arrangements (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 ADULT SOCIAL SERVICES**

The holder of the post of Executive Director of Adult Social Services is the Director of Adult Social Services for the purposes of Section 6 of the Local Authority Social Services Act 1970 as amended and shall be responsible for the management of the Adult Social Services Directorate and without prejudice to the foregoing, shall have the powers set out below subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements.

### **Executive Functions**

#### **Social Services**

1. To discharge the Social Services functions of the Authority as defined in Section 1A of the Local Authority Social Services Act 1970 as amended from time to time other than those functions for which the Director of Children's Services is responsible under Section 18 of the Children Act 2004.
2. Without prejudice to the generality of the aforesaid, such functions include but are not limited to powers of the Social Services authority under the following legislation: -
  - National Assistance Act 1948
  - Disabled Persons (Employment) Act 1958
  - Mental Health Act 1959
  - Health Services & Public Health Act 1968
  - Chronically Sick and Disabled Persons Act 1970
  - Supplementary Benefits Act 1976
  - Mental Health Act 1983
  - Health & Social Services & Social Security Adjudications Act 1983
  - Public Health (Control of Disease) Act 1984
  - Housing Act 1996
  - Disabled Persons (Services, Consultation & Representation) Act 1986
  - National Health Service & Community Care Act 1990
  - Carers (Recognition & Services) Act 1995
  - Community Care (Direct Payments) Act 1996
  - Local Government Act 2000
  - Health and Social Care Act 2001
  - Nationality, Immigration and Asylum Act 2002
  - Community Care (Delayed Discharges etc) Act 2003
  - Health & Social Care (Community Health & Standards) Act 2003
  - Carers (Equal Opportunities) Act 2004
  - Mental Capacity Act 2005
  - Health and Social Care Act 2012
  - Mental Health (Amendment) Act 1982
  - Equality Act 2010
  - Care Act 2014
3. Without prejudice to the generality of 1 and 2 above to be accountable for discharging the functions of the Council in relation to Safeguarding Adults and Domestic Violence, and to be accountable for discharging the functions of the

Council in relation to the Manchester Multi-Agency Risk Assessment Conference (MARAC) and the Greater Manchester Multi Agency Public Protection Arrangements (MAPPA).

### Housing

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

### Financial

7. To set fees for rates of maintenance at homes operated by voluntary and private organisations in consultation with the Deputy Chief Executive and City Treasurer.
8. Not allocated
9. To agree payments for adaptations to carers' property to facilitate placements.

### Miscellaneous

10. To authorise the exercise of all powers of entry vested in the Council as Social Services Authority or Local Housing Authority.
11. To authorise the approval of Approved Mental Health Professionals (AMHP) under the Mental Health Act 1983 (as amended by the Mental Health Act 2007).
12. To administer grants made by the Manchester Immigration Needs Trust.
13. To exercise the functions of the Council pursuant to the Forced Marriage (Civil Protection) Act 2007, except insofar as those functions relate to children.
14. To exercise the functions of the Council under the Safeguarding Vulnerable Groups Act 2006, except where such functions relate to children.
15. To discharge any functions exercisable by the authority under Section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to adults.

16. To exercise the functions of the Council in respect of domestic homicide reviews established and conducted under Section 9 of the Domestic Violence, Crime and Victims Act 2004 in partnership with the Strategic Director (Neighbourhoods) and the Greater Manchester Community Safety Partnership (CSP).

#### Public Health

17. Without prejudice to the specific delegations to the Director of Population Health and Wellbeing to maintain a strategic overview of the discharge of the Council's functions in relation to public health under the Health and Social Care Act 2012 and other legislation.
18. To discharge the Supervisory Body (SB) function of the Council for the Deprivation of Liberty safeguards (DOLS) in hospitals and care homes, pursuant to Schedule A1 of the Mental Capacity Act 2005 and the Deprivation of Liberty Code of Practice.

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

The holder of the post of Strategic Director (**Growth and Development**) shall be responsible for the management of the **Growth and Development** Directorate including Housing Services and the formulation and review of Housing policy, the discharge the functions of the Council relating to Building Cleaning, Depot Facilities Management, Public Conveniences, Security, Storage and Archiving and Town Hall Services and without prejudice to the foregoing, shall have the powers set out below subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements:

### **General Functions**

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

- A1. Without prejudice to the specific delegations of the **Director** of Planning, Building Control and Licensing, to exercise a strategic overview of the Council's functions and services relating to licensing.
- B1. In consultation with the **Director** of Planning, Building Control and Licensing, to discharge the functions of the Council as Local Planning Authority in relation to preparing and maintaining Local Development Plans under Part 2 of the Planning and Compulsory Purchase Act 2004 as amended, except when the matter is:
- reserved to full Council or the Executive by statute or this Constitution; or
  - delegated exclusively to the Planning and Highways Committee; or
  - delegated to the Joint Committee for the Joint Waste Development Plan Document; or
  - the Council, the Executive or the Planning and Highways Committee or this Constitution has expressly limited the extent of this delegation.
- C1. To exercise a strategic overview of the Council's functions and services relating to private sector housing and regeneration and subject to consultation with the City Solicitor to enter into Agreements in relation to the same.
- D1. At the request of the Chief Executive, to exercise any power delegated to the Chief Executive relating to economic development and regeneration and subject to consultation with the City Solicitor to enter into Agreements in relation to the same.

### **Executive Functions**

1. To exercise the functions of the Council relating to caravan sites (such functions to include the exercise of the powers of the Council conferred by Sections 77 to 80 of the Criminal Justice and Public Order Act 1994).
2. To exercise the power conferred by the Countryside and Rights of Way Act 2000 on owners of, or persons having an interest in, access land or land proposed to be access land, in consultation with the Chief Officer or Chapter 3A Officer within whose remit management of the relevant land lies.

