

**REPORT FOR  
ANNUAL COUNCIL**

**Date: Wednesday, 25 May 2022**

**11. DELEGATED FUNCTIONS AND AMENDMENTS TO THE CONSTITUTION**

To receive a report of the Monitoring Officer and Director of Legal and Governance on the delegation of Council and Executive functions and proposed amendments to the Council's Constitution.

1 - 114

This page is intentionally left blank

## TRAFFORD COUNCIL

**Report to:** Annual Meeting of the Council  
**Date:** 25 May 2022  
**Report for:** Decision  
**Report of:** Monitoring Officer / Director of Legal and Governance

### Report Title

#### DELEGATION OF FUNCTIONS

### Summary

To confirm arrangements for the delegation of Council (non-Executive) and Executive functions and to obtain Council's agreement to amend the Constitution of the Council to incorporate these arrangements and those others identified in the report deemed to be necessary.

### Recommendation(s)

- 1) That Council notes that Executive functions not covered by the Officers' Scheme of Delegation are delegated by the Leader of the Council as follows:
  - (a) functions are delegated to all individual Executive Members in accordance with the Executive Members' Scheme of Delegation, set out at Appendix 1;
  - (b) all other functions are delegated to the Executive.
- 2) That the Scheme of Delegation to Officers as set out in Appendix 2, be approved.
- 3) That the proposed additions to the Financial Procedure Rules, as set out in Section 4 of the report, be approved.
- 4) To adopt the revised Planning and Development Management Committee Code of Practice as set out in Appendix 3.
- 5) That the Director of Legal and Governance be authorised, if necessary, to amend the Constitution of the Council in accordance with and as a consequence of this report and other decisions made by Council at this Annual Meeting.
- 6) That Council notes that changes may be required to the Officer Scheme of Delegation during the year and that the Director of Legal and Governance be authorised to amend the Constitution following consultation with the Leader and Chief Executive.

Contact person for access to background papers and further information:

Name: Ian Cockill  
Extension: 1387

Background Papers:

Constitution of the Council

## **1. Background**

- 1.1 It is the duty of the Council's Monitoring Officer to review the Constitution from time to time and to propose amendments to the Council. Generally, amendments are proposed at the Council's Annual Meeting to reflect any changes which are proposed to the schemes of delegation for both Members and Officers, together with any further amendments which may be considered to be necessary for the efficient and effective management of the Council and Council services.

## **2. Executive Scheme of Delegation**

- 2.1 The Leader of the Council determines how, and by whom, executive functions are carried out. The Leader has agreed a scheme of delegation of executive functions to the individual members of the Executive. The Executive Scheme of Delegation is set out in the Responsibility for Functions document at Appendix 1. This document forms Part 3 of the Council's Constitution and changes have been made to reflect the revised portfolios reported to Council under item 5 "Leader of the Council and Executive Arrangements".

## **3. Officer Scheme of Delegation**

- 3.1 Changes to the Officer Scheme of Delegation may be recommended to ensure that the Constitution is in line with changed statutory regulations and current Council policy. The Officer Scheme of Delegation also forms Part 3 of the Council's Constitution and the Director of Legal and Governance has reviewed the scheme and proposes the changes as set out at Appendix 2.
- 3.2 There may need to be other changes throughout the year and it is recommended that these be dealt with by the Director of Legal and Governance following consultation with the Leader and Chief Executive.

## **4. Financial Procedure Rules**

- 4.1 The Director of Finance and Systems has reviewed the current Financial Procedure Rules (FPRs) that the Council operates under. In respect of the Council's Company arrangements, FPR 9 relates to external arrangements and the changes below are recommended to the Procedure rules for Partnership arrangements:

- 9.1 before entering into a partnership it must be ensured that the partnership has appropriate governance arrangements in place **and it must be clear how the arrangement contributes to the delivery of Council objectives;**
- 9.2 In respect of the arrangements whereby the Council is a partner in a company then the financial performance of the entity should be reported back to the Council at least every six months;**
- 9.3 partners must be aware of their responsibilities under the Council's Financial and Contract Procedure Rules;
- 9.4 risk management processes must be in place to identify and assess all known risks;
- 9.5 project appraisal processes must be in place to assess the viability of the project in terms of resources, staffing and expertise;
- 9.6 the roles and responsibilities of each of the partners involved in the project must be formally agreed and accepted before the project commences;
- 9.7 there must be regular communication with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution

## **5 Planning and Development Management Committee Code of Practice**

- 5.1 The code of practice is tailored specifically for those Councillors/Officers who sit upon/support the Planning and Development Management Committee given the unique role that members of the Committee have and the impact their decisions/actions can have upon residents of Trafford and private interests. The Council agreed the code at its meeting on 24 May 2017.
- 5.2 The Code of Practice (appendix 3) has been reviewed jointly by the Head of Planning and Development and the Director of Legal and Governance and the revisions discussed with the Chair of the Committee.
- 5.3 The revisions now proposed provide greater clarity for Members and will reduce the risk of a decision being judicially reviewed, a complaint of maladministration being made to the Local Government Ombudsman, a complaint against a Member personally.

This page is intentionally left blank

**EXECUTIVE TERMS OF OFFICE**

**Portfolio - Leader of the Council  
(with portfolio responsibility for Corporate Plan and Communications)**

**GENERAL**

To act as Leader of the Council and be the Executive Portfolio holder responsible for all matters relating to the Council's affairs in respect of the Leader's portfolio. As such, the Leader is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally;
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Annual Service Improvement Plans for the services within the remit of the Portfolio holder;
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive as required.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections within the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

## **Areas of Responsibility**

To have overall responsibility for:

- Strategic overview of the Council
- Overall performance of the Council
- Overall performance of the Executive
- Overall governance of the Council
- Chief Executive's functions
- Co-ordination within the Executive
  - Developing and implementing the Council's Corporate Plan
- Determination of how and by whom Executive functions are exercised
- Appointments to outside bodies not within the remit of the Council
- All aspects of the Council's corporate communications including:
  - Publicity
  - Consultation and engagement
  - Resident engagement
  - Digital and Website engagement
- All matters not within the remit of any other portfolio

## **Key Roles and Responsibilities within the Leader's Portfolio**

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers and other provisions set out in Part 3 of the Council's Constitution, the Leader is responsible for all matters within the Areas of Responsibility set out above to the extent that they comprise Executive functions, including in particular:-

1. To provide leadership in the development and maintenance of an active and participatory local democracy.
2. To chair meetings of the Executive and ensure that the Executive acts as a corporate team working together to achieve common aims.
3. In consultation with the Chief Executive, to draw up a 4 month programme of work by the Executive and to keep it under continuous review.
4. To ensure that the Council's decision-making process functions effectively and that decisions made by the Executive take into account all relevant factors and reflect the Council's commitment to open government and equality of opportunity.
5. To discharge or arrange the discharge of the Executive functions of the Council.
6. To ensure delivery of the Council's priorities in accordance with the Corporate Plan

7. Ensuring the delivery of performance improvements and efficiencies to support the delivery of the Council's priorities in accordance with the Council's Corporate Plan
8. To implement, working with the Chief Executive, strategy and policies approved by the Council and reflecting the views of the community based around the Corporate priorities set out in the Corporate Plan (delegating work to other Executive Members where necessary).
9. To review and monitor, with the Chief Executive, the management arrangements of the Council.
10. To exercise a monitoring role regarding performance and budgets, to ensure progress towards meeting the Council's key objectives.
11. To ensure that Executive Members and services work together effectively.
12. Representing the Council externally and furthering the Council's interests within Greater Manchester Combined Authority, AGMA, the North West region and nationally.
13. To ensure that the Council and its priorities are appropriately represented in the context of Greater Manchester Police and Crime Panel matters.
14. To be the principal political spokesperson for the Council at internal and external meetings and to be responsible for council communications
15. Ensuring the delivery of effective and efficient ICT services.
16. The development and implementation of the Council's Digital Strategy.
17. To ensure liaison with the Council's external auditors and inspectors.

**To submit to the Executive:**

Recommendations in respect of key decisions concerning matters covered by these terms of reference

## **EXECUTIVE TERMS OF OFFICE**

### **Deputy Leader of the Council**

#### **GENERAL**

In the event that the Leader of the Council is unable to act, or the post of Leader is vacant, the Deputy Leader shall:

1. undertake all statutory functions of the Leader of the Council; and
2. undertake the portfolio responsibilities of the Leader's portfolio.

In the absence of the Leader of the Council, the Deputy Leader shall:

1. chair meetings of the Executive; and
2. ensure that the Executive acts as a corporate team working together to achieve common aims.

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Adult Social Care**

#### **GENERAL**

The Executive Member for Adult Social Care acts as the authority's statutory Lead Member for Adults Social Services.

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of Adult Social Services including acting as the Lead Member for Adult Services in accordance with best practice guidance.

As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Annual Service Improvement Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough.
8. Representing the Council's views on matters of corporate or strategic policy and on any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.

12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

### **Areas of Responsibility**

To have overall responsibility for Adult Social Services including:

- Joint Commissioning of Services
- Services to Older People
- Mental Health
  - Learning Disabilities
  - Health & Disability Services
  - Sensory Services
  - Other Adult services
- Liaison with NHS service providers
  
- Carers services
  
- Housing issues including:
  - Supporting needs of adults with care and support needs
  - Major and minor adaptations services and the Disabled Facilities Grant

### **Key Roles and Responsibilities of the Adult Social Care Portfolio:**

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Adult Social Care is responsible for all matters within their Areas of Responsibility as set out above, to the extent that they comprise Executive functions, including in particular:-

1. The powers and duties of the Council as an Adult Social Services Authority.
2. The duty to make provision for services to adults as required under relevant legislation including Care Act 2014, Mental Capacity Act 2005 and Mental Health Act 1983.
3. The duty to protect vulnerable adults.
4. Developing working partnerships with NHS bodies, exploiting the flexibility afforded by Health Acts when likely to deliver improved services for Trafford residents. This will involve integrated commissioning and provider arrangements.
5. Ensuring Services are in place that meet the needs of carers in Trafford.

6. Liaison with the NHS and related bodies on matters affecting the social care and the general social welfare of people in Trafford.
7. Development of a positive relationship with voluntary sector organisations who represent service users or carers ensuring they are appropriately involved in determining service priorities, service planning and review.
8. Acting as Older People's Champion.
9. Development of the Integrated Health and Social Care Service
10. Ensuring services are in place for the prevention and treatment of substance misuse.

**To submit to the Executive:**

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

This page is intentionally left blank

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Children’s Services (with all statutory children’s responsibilities)**

#### **GENERAL**

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Children and Families portfolio, including acting as Lead Member for Children’s Services in accordance with the Children Act 2004 and associated statutory guidance. As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive’s lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing in conjunction with the relevant Corporate Director or Director, Transformation Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough.
8. Representing the Council’s views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder’s terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive’s key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

## **Areas of Responsibility:**

- Statutory Lead Member for Children's Services in accordance with the Children Act 2004 and associated statutory guidance
- Development of the All Age Integrated Health and Social Care Service
- Day to day operation of the All Age Integrated Health and Social Care Service
- Youth Services
- the functions of the Council with regard to its responsibilities for the safeguarding of children and young people, including:
  - receiving and responding to referrals where there is concern about the welfare and safety of individual children and young people;
  - investigating referrals for child protection and children-in-need and taking appropriate action to safeguard children and young people's safety and welfare;
  - maintaining an up-to-date Child Protection Register.

## **Key Roles and Responsibilities of the Children and Families portfolio:**

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers, the responsibilities of the Lead Member for Children's Services and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Children's Services is responsible for all matters within their Areas of Responsibility as set out above, to the extent that they comprise Executive functions, including in particular

1. Political accountability for the effectiveness, availability and value for money of all children's services;
2. Leadership to engage and encourage local communities in order to improve services and outcomes for children and young people both within the local authority and externally with partner organisations;
3. Safeguarding and promoting welfare of children across all agencies;
4. The commissioning of public health services for children and young people as mandated in the Health and Social Care Act 2012;
5. The functions, powers and duties of the Council as a Children's Services Authority, including specific areas such as:
  - Child protection
  - Children and families – social care
  - Looked after children
  - Foster care and adoption services
  - Provision of preventative services such as outreach services, family support services

- Supporting vulnerable and at-risk children and young people, their families, schools and partner agencies;
6. The functions, powers and duties of the Council's social care services for children including:
- Child protection
  - Provision of a social work service to children, young people, families and carers in the community
  - Provision of specialist fieldwork social services to children with disabilities, their families and carers, and arranging respite facilities;
  - Looked after children
  - Foster care and adoption services
  - Provision of a range of preventative services through family aides, family support workers, outreach services etc.
  - Provision of a field social work service to children looked after on a medium and long-term basis and placed for adoption;
  - a range of preventative services field social work service to children looked after on a medium and long-term basis and placed for adoption;
  - Supporting care leavers
  - Supporting vulnerable and at-risk children and young people, their families, schools and partner agencies;
6. The provision and commissioning of interventions and services for young people aged 11-19/25 (25 for young people with additional needs) including 'one-stop-shops'; street-based work; school-based work and partnerships with the voluntary sector;
7. The functions, powers and duties of the Council with regard to the Youth Offending Service including:
- working with and reporting to the Crime and Disorder Reduction Partnership;
  - preventing children and young people being involved in offending or anti-social behaviour, and re-offending;
  - supporting those young people who have offended through assessment; court reports; and non-custodial sentences such as final warnings, restorative justice, involvement of victims and referral orders; and education; and
  - supporting young people serving custodial sentences and on release from custody;
8. Oversight and monitoring of all statutory functions related to the delivery and commissioning of services for children and young people, including the continued integration of children and adults social care and health services as embodied in the current section 75 agreement, as detailed in The Children Act 2004, Working Together to Safeguard Children 2013, The Children and Families Act 2014 and other relevant and appropriate policy, guidance and legislation.

9. The functions, powers and duties of the Council as a local education authority, including specific areas within the Councils core duties such as:
  - Special educational needs provision
  - Education welfare service
  - Educational Psychology Service
  - Early years sufficiency
  - School admissions
  - School attendance and provision for pupils not in school
  - Asset management planning
  - Funding of schools
  - Sufficiency of school places
  - To receive schools OFSTED reports and subsequent Action Plans
  - To ensure an effective response to the OFSTED inspection of the LEA on SEND
10. The functions, powers and duties of the Council with regard to the availability of advice and information for 13 to 19 year olds.
11. Matters concerning Youth Services.