3. Where a disposal of open space within the meaning of the Open Spaces Act 1906 is in prospect, to instruct the City Solicitor to advertise in accordance with Section 123 of the Local Government Act 1972 or Section 233 of the Town and Country Planning Act 1990.
4. To accept any offer or tender and agree and arrange for, the disposal of land or property and other interests in land or property provided the offer or tender does not exceed £500,000 and is in the opinion of the Director of Development and Corporate Estate the best consideration that can reasonably be obtained, subject to the consent of the Executive in the case of disposals of the freehold (other than freehold disposals for the purposes of the economic well-being of the area, or plots of land of no strategic importance and incapable of being developed on their own, or where the Leasehold Reform Act will eventually require a freehold sale, in all of which cases the consent of the Executive is not required).
5. To agree terms for the sale of land and property where the Council's property is the subject of compulsory purchase by another body and the consideration does not exceed £500,000.

#### Estate Management

6. To deal with all matters relating to the management of the Council's interests in land and property without prejudice to the general delegation of Chief Officers and Chapter 3A Officers in relation to the management of operational land and property.
7. To determine appropriate arrangements in relation to the Council's duty to manage asbestos in non-domestic premises in accordance with Regulation 4 of The Control of Asbestos Regulations 2012.

#### Acquisitions

8. To acquire by agreement or under a compulsory purchase order, land and property (including freehold chief rents) subject always to the purchase price, or the purchase price when added to other transactions in respect of the same project, being within the estimate of costs included in the capital programme.
9. To agree to the acquisition and renewal of leases of land and property at a rack rent where no credit cover is required for the lease under the capital finance legislation and where provision for the rent is available in the revenue budget.
10. To agree to the acquisition of properties which the Council is under a legal obligation to acquire under Town and Country Planning legislation.
11. To accept the surrender of a leasehold interest in land and property where such surrender will lead to a further letting or disposal of the land or property.
12. To acquire land in the interests of economic development, by way of exchanging interests where the land acquired is equal to or less in value than that exchanged (premium also required where less) and the land acquired is no more onerous in terms of title and physical condition than that exchanged.

### Appropriations

13. To discharge the functions of the Council in relation to the appropriation of land, in consultation with the relevant Chief Officers, including (where it is proposed to appropriate open space) to instruct the City Solicitor to advertise in accordance with Section 122 of the Local Government Act 1972, and / or Section 232 of the Town and Country Planning Act 1990.

### Housing

14. Discharge the functions of the Council as a Local Housing Authority (within the meaning of Section 1 of the Housing Act 1985) except those housing functions specifically delegated to the Strategic Director (Neighbourhoods) or the Executive Director of Adult Social Services.

Without prejudice to the generality of 14 above to:

15. Manage the Council's interest in any land and property acquired or held for the purpose of fulfilling the functions of the Council as Local Housing Authority, except the authorisation of common law notices to quit, and other notices required to terminate a tenancy which shall be exercised by the City Solicitor.
16. Exercise the functions of the Council in recovering money due to the Council as Local Housing Authority, as a result of the exercise of functions under 15 above.
17. To exercise the functions of the Council under Section 22 of the Housing Act 1996 (promotion of and assistance to Registered Social Landlords).
18. To monitor and review the policy adopted pursuant to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (home improvement and relocation assistance).
19. In consultation with the Executive Member for Housing and Regeneration, to make minor amendments to the Housing Allocation Scheme under Section 166A of the Housing Act 1996.

### Building Cleaning

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

### Public Conveniences

21. To be responsible for provision of public conveniences.

### Town Hall Services

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

## Miscellaneous

23. To review decisions made to include land in the Council's list of assets of community value under Section 92 of the Localism Act 2011 in consultation with the Deputy Leader (provided the Deputy Leader has not taken part in the decision under review in which case an alternative member of the Executive will be consulted).

## **STRATEGIC DIRECTOR (NEIGHBOURHOODS)**

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

### **GENERAL FUNCTIONS**

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

1. To support and assist the Chief Executive in their responsibilities in relation to civil contingencies, emergencies and disasters, and to take day to day responsibility for such matters.
- 1A. To co-ordinate all sponsorship and advertising activity for the Council.
2. To exercise the functions of the Council in relation to environmental health, waste and environmental protection, pollution control, contaminated land, **private sector housing**, street scene services (including grounds maintenance), trees (except trees on or affecting highways), health and safety, food safety, animal welfare, consumer protection, trading standards and weights and measures.
3. To exercise the functions of the Council relating to the enforcement of all relevant legislation relating to the registration and licensing functions within the remit of the Neighbourhoods Directorate or the **Growth and Development** Directorate (other than private hire and hackney carriage) including the authorisation of officers to enter on to land and premises to carry out their duties.
- 3A. Without prejudice to the specific delegations of the **Director of Highways**, to exercise a strategic overview of the Council's functions and services relating to highways, traffic, environmental health, environmental services, waste, environmental protection, pollution control, trading standards, street scene services (including grounds maintenance), sports and recreational facilities, sports development, parks and recreational open spaces and community and cultural services, including art galleries, museums, libraries and theatres.
4. To discharge the Council's functions as a "responsible authority" as defined by Section 13(4) (za) of the Licensing Act 2003.
5. To discharge the Council's functions as a "responsible authority" as defined by Section 157(a) of the Gambling Act 2005.
6. Subject to consultation with the City Solicitor to enter into Agreements in relation to any of the above matters.
7. To take any urgent action in connection with the matters set out below after consultation with the appropriate Chair or Executive Member, subject to any such

action taken under this power being reported to the next ordinary meeting of the Executive or appropriate committee.