**To submit to the Executive:**

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

## **Lead Member with special responsibility for Education**

### **Terms of Reference**

#### **GENERAL**

The Member with Special Responsibility for Education is responsible for supporting the Executive Portfolio Holder for Children's Services in all matters relating to the Council's affairs in respect of Education. In particular this will involve:-

1. Liaising with members of the Executive, particularly where education matters could impact upon other aspects of Council business or the Borough generally.
2. Advising the Executive Portfolio Holder for Children's Services in the development and implementation of key safeguarding policy.
3. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny in all matters relating to the Council's affairs in respect of Education.
4. Representing and acting as an ambassador for the Council.
5. Working with other Members of the Executive on matters, as directed by the Leader or the Executive Portfolio Holder for Children's Services.
6. Ensuring effective partnership working in respect of matters within these terms of reference.
7. Overseeing the timely progress of reviews or inspections within the remit of these terms of reference.
8. Exercising a monitoring role regarding performance and ensuring progress toward meeting the Executive's key objectives in these areas.
9. Ensuring appropriate consultation with partners and the community on matters within the terms of reference.

#### **Working with the Executive Member for Children's Services**

In accordance with the statutory guidance on the role and responsibilities of Lead Members for Children's Services the Executive Member for Children's Services, who acts as the authority's statutory Lead Member for Children's Services, is supported by the Member with Special Responsibility for Education "to assist in the exercise of his/her (the Executive Member for Children's Services) functions and duties". The Executive Member for Children's Services, however, will need to maintain "effective overview and overall political accountability for the full range of local authority children's services".

This will be achieved by the Member with Special Responsibility for Education:

- having delegated responsibilities for aspects of the Lead Member for Children's Services role; and
- reporting on a regular basis to the Executive Member for Children's Services on how these delegated responsibilities are being exercised.

The Member with Special Responsibility for Education is responsible for championing all aspects of education across the council. They will provide advice and support to the Portfolio Holder for Children's Services in fulfilling their responsibilities in relation to Education and undertake certain activities on their behalf.

Specific roles and responsibilities will be:-

The functions, powers and duties of the Council as a local education authority, including specific areas within the Council's core duties such as:

- Special educational needs provision
- Education welfare service
- Educational Psychology Service
- Early years sufficiency
- School admissions
- School attendance and provision for pupils not in school
- Asset management planning
- Funding of schools
- Sufficiency of school places
- To receive schools OFSTED reports and subsequent Action Plans
- To ensure an effective response to the OFSTED inspection of the LEA on SEND

The functions, powers and duties of the Council with regard to the availability of advice and information for 13 to 19 year olds.

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Climate Change and Transport Strategy**

#### **GENERAL**

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of Climate Change and Transport Strategy.

As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Annual Service Improvement Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

## **Responsibilities:**

### **To have overall responsibility for:**

- Passenger transport
- Pollution
- New bus routes and priorities
- Station improvements
- Active travel and the Walking and Cycling Strategy
- Environmental partnerships
- Transport strategy
- Sustainability and Climate Change and the Carbon Neutral Action Plan
- The Clean Air Plan
- To develop and implement Council's strategies and plans to become carbon neutral by 2038.
- To protect public health through strategic environmental measures to protect and promote the health of Trafford residents.

## **Key Roles and Responsibilities of the Climate Change and Transport Strategy Portfolio**

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Climate Change and Transport Strategy is responsible for all matters within their Areas of Responsibility as set out above, to the extent that they comprise Executive functions, including in particular:-

1. The functions, powers and duties of the Council as Highway Authority as they pertain to detailed active travel and public transportation schemes and proposals.
2. Development and implementation of the Transport Strategy.
3. Integration of public/private transport.
4. Transport for Greater Manchester matters.
5. Leadership of the Council's Climate Change agenda including response to the climate emergency and attendance at the Climate Change Commission
6. Ecological protection and environmental improvements.
7. Active travel schemes and walking and cycling initiatives across Trafford; engagement with the Mayor's Walking and Cycling Fund and other funding streams as available

### **To submit to the Executive:**

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Culture, Leisure and Strategic Partnerships (with responsibility for the Trafford Poverty Strategy)**

#### **GENERAL**

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Culture, Leisure and Strategic Partnerships portfolio and has special responsibility for Trafford's Poverty Strategy. As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Annual Service Improvement Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

## **Areas of Responsibility**

- Community Strategy, Community Cohesion and the Local Strategic Partnership
- Partnership and neighbourhood working
- Poverty Strategy
- Domestic Violence and Abuse
- Locality Services
- Community Partnerships
- Voluntary Sector Grants
  - Arts – Theatres – Waterside Arts Centre
  - Festivals
  - Libraries
  - Social Studies, local history and heritage
  - Leisure Centres
  - Trafford Moving and the physical activity strategy
  - Relations with Trafford Leisure
  - Sports Development
  - Trafford Arts Association
  - Culture and tourism and events
  - The Music Service

## **Key Roles and Responsibilities of the Culture, Leisure and Strategic Partnerships portfolio:**

In accordance with section 15(4) of the Local Government Act 2000, but subject to legislation, the Scheme of Delegation to Officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Culture, Leisure and Strategic Partnerships is responsible for all matters within their Areas of Responsibility set out above to the extent that they comprise Executive functions, including in particular:-

1. Leading and overseeing the promotion of a neighbourhood and area focus across the Council and the Borough.
2. The promotion and development of a Trafford Partnership Strategy
3. The development and implementation of a Poverty Strategy for Trafford
4. Matters concerning the provision, development, monitoring and promotion of leisure, recreation, tourism, events, arts and culture and entertainment in the Borough.
5. The strategic management and development of sports and leisure facilities and sports development.
6. Liaison with Trafford Leisure CIC and other sporting and leisure organisations.
7. All matters concerning the provision and management of public libraries.

8. The promotion of the Borough's heritage and history through support for social and local studies and its heritage assets.
9. Ensuring the delivery of the aims and objectives of the Local Strategic Partnership through the agreed delivery arrangements.
10. Working with partners to support those impacted by domestic violence and abuse.

**To submit to the Executive:**

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.



## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Economy and Regeneration**

#### **GENERAL**

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of Economy and Regeneration.

As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Annual Service Improvement Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

## **Areas of Responsibility relating to Economy and Regeneration**

To have overall responsibility for:

- Property acquisition and development
- Resource procurement
- Strategic asset management
- Planning policy and strategic and / or sub-regional planning
- Land use and development in the Borough
- Sustainable Development
- Local lead flood authority
- Heritage assets
- Building Control
- Planning Enforcement
- Economic growth, development and regeneration
- Town centres
- Adult Education, Life Long Learning and tackling worklessness and skills
- Parking services
- Conservation and building preservation
- Property disposal
- Community Buildings
- Architectural services
- Corporate Landlord
- The Investment Strategy
- Joint ventures that support regeneration and development

## **Key Roles and Responsibilities of the Economy and Regeneration Portfolio**

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Economy and Regeneration is responsible for all matters within their Areas of Responsibility as set out above, to the extent that they comprise Executive functions, including in particular:-

1. The strategic management of the Council's property assets including:
  - The acquisition, management and development of land and property acquired for the general purposes of the Council until required for the specific functions of another service or until disposal of the land or property
  - The acquisition, management and development of land and property for the purposes of economic development, regeneration or in accordance with the Council's Investment Strategy
  - The control and management or disposal of land and property surplus to service requirements by receiving (if necessary) a transfer or an appropriation of such land or property

- The management and control of the municipal estates, the municipal buildings forming the Waterside Centre, Sale and buildings used as offices by the Council
2. The furtherance of trade, commerce and general industrial and physical development within the Borough, including assisting with the relocation and development of industry, commerce and business, the making of grants in respect of business security, environmental improvement, commercial improvement and related matters.
  3. To promote economic growth within the Borough through effective working with Greater Manchester Combined Authority, AGMA and other North West regional partners and agencies.
  4. Development of economic strategies.
  5. The initiation, development and monitoring of industrial and commercial development projects and the encouragement of development of land in furtherance of the Council's policies and objectives.
  6. Supporting and promoting economic strategies and initiatives to tackle worklessness and skills
  7. Identification of and support for employment initiatives
  8. Encouragement and support for Adult Education and Lifelong Learning provision across Trafford and of initiatives to support accessibility of and engagement in Adult Education and Lifelong Learning.
  9. Obtaining external funding through e.g. AGMA funding streams including regional, national, European and lottery funding.
  10. Monitoring regeneration programme performance.
  11. Liaison with the Chair of the Planning and Development Management Committee on the relationship between strategic planning issues and emerging policies and development management.
  12. The development and management of the town centres.
  13. Planning Enforcement.
  14. The encouragement and support of community economic development initiatives.
  15. The management of the Council's market functions.
  16. The repair and maintenance of buildings in accordance with the Council's Corporate Landlord approach.

**To submit to the Executive:**

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Environmental Services**

#### **GENERAL**

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of Environmental Services.

As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Annual Service Improvement Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

## **Areas of Responsibility**

To have overall responsibility for:

- Engineering and construction services
- Highways and traffic management
- Road safety excluding active travel initiatives
- Bridges and structures
- Environmental services
- Environmental enforcement
- Waste Management
- Tactical and operational flood management
- Parks and Green Spaces
- “Friends” Groups (parks)
- Allotments

## **Key Roles and Responsibilities of the Environmental Services Portfolio**

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers and other provisions set out in Part 3 of the Council’s Constitution, the Executive Member for Environmental Services is responsible for all matters within their Areas of Responsibility as set out above, to the extent that they comprise Executive functions, including in particular:-

1. The functions, powers and duties of the Council as Highway Authority including:
  - a) detailed highways and transportation schemes and proposals excluding active travel
  - b) traffic calming, street lighting, road safety, traffic regulation and network management
  - c) management of decriminalised parking enforcement and car parking facilities
2. Highways inspections and maintenance.
3. Highways and engineering planning and development.
4. Matters relating to the strategic management of parks and green spaces and liaison with Friends of Parks Groups;
5. Sewers and drainage including flood and water management
6. Waste collection, management, disposal and recycling.
7. Clean neighbourhoods including street cleansing and collection of litter.

**To submit to the Executive:**

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

This page is intentionally left blank

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Finance and Governance**

#### **GENERAL**

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Finance and Governance portfolio. As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Approving in conjunction with the relevant Corporate Director or Director, Annual Service Improvement Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough.
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections within the remit of the Portfolio holder.
12. Exercise a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

## **Areas of Responsibility**

To have overall responsibility for:

- Corporate Finance
- Accountancy
- Benefits and Local Taxation
- Advice and Information services
- Procurement (STAR)
- Delivery of value for money services
- Strategic Human Resources
- Pension Fund
- Occupational Health and Safety
- Operational Services for Education
- Traded Services
- Corporate Governance and Constitution
- Legal and Governance Services – including Registration Services and liaison with the Coroner's Service
- Information Governance
- The Finance and Change Programme
- Civil Contingencies and Business Continuity
- Customer Services/Relations
- Policy and Performance Improvement

## **Key Roles and Responsibilities of the Finance and Governance portfolio**

In accordance with section 15(4) of the Local Government Act 2000, but subject to legislation, the Scheme of Delegation to Officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Finance and Governance is responsible for all matters within their Areas of Responsibility set out above to the extent that they comprise Executive functions, including in particular:-

1. The Council's budget planning framework, including the medium term financial plan and strategy.
2. The effective and efficient use of the Council's financial resources.
3. Financial (including insurance) management.
4. Powers and duties of the Council in relation to national non domestic rates, local taxes and the administration of the benefits' schemes.
5. The functions of the Council as accountable body in respect of any schemes supported by EU and SRB funding.
6. Effective corporate procurement arrangements.

7. Ensuring the delivery of effective and efficient corporate and support services including:
  - Legal Services
  - Governance Services
  - Strategic HR Services
8. Ensuring that the Council has effective corporate governance, including:
  - Internal audit assurance
  - Risk management
  - Information governance
9. Operational services for Education (TSE) including
  - a) Support services
  - b) School catering services
  - c) Cleaning and caretaking Services
  - d) School crossing patrols
10. Bereavement Services
11. Traded Services including outdoor media advertising

1. The functions of the Council under the Civil Contingencies Act 2004 and responsibility for ensuring appropriate business continuity planning across the Council.
2. Ensuring that the highest standards of customer care are delivered
3. All aspects of the Council's customer relations including:
  - Performance and development of Access Trafford
  - Development and implementation of Customer Standards and the Customer Pledge
  - Corporate Compliments and Complaints
4. Ensuring the delivery of effective and efficient Performance Services including the development and improvement of systems and processes for business planning and performance improvement.

**To submit to the Executive:**

1. Recommendations concerning the formulation of the Council's Budget Framework
2. Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

This page is intentionally left blank

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Health and Wellbeing and Equalities**

#### **GENERAL**

The Executive Portfolio holder is responsible for all matters relating to Health and Wellbeing and Equalities, including acting as the Lead Member for Community Health and Wellbeing Services in accordance with best practice guidance.

As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Annual Service Improvement Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough.
8. Representing the Council's views on matters of corporate or strategic policy and on any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

## **Areas of Responsibility**

1. Community Health and Wellbeing Services including:
  - The Health and Wellbeing Board
  - Public health functions
  - Delivery of the Health and Wellbeing Strategy
  - Liaison with NHS commissioning bodies and NHS strategic partners
  - Liaison with voluntary and community sector organisations in relation to health and wellbeing
  - Championing health and wellbeing issues on behalf of the Council and Trafford Partnership
2. Mental Health Services – to act as the Council’s champion for all matters relating to mental health.
3. Equality and Diversity – to act as the Council’s champion for all matters relating to Equality and Diversity
4. Covid 19 Recovery Plan

## **Key Roles and Responsibilities of the Health and Wellbeing and Equalities Portfolio:**

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers and other provisions set out in Part 3 of the Council’s Constitution, the Executive Member for Health and Wellbeing and Equalities is responsible for all matters within their Areas of Responsibility as set out above, to the extent that they comprise Executive functions, including in particular:-

1. The powers and duties of the Council with regard to public health functions.
2. Meeting the Council’s responsibilities in relation to prevention, health improvement and the reduction of health inequalities.
3. Liaison with the Clinical Commissioning Group to ensure that they are provided with appropriate support to deliver public health objectives and priorities in Trafford.
4. To ensure that a Joint Strategic Needs Assessment is in place and that it informs commissioning strategies.
5. To act as the Council’s Mental Health Champion.
6. Promotion of equality and diversity and ensuring compliance with the Council’s equalities duties.