### Art Galleries and Museums

- 7A. To discharge the functions of the Council in relation to Art Galleries and Museums and to oversee the management of the City Galleries Service.

Without prejudice to the generality of the above:

- 7B. To approve the purchase of works of art using monies from the Art Fund up to a maximum of £25,000 in consultation with the Executive Member for Schools, Culture and Leisure.
- 7C. To determine grants, contributions, subscriptions or loans in appropriate cases to bodies or organisations for the provision of artistic activities in the City.
- 7D. To approve the acceptance of gifts, donations, deposits or offers of grant.
- 7E. To make arrangements in relation to exhibitions including the borrowing of works of art from other collections and temporary loan of works of art from Manchester City Galleries collections.
- 7F. To maintain war memorials and public statues.

### NON-EXECUTIVE FUNCTIONS

- 7G. To exercise the functions of the Council in relation to Manchester Art Gallery under Section 149 of the Greater Manchester Act 1981 ("the Local Act") (with the exception of Section 149(3) of the Local Act, which in the case of the proposed sale or exchange of any works or objects of art worth more than £25,000 shall be approved by the Art Galleries Committee).

### Environmental Health

8. The inspection of the Authority's area to detect any statutory nuisance under Section 79 of the Environmental Protection Act 1990.
9. The investigation of any complaint as to the existence of a statutory nuisance under Section 79 of the Environmental Protection Act 1990.
10. The service of an abatement notice in respect of a statutory nuisance under Section 80 of the Environmental Protection Act 1990.
11. Duty to enforce Chapter 1 of the Health Act 2006 (Smoke-Free Premises, Places and Vehicles) and regulations made under it pursuant to Section 10(3) of the Health Act 2006.

12. Power to authorise officers to act in matters arising under Chapter 1 of the Health Act 2006 (Smoke-Free Premises, Places and Vehicles) and regulations made under it pursuant to Section 10(5) of the Health Act 2006.
13. To exercise the Council's functions relating to fixed penalty notices pursuant to Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006 and the Smoke-Free (Vehicle Operators and Penalty Notices) Regulations 2007
14. Power to transfer enforcement functions to another enforcement authority pursuant to the Smoke-free (Premises and Enforcement) Regulations 2006.
15. To exercise the Council's powers to give notice to reduce the emission of dust etc. from building operations under Section 34 of the Greater Manchester Act 1981 ("the Local Act").
16. To exercise the Council's powers to order reduction of gas, vapour or fumes coming from chimneys under Section 36 of the Local Act.
17. To exercise the Council's powers to require the owner to provide adequate means of lighting in habitable rooms under Section 48 of the Local Act.
18. To exercise the Council's powers in relation to trees impeding natural light to houses, shops and offices under Section 49 of the Local Act.
19. Power to register and license premises for the preparation of food under Section 19 of the Food Safety Act 1990.

### Markets

20. To require information to allow the Council to discharge its duties and powers in relation to markets.
21. To enter into a composition with any person with respect to Payment of Tolls under Section 117 of the Local Act.
22. To permit any market place or land used for market purposes to be used for public meetings, public services, exhibitions or entertainment purposes etc. under Section 119 of the Local Act (excluding any property matters which are to be exercised by the Strategic Director (**Growth and Development**)).

### Highways

23. Powers relating to the removal of things so deposited on highways as to be a nuisance under Section 149 of the Highways Act 1980 (the 1980 Act).
24. Power in relation to enforcement in relation to the making of openings into cellars etc. under streets, and pavement lights and ventilators under Section 180 of the 1980 Act.
25. Power in relation to enforcement regarding the deposit of builders' skips on highway under Section 139 of the 1980 Act.

- 25A. To consider and determine, in consultation with the Executive Member for Environment, Planning and Transport, objections and representations in respect of the proposed granting of licences under Section 115E of the Highways Act 1980.
- 25B. To consider and determine, in consultation with the Executive Member for the Environment, Planning and Transport, objections and representations of proposed Orders concerning pay and display car parks.

### Licensing

- 25C. To discharge the functions of the Council in relation to the suspension of licences under Section 55A (premises licence) and Section 92A (club premises licence) of the Licensing Act 2003.

### Miscellaneous

26. To exercise the powers of the Council to take enforcement action in relation to street trading under the Local Government (Miscellaneous Provisions) Act 1982 and the Manchester City Council Act 2010.
27. To exercise powers in relation to the repair of walls etc. of yards under Section 43 of the Local Act.
28. Power (subject to consultation with the **Director** of Planning, Building Control and Licensing) to require proper maintenance of land under Section 215(1) of the Town and Country Planning Act 1990 and to authorise the City Solicitor to prepare and serve notices under Section 215.
29. 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 under the Anti-Social Behaviour Crime and Policing Act 2014 and specifically in relation to anti-social behaviour injunctions (and supervision and detention orders) criminal behaviour orders, community protection notices, public spaces protection orders (in consultation with the Deputy Leader when

considering and determining objections and representations in respect of proposed public spaces protection orders affecting highways), closure notices and closure orders under that Act.

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

#### Environmental Health

35. To exercise the functions of the Council under Part II of the Environmental Protection Act 1990.
36. To serve statutory notices in respect of the removal of waste from land.
37. To discharge the functions of the Council in relation to the control of waste and litter generally and including under Section 2 of the Refuse Disposal (Amenity) Act 1978, Section 33(1)(a) of the Environmental Protection Act 1990 and Section 87 of the Environmental Protection Act 1990.
38. To serve statutory notices in respect of the removal of litter from land.
39. To exercise the Council's powers in relation to the control of the carriage and storage of waste food under Section 35 of the Local Act.
40. To deal with applications relating to the control of noise on construction etc., sites.
41. To exercise powers relating to the prior approval of new furnaces and to the height of chimneys.
42. To exercise powers and regulations made relating to the control and measurement of grit and dust.
43. To take action necessary for the removal of asbestos.
44. To discharge the functions of the Council under the Environmental Permitting (England and Wales) Regulations 2016.
45. To exercise the Council's functions in relation to Environmental Health, and as food authority under EU Food Hygiene Regulations, the Food Safety Act 1990 and the Food Safety and Hygiene (England) Regulations 2013.

Without prejudice to the generality of the above:

46. To exercise the Council's functions in relation to the grant of approvals to establishments handling, preparing or producing products of animal origin for which requirements are laid down in Regulation (EC) 853/2004.
47. To requisition information in connection with environmental health functions generally and including under Section 93 of the Control of Pollution Act 1974, Section 19 of the Environmental Protection Act 1990 and Section 108 of the Environment Act 1995.
48. To exercise the Council's functions under The Cattle Identification Regulations 2007.

49. To exercise the Council's functions under the Pigs (Records, Identification and Movement) Order 2011.
50. To exercise the Council's functions under the Animal By-Products (Enforcement) (England) Regulations 2011.
51. Powers of entry under Section 38 of the Local Act for enforcement under Prevention of Damage by Pests Act 1949.
52. To approve the Council's Annual Food Plan in consultation with the Executive Member for Neighbourhoods.
53. Save where functions are reserved in legislation or by Regulations to the Director of Population Health and Wellbeing to exercise public health enforcement functions and powers, including in relation to the:
  - a. Public Health (Control of Disease) Act 1984 and Regulations made thereunder
  - b. Public Health (Ships) Regulations 1979
  - c. Public Health (Aircraft) Regulations 1979
  - d. Public Health (Aircraft)(Amendment)(England) Regulations 2007
  - e. Public Health (Aircraft & Ships)(Amendment) Regulations 2007.
54. To consider and determine representations made under Part 4 of the Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.

#### Waste and Cleansing

55. To exercise the functions of the Council in relation to waste and cleansing.  
  
Without prejudice to the generality of the above:
56. To be responsible for community based clean up campaigns.
57. To be responsible for litter abatement and environmental education
58. To liaise with the Chief Executive, the Greater Manchester Combined Authority ("GMCA") and other local authorities in the preparation and revision by the GMCA of waste disposal plans.
59. To manage the storage, collection and transportation for final disposal of domestic, commercial and industrial refuse, certain classes of hazardous wastes, liquid wastes, bulky items of waste, clinical waste, garden refuse and building materials.
60. To arrange for the provision, hire or sale of refuse receptacles, the provision, hire or sale of receptacles for clinical waste, and the provision of litter bins.
61. To participate in the recycling of waste materials.
62. To purchase refuse containers, compactors and skips in accordance with the needs of the service.

63. To remove refuse abandoned on land in the open air.
64. To operate disinfection and sharps collection services.

### Housing

65. To exercise the functions of the Council in relation to conditions associated with private sector and social residential accommodation and facilities (excluding accommodation owned by the Council), including but not limited to powers derived from the following legislation:
  - a. Public Health Act 1936
  - b. Public Health Act 1961
  - c. Prevention of Damage by Pests Act 1949
  - d. Greater Manchester Act 1981
  - e. Local Government (Miscellaneous Provisions) Act 1976 and 1982
  - f. Building Act 1984
  - g. Environmental Protection Act 1990
  - h. The Water Act 1989
  - i. Health and Safety at Work Act 1974
  - j. Food Safety Act 1990
  - k. Protection from Eviction Act 1977
  - l. Housing Act 1985
  - m. Housing Act 2004
  - n. Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014
  - o. Smoke and Carbon Monoxide Alarm (England) Regulations 2015
  - p. Anti-social Behaviour, Crime and Policing Act 2014
66. To exercise the Council's powers in relation to the temporary repair of defective premises under Section 44 of the Local Act.
67. To exercise the Council's powers in relation to urgent repairs to water, gas and electricity apparatus under Section 47 of the Local Act.
68. To exercise powers relating to the cleansing and disinfection of premises and the temporary removal of occupants.

### Street Scene Services (including Grounds Maintenance)

69. To discharge the functions of the Council relating to grounds maintenance, street cleansing, arboriculture services and the removal of graffiti etc.
70. To arrange for sweeping of highways, streets and passages, the removal of fallen leaves, the removal of litter from landscaped areas, and the emptying of litter bins.
71. To be responsible for grounds maintenance functions (excluding schools).

### Sport and Leisure

72. To determine applications for the concessionary use of recreational facilities.

73. To determine applications for the letting of concessions in parks for special events that fall outside the regular events that are let following receipt of Sealed Tenders.
74. To determine the use of recreational facilities for events under Pleasure Fairs.
75. To determine applications for the hire of bands, concert parties and entertainments in recreational facilities.
76. To approve Programmes of Events.
77. To set tariffs and charges for use of Council controlled leisure facilities.
78. Closure of parks under Section 12 of the Local Act.
79. Provision of parking places in parks, etc. under Section 13 of the Local Act.
80. Provision of vehicles in parks, etc. under Section 14 of the Local Act.
81. Contribution towards provision of recreational facilities under Section 15 of the Local Act.

#### Libraries

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

92. To offer accommodation in departmental premises where available for the meeting of suitable bodies e.g. societies of educational or cultural nature.