**To submit to the Executive:**

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

This page is intentionally left blank

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Housing and Neighbourhoods**

#### **GENERAL**

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Housing and Neighbourhoods portfolio. As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Approving in conjunction with the relevant Corporate Director or Director, Annual Service Improvement Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough.
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections within the remit of the Portfolio holder.
12. Exercise a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

## **Areas of Responsibility**

- Community Safety
- Greater Manchester Police and Crime Panel
  - Environmental Health
  - Trading standards
  - Executive Licensing functions
  - Strategic Housing
  - Homelessness and housing advice
  - Housing Register
  - Empty Properties
  - Housing Standards
  - Asylum Seekers and Refugee Readiness

## **Key Roles and Responsibilities of the Housing and Neighbourhoods portfolio**

In accordance with section 15(4) of the Local Government Act 2000, but subject to legislation, the Scheme of Delegation to Officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Housing and Neighbourhoods is responsible for all matters within their Areas of Responsibility set out above to the extent that they comprise Executive functions, including in particular:-

1. Community safety including:
  - (a) Development of policy guidelines for the management of Council policies regarding crime and community safety and monitoring the implementation of such guidelines.
  - (b) Links to Police Service, Probation Service etc. through membership of the Safer Trafford Partnership Board
  - (c) Crime reduction initiatives (both social and physical) across the Executive portfolios.
  - (d) Prevention of offending and re-offending in partnership with key Criminal Justice services.
  - (e) Tackling Anti-social behaviour including appropriate consultations, interventions and enforcement.
  - (f) 24hour Control Room and CCTV network.
2. Development of Safer and Stronger Communities (excluding domestic violence and abuse).

Housing and homelessness policy

Health and Safety (excluding Council employee health and safety)

Environmental health, protection and standards including:

- a) food safety and control
- b) control and monitoring of pollution and statutory nuisances
- c) animal health and welfare
- d) pest control
- e) private sector housing standards (in liaison with the Housing and Regeneration portfolio holder)

Trading Standards including:

- a) consumer advice
- b) weights and measures
- c) fair trading
- d) consumer credit and safety
- e) consumer complaints

Any functions under any licensing legislation including safety at sports grounds which are Executive functions and which do not fall within the remit of any other Executive Member.

**To submit to the Executive:**

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.



## 4. SCHEME OF DELEGATION TO OFFICERS

### INTRODUCTION

1. The purpose of this scheme is to provide arrangements for delegations to officers of the Council's Executive and Non-Executive functions.
2. The Scheme of delegation set out below has been compiled in accordance with Section 101 Local Government Act 1972 and the requirements of the Local Government Act 2000. The designated officers, or those authorised to act in their place, are authorised to discharge the functions delegated to them in this Scheme.
3. The following powers and duties are delegated to the officers named. Subject to any restriction imposed by the Council or Executive, those officers can delegate further as appropriate to any officer in his/her Service any power or duty which the Council or Executive has already delegated to them.
4. Notwithstanding any decision of the Council or Executive in relation to the delegation of any item to any officers of the Council, that item shall cease to be delegated if that officer has declared a personal or financial interest in that item.

### GENERAL PROVISIONS

1. All officer delegations are to be exercised in accordance with the Constitution, and consistently with the approved Policy and Budgetary Framework.
2. Any delegation to an officer to take action under a particular statutory provision shall be deemed to authorise action under any statutory re-enactment or amendment of that provision, and any statutory regulations, order, or direction made under that provision both before and after the date of this Constitution. References to statutory requirements in this scheme include relevant European legislation and directives as applicable.
3. In deciding whether or not to exercise delegated powers, officers should have regard to the desirability of consulting with the appropriate Executive Portfolio Holder or Committee Chair. Officers will always be entitled to refer matters for decision to the Council, the Executive or relevant Committee, as appropriate, where they consider it expedient to do so.
4. Significant decisions taken by Officers should be published in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and guidance issued by the ~~Corporate Director of Governance and Community Strategy~~ Director of Legal and Governance.
5. With regard to situations which arise between Committee or Executive meetings and require emergency action which cannot reasonably await the next meeting, the Chief Executive, ~~Corporate Director of Governance and Community Strategy~~ Director of Legal and Governance or relevant Corporate Director has authority to take such action in consultation with the Chair, Vice-Chair and Opposition Spokesperson of the Committee concerned (or with such of the latter as are available for consultation) or with the relevant Executive Portfolio Holder and subject to a subsequent report to the next meeting of the Committee or the Executive.

<b>WHO IS RESPONSIBLE</b>	<b>FUNCTION</b>
<b>CHIEF EXECUTIVE</b>	<p><b>A. <u>GENERAL MATTERS</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <ol style="list-style-type: none"> <li>1. To undertake all matters associated with the professional management of the Council.</li> <li>2. To exercise any power delegated to any officer at any time when that officer is unable or unwilling to act.</li> <li>3. To give a decision on the applicability of any delegated power in any specific case.</li> <li>4. To require any officer of the Council to refer a matter to a Committee or the Executive for decision notwithstanding the fact that the officer may have delegated authority to deal with that matter.</li> <li>5. The taking of any necessary action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough. (Note: This delegation is also exercisable by all Corporate Directors.)</li> <li>6. To determine, in conjunction with the Director of Finance and Systems, whether representation to the relevant Government Department should be made for activation of the “Bellwin” Scheme of Emergency Financial Assistance to Local Authorities for any expenditure relating to major incidents which occur in Trafford.</li> <li>7. To deal with matters relating to the development of the Community Strategy and Corporate Plan.</li> <li>8. To appoint replacement members to the Independent Remuneration Panel whenever necessary and agree their terms of reference, in consultation with the Political Group Leaders.</li> </ol>
<b>CHIEF EXECUTIVE</b>	<p><b>B. <u>ELECTIONS</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <ol style="list-style-type: none"> <li>9. In consultation with the relevant ward councillors and Group Leaders to discharge the function of dividing electoral divisions into polling districts at local government elections and altering such districts and to be responsible for the ongoing review of polling districts, polling places and polling stations between the 4 yearly reviews for parliamentary elections (Sections 18A, 18B and 31 of the Representation of the People Act 1983).</li> <li>10. To determine fees and conditions for the supply of copies of extracts of elections documents. (Rule 48(3) Local Elections (Principal Areas) Rules 1986 and Rule 48(3) Local Elections (Parishes and Communities) Rules 1986.)</li> </ol>

<b>CHIEF EXECUTIVE</b>	<b>C. <u>HUMAN RESOURCES</u></b>  11. In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:  12. The overall direction of all human resource matters.  13. The administration and implementation of the Council's organisational, employee development and human resource plans.
------------------------	--



<p><b>CHIEF EXECUTIVE AND CORPORATE DIRECTORS</b></p>	<ul style="list-style-type: none"> <li>(b) To determine the arrangements that should apply in respect to the <del>carry forward banking</del> of up to five days <del>from one leave year to the next</del> and to approve any <del>carry forward banking</del> of leave in excess of five days.</li> <li>(c) To determine the arrangements in respect to the attendance of employees at courses and professional meetings for periods not exceeding five days, at the expense of the authority.</li> <li>(d) To determine the arrangements in respect to the payment of subsistence allowances in appropriate cases in accordance with the provisions of the National Scheme of Conditions of Service and the Supplemental Conditions of Service.</li> <li>(e) To determine the arrangements for the granting of payment at the standard mileage rate in respect of the use of cars for specific approved journeys.</li> <li>(f) To take disciplinary action against an employee, including suspension and dismissal, in consultation with appropriate Human Resources officers, in accordance with the agreed disciplinary procedure.</li> <li>(g) To determine payments to officers temporarily undertaking additional duties.</li> <li>(h) To approve or disapprove temporary appointments of 12 months or less. Temporary appointments for periods in excess of 12 months to be agreed by the Chief Executive.</li> <li>(i) To approve the discretionary application of the Council's relocation Scheme for Newly Appointed Officers.</li> <li>(j) To determine the arrangements for the approval of job sharing arrangements, reduced hours, term time working or other flexible working arrangements in appropriate circumstances, subject to there being no detrimental effect on the service.</li> <li>(k) To determine the arrangements for the approval of applications for facilities for courses leading to a qualification, including time off (day release etc.) subject to being satisfied that the courses are appropriate to the work of the officers.</li> <li>(l) To determine the arrangements for the granting of leave in accordance with the Special Leave for Dependents and Bereavement Policy.</li> </ul>
<p><b>CORPORATE DIRECTOR OF STRATEGY AND RESOURCES</b></p>	<p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice, National Care Standards and subject to overall budget provision:</p> <p><b><u>Human Resources</u></b></p> <ol style="list-style-type: none"> <li>1. Authority, after consultation where appropriate with the Portfolio Holder, Chair of the Employment Committee, Trade Unions and staff representatives, to approve revisions and amendments which are not significant to corporate human resources strategies and policies in so far as they relate to the appointment, terms and conditions of employment and dismissal of staff.</li> </ol>

2. Excluding those policies which must be approved by Council, the authority to approve all other corporate human resources strategies, policies and procedures.
3. To determine discretionary termination compensation payments up to 66 weeks of pay.
4. To act in accordance with the provisions of the Council's locally-agreed arrangements, including:-
  - (a) To determine the arrangements for the granting of leave with pay to officers for attendance at meetings of approved outside bodies.
  - (b) To determine the arrangements for the granting of leave in accordance with the Special Leave for Public Duties Policy.
  - (c) To grant leave with pay to not more than three officers appointed as delegates to attend annual conferences of their Trade Unions, together with any member of staff who is a member of the National Executive.
  - (d) To grant leave with or without pay for trade union purposes including training in accordance with the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.
  - (e) To grant leave with pay to staff serving on Staff Councils or other Joint Negotiating Bodies.
  - (f) To approve a long service award in those cases where the exact length of an employee's service contract cannot be verified.
5. To consider and make payments, not exceeding £500, in respect of claims by employees for loss of, or damage to, personal property arising from their official duties.
6. To enter into settlement agreements with employees.
7. Directorate wide service reviews and development of corporate proposals, including decisions relating to the creation/re-grading and deletion of posts above Band 12.
  - In exceptional circumstances, decisions on proposals affecting Statutory and non-Statutory Chief Officer or Deputy Chief Officer level posts (exceptional circumstances to be determined by the Proper Officer in consultation with the Chair of the Employment Committee);
  - Other than in exceptional circumstances, decisions on proposals affecting Statutory and non-Statutory Chief Officer or Deputy Chief Officer level posts are subject to the prior approval of the Proper Officer and Employment Committee.
  - In exceptional circumstances decisions in respect of the preparation of the statement of duties and qualifications, advertisement and appointment of internal and external candidates to the role of statutory and non-statutory Chief Officers or Deputy Chief Officers in accordance with Joint Negotiating Committee (JNC) Conditions of Service and

	<p>Council and government policies and procedures (exceptional circumstances to be determined by the Proper Officer in consultation with the Chair of the Employment Committee):</p> <ul style="list-style-type: none"> <li>○ Appointments of internal candidates may be on an interim or a permanent basis;</li> <li>○ Appointments of external candidates shall be on an interim basis only;</li> <li>○ All decisions shall be reported to the Employment Committee prior to reporting to Full Council.</li> </ul> <ul style="list-style-type: none"> <li>• Decisions relating to salary packages for new posts above £100,000, such decisions shall then be subject to full Council approval. In addition, decisions relating to any severance arrangements agreed in line with the relevant policies that exceed £100,000, such decisions shall then be subject to full Council approval.</li> </ul> <p>8. In the absence of a Corporate Director for Strategy and Resources, the Proper Officer would assume the responsibilities.</p>
<p><b><u>CORPORATE DIRECTOR OF STRATEGY AND RESOURCES</u></b></p> <p><b><u>Transferred from</u></b></p> <p><b><u>Corporate Director of Governance and Community Strategy</u></b></p>	<p><b><u>Libraries</u></b></p> <p><u>1. The management and control of all the Council's library facilities. This includes:</u></p> <ul style="list-style-type: none"> <li><u>(a) in consultation with the Executive Portfolio Holder, determining admission charges, fees and concessions for the use of such facilities, and to agree variations from standard charges;</u></li> <li><u>(b) authorising the emergency closure of premises and facilities, without notice, in the interests of public safety;</u></li> <li><u>(c) to agree seasonal and other variations in the hours of opening of facilities, and the closure of facilities at bank holidays;</u></li> <li><u>(d) selecting of books, periodicals and newspapers for the libraries;</u></li> <li><u>(e) permitting and organising exhibitions.</u></li> </ul> <p><u>2. The development of library services throughout the Borough.</u></p> <p><u>3. To fix charges for any occasional activity, sale of goods over the counter or by machine, hire of equipment and other permitted use not contained in the approved list of charges.</u></p>
<p><b><u>CORPORATE DIRECTOR OF STRATEGY AND RESOURCES</u></b></p> <p><b><u>Transferred from</u></b></p>	<p><b><u>Arts</u></b></p> <p><u>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</u></p> <p><b><u>General</u></b></p> <p><u>1. The management and control of all the Council's arts facilities. This includes:</u></p> <ul style="list-style-type: none"> <li><u>(a) authorising the emergency closure of premises and facilities, without notice, in the interests of public safety;</u></li> </ul>

<p><u>Corporate Director of Governance and Community Strategy</u></p>	<p><u>(b) permitting and organising exhibitions.</u></p> <p><u>2. The development of arts services throughout the Borough.</u></p> <p><u>3. To fix charges for any occasional activity, sale of goods over the counter or by machine, hire of equipment and other permitted use not contained in the approved list of charges.</u></p> <p><u>4. To set ticket prices for arts events.</u></p>
<p><b>CHIEF EXECUTIVE AND CORPORATE DIRECTORS</b></p>	<p><b>B. <u>FINANCIAL, COUNCIL AND CONTRACT PROCEDURES</u></b></p> <p>1. To act as indicated in the Council's:-  Financial Procedure Rules  Council Procedure Rules  Contract Procedure Rules  Internal Code of Practice on Financial Management</p> <p>2. To incur revenue expenditure within budgets as delegated and approved at the Budget setting Council.</p> <p>3. To incur expenditure on individual capital schemes as approved in the Capital Programme approved by Council.</p> <p>4. To approve price variations under contracts.</p> <p>5. Disposing of a surplus or obsolete capital asset, other than land and property at the best price obtainable in accordance with the procedures agreed with the Director of Finance and Systems.</p> <p>6. To write-off stocks and stores up to a book value of £50,000 in consultation with the Director of Finance and Systems and in accordance with the Finance Procedure Rules.</p> <p>(Note: Each designated officer must ensure that the Financial and Contract Procedure Rules set out in the Constitution are observed throughout his/her Directorate. He/she shall also ensure that all relevant staff are fully aware of and accept the content of such aspects of financial management. Designated officers must maintain a record of those officers to whom this Scheme has been issued, thus providing a framework of financial administration and control that facilitates compliance with Section 151 Local Government Act 1972).</p>
<p><b>CHIEF EXECUTIVE AND CORPORATE DIRECTORS</b></p>	<p><b>C. <u>PLANNING PERMISSION AND PROPERTY</u></b></p> <p>7. Under the Town and Country Planning General Regulations 1992 to seek planning permission for development by the Council or in respect of land vested in the Council.</p> <p>8. The management of buildings and facilities under their control, subject to advice and guidance from the Corporate Director of Place in relation to the strategic and corporate use of assets.</p>