### Catering Services

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

### Miscellaneous

96. To operate a Dog Control Service (including the control of stray dogs).
97. To exercise the Council's powers in relation to the control of stray dogs under Section 42 of the Local Act.
98. To take action for the seizure and retention, or destruction, or disposal of animals in circumstances where emergency action is warranted.
99. To exercise the functions of the Council relating to unauthorised encampments (such functions to include the exercise of the powers of the Council conferred by Sections 77 to 80 of the Criminal Justice and Public Order Act 1994).
100. To issue fixed penalty notices for offences under Section 224 of the Town and Country Planning Act 1990.
- 100A. To authorise officers to serve suspension notices under the provisions of the Consumer Protection Act 1987.
- 100B. To prepare where necessary statutory statements for works carried out by the Direct Labour Organisations ("DLOs") / Direct Service Organisations ("DSOs") within the directorate including street cleansing, grounds maintenance, fleet management, vehicle maintenance, street lighting, highways, building cleansing.

### Highways

101. The Council's functions under the following provisions of the Highways Act 1980:
- Section 131 (Penalty for Damaging Highway etc.).
  - Section 131A (Disturbance of Surface of Certain Highways).
  - Section 132 (Unauthorised Marks on Highway).

- Section 140 (Removal of Builders' Skips).
- Section 143 (Power to Remove Structures from Highways).
- Section 151 (Prevention of soil etc. being washed on to street).
- Section 153 (Doors etc. in streets not to open outwards).

Section 154 (Cutting or felling etc. trees etc. that overhang or are a danger to roads or footpaths).

- Section 163 (Prevention of water falling on or flowing on to highway).
- Section 164 (Power to require removal of barbed wire).
- Section 165 (Dangerous land adjoining street).
- Section 184 (Vehicle crossings over footways and verges), to the extent that it relates to enforcement activity.

101A. To consider and determine, in consultation with the Executive Member for Environment, Planning and Transport, objections and representations in respect of proposed traffic regulation orders, speed limits, on-street parking places orders and traffic calming measures; and disposal or appropriation of open spaces.

#### Bereavement Services

102. To arrange and undertake public and private burials and associated activities under the Local Government Act 1972 and Local Authorities' Cemeteries Order 1977 (as amended).
103. To arrange and undertake cremations and associated activities under the Regulations as to Cremation 1930 (as amended) and the Environmental Protection Act 1990.
104. To arrange for the provision of a municipal funeral service under the Local Government Act 1972.
105. To maintain Closed Churchyards (where parochial church council has handed over responsibility to maintain to the Council) under Section 215 of the Local Government Act 1972.

#### Pest Control

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

Without prejudice to the generality of the above:

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

### Manchester Markets

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

### Fleet Management

118. To arrange for the maintenance and repair of Council and partner owned and operated vehicles and to be responsible for the testing of Hackney Carriages and Private Hire vehicles, and the M.O.T. testing of private motor vehicles.
119. To arrange for the management of the Council's vehicle fleet including the disposal of surplus vehicles.
120. Subject to consultation with the City Solicitor to enter into Agreements in relation to any of the above matters.

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

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

The holder of the post of Director of Population Health and Wellbeing shall be responsible for the discharge of the statutory responsibilities of the Director of Public Health under Section 73A(1) of the National Health Service Act 2006, and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to:

1. Provide the public, elected Members of the Council and officers of the Council with expert, objective advice on health matters.
2. Discharge the Council's duty under Section 2B of the National Health Act 2006 and the Health and Social Care Act 2012 to take such steps as the Council considers appropriate for improving the health of the people in its area, including:
  - (a) providing information and advice;
  - (b) providing services or facilities designed to promote healthy living (whether by helping individuals to address behaviour that is detrimental to health or in any other way);
  - (c) providing services or facilities for the prevention, diagnosis or treatment of illness;
  - (d) providing financial incentives to encourage individuals to adopt healthier lifestyles;
  - (e) providing assistance (including financial assistance) to help individuals to minimise any risks to health arising from their accommodation or environment;
  - (f) providing or participating in the provision of training for persons working or seeking to work in the field of health improvement;
  - (g) making available the services of any person or any facilities; and
  - (h) providing grants or loans (on such terms as the Council considers appropriate).
3. Discharge any of the Secretary of State's public health protection or health improvement functions that s/he delegates to the Council, either by arrangement or under regulations, including those services mandated by regulations made under Section 6C of the Health and the National Health Service Act 2006.
4. Ensure that plans are in place to protect the health of the local population from threats to health and prevent, as far as possible, threats to health arising.
5. Exercise the Council's functions in planning for, and responding to emergencies that present a risk to public health.
6. Discharge the Council's functions in relation to dental public health under Section 111 of the National Health Service Act 2006.
7. Discharge any functions imposed on the Council in relation to joint working with the prison service under Section 249 of the National Health Service Act 2006.
8. Prepare an annual report on the health of the population of Manchester under Section 73(B) (5) of the Health Service Act 2006.

9. Commission mandatory public health services on behalf of the Secretary of State and other prevention and health improvement services that meet the needs of the population of Manchester, address the public health outcomes framework and tackle local priorities as set out in Manchester's Health and Wellbeing Strategy.
10. To ensure that public health and population health care advice is provided to the National Health Service.
11. To discharge the functions of the Council in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders.
12. To ensure that plans are in place to tackle the causes of ill health and reduce health inequalities in Manchester.
13. To support the production of a Joint Strategic Needs Assessment that sets out the current health and wellbeing needs of the population of Manchester.
14. To support the Health and Wellbeing Board in its operation as a Committee of the Council and in meeting its statutory requirements under Section 194 of the Health and Social Care Act 2012 and its partnership aspirations.
15. To support the Health and Wellbeing Board to produce and implement a Joint Health and Wellbeing Strategy.
16. To be responsible for the Council's public health response as a responsible authority under the Licensing Act 2003.
17. To discharge the Council's function under the Healthy Start and Welfare Food Regulations 2005 (as amended) in relation to providing Healthy Start vitamins where the Council provides or commissions a maternity or child health clinic.
18. To authorise the Consultants in Communicable Disease Control of Public Health England and/or their deputies, to act on behalf of the Council as proper officer in the exercise of statutory functions relating to the control of infections and other disease and food poisoning.
19. To act on behalf of the Council as proper officer for the purposes of Section 47 of the National Assistance Act 1948, as amended.
20. To authorise on behalf of the Council appropriate port Medical Officers in the exercise of the statutory functions relating to the control of infectious and other diseases and food poisoning.
21. To discharge the functions of the Council under the Public Health (Control of Disease) Act 1984 and Regulations made under that Act, in consultation with the Chief Operating Officer – Neighbourhoods where appropriate.
22. To authorise, in consultation with the Deputy Chief Executive and City Treasurer and (where more than £500) the Executive Member for Finance and Human Resources,

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

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

# **CHAPTER 3A**

## **DIRECTOR OF HIGHWAYS**

The holder of the post of **Director of Highways** shall be responsible for the management of the Highways Division of the Neighbourhoods Directorate and without prejudice to the foregoing, shall have the powers set out below subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements:

### **General Functions**

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

1. To enforce all relevant legislation relating to the Council's functions as local highway authority, including the authorisation of legal proceedings and the authorisation of officers to enter land and premises and exercise any powers in pursuance of the Council's functions as local highway authority.
2. Without prejudice to the specific delegations of other officers, to exercise a strategic overview of the Council's functions in relation to bus lanes/CCTV, community transport, Manchester Contracts and parking.

## **NON-EXECUTIVE FUNCTIONS**

### **HIGHWAYS**

3. Power to create footpath, bridleway or restricted byway by agreement (subject to consultation with the Chair of the Planning and Highways Committee) under Section 25 of the Highways Act 1980 ("the 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 Strategic Director (Neighbourhoods) and to take enforcement action under Section 115K in

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

41. Duty under Section 115G of the 1980 Act to publish notice in respect of proposals to grant permission under Section 115E of the 1980 Act, insofar as it relates to the above delegation.

## EXECUTIVE FUNCTIONS

42. In consultation with the Executive Member for the Environment, Planning and Transport, to:
  - a. Approve the making of permanent and experimental traffic regulation orders, speed limits and on-street parking places orders and their implementation including associated engineering measures subject to the referral of objections/representations received in relation to proposed orders to the Strategic Director (Neighbourhoods);
  - b. Approve the constructions of road humps and other traffic calming measures subject to the referral of the objections/representations received in response to proposals for road humps to the Strategic Director (Neighbourhoods);
  - c. Approve the construction, alteration and removal of highway improvement schemes, including the making of agreements for the execution of works under Section 278 of the 1980 Act;
  - d. Approve the making of applications to the magistrates court under Section 116 of the 1980 Act for orders for stopping up and/or diverting highways and to take such steps considered appropriate to secure the making of such orders for which no further consultation with the Executive Member is required;
  - e. Approve the variation of charges for parking by notice under Section 46A of the Road Traffic Regulation Act 1984 (in respect of on street parking places) and under Section 35C (in respect of the off street car parks) and instruct the City Solicitor to carry out the necessary formalities to implement these changes.
43. Establish and appoint members to the Local Access Forum under Section 94 of the Countryside and Rights of Way Act 2000 in consultation with the Executive Member for Neighbourhoods.
44. In consultation with the Executive Member for Children's Services to make arrangements for the provision of school crossing patrols.
45. Except as provided above or:
  - (a) Where the functions are non-executive; or
  - (b) Where they are specifically delegated to other officers;
  - (c) Where they are delegated to the Greater Manchester Combined Authority;

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

to discharge any Council's functions:

- (a) relating to highways including as the Highway Authority (including but not limited to functions under the Highways Act 1980);
- (b) as a Traffic Authority (including but not limited to functions under the Road Traffic Regulation Act 1984, the Traffic Management Act 2004);
- (c) in relation to highways and traffic under the Town and Police Clauses Act 1847;
- (d) as a Street Authority (including but not limited to functions under the new Roads and Street Works Act 1991);
- (e) under the Transport Act 2000;
- (f) as a Permit Authority, (including but not limited to functions under the Traffic Management Act 2004 in respect of the Greater Manchester Road Activity Permit Scheme);
- (g) under Sections 248, 249, 251, 253 to 256, 258, 259 and 261 of the Town and Country Planning Act 1990 and Section 48 of the Civil Aviation Act 1982 and to make orders under Section 294 of the Housing Act 1985;
- (h) under Sections 21, 26 to 28 and 164 of the Greater Manchester Act 1981;
- (i) And any other functions in relation to:
  - 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 Strategic Director (Neighbourhoods)) the operation of CCTV surveillance systems in connection with the functions of the Council on Bus Lanes and Public Open Spaces.

### **Miscellaneous**

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

## **DIRECTOR OF HROD**

The holder of the post of Director of HROD shall be responsible for the management of the HROD Department of the Corporate Core Directorate and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements to:

1. Implement and adopt nationally negotiated decisions on conditions of service and pay awards.
2. Administer the car user and bicycle allowance scheme and to vary on an individual basis the bicycle allowance scheme to ensure that disabled people are able to participate.

## **DIRECTOR OF ICT**

The holder of the post of Director of ICT shall be responsible for the management of the ICT Service operating from within the Corporate Core Directorate and **without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements to:**

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

## **DIRECTOR OF EDUCATION**

The holder of the post of Director of Education shall be responsible for the management of the Education Department of the Children's and Education Services Directorate and without prejudice to the foregoing, shall have the powers set out below subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements.