	<p>9. To permit the casual use of property by outside organisations, in accordance with the policy of the Council.</p>
<p><b>CHIEF EXECUTIVE AND CORPORATE DIRECTORS</b></p>	<p><b>D. <u>GENERAL MATTERS</u></b></p> <p>10. To deal with lost or uncollected property.</p> <p>11. To authorise, in writing, officers of the Council and named individuals who are not officers of the Council who are acting on behalf of the Council, to exercise statutory rights of entry on to property in pursuance of their duties.</p> <p>12. To take necessary measures to ensure that high standards of health, safety and welfare are achieved in the activities of the Council and its service areas, in compliance with the Health and Safety at Work etc. Act 1974 and the Council's Health and Safety Policies.</p> <p>13. To nominate appropriate officers who can authorise surveillance under the Regulation of Investigatory Powers Act 2000 in pursuance of the Council's statutory duties and in accordance with the Scheme of Authorisation made in accordance with the Act. Surveillance shall be authorised in advance of any such activity being undertaken by the relevant Officer.</p> <p>14. To authorise staff possessing such qualifications as may be required by law or in accordance with the Council's policy to take samples, carry out inspections, enter premises, form opinions, issues notices and fixed penalties and generally perform the functions of a duly authorised Officer of the Council (however described) under the statutory codes relating to:</p> <p style="padding-left: 40px;">public health, mental health, children and young persons, social services, housing, education, town planning, rating, licensing, trading standards and consumer services, highways, building control, shops, food safety, environmental health, animal health and welfare, health and safety at work,</p> <p style="padding-left: 40px;">under the provisions of the Greater Manchester Act 1981 or relating to any other statutory function or duty of the Council and to issue any necessary Certificates of Authority. In relation to any powers delegated to the Chief Executive which require to be dealt with by a Solicitor of the Supreme Court, his/her power shall in turn be delegated to the <del>Corporate Director of Governance and Community Strategy</del> <u>Director of Legal and Governance</u> if necessary.</p> <p>15. To deal with requests for access to personal files and data in accordance with the relevant legislation and regulations.</p> <p>16. In consultation with the appropriate Executive Portfolio Holder, to authorise attendance by councillors/co-opted members at conferences/seminars.</p> <p>17. To sign and serve documents and notices on behalf of the Council.</p> <p>18. The taking of any necessary action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough.</p>

<p><b>CORPORATE DIRECTOR OF PLACE</b></p>	<p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision, to take necessary and appropriate action in respect of the following:</p>
<p><b>CORPORATE DIRECTOR OF PLACE; OR DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF STRATEGIC GROWTH, <u>COMMUNITIES AND HOUSING</u></b></p>	<p><b>A <u>Inclusive Economic Growth</u></b></p> <ol style="list-style-type: none"> <li>1. To prepare and submit applications for <del>regeneration</del> funding to any providers of external funding <del>for</del>to which the Council may become eligible, <del>and with regard to European Funding, the power to sign-off public authority certificates.</del></li> <li>2. To manage and deliver all business/<u>community</u> grant or loan applications which comply with the agreed criteria. Any other grant or loan applications to be referred to the Executive Portfolio Holder. In consultation with the Executive Portfolio Holder to deal with all business grant or loan applications which comply with the agreed criteria. Any other grant or loan applications to be referred to the Executive.</li> <li>3. In consultation with the Executive Portfolio Holder, to generate revenue from economic growth services, activities, initiatives and programmes, <u>where appropriate</u>, in accordance with Council policies, statutory requirements, guidance and Codes of Practice’.</li> </ol>
<p><b>CORPORATE DIRECTOR OF PLACE; OR DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF STRATEGIC GROWTH, <u>COMMUNITIES AND HOUSING</u></b></p>	<p><b>B <u>Strategic Housing and Housing Options</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <ol style="list-style-type: none"> <li>1. <del>All matters concerning the relationship between the Council and Trafford Housing Trust limited and other providers</del><u>To develop close working relationships between the Council and Registered Providers and housing developers operating in the borough.</u></li> <li>2. To discharge the Council’s <u>statutory</u> functions under legislation relating to <u>housing and homelessness</u><del>homeless persons including the delivery and management of service provision.</del></li> <li>3. To deal with special circumstances not adequately provided for within the Council’s Allocations Policy.</li> <li>4. To prepare and submit applications for funding to any providers of external funding <del>for</del>to which the Council <del>may become</del><u>is</u> eligible.</li> <li>5. In consultation with the Executive Portfolio Holder to: <ol style="list-style-type: none"> <li>i) add further Section 106 planning agreement commuted sums and CIL payments to the Capital Programme, <del>and:</del></li> <li>i) approve <del>future</del> Registered Providers schemes for grant funding.</li> <li>ii) approve grant or loan applications for the provision of social rented housing and other affordable housing provision <u>which comply with the agreed criteria.</u></li> </ol> </li> </ol>

<p><b>CORPORATE DIRECTOR OF PLACE; OR DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF <u>STRATEGIC GROWTH, COMMUNITIES AND HOUSING</u></b></p>	<p><b>C <u>Strategic Planning</u></b></p> <p>1. In consultation with the Executive Portfolio Holder to:</p> <p>i) develop, produce and monitor plans and policies and reports to meet the Council’s statutory obligations under relevant legislation and government guidance including, but not restricted to, <u>Levelling Up Act when enshrined in law</u>, Planning and Compulsory Purchase Act 2004, Localism Act 2011, National Planning Policy Framework 2012.</p> <p>ii) meet Neighbourhood Plan obligations under the Localism Act 2011.</p> <p>iii) contribute to the development of sub-regional plans and policies, including <u>those related to transport</u><del>the statutory Greater Manchester Strategic Framework</del>.</p> <p>2. In accordance with Council policies, statutory requirements, guidance, <u>and</u> Codes of Practice to manage and monitor the implementation of Section 106 and CIL.</p> <p>3. To produce the Local Development Scheme.</p> <p><u>4. To prepare and submit applications for funding to any providers of external funding to which the Council is eligible.</u></p>
<p><b>CORPORATE DIRECTOR OF PLACE; OR DIRECTOR OF GROWTH AND REGULATORY SERVICES</b></p>	<p><b>D <u>Housing Renewal</u></b></p> <p>1. To issue licences and certificates as appropriate for licensing and accreditation schemes for privately rented properties.</p> <p>2. To authorise all action required to address public health concerns within private sector housing including statutory nuisances, filthy and verminous premises, pest control, local drainage concerns and accumulations.</p> <p>3. To determine applications for grants to improve properties and to take all necessary steps to ensure that any action relating to the implementation of renewal areas, grants and necessary repairs of properties is carried out.</p> <p><u>4. To authorise enforced sales of long-term empty properties, where appropriate, in consultation with the Director of Legal and Governance and Monitoring Officer and Director of Finance.</u></p>
<p><b><u>CORPORATE DIRECTOR OF PLACE; OR DIRECTOR OF DEVELOPMENT AND</u></b></p>	<p><b><u>E Planning Permission and Property</u></b></p>

<p><u>ESTATES OR ASSISTANT DIRECTOR OF ESTATES AND DEVELOPMENT</u></p>	<ol style="list-style-type: none"> <li>1. <u>Under the Town and Country Planning General Regulations 1992 to seek planning permission for development by the Council or in respect of land vested in the Council.</u></li> <li>2. <u>The management of buildings and facilities under their control, subject to advice and guidance from the Corporate Director of Place in relation to the strategic and corporate use of assets.</u></li> <li>3. <u>To permit the casual use of property by outside organisations, in accordance with the policy of the Council.</u></li> </ol>
<p><b>CORPORATE DIRECTOR OF PLACE; OR DIRECTOR OF GROWTH AND REGULATORY SERVICES DEVELOPMENT AND ESTATES OR ASSISTANT DIRECTOR OF ESTATES AND DEVELOPMENT</b></p>	<p><b><u>FE Asset Management</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <p><u>Land and Property</u></p> <ol style="list-style-type: none"> <li>1. To undertake estates management functions, including dealing with applications to develop, alter or assign property, where the Council's consent as landlord is required, and to determine whether action should be taken under relevant property related legislation.</li> <li>2. To be responsible for progressing all land and property transactions.</li> <li>3. To take action to protect the Council's legal or financial position in relation to the management of property.</li> <li>4. Strategic Land Review Programme:       <ol style="list-style-type: none"> <li>i) In respect of the Strategic Land Review Programme, as approved from time to time, authority to:           <ol style="list-style-type: none"> <li>a) Engage external resources where this will assist in implementation Of the programme.</li> <li>b) Submit for planning consent on any of the properties included in the programme where this will assist in marketing.</li> <li>c) Negotiate and accept bids.</li> <li>d) Advertise the intention to dispose of a site in the event that it comprises open space as defined by the Town and Country Planning Act 1990, in accordance with relevant statutory procedure and if any objections are received to refer them to the Executive for consideration.</li> <li>e) Offset eligible disposal costs against the capital receipts.in accordance with capital regulations up to a maximum of 4% of the value of the receipt.</li> </ol> </li> <li>ii) In respect of the Strategic Land Review Programme, in consultation with the Executive Portfolio Holder, authority to           <ol style="list-style-type: none"> <li>a) Approve the substitution or addition of sites to the Strategic Land Review Programme.</li> <li>b) Approve the hiring of security services or the demolition of any property should this become necessary.</li> </ol> </li> </ol> </li> </ol>

	<p>c) Authorise an alternative method of sale where appropriate.</p> <p>5. Subject to compliance with the Council's agreed arrangements, appropriate budgetary provision and to securing the best consideration that can be obtained:</p> <p>a) to approve the taking of, or the grant, renewal, assignment, transfer, surrender, taking of surrenders, review, variation and terminations of any leases, licences, easements and wayleaves, consents and rights in land, for a consideration that does not exceed £25,000 per annum or a premium of £499,000.</p> <p>b) to approve the acquisition and disposal of land, buildings or other property interests for a consideration not exceeding £499,000.</p> <p>6. To approve the purchase price and all compensation payable in respect of land and buildings included in Compulsory Purchase Orders, including home loss and disturbance payments, and to authorise acquisitions by agreement as an alternative to the making of a Compulsory Purchase Order.</p> <p>7. All rent reviews and lease renewals.</p> <p>8. Sale of freeholds in accordance with the Leasehold reform Act 1967, in accordance with the prevailing rate of capitalisation.</p> <p>9. The installation of wireless apparatus, Telecom installations, Water Authority installations, electricity sub-stations, gas governors and other minor works in or on properties under the management of the Asset Management Service.</p> <p>10. Where the sale of that property has been authorised, to place for auction any miscellaneous properties where such a course of action is expedient to effect a sale of the land/property.</p> <p>11. To appoint consultants for small works in line with agreed policy.</p> <p>12. To authorise the repair and maintenance of Council property in accordance with the approved budget or the use of virement.</p> <p>13. To settle claims under Part 1 of the Land Compensation Act 1973 and Claims resulting from the laying of sewers and other apparatus under the Public Health Act 1936, Water Acts and Land Drainage Acts.</p> <p>14. To agree terms and conditions of re-purchase of defective former Council or public authority dwellings under Part XVI, Housing Act 1985.</p> <p>15. The acquisition and disposal of Chief Rents on Council property.</p> <p>16. The Authority to make proposals, objections and agreements in respect of rating assessments on corporate land and property including, where necessary, attendance at Valuation tribunals and Lands Tribunals.</p> <p>17. To prioritise works in respect of access for the disabled and fire precaution work.</p>
--	--

	<p>18. To approve the appointment of estate agents for residential disposals on the basis agreed by the Council.</p> <p>19. To manage all building services for the Council's administrative buildings.</p> <p>20. To act in the best interests of the Council in relation to energy management.</p> <p>21. To repair and maintain buildings and grounds within approved revenue estimates for these purposes.</p> <p>22. To authorise statutory authorities to carry out essential works.</p> <p>23. To determine requests for inscriptions to be added to Cenotaphs throughout the Borough.</p>
<p><b>CORPORATE DIRECTOR OF PLACE</b></p>	<p><u>Markets</u></p> <p>24. To be responsible for the management of any markets that the Council may operate in the Borough, including the letting, transfer and surrender of stalls, applications for change of trade, collection of charges and any matters under the market regulations.</p> <p>25. To licence or refuse temporary markets in accordance with the policy approved by the Council</p>
<p><b>CORPORATE DIRECTOR OF PLACE</b></p>	<p><u>Lettings and Public Halls</u></p> <p>26. To control the range and frequency of events in public halls, subject to obtaining planning permission when necessary.</p> <p>27. To approve lettings and concessions of Council accommodation for hire, in accordance with the Council's approved scheme.</p>
<p><b>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT</b></p>	<p><b><u>GF PLANNING AND DEVELOPMENT MANAGEMENT</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision, to take necessary and appropriate action in respect of the following:</p> <p>1. <b>Definitions</b></p> <p>For the purposes of this scheme and for the avoidance of doubt: -</p> <p>a) 'planning application' means:</p> <ul style="list-style-type: none"> <li>❖ Applications for Outline Planning Permission, Full Planning Permission and Approval of Reserved Matters</li> <li>❖ Applications for development within the curtilage of a dwellinghouse</li> <li>❖ Applications for minerals and waste development (including Review of Minerals Permissions)</li> </ul>

**CORPORATE DIRECTOR  
OF PLACE; DIRECTOR  
OF GROWTH AND  
REGULATORY  
SERVICES; OR HEAD OF  
PLANNING AND  
DEVELOPMENT**

- ❖ Applications under Section 73 of the Town and Country Planning Act 1990 to vary, modify or remove a planning condition, including minor material amendments and applications to extend the time limit on a permission. Applications under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011
- ❖ Applications requiring the completion of a legal agreement / planning obligation under S106 of the Town and Country Planning Act or any other enabling power.
- ❖ Applications for ‘relevant demolition’ in a conservation area.
- ❖ Applications for Listed Building Consent and other heritage consents under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Listed Buildings and Conservation Areas) Regulations 1990
- ❖ Applications for consent to display Advertisements (under the Town and Country Planning (Control of Advertisement) Regulations 2007
- ❖ Applications for non-material amendments under S96A of the Town and Country Planning Act 1990
- ❖ Applications for permission under the Town and Country Planning General Regulations 1992
- ❖ Application for Hazardous Substances Consent under the Planning (Hazardous Substances) Act 1990.
- ❖ Applications for prior approval under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- ❖ Applications for permission in principle and technical details consent under the Town and Country Planning (Permission in Principle) Order 2017 as amended.
- ❖ Inclusion of a site on Part 2 of the Council’s brownfield land register under the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- ❖ Applications for Nationally Significant Infrastructure Projects under the Planning Act 2008 (as amended) where the Local Planning Authority is a consultee and a Local Impact Report is required.
- ❖ Applications for approval of details under the High Speed 2 Act(s) (or howsoever those provisions are enacted).

b) “application to be determined by committee’ means (other than applications fully delegated to officers and excluded by Part 3):-

i) Applications where six or more representations\* contrary to the Officers’ recommendation have been received from separate addresses within the prescribed period.