### **Executive Functions**

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

## **DEPUTY CITY TREASURER**

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

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

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

The holder of the post of **Director** of Planning, Building Control and Licensing shall be responsible for the management of the Planning Division within the **Growth and Development** Directorate and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements.

### **General Functions**

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

1. 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 **Growth and Development** Directorate, but not those licensing enforcement functions specifically delegated to the Strategic Director (Neighbourhoods).

Without prejudice to the generality of the above:

5. To take any urgent action in relation to planning and building control matters after consultation with the appropriate Chair or Executive Member, subject to any such action taken under this power being reported to the next ordinary meeting of the Executive or appropriate committee.
6. To authorise officers to enter land or premises, to inspect, to investigate and to exercise any other related powers in accordance with the Council's functions in relation to licensing, as Local Planning Authority and the Council's functions under the Building Act 1984 and its Regulations and any other functions delegated to the **Director** of Planning, Building Control and Licensing.

7. 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 Strategic Director (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 Strategic Director (Neighbourhoods)) and to take any enforcement action under Section 115K in respect of failure to comply with the terms of any such permission granted under Section 115E.
55. Duty under Section 115G of the 1980 Act to publish notice in respect of proposals to grant permission under Section 115E of the 1980 Act, insofar as it relates to the above delegation.
56. In consultation with the Chair of the Planning and Highways Committee, to make arrangements with another local authority for the Council to discharge that other authority’s non-executive functions relating to cross-boundary planning matters affecting the local authority areas of both the Council and that other authority.
57. Power to enter into agreements under Section 26A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Heritage Partnership Agreements), provided that (where the agreement grants listed building consent) either there is no objection from a third party of a planning nature or, where there are objections of a planning nature from third parties, the proposal is clearly in accordance with approved Council planning policies.

#### Licensing and Registration Functions

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

Without prejudice to the generality of the above:

#### Under the Licensing Act 2003

59. To discharge the following Council functions under the Licensing Act 2003:
  - (a) To grant an application for personal licence (with or without spent convictions) where no police objection is made or where any police objection has been withdrawn.
  - (b) To reject an application for personal licence where it appears that the applicant fails to meet the condition in Section 120(2)(a), (aa), (b) or (c) of the Licensing Act 2003.
  - (c) To grant an application for premises licence/club premises certificate where no relevant representations have been made or where all relevant representations have been withdrawn.
  - (d) To grant an application for provisional statement where no relevant representations have been made or where all relevant representations have been withdrawn.

- (e) To grant an application to vary premises licence/club premises certificate where no relevant representations have been made or where all relevant representations have been withdrawn.
- (f) To grant or refuse an application for a minor variation to premises licence/club premises certificate (in consultation with the Chair of the Licensing Committee)
- (g) To grant an application to vary designated premises supervisor where no police objection made or where any police objection has been withdrawn.
- (h) To approve any request to be removed as designated premises supervisor.
- (i) To grant an application for transfer of premises licence only where no police objection made or where any police objection has been withdrawn.
- (j) To grant or refuse an exemption to an applicant for the transfer of a premises licence from obtaining the holder's consent in accordance with Section 43(5) and (6) of the Licensing Act 2003
- (k) To grant applications for interim authority only where no police objection made or where any police objection has been withdrawn.
- (l) To make a decision as to whether a complaint/representation is irrelevant, frivolous, vexatious etc.
- (m) To make a decision as to whether a ground for review is irrelevant, frivolous, vexatious etc.
- (n) Determination of applications to vary premises licence at community premises to include alternative licence condition, where no police objection is made or where any police objection has been withdrawn.
- (o) To make a decision as to whether or not to give consideration to revoke or suspend a personal licence, and to give notice to the licence holder following convictions or immigration premises.
- (p) To make a decision as to whether there has been a material change of circumstances in cases of representations against any interim steps taken pending review.

#### Under the Gambling Act 2005

60. To discharge the following Council functions under the Gambling Act 2005:
- (a) To approve an application for premises licence where either no representations have been received or where any representations have been withdrawn.
  - (b) To approve an application for a variation to a licence where no representations are received or any representations have been withdrawn.
  - (c) To approve an application for a transfer of a licence where no representations are received from the Commission.
  - (d) To approve an application for a provisional statement where either no representations are received or any representations have been withdrawn.
  - (e) To approve an application for club gaming/club machine permits either where no objections are made or any objections have been withdrawn.
  - (f) To approve applications for permits.
  - (g) To cancel licensed premises gaming machine permits.
  - (h) To consider Temporary Use Notice.
61. To discharge the Council's functions in relation to fee setting under the Gambling Act 2005 and the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 in consultation with the Chair of the Licensing Committee and the Executive

Member for the Environment, Planning and Transport and to produce a monitoring report for the information of the Licensing Committee.

62. Not allocated.

### General Licensing and Registration Functions

63. The registration of Hairdressers and Barbers under Section 30 of the Greater Manchester Act 1981 (“the Local Act”).
64. The registration of Acupuncturists, Tattooists, Ear Piercers, Electrolysis etc. under Section 32 of the Local Act.
65. The registration of dealings in Second Hand Goods under Section 54 of the Local Act.
66. The discharge of the functions under Section 60 of the Local Act relating to Touting, Hawking, Photographing etc.
67. The registration of Entertainment Clubs under Sections 74 – 79 and 81 of the Local Act and the power to enter upon, inspect and examine premises used as Entertainment Clubs under Section 80 of the Local Act.
68. Power to require information as to goods sold in any market carried on by the Council under Section 118 of the Local Act.
69. The registration of Night Cafes in Manchester under Sections 136 – 141 and 143 – 4 of the Local Act and the power to enter upon, inspect and examine premises used as Night Cafes under Section 142 of the Local Act.
70. Regulation of Signs on Vehicles (regarding signs that may only be used by hackney cabs and private hire vehicles) under Section 167 of the Local Act.
71. Power to issue licenses authorising the use of land as a caravan site (“site licences”) under Section 3(3) of the Caravan Sites and Control of Development Act 1960.
72. Power to license the use of moveable dwellings and camping sites under Section 269(1) of the Public Health Act 1936.
73. Power to license hackney carriages and private hire vehicles:-
  - (a) as to hackney carriages, under the Town Police Clauses Act 1847, as extended by Section 171 of the Public Health Act 1875, and Section 15 of the Transport Act 1985; and Sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;
  - (b) as to private hire vehicles, under Sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
74. Power to license drivers of hackney carriages and private hire vehicles under Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.