\* For the purposes of this section a representation shall be taken to mean a letter, a signature on a petition or e-mail.

ii) Where an application has been “called in” for determination by the Committee by either (i) a Member who represents a ward within the same Locality Partnership area in which the application site lies, or (ii) by the Chair of the Committee. For the avoidance of doubt there is no geographical limit to the call in powers of the Chair. Such call-ins are to be made in writing with planning reasons provided within the period of 28 days of the date of issue of the

**CORPORATE DIRECTOR  
OF PLACE; DIRECTOR  
OF GROWTH AND  
REGULATORY  
SERVICES; OR HEAD OF  
PLANNING AND  
DEVELOPMENT**

relevant Weekly List of Applications submitted to the Council and the Member to attend the meeting of the Committee when the application is considered. Proposals considered to be a material departure from the provisions of the Development Plan or of other Development Plan Documents which officers are minded to approve and where the officer recommendation is for approval, save where (i) Development Plan policies are 'out of date' (in National Planning Policy Framework terms) and the proposal is in accordance with national policy and / or (ii) the proposals comprise a minor departure from the standards set out in adopted SPGs and SPDs or their successor documents.

iii) Applications in which a Member or Officer has declared a personal or pecuniary interest.

iii)iv) Applications for the enlargement, improvement or other alteration of existing dwellinghouses will not normally be referred to Committee unless:

(i) the Officer concerned is:

- employed in the Place Directorate;
- employed in Governance Services;
- Head of Service level and above in any Directorate; or
- any other employee who has involvement in the Council's determination of planning applications; or

(ii) One or more objection has been received that is material.

iv)v) Applications for development by or on behalf of the Council (including a Local Authority controlled school) to which an objection has been made which is material to the development proposed.

- c) 'planning permission' includes approvals and consents issued in respect of a 'planning application' as defined in section 1(a)
- d) 'the prescribed period' means the period within which consultees and residents are required to submit representations following consultation/notification and/or publicity of applications in accordance with statute and the Council's approved arrangements.
- e) 'the Act' means the Town and Country Planning Act 1990
- f) 'the Order' means the Town and Country Planning (General Permitted Development) (England) Order 2015
- g) 'the Committee' means the Planning and Development Management Committee

- h) Any reference to an Act, Order or Regulation in this Part D shall be interpreted to mean any amendment or replacement to the said Act, Order or Regulation

## **2. Arrangements For Exercising Delegated Powers**

The powers delegated to officers in this scheme shall be exercisable by the Corporate Director of Place, Director of Growth and Regulatory Services or Head of Planning and Development except where on his/her written instruction, or in the event of his/her absence for a period exceeding 24 hours, they shall be exercisable by other senior managers within the Place Directorate.

## **3. Planning Applications**

### **3.1 Processing Planning Applications**

- a) To discharge the Local Planning Authority's duties under the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- b) To discharge the Local Planning Authority's duties under the Town and Country Planning (Permission in Principle) Order 2017 as amended, or the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- c) To determine the validity of any planning or other application made to the Local Planning Authority.
- d) To determine whether an applicant has carried out necessary pre-application consultation under S61W of the Act.
- e) To determine what consultation, notification and publicity is appropriate and to carry this out in accordance with statute and the Council's approved arrangements.
- f) To maintain for inspection registers of applications and associated matters, brownfield land, works to protected trees and decision notices as required by statute.
- g) To determine whether or not an application appears to be a departure from the Development Plan and to take appropriate procedural action.
- h) To determine whether or not an Environmental Impact Assessment is required, stipulate the minimum information needed and, if necessary, require additional information on receipt of a statement under the Act and the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- i) To determine on the receipt of Outline Applications whether further information is required under the Town and Country Planning (Development Management Procedure) (England) Order 2015 .

**CORPORATE DIRECTOR  
OF PLACE; DIRECTOR  
OF GROWTH AND  
REGULATORY  
SERVICES; OR HEAD OF  
PLANNING AND  
DEVELOPMENT**

**CORPORATE DIRECTOR  
OF PLACE; DIRECTOR  
OF GROWTH AND  
REGULATORY  
SERVICES; OR HEAD OF  
PLANNING AND  
DEVELOPMENT**

- j) Jointly with the Director of Finance and Systems to operate the system of charging fees for planning applications, pre-application advice, site visits, Planning Performance Agreements, High Hedge complaints under Part 8 of the Anti-social Behaviour Act 2003 and the High Hedges (Appeals) (England) Regulations 2005 and any other charging fees within the remit of the Planning Service including the assessment and receipt of fees under the charging scheme.
- k) To issue all decision notices when exercising powers under the Act and other relevant legislation.
- l) To take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended) ("CIL") including (without limitation) all necessary enforcement action under CIL.

### 3.2 Determination of Planning Applications

To determine all planning applications except those falling under the provisions in 1(b) 'Applications to be determined by Committee'.

For the avoidance of doubt the following planning applications are fully delegated to officers and the provisions in 1(b) do not apply:-

- a) Applications for prior approval under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- b) Applications for permission in principle and technical details consent under the ~~the~~ Town and Country Planning (Permission in Principle) Order 2017 as amended.
- c) Inclusion of sites on Part 2 of the Council's brownfield land register under the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- d) Applications for advertisement consent under the Town and Country Planning (Control of Advertisements) Regulations 2007.
- e) Non-material amendments under Section 96A of the Town and Country Planning Act 1990.
- f) Repeat applications for proposals which have previously been subject to a determination by the Local Planning Authority / Planning Inspectorate, are of fundamentally the same nature and description, there has been no material change in planning circumstances and the officer recommendation remains in accordance with the previous decision (where there is any doubt, the Chair of the Committee should be consulted) For the avoidance of doubt this provision does not include S73 applications.

In addition the following functions are delegated to officers:-

- g) Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

- h) To decline to determine planning applications under the provisions of Section 70(A) of the Act and Section 81A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- i) To attach conditions (and associated reasons) to planning permissions determined under this delegation and to make modifications to the standard planning conditions as necessary.
- j) To approve or refuse details and plans submitted to discharge conditions attached to planning permissions, including deemed planning permissions and those imposed by an Order, Direction or statute.
- k) To finally dispose of applications.
- l) To determine Applications for Certificates of Lawful Development under Section 192 of the Act which requests a determination as to whether development would be lawful by virtue of permission being granted by Schedule 2, Part 1 or 2 of the Town and Country (General Permitted Development) Order 2015.

### 3.3 Minerals Applications

- m) To make Orders in respect of the control of minerals development under the Town and Country Planning Act 1990.

### 3.4 Response To Consultations

- n) To respond to consultations from the Secretary of State in respect of Crown Development under S293 of the Town and Country Planning Act 1990.
- o) To respond to consultations from neighbouring Councils on applications received by those Councils for development where the response would accord with the provisions of the Development Plan, or where development plan policies are out of date, national planning policy.
- p) To respond to consultations under Section 36 of the Electricity Act 1989 and the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 where the response would accord with the provisions of the Development Plan, or where development plan policies are out of date, national planning policy.
- q) To respond to consultations under Section 37 of the Electricity Act 1989 (overhead electricity lines of less than 132kV or less than 2km in length) where the response would accord with the provisions of the Development Plan, or where development plan policies are out of date, national planning policy.
- r) To respond to consultations under the Planning Act 2008 in respect of Nationally Significant Infrastructure Projects where the response would accord with the provisions of the Development Plan, or where

	development plan policies are out of date, national planning policy, save where a Local Impact Report is required where such consultations will be subject to the provisions in 1(b).
<b>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH</b> <del>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY</del> <u>DIRECTOR OF LEGAL AND GOVERNANCE</u> <del>DIRECTOR OF LEGAL AND GOVERNANCE</del>	<ul style="list-style-type: none"> <li>s) To determine applications for Certificates of Lawfulness in relation to existing and proposed uses or development under the Act. Exceptions to these are specified in paragraph 3.2 (l).</li> <li>t) To determine applications for Certificates of Lawfulness of Proposed Works to a Listed Building under the Planning (Listed Buildings and Conservation Areas) Act 1990</li> <li>u) To determine applications for Certificates of Appropriate Alternative Development.</li> <li>v) To agree variations and/or modifications to planning agreements/ obligations by agreement or application under section 106A or 106BA of the Act or through formal or informal dispute resolution provisions.</li> <li>w) To revoke planning permissions under section 97 of the Act where revocation is unopposed.</li> </ul>
<b>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH</b> <del>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY</del> <u>DIRECTOR OF LEGAL AND GOVERNANCE</u>	<p><b>4. Planning Appeals / Secretary of State call in</b></p> <ul style="list-style-type: none"> <li>4.1 To defend the decisions of the Council at appeal (including applications 'called in' for determination by the Secretary of State') through engagement with all necessary steps of the process.</li> <li>4.2 To decide whether the Council requests that a particular appeal be dealt with by the local inquiry, informal hearing or the written representations procedure.</li> <li>4.3 To agree matters arising during the process which do not conflict with the provisions of the Development Plan / national policy or the resolution of the Committee in order to best present the Council's case.</li> <li>4.4 To appoint consultants to assist the Council where necessary, with the agreement of the Chair of the Planning and Development Management Committee if the decision has been made by that Committee.</li> </ul>
<b>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT</b>	<p><b>5. Enforcement Of Planning Control</b></p> <p>5.1 Generally:-</p> <ul style="list-style-type: none"> <li><u>a) To maintain for inspection registers of enforcement notices as required by statute.</u></li> <li><u>b) To take initial action to deal with breaches of planning control including the service of Planning Contravention Notices / notices under Section 330 of the Town and Country Planning Act 1990 to obtain relevant information in order to assess whether or not a breach of planning control has occurred.</u></li> </ul>

	<p><u>c) To serve notice regarding powers of entry onto land and to issue authorisation to officers of the Council to enter land for enforcement purposes.</u></p> <p><u>d) In consultation with the Director of Legal and Governance, To determine the expediency of planning enforcement action.</u></p> <p><u>a)e)</u></p>
<p><b>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT <u>JOINTLY IN CONSULTATION WITH CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY</u> <u>DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p>	<p><del>b) To take initial action to deal with breaches of planning control including the service of Planning Contravention Notices / notices under Section 330 of the Town and Country Planning Act 1990 to obtain relevant information in order to assess whether or not a breach of planning control has occurred.</del></p> <p><del>e)b) To serve notice regarding powers of entry onto land and to issue authorisation to officers of the Council to enter land for enforcement purposes.</del></p> <p><del>d) To serve Planning Contravention Notices.</del></p> <p><u>e)c) To serve Breach of Condition Notices.</u></p> <p><u>f)d) To serve Enforcement Notices and Listed Building Enforcement Notices.</u></p> <p><u>g) To withdraw, modify and reissue any Enforcement Notice including following a decision by the Committee to grant permission for development / work which affect that Enforcement Notice or Listed Building Enforcement Notice.</u></p> <p><u>g)h) To authorise entry onto land to carry out works required by Enforcement Notices and Listed Building Enforcement Notices and to recover expenses reasonably incurred in doing so.</u></p>
<p><b>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT <u>JOINTLY WITH DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p>	<p>i) To serve Stop Notices and Temporary Stop Notices.</p> <p>j) To make applications for Planning Enforcement Orders in respect of deliberately concealed unauthorised development.</p> <p>k) To bring prosecutions in respect of breaches of planning and listed building control.</p> <p>l) To make applications for an injunction to restrain breaches of planning and listed building control.</p> <p>m) To take all necessary enforcement action under the Planning (Hazardous Substances) Act 1990 and any amendment thereto.</p>

	<p>n) To serve Building Preservation Notices where there is an imminent threat of demolition of a building.</p> <p><del>To maintain for inspection registers of enforcement notices as required by statute.</del></p> <p><del>To determine the expediency of planning enforcement action.</del></p> <p>o) To serve completion notices.</p>
<p><u>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE</u> <u>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY</u></p>	<p>5.2 Advertisements:-</p> <p>a) To serve Discontinuance Notices and removal notices under the Act and the Town and Country Planning (Control of Advertisements) Regulations 2007.</p> <p>b) To enforce the control of fly-posting through the obliteration and/or removal of any unauthorised placard or poster on private land.</p>
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND GOVERNANCE</p>	<p>5.2 Advertisements:-</p> <p>c) To bring prosecutions in respect of breaches of the Advertisement Regulations.</p>
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT <u>JOINTLY IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE</u></p>	<p>5.3 Neglected/ Untidy Land:-</p> <p>a) To take action, including the service of Notices under Section 215 of the Act, requiring owners/ occupiers to carry out proper maintenance of land where its condition detracts from the amenity of the area, and to carry out such works in the event that the owners/ occupiers fail to do so.</p> <p>b) To authorise entry onto land to carry out works required by a Section 215 Notice and to recover expenses reasonably incurred in doing so.</p>
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY</p>	<p>c) To bring prosecutions in respect of breaches of Section 215 Notices.</p>

SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND GOVERNANCE	
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT	<p>6. <b>Heritage</b></p> <p>6.1 To approve or refuse requests for grant aid for works to Listed Buildings or buildings within Conservation Areas within the approved budget.</p>
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT</p> <p><del>JOINTLY IN CONSULTATION WITH CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY</del> <u>DIRECTOR OF LEGAL AND GOVERNANCE</u></p>	<p>6.2 To issue Listed Building Repair Notices.</p> <p>6.3 To issue Notices for Urgent Works to Listed Buildings and buildings in Conservation Areas and to retrieve the Council's reasonable costs for works carried out.</p> <p>6.4 To enter into Listed Building Heritage Partnership Agreements.</p> <p>6.5 To make Local Listed Building Consent Orders.</p> <p>6.6 <del>To bring prosecutions in respect of breaches of Listed Building Repair Notices and Urgent Works Notices.</del></p>
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT	<p>7 <b>Trees And Hedgerows</b></p> <p>7.1 Applications for works</p> <p>a) To determine applications for works to, including felling of, trees protected by Tree Preservation Orders including the imposition of any conditions.</p> <p>b) To process notices under S211 of the Town and Country Planning Act 1990 (notices for works to trees in a conservation area).</p> <p>c) To determine applications under the Hedgerow Regulations 2007.</p> <p>d) To approve or refuse requests for grant aid for works to protected trees and new planting within the approved budget.</p> <p>e) To maintain for inspection a register of Tree Preservation Orders as required by statute.</p>
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND	7.2 Orders and Notices

<p><b>REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH <u>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY</u> <u>DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p>	<p>a) To make, confirm and amend Tree Preservation Orders subject to confirmation (or otherwise) by the Chair, Vice Chair and Opposition Spokesperson in those cases where the Order is opposed.</p> <p><del>b) To serve Tree Replacement Notices under Section 207 of the Town and Country Planning Act 1990.</del></p> <p><del>c) To make and confirm Hedgerow Retention and Replacement Notices.</del></p> <p><del>d) To bring prosecution proceedings for breach of tree preservation or hedgerow control.</del></p> <p><u>7.3 High Hedges</u></p> <p><del>a) To carry out all necessary procedures under Part 8 of the Anti-social Behaviour Act 2003 and High Hedges (Appeals) (England) Regulations 2005 in respect of high hedge complaints, including the bringing of legal and prosecution proceedings and the carrying out of works in default.</del></p> <p><del>b) a)</del></p>
<p><b><u>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p>	<p>c) To serve Tree Replacement Notices under Section 207 of the Town and Country Planning Act 1990.</p> <p>d) To make and confirm Hedgerow Retention and Replacement Notices.</p>
<p><b><u>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p>	<p><u>7.3 High Hedges</u></p> <p><del>a) To carry out all necessary procedures under Part 8 of the Anti-social Behaviour Act 2003 and High Hedges (Appeals) (England) Regulations 2005 in respect of high hedge complaints</del></p> <p><del>b) To authorise entry onto land to carry out works required by High Hedge Remedial Notices and to recover expenses reasonably incurred in doing so.</del></p>

<p><b><u>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p>	<p><u>c) To bring prosecution proceedings for breach of High Hedge Remedial Notice.</u></p>
<p><b>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT</b></p>	<p>d) To take initial action to deal with high hedge complaints under Part 8 of the Anti-social Behaviour Act 2003 and High Hedges (Appeals) (England) Regulations 2005 to obtain relevant information in order to assess whether or not a notice should be served.</p>
<p><b>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</b></p>	<p><b><u>HG BUILDING CONTROL</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision, to take necessary and appropriate action in respect of the following:</p> <ol style="list-style-type: none"> <li>1. <b>Building Regulation Applications</b> <ol style="list-style-type: none"> <li>1.1 Processing Building Regulation Applications.</li> <li>1.2 Jointly with the Director of Finance and Systems to operate the system of charging fees for applications, including ensuring that the correct fee has been paid under the approved charging scheme.</li> <li>1.3 To issue all decision notices relating to the determination of building regulation applications.</li> <li>1.4 Determination of Building Regulation Applications.</li> <li>1.5 To determine applications under the Building Regulations.</li> <li>1.6 To determine applications for relaxation of the Building Regulations.</li> <li>1.7 To issue conditional notices of approval.</li> <li>1.8 To determine amendments to approved schemes and to determine whether the variation requires a further application and fee.</li> <li>1.9 To issue Certificates of Completion of Work.</li> <li>1.10 To deal with the submission of Building Notices under the Building Act.</li> </ol> </li> </ol>

	<p>1.11 To deal with the submission of Initial Notices under the Building Act.</p> <p>1.12 To deal with applications under the LANTAC scheme.</p> <p><b>2. Other Building Control Matters</b></p> <p>2.1 To approve or refuse minor amendments to Building Regulation applications not requiring a new application.</p> <p>2.2 To exercise all other functions under the Building Act.</p> <p>2.3 To enter into Partnership schemes.</p> <p><b>3. Contraventions</b></p> <p>3.1 To authorise action, including legal proceedings to ensure compliance with building control requirements.</p> <p>3.2 In respect of building control and general powers, to serve notices or to approve or reject plans under the Highways Act 1980, Section 180 for pavement lights and ventilators.</p> <p><b>4. Miscellaneous Planning And Building Control Matters</b></p> <p>4.1 To sell service publications in accordance with the Council's scheme of charging.</p> <p>4.2 Authority to sell departmental publications to the general public at printing or copying cost, plus postal charges where applicable, but that no charge be made for the issue of copies to Members and other Council departments and first copies of guidelines, etc. to architects, estate agents, civic societies and similar persons or voluntary organisations.</p>
--	---

<p><b>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</b></p>	<p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision, to take necessary and appropriate action in respect of the following:</p>
<p><b>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</b></p>	<p><b><u>H. ENVIRONMENT</u></b></p> <p><u>Regulatory Services</u></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <ol style="list-style-type: none"> <li>1. To carry out the functions, duties and powers of the Council in relation to statutory nuisances, offensive trades, pest control, infectious diseases, food and drugs, poisons, animal health, welfare and safety, environmental protection, pollution control, air quality, smoke-free legislation, health and safety at work, shops, consumer protection, trading standards, housing standards, houses in multiple occupation <del>and the management of on and off street parking.</del></li> <li>2. To carry out all licensing, registration and enforcement functions, including determining applications and imposing conditions in connection with scrap yards, hairdressers and barbers, street traders, acupuncturists, tattooists, ear piercers and electrolysis, pet shops, animal boarding establishments, animal trainers and exhibitors, zoos, caravan sites, slaughter houses, riding establishments, dog breeders and dangerous wild animals.</li> <li>3. Authority to carry out the all duties of the Council's Chief Inspector of Weights &amp; Measures is delegated to the Regulatory Services Manager (Trading Standards and Licensing).</li> <li>4. <u>In consultation with the Director of Legal and Governance</u> <del>To</del> take direct action to remove unlawful itinerants' encampments from Council-owned and other land in certain circumstances.</li> <li>5. To authorise all action required repairing and/or improving conditions in private sector housing, to protect the health, safety and welfare of the occupants and persons visiting the premises, to bring long term empty domestic properties back into use and to investigate harassment and illegal eviction of private sector tenants.</li> <li>6. Except where otherwise specified, authority to exercise all functions, powers and duties includes the authority take appropriate enforcement action, including issuing notices and cautions and, in consultation with the <del>Corporate Director of Governance and Community Strategy</del> <u>Director of Legal and Governance</u>, bringing proceedings under any appropriate legislation, statutory provisions and by-laws.</li> </ol>

**CORPORATE  
DIRECTOR OF  
PLACE; DIRECTOR  
OF GROWTH AND  
REGULATORY  
SERVICES; OR  
HEAD OF  
REGULATORY  
SERVICES**

Licensing

7. To grant, renew, transfer, suspend and vary, where no objections have been received, and to make conditions in relation to annual licences, occasional licences, registrations, certificates, permits, permissions and consents relating to:

~~Amusement with prizes~~  
~~Betting and Gaming~~  
~~Certificates of Suitability~~  
~~Cinema and Cinema Clubs~~  
~~Dealers in Game~~  
~~Door Staff~~  
~~Entertainment Clubs (Part IX)~~  
~~Gambling~~  
~~Hackney Carriage Drivers and Proprietors~~  
House-to-House Collections  
~~Late Night Refreshment Houses~~  
~~Lotteries~~  
~~Motor Salvage Operators~~  
Performances of Hypnotism  
Premises for the solemnisation of marriage  
~~Private Hire Drivers, Proprietors and Operators~~  
~~Prize Bingo~~  
Scrap Metal Dealers  
~~Second Hand Dealers~~  
~~Sex Establishments~~  
Street Collections  
~~Street Trading~~  
~~Track Betting~~

8. In accordance with the Licensing Act 2003, authority to determine, where no objections/representations have been received:

- (a) applications for personal licences ~~provided no objection is made;~~  
(b) applications for premises licences/club premises certificates, and provisional statements ~~and to vary premises licences/club premises certificates provided no relevant representation is made;~~  
(c) applications for transfer of premises and club premises certificates;  
(~~b~~)(d) applications for interim authority;  
(~~e~~)(e) applications to vary the designated premises' supervisor; ~~for transfer of premises licences and for interim authorities provided that no police objection is made, and~~  
(f) requests to be removed as designated premises\_ supervisor; and  
(~~d~~)(g) authority to suspend licences for non-payment of the annual maintenance fee.

9. In accordance with the Gambling Act 2005, authority to determine, where no objections/representations have been received:

(a) applications for premises licences; gaming licences and gaming permits; and

(b) authority to suspend and revoke the licence for non-payment of the annual maintenance fee.

10. In accordance with the Local Government (Miscellaneous Provisions) Act 1976 authority to grant, renew, vary and transfer applications for Hackney Carriage and Private Hire Drivers, Vehicles and Operators where the licence holder/applicant/vehicle meets all the Councils licensing standards.

11. To suspend (and lift where appropriate) the hackney carriage or private hire vehicle licence:

a) where the vehicle owner has failed to renew the certificate of compliance; or failed to produce the certificate of compliance;

b) under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 where officers are not satisfied as to the fitness of the vehicle to be used as a hackney carriage or private hire vehicle.

12. To suspend (and lift when appropriate) the hackney carriage or private hire driver licence where:

a) the licence holder has failed to be correctly registered for tax;

b) the licence holder's GP or a medical professional has declared that the driver is not medically fit to drive a hackney carriage or private hire vehicle; or where a driver refuses or has failed to submit a medical certificate;

c) the licence holder does not have a current DBS certificate;

d) the licence holder has not registered with or failed to remain registered with the DBS update service; and

e) a check on the DBS update service has disclosed a change in status which the licence holder has failed to declare.

13. To revoke the hackney carriage driver's licence, private hire driver's licence or private hire operator's licence where the licence holder is not permitted to hold any such licence because of their immigration status.

14. To revoke the hackney carriage driver's licence or private hire driver's licence where the licence holder has been disqualified under the Road Traffic Act 1988 and is no longer authorised to drive a motor vehicle in Great Britain.

~~9-15.~~ To award penalty points (up to a maximum of 150 points) to hackney carriage/private hire drivers, proprietors and operators in accordance with the current penalty point system.

~~10. To suspend the licence of a vehicle for reasonable cause where the vehicle owner has failed to renew the certificate of compliance.~~

~~11. To suspend vehicle licences under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 where he/she is not satisfied as to the fitness of the vehicle to be used as a hackney carriage or private hire vehicle.~~

<p><b>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</b></p>	<p><u>Safety at Sports Grounds</u></p> <p><del>42.16.</del> Authority to make all decisions relating to the content, issue, service, review and amendment of General Safety Certificates and Special Safety Certificates under the provisions of the Safety at Sports Grounds Act 1975 as amended, and authority to sign such Certificates.</p> <p><del>43.17.</del> Authority to serve prohibition notices under Section 10 of the Safety at Sports Grounds Act, as amended by the Fire Safety and Safety at Places of Sports Act 1987. This is in respect of sports grounds in the Borough where it is considered that spectator safety is seriously at risk, on the understanding that any such notice would be served only after full consultation with the Police Ground Commander and other emergency services as appropriate.</p>
<p><b>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</b></p>	<p><u>Public Health</u></p> <p><del>44.18.</del> To appoint suitably qualified persons as proper officers under the following legislation:</p> <p style="padding-left: 40px;">Public Health (Control of Disease) Act 1984 and regulations made thereunder National Assistance Act 1948 National Assistance (Amendment) Act 1951</p> <p><del>45.19.</del> To appoint suitably qualified persons to act as Public Analyst under Section 27 of the Food Safety Act 1990.</p> <p><del>46.20.</del> To appoint suitably qualified persons to act as Agricultural Analyst under Section 67 of the Agriculture Act 1970.</p> <p><del>47.21.</del> Authority to act on behalf of the Council in respect of the following legislation:-</p> <p style="padding-left: 40px;">Public Health (Control of Disease) Act 1984 and all Regulations made thereunder. National Assistance Act 1948. National Assistance (Amendment) Act 1951</p> <p>is delegated to the Consultant for Communicable disease Control (Also to include Director of Public Health and Consultants in Public Health Medicine).</p>

<p><b>CORPORATE DIRECTOR OF PLACE</b></p>	<p><b><u>Jl. Highways, Engineering And Traffic Management</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <ol style="list-style-type: none"> <li>1. To exercise the Council's functions, powers and duties in respect of: <ol style="list-style-type: none"> <li>(a) regulation of the use of the highway</li> <li>(b) protection of highways and highway users</li> <li>(c) the adoption of highways</li> <li>(d) the maintenance and improvement of public highways</li> <li>(e) dangerous or dilapidated buildings or structures, dangerous excavations and dangerous trees on land accessible to the public</li> <li>(f) abandoned vehicles</li> <li>(g) private streets and unadopted highways</li> <li>(h) interference with highways and streets</li> <li>(i) footpaths, cycleways and bridleways</li> <li>(j) sewers and land drainage</li> <li>(k) the management of on and off street parking</li> <li>(l) transport</li> <li>(m) fleet management and maintenance</li> <li>(n) Traffic Management Statutory Duty</li> <li><u>(o) the enforcement of on and off-street parking</u></li> </ol> <p>including the authority to grant or refuse privileges, licences, permits, approvals and consents relating to matters in, on, over or under the highway, serve, receive and advertise notices, execute works, recover costs and authorise any appropriate enforcement and legal action.</p> </li> <li>2. In relation to road traffic orders: <ol style="list-style-type: none"> <li>(a) To make and implement temporary road traffic orders under the provisions of any relevant legislation.</li> <li>(b) Subject to there being no unresolved objection, to make and implement traffic regulation orders.</li> </ol> </li> <li>3. To arrange for the temporary prohibition or restriction of traffic on roads by temporary traffic regulation order or notice and the temporary diversion of rights of way.</li> <li>4. To deal with all matters relating to the private street works code and to inspect and adopt sewers following private street works.</li> <li>5. To exercise the Council's powers to name streets and require the renumbering of buildings in streets, subject to consultation with Ward Councillors.</li> <li>6. To exercise the Council's powers and duties in relation to the safety of reservoirs.</li> <li>7. To be the lead Local Flood Authority, responsible for the powers transferred from the Environment Agency, including ordinary watercourse regulation under the Flood Risk Regulation 2009 and Flood and Water Management Act 2010.</li> </ol>
---	--