75. Power to license operators of hackney carriages and private hire vehicles under Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
76. To exercise the functions of the Council relating to the enforcement of all relevant legislation relating to the Council's private hire and hackney carriage licensing functions including the authorisation of legal proceedings and the authorisation of officers to enter on to land and premises to carry out their duties.
77. Not allocated.
78. Power to renew licences of sex shops, sex cinemas and sexual entertainment venues under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
79. Power to license performances of hypnotism under the Hypnotism Act 1952.
80. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis under Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
81. Power to license pleasure boats and pleasure vessels under Section 94 of the Public Health Acts Amendment Act 1907.
82. Power to license street trading under Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
83. Power to license premises for the breeding of dogs under Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
84. Power to license or register activities involving animals including pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business under Section 1 of the Pet Animals Act 1951; Section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; Section 1 of the Breeding of Dogs Act 1973 and Sections 1 and 8 of the Breeding of Dogs (Welfare) Act 1999; and Section 13 of the Animal Welfare Act 2006.
85. Power to register animal trainers and exhibitors under Section 1 of the Performing Animals (Regulation) Act 1925.
86. Power to license zoos under Section 1 of the Zoo Licensing Act 1981.
87. Power to license dangerous wild animals under Section 1 of the Dangerous Wild Animals Act 1976.
88. Power to license persons to collect for charitable and other causes under Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939.

89. Power to grant consent for the operation of a loudspeaker under Schedule 2 to the Noise and Statutory Nuisance Act 1993.
- 89A. Power (subject to consultation with the Strategic Director (Children's and Education Services)) to licence the employment of children (Part II of the Children and Young Persons Act 1933 byelaws made under that Part, and Part II of the Children and Young Persons Act 1963).

### **Executive Functions**

90. After consultation with the City Solicitor, to issue certificates of alternative development under the Land Compensation Act 1961.
91. To authorise the City Solicitor to respond to applications to the High Court under Sections 287 and 288 of the Town and Country Planning Act 1990 or to make applications to the High Court under the same sections in respect of decisions by the Secretary of State.
92. On receipt of blight notices, to authorise the City Solicitor to serve a counter-notice under Sections 151 and 152 of the Town and Country Planning Act 1990.
93. On receipt of a purchase notice, to authorise the City Solicitor to serve a response notice under Section 139 of the Town and Country Planning Act 1990.
94. To exercise the functions of the Council as a mineral planning authority as set out in the Environment Act 1995.
95. To adopt screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.
96. To exercise the functions set out in Parts I & II of the Building Act 1984 (Building Regulations and Supervision of Building Work, etc. Otherwise than by Local Authorities).
97. To exercise the functions set out in Section 71 and Section 72 of the Building Act 1984 (Entrances, Exits, etc, to be required in certain cases and Means of Escape in case of Fire).
98. To exercise the functions set out in Sections 77 to 83 of the Building Act 1984 (Dangerous, Ruinous and Dilapidated Buildings and Notices in respect of Intended Demolition).
99. To exercise the functions set out in the Building (Local Authority Charges) Regulations 2010.
100. To provide advice and guidance to Council departments and other organisations about energy conservation, purchasing and efficiency and related promotional activities and, in conjunction with the Deputy Chief Executive and City Treasurer, to enter into agreements for the purchase and supply of energy and water.
101. To administer the Council's Disabled Access grants scheme.

102. To progress environmental improvement schemes across the City through to final completion on site following approval of the schemes by the relevant Committees of the Council.
103. To exercise the Council's powers in relation to the vesting of former highway land under Section 29 of the Greater Manchester Act 1981.
104. To approve non material changes to planning permission under Section 96A of the Town and Country Planning Act 1990 (when provision is in force).
105. Powers in respect of licences under the provisions of the Scrap Metal Dealers Act 2013.

# **CHAPTER 3B**

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

### **EXECUTIVE FUNCTION**

To determine claims for compensation from owners or previous owners of land included in the Council's list of assets of community value under Section 99 of the Localism Act 2011.

## **DIRECTOR OF CAPITAL PROGRAMMES**

### **EXECUTIVE FUNCTION**

To review decisions made concerning compensation payable to owners or previous owners of land included in the Council's list of assets of community value under Section 99 of the Localism Act 2011 in consultation with the Executive Member for Housing and Regeneration (provided that this Member has not taken part in the decision under review in which case an alternative Member of the Executive will be consulted).

## **HEAD OF WORK AND SKILLS**

### **EXECUTIVE FUNCTION**

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

To determine community nominations of land for inclusion in the Council's list of assets of community value under the Localism Act 2011 in consultation with the relevant Chief Officers/Heads of Service and the relevant Directorate Executive Member.

## **HEAD OF COMMISSIONING AND DELIVERY**

### **EXECUTIVE FUNCTION**

#### **Markets**

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

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

### **EXECUTIVE FUNCTION**

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

**PREVENT AND COMMUNITY COHESION COORDINATOR**

**EXECUTIVE FUNCTION**

To make referrals to the Channel Panel.