**CORPORATE  
DIRECTOR OF  
PLACE**

8. To be responsible for operation of the Council's policy with respect to sewer ownership and water resources (non-mains water) and oversee the Council's obligations as a riparian owner.
9. To serve notices of approval or rejection of plans under Sections 263 and 264 of the Public Health Act 1936.
10. To recover the cost of maintaining certain lengths of public sewers under Section 24 of the Public Health Act 1936.
11. The power to make arrangements with the appropriate statutory undertakers to ensure the provision of utilities to service developments promoted by the Council or to localities within the area of the Council where the Council deems such provision to be necessary.
12. To deal with applications for easements and wayleaves affecting highways.
13. To negotiate with prospective sponsors with regard to charges which may be made for advertisements on sponsored litter bins, together with locations and other pertinent commercial matters.
14. To exercise functions required by the Road Traffic Act 1974 to promote road safety:-
  - (a) to carry out studies into accidents arising out of the use of vehicles on roads or parts of roads other than trunk roads within the Borough, and
  - (b) following consultation with the Executive Portfolio Holder, authorisation to disseminate information and advice relating to the use of roads and to give practical training to road users or any class or description of road users in the light of such studies (other measures to be reported to the Executive).
15. In consultation with the Police, to approve the siting of temporary school crossing patrol points in such circumstances, for example, as road works and royal visits.
16. To determine all applications for signs within the Borough.
17. Authority in consultation with local Ward Members, the Chair, the Vice-Chair and the Opposition Spokesperson of the Planning Development Control Committee and the Police to consider applications for the placing of tables, chairs and certain associated furniture on the highway. If the application is considered suitable to serve notices, obtain necessary consents from owners and occupiers and, if no objections are received, to grant permission subject to such conditions as he/she considers appropriate.

<p><b>CORPORATE DIRECTOR OF PLACE IN CONSULTATION WITH <del>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY</del> DIRECTOR OF LEGAL AND GOVERNANCE</b></p>	<p>1. To determine applications for Definitive Map Modification Orders.</p>
<p><b>CORPORATE DIRECTOR OF PLACE</b></p>	<p><b><u>KJ. Environmental Services</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <ol style="list-style-type: none"> <li>1. To manage and maintain the Council’s parks, play areas and open spaces.</li> <li>2. To give authorisation for events in the Borough’s Parks, [in consultation with the Executive Portfolio Holder.]</li> <li>3. Authority to let facilities in parks and recreation grounds.</li> <li>4. To arrange exhibits for horticultural shows as required.</li> <li>5. To exercise the Council’s functions, powers and duties in relation to cemeteries, crematoria, burial grounds and memorials.</li> <li>6. To exercise the Councils functions, powers and duties in relation to: <ul style="list-style-type: none"> <li>(a) Refuse collection and recycling</li> <li>(b) Waste management</li> <li>(c) Street cleaning, including litter, refuse and controlled waste</li> </ul> </li> <li>7. To fix charges for refuse collection and recycling.</li> <li>8. To exercise the Council’s functions, powers and duties in relation to: <ul style="list-style-type: none"> <li>(a) Nuisance vehicles</li> <li>(b) Graffiti and fly posting</li> <li>(c) Abandoned vehicles</li> </ul> </li> </ol>
<p><b>CORPORATE DIRECTOR OF PLACE</b></p>	<p><b><u>LK. Sports and Leisure</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <p><b><u>General</u></b></p> <ol style="list-style-type: none"> <li>1. All matters concerning the relationship between the Council, Trafford Leisure CiC Ltd and other sports and leisure providers with whom we have a contractual arrangement.</li> </ol>

	<p>2. With the exception of facilities operated by Trafford Leisure CiC Ltd and facilities within parks, the management and control of all the Council's sports and leisure facilities. This includes:</p> <ul style="list-style-type: none"> <li>- authorising the emergency closure of premises and facilities, without notice, in the interests of public safety;</li> </ul> <p>3. The development of sport services throughout the Borough.</p> <p>4. To fix charges for any occasional activity, sale of goods over the counter or by machine, hire of equipment and other permitted use not contained in the approved list of charges.</p>
<p><b>CORPORATE DIRECTOR OF PLACE</b></p>	<p><b><u>M Anti-Social Behaviour, Crime And Policing Act 2014</u></b></p> <p>1. The exercise of all functions, powers and duties relating to Community Safety, including the taking of any appropriate enforcement action.</p> <p>2. The issuing of notices and cautions and bringing proceedings under any appropriate legislation, statutory provisions and by-laws.</p>
<p><b><u>CORPORATE DIRECTOR OF PLACE AND CORPORATE DIRECTOR OF CHILDREN'S SERVICES</u></b></p>	<p><b><u>N Chanel Panels</u></b></p> <p><u>1. The exercise of all functions, powers and duties relating to Chanel Panels under section 36 to 38 and Schedule 7 of the Counter Terrorism and Security Act 2015.</u></p>

**CORPORATE  
DIRECTOR OF  
CHILDREN  
AND  
FAMILIES**

The Corporate Director of Children and Families is appointed as the Council's statutory Director of Children's Services under Section 18 of the Children Act 2004. Accordingly, he/she has the responsibility for all the functions of the statutory Director under that Act and all other relevant legislation.

**A. EDUCATION SERVICES**

In accordance with Council policy, statutory requirements and guidance and relevant Codes of Practice, to take necessary and appropriate action in respect of the following:

**General**

1. To discharge the functions conferred on or exercisable by the Council in its capacity as local education authority.
2. To discharge the functions of the Council in relation to early years' development and provision.
3. To deal with administrative matters arising from the management of the Education Service which includes all matters relating to admission to maintained and controlled schools in the Borough.
4. To take necessary action to ensure measures are in place to promote good attendance.
5. To approve or disapprove applications for grants, awards, fees, concessions or allowances by or for pupils or students.
6. In consultation with the ~~Corporate Director of Governance and Community Strategy~~ Director of Legal and Governance, to authorise proceedings in respect of irregular or non-attendance at school.
7. To administer the regulations regarding the employment of children.
8. In exceptional circumstances and in consultation with the School, to take decisions to ensure the appropriate provision of education for pupils which may involve, where risks of disruption are unacceptable, the closure of school buildings for a temporary period.
9. To maintain and revise the Scheme for the Local Management of Schools in accordance with the resourcing and other relevant policies of the Council.
10. To maintain the mechanisms by which a continuing positive dialogue may take place with non-Local Education Authority institutions.
11. The provision of home/school transport for pupils.

<p><b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b></p> <p><b>Except item 12 which is the responsibility of the Corporate Director of Strategy and Resources and item 14 which is the responsibility of Access Trafford under the Corporate Director of <a href="#">Place Strategy and Resources</a></b></p>	<p><b><u>School Support Services</u></b></p> <p>12. All the Council’s functions in relation to the employment of teachers and other school based staff including appointment, termination of appointment and reimbursement of expenses properly incurred.</p> <p>13. To arrange the secondment and transfer of staff with the approval of the Governors concerned.</p> <p>14. To implement a scheme for assessing the eligibility of applicants for free school meals.</p>
<p><b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b></p>	<p><b><u>Special Education – Education Health and Care Plans</u></b></p> <p>15. Arrangements for determining whether a child is in need of an Education, Health and Care Plan</p> <p>16. Preparation of Education, Health and Care Plans and provision.</p> <p>17. Arrangements to implement special education provisions specified in Education, Health and Care Plans.</p> <p>18. To approve grant aid for parental visits at appropriate times to children with special needs in residential schools and colleges.</p> <p>19. The provision of education to individual pupils “otherwise than in school”.</p>
<p><b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b></p>	<p><b><u>School Improvement</u></b></p> <p>20. Arrangements for the monitoring of school performance.</p> <p>21. Arrangements for intervening in schools under Special Measures or otherwise causing concern in accordance with the School Standards Framework Act 1998.</p> <p>22. To exercise the Council’s reserve power under the School Standards and Framework Act 1998 to prevent a breakdown of discipline</p> <p>23. Arrangements for receiving OFSTED reports.</p>

<p><b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b></p>	<p><b><u>Young People's Services</u></b></p> <p>24. To discharge the duty of the Council in relation to young people's services</p> <p>25. To ensure voluntary youth organisations and youth welfare services have access to facilities in Trafford to enable them to deliver services.</p> <p>26. To approve remission of fees for youth service courses in cases not already covered, where payment of the fee would cause unnecessary hardship.</p> <p><b><u>Miscellaneous</u></b></p> <p>27. To fix charges for any occasional activity, sale of goods over the counter or by machine, hire of equipment and other permitted use not contained in the approved list of charges.</p>
<p><b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b></p>	<p><b><u>B. CHILDREN'S SERVICES</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, relevant Codes of Practice, National Care Standards and subject to overall budget provision to exercise all relevant children social services functions as conferred by; the Children Act 1989, the Adoption and Children Act 2002, the Local Authority Social Services Act 1970, the Children (Leaving Care) Act 2000 and the Protection of Children Act 1999 in the interests of safeguarding and promoting the welfare of children and young people:</p> <p><b><u>General</u></b></p> <p>1. To exercise the Council's Children's Services' functions, powers and duties under the Children Act 1989, Children Act 2004 and all other legislation relevant to the safety and welfare of children and their families.</p> <p>2. 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 and young people and any functions exercised pursuant to an arrangement made under S10 of the Children Act 2004 to include making arrangements for the management of services provided.</p> <p>3. To manage the Council's Children's Services' establishments</p> <p>4. To give all necessary consents in relation to the education, emigration, medical treatment (including operations), absence abroad on holiday, adoption of careers, marriage and all other similar matters relating to children looked after by or on behalf of the Council.</p> <p>5. In consultation with the <del>Corporate Director of Governance and Community Strategy</del> <u>Director of Legal and Governance</u>, the commencement of proceedings, appearances at court as appropriate, making of applications and representations, and the imposition of any requirements in relation to any matters relating to the protection, safety and welfare of children.</p> <p>6. To make arrangements for the hearing and determination of any complaint relating to the discharge of children's services' functions, whether from a client or a member of the public.</p>

	<p>7. Administering grants, loans, charges and other forms of assistance.</p> <p>8. The determination of individual applications for provision under community care legislation and the implementation of such provision.</p> <p>9. The administration of services for the welfare of children and young people with disabilities or mental health needs and their carers.</p> <p>10. The receipt into the guardianship of the Council of such people with mental health problems for whom this may be appropriate.</p> <p>11. To be consulted and offer objection or no objection to an application for hospital admission or guardianship under the Mental Health Act 1983 as nearest relative of a child in the care of the Council.</p>
<p><b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b></p>	<p><b><u>Adoption Services</u></b></p> <p>12. To establish and maintain an Adoption Agency and engage fully in the development of the Regional Adoption Agency.</p> <p>13. To exercise all the Council's functions as an adoption agency subject to future legislative changes related to Regional Adoption Agencies.</p> <p>14. To establish and maintain an adoption service to meet the needs of children who have been or may be adopted, parents and guardians of such children and persons who have adopted or may adopt such a child up until the Regional Adoption Agency is fully operational.</p> <p>15. After taking note of the recommendations of the Adoption Panel, and subject to the leave of the Court where necessary, to apply for Orders to place children for adoption.</p>
<p><b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b></p>	<p><b><u>Fostering Services</u></b></p> <p>16. To establish and maintain a Fostering Agency.</p> <p>17. To exercise all the Council's functions as a fostering agency.</p> <p>18. To establish and maintain a fostering service to meet the needs of children who have been or may be fostered, parents and guardians of such children and persons who have fostered or may foster such a child.</p> <p>19. After taking note of the recommendations of the Family Placement Panel, and subject to the leave of the Court where necessary, to place children for fostering.</p>
<p><b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b></p>	<p><b><u>Secure Accommodation</u></b></p> <p>20. The function of placing and reviewing the placement of children and young persons in secure accommodation.</p> <p>21. To provide or arrange with another local authority the provision of sufficient secure accommodation.</p>

	22. Arrangements for the provision of accommodation, where necessary, with other authorities or organisations.
<b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b>	<p><b><u>Day Care</u></b></p> <p>23. To provide day care to children in need who have not reached compulsory school age, and to provide school children in need with care outside school hours or during school holidays.</p>
<b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b>	<p><b><u>Private Fostering</u></b></p> <p>24. All matters relating to the supervision of privately fostered children including being satisfied as to the welfare of privately fostered children and to visit them as laid down in regulations.</p> <p>25. To approve foster parents' payments in respect of the community fostering programme pursuant to Regulation 3 of the Foster Placement (Children) Regulations 1991 and Section 23(2)(a)(i) Children Act 1989.</p> <p>26. To apply the provisions of Schedule 7 to the Children Act 1989, with regard to the permitted number of foster children for whom a foster parent may care.</p> <p>27. Approving, where required, applications by foster parents for residence orders and to pay appropriate allowances to foster parents.</p>
<b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b>	<p><b><u>Investigation and Social Reports</u></b></p> <p>28. To investigate a child's circumstances at the request of a court and to report to that court.</p> <p>29. To make enquiries into the circumstances of any child the subject of an emergency protection order.</p> <p>30. To investigate where the local authority may have reasonable grounds to believe that a child may be suffering significant harm, to allow the authority to decide what action to take to promote the welfare of the child.</p>
<b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b>	<p><b><u>Review of Children's Cases</u></b></p> <p>31. To review the cases of children looked after within the appropriate timescales.</p>
<b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b>	<p><b><u>Charging for Services</u></b></p> <p>32. Decisions regarding charging for services to children.</p>
<b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b>	<p><b><u>Miscellaneous</u></b></p> <p>33. To act on behalf of the Executive in statutory consultation with the Local Education Authority for the purposes of Section 36(8) of the Children Act 1989.</p>

	<p>34. To safeguard and promote the welfare of children in need in accordance with Section 17 Children Act 1989:-</p> <p>a) By providing services or undertaking functions consistent with the duties identified in Part 3 of the Act and Schedule 2 within budgetary provision with the exception of:-</p> <p style="padding-left: 40px;">Schedule 2, paragraph 18(1), relating to the power to guarantee apprenticeship and articles of clerkship for children in need.</p> <p>b) By undertaking the duties of the Local Authority mentioned in Parts 4 and 5 of the Children Act 1989.</p> <p>35. To express an opinion, when asked by the Education, Health and Care (EHC) Assessment Service, as to whether a child with an EHC plan has disabilities.</p> <p>36. To make arrangements for the assessment, within specified time limits, of children who are regarded as disabled and who are about to leave full-time education in regard to needs for which provision of services is required by one or more of: Part III of The National Assistance Act 1948; Section 2 of the Chronically Sick Disabled Persons Act 1970; Schedule 8 to the National Health Services Act 1977.</p> <p>37. To be consulted by the Court in regard to remands of individual children in criminal proceedings.</p> <p>38. To make application to a Court for a declaration that a child should be remanded in a remand centre or a prison for the protection of the public.</p> <p>39. When in force to make applications in relation to the remand of individual children under the Children and Young Persons Act 1969, Section 23.</p>
<p><b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b></p>	<p><b><u>Matters Relating to Income and Expenditure</u></b></p> <p>40. To deal with matters relating to the collection of income as follows:-</p> <p>(a) To determine the contribution to be made by a young person accommodated by the department.</p> <p>(b) Parental Contribution – To decide on the issue, withdrawal or reissue of contribution notices in respect of maintenance charges for persons liable to contribute in respect of children looked after and the enforcement of those charges through the Court.</p> <p>41. Authority to incur expenditure in relation to children looked after in residential and family settings and young people provided with aftercare, within budgetary provision subject to the following.</p> <p>(a) To dispense in any year to any family under Section 17 The Children Act 1989 the equivalent of 10 weeks payment of the boarding out scales at the highest rate and rounded to the nearest £5.</p> <p>(b) To make payments and allowances for children in residential or fostering placements in accordance with the regional schedules and Council policy as below:</p>

	<p>(i) <u>Boarding Out Allowances</u></p> <p>To increase future boarded out rates annually, in line with Northwest Association of Social Services Authorities recommendations, subject to adequate budgetary provision.</p> <p>(ii) <u>Discretionary Grants</u></p> <p>(c) To make payments to non-parents looking after a child under residence orders.</p> <p>(d) Authority to incur expenditure as appropriate following burial and cremation under the Children Act 1989, Schedule 2, paragraph 20.</p> <p>42. To authorise:-</p> <p>(a) the placing of contracts for the residential care of children with such establishments as he/she considers will meet the assessed needs of the child, for an appropriate fee and within the approved budgetary provision.</p> <p>(b) the placing of contracts for the domiciliary and day care of children with such organisations or individual as he/she considers will meet the assessed needs of the child, for an appropriate fee and within the approved budgetary provision.</p> <p>43. In respect of day nurseries, in accordance with Financial Procedure Rules, and in consultation with the Director of Finance and Systems and the Executive Portfolio Holder, to deal with requests for abatement from assessed minimum charges to nil assessment, each case being judged on its individual circumstances.</p> <p>44. To agree to disregard up to the full amount of the attendance allowance or disabled living allowance received in appropriate cases.</p>
<b>CHIEF EXECUTIVE</b>	<p><b><u>Local Safeguarding Children Board</u></b></p> <p>45. Responsibility for ensuring that the Local Safeguarding Children Board is an effective vehicle for the promotion of child protection and the safeguarding of children in Trafford.</p> <p>46. To appoint or remove the chair of the Trafford Safeguarding Children Board in partnership with TSCB members and hold the chair to account for the effective work of the board, drawing on TSCB information as appropriate</p>
<b>CORPORATE DIRECTOR OF CHILDREN AND FAMILIES</b>	<p><b><u>Reporting Arrangements</u></b></p> <p>47. Mandatory reporting to the relevant Government departments, agencies and inspectorates.</p>

<p><b>CORPORATE DIRECTOR OF ADULT SERVICES</b></p>	<p>The Corporate Director of Adult Services is appointed as the Council's statutory Director of Adult Social Services under the Local Authority Social Services Act 1970 with responsibility for local authority Social Services functions in respect of adults. Accordingly, he/she has the responsibility for all the functions of the statutory Director under that Act and all other relevant legislation.</p> <p><b><u>MATTERS RELATING TO ADULT SOCIAL SERVICES</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice, National Care Standards and subject to overall budget provision to provide the following directly or through delegated authority (other than integration and co-operation, Safeguarding and power to charge):</p>
<p><b>CORPORATE DIRECTOR OF ADULT SERVICES</b></p>	<p><b><u>General</u></b></p> <ol style="list-style-type: none"> <li>1. To manage the Council's Adult Social Services' functions and establishments.</li> <li>2. To discharge the Council's functions and duties and exercise the Council's powers under relevant legislation relating to the care of older people, people with physical disabilities, people with learning difficulties and persons who are mentally ill, instituting legal proceedings where appropriate in consultation with the <del>Corporate Director of Governance and Community Strategy</del><u>Director of Legal and Governance</u>. To take into account the needs of carers in so doing.</li> <li>3. To discharge the Council's functions and duties and exercise the Council's powers under the Care Act 2014 including, instituting legal proceedings, where appropriate, in consultation with the <del>Corporate Director of Governance and Community Strategy</del><u>Director of Legal and Governance</u>.</li> <li>4. To ensure the provision of community and home based services.</li> <li>5. The provision of equipment and adaptations to property.</li> <li>6. The determination of individual applications for provision under the Care Act and the implementation of such provision.</li> <li>7. The hearing and determination of any complaint or representation relating to the discharge of Adult Services' functions, whether from a client or a member of the public.</li> <li>8. Arrangements for the provision of accommodation, where necessary with other authorities or organisations.</li> <li>9. Administering grants, loans, charges and other forms of assistance, in accordance with Council policy and legislation.</li> <li>10. The exercise of the Council's functions under Mental Health legislation, including guardianship, the appointment of approved social workers, the exercise of the function of nearest relative and the authorisation of individual social workers to act in that capacity and the authorisation of deprivation of liberty.</li> <li>11. Arrangements for the burial or cremation of persons in the care of the Council, or where no other person takes responsibility.</li> </ol>

	<p>12. The development of support and health improvement initiatives throughout the Borough, either independently or in partnership with local health bodies.</p>
<p><b>CORPORATE DIRECTOR OF ADULT SERVICES</b></p>	<p><b><u>Safeguarding</u></b></p> <p>13. To be responsible for ensuring appropriate practices and procedures are in place for safeguarding vulnerable adults.</p> <p>14. To carry out a safeguarding enquiry, or cause others to do so, where a person is experiencing or is at risk of abuse and neglect to decide what action, if any, is necessary and by whom.</p> <p>15. To arrange an independent advocate for adults who are subject to a safeguarding enquiry or Safeguarding Adults Review (SAR).</p> <p>16. To set up a Safeguarding Adults Board or similar partnership vehicle to develop strategic safeguarding policy and practice.</p> <p>17. To cooperate with relevant partners to protect adults.</p>
<p><b>CORPORATE DIRECTOR OF ADULT SERVICES</b></p>	<p><b><u>Miscellaneous Matters</u></b></p> <p>18. To establish a complaints procedure and to give publicity to this procedure, pursuant to Section 7B of the Local Authority Social Services Act 1970 and the Complaints Directions 1990, as reformed by The Local Authority Social Services and NHS Complaints (England) Regulations 2009.</p> <p>19. Dealing with requests for access to personal files in accordance with the relevant legislation and regulations.</p>
<p><b>DIRECTOR OF PUBLIC HEALTH</b></p>	<p><b>PUBLIC HEALTH</b></p> <p>Without prejudice to the specific delegations to the Director of Public Health the Corporate Director of Adult Services will maintain a strategic overview of the discharge of the Council's functions in relation to public health.</p> <p>The holder of the post of Director of Public Health shall be responsible for the public health commissioning functions and the management of the public health consultant function within the Adult Services Directorate and the discharge of the statutory responsibilities of the Director of Public Health. This includes:</p> <p>20. Preparing the annual report on the health of the local population</p> <p>21. Responsibility for all of the Council's duties to take steps to improve public health</p> <p>22. Responsibility for the delivery of any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the 2006 Act, inserted by section 18 of the 2012 Act.</p> <p>23. Exercising the Council's functions in planning for, and responding to, emergencies that present a risk to public health, their local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders.</p> <p>24. Carrying out of such other public health functions as the Secretary of State specifies in regulations</p>

	<p>25. Being responsible for the Council's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications.</p> <p>26. If the local authority provides or commissions a maternity or child health clinic, then regulations made under section 73A(1) will also give the Director of Public Health responsibility for providing Healthy Start vitamins (a function conferred on local authorities by the Healthy Start and Welfare Food Regulations 2005 as amended).</p> <p>27. Being a member of the Health and Well Being Board.</p>
<b>DIRECTOR OF PUBLIC HEALTH</b>	<p>The following mandatory (prescribed functions) and other (non-prescribed) public health services will be commissioned by the Public Health team with oversight and advice provided by the Public Health Consultant function under the guidance of the Director of Public Health:</p> <p><b>Mandatory (Prescribed Functions)</b></p> <p>28. Appropriate access to sexual health services (i.e., comprehensive sexual health services (including testing and treatment for sexually transmitted infections, contraception outside of the GP contract and sexual health promotion and disease prevention)</p> <p>29. Steps to be taken to protect the health of the population, in particular, giving the local authority a duty to ensure there are plans in place to protect the health of the population.</p> <p>30. Ensuring NHS commissioners receive the public health advice they need</p> <p>31. The National Child Measurement Programme</p> <p>32. NHS Health Check assessment.</p>
<b>DIRECTOR OF PUBLIC HEALTH</b>	<p><b>Other (Non Prescribed Functions)</b></p> <p>33. Tobacco control and smoking cessation services</p> <p>34. Alcohol and drug misuse services</p> <p>35. Public health services for children and young people aged 5-19 (including Healthy Child Programme 5-19) (and in the longer term all public health services for children and young people)</p> <p>36. Interventions to tackle obesity such as community lifestyle and weight management services</p> <p>37. Locally-led nutrition initiatives</p> <p>38. Increasing levels of physical activity in the local population</p> <p>39. Public mental health services</p> <p>40. Dental public health services</p> <p>41. Accidental injury prevention</p> <p>42. Population level interventions to reduce and prevent birth defects</p> <p>43. Behavioural and lifestyle campaigns to prevent cancer and long-term conditions</p> <p>44. Local initiatives on workplace health</p> <p>45. Supporting, reviewing and challenging delivery of key public health funded and NHS delivered services such as immunisation and screening programmes</p> <p>46. Local initiatives to reduce excess deaths as a result of seasonal mortality</p> <p>47. The local authority role in dealing with health protection incidents, outbreaks and emergencies</p> <p>48. Public health aspects of promotion of community safety, violence prevention and response</p> <p>49. Public health aspects of local initiatives to tackle social exclusion</p> <p>50. Local initiatives that reduce public health impacts of environmental risks.</p>

**DIRECTOR OF FINANCE AND SYSTEMS**

In accordance with Council policies, statutory requirements, guidance and Codes of practice, and subject to overall budget provision:

**General**

1. To be the Council's Chief Finance Officer as required and described in s151 of the Local Government Act 1972, responsible for the effective financial administration of the Council.
2. To administer the General Fund and the Collection Fund and to collect and disburse monies from these funds as appropriate, and/or determine procedures and controls for the proper financial administration of any parts of these funds administered by other officers, and in all cases to ensure that there is an effective internal audit function to review and monitor compliance with rules, procedures, policies, directives and controls.
3. To prepare the annual Statement of Accounts and to ensure that the Council, its appropriate Committees, the Executive and the Corporate Management Team receives appropriate and regular monitoring reports on the Councils' financial performance.
4. To make such entries as are required, in the Council's accounts to comply with relevant regulations and codes of best practice that have the weight of law.
5. To create reserves, execute accounting transactions and make adjustments:-
  - a. Up to £2,000,000 per transaction;
  - b. Between £2,000,001 - £4,000,000 per transaction – delegation to be exercised in consultation with the Executive portfolio holder;
  - c. Over £4,000,000 per transaction – delegation to be exercised in consultation with the Leader of the Council, Deputy Leader of the Council and Executive portfolio holder.
6. To determine and arrange all insurance cover for Council requirements and in consultation with the Director of Governance and Community Strategy as appropriate to determine all claims made on the self-insured fund.
7. To consider and determine applications for virement between revenue or capital budgets, and to otherwise maintain budget plans on the Councils' ledger system consistent with the approved plans and management information needs of the Council.
8. To be the Council's authorised signatory for all grant claims, requests and lease arrangements (except for property related leases under a value to be determined in consultation with the Corporate Director of Place) made by the Council.

**DIRECTOR OF FINANCE AND SYSTEMS**

9. To prosecute, initiate and appear on behalf of the Council in any legal proceedings relating to national non-domestic rates and Council Tax and any other similar matters.

<b>DIRECTOR OF FINANCE AND SYSTEMS</b>	<p><b><u>Borrowing and Investment</u></b></p> <p>10. To raise money by any means permitted by statute and intra vires as is most appropriate at the relevant time.</p> <p>11. To proactively manage the Council investment and debt portfolio, including the early repayment of debt, in accordance with the Council's Treasury Management Strategy and within the approved prudential indicators.</p> <p>12. To act as Registrar for the Council's Mortgage, Bonds and similar schemes.</p>
<b>DIRECTOR OF FINANCE AND SYSTEMS</b>	<p><b><u>Debt Recovery</u></b></p> <p>13. To administer the Council's procedures to deal with debt recovery.</p> <p>14. Following consultation with appropriate Directors, to request the <del>Corporate Director of Governance and Community Strategy</del><u>Director of Legal and Governance</u> to take any action necessary for the recovery of arrears of claims and other appropriate debts due to the Council, including appearance in the Magistrates' Court in person or by his duly authorised officer and including actions for the recovery of possession of mortgaged property.</p> <p>15. To write-off individual items of irrecoverable income of up to £100,000 (excluding VAT) as specified in the Finance Procedure Rules.</p> <p>16. To write off any income that is irrecoverable due to liquidation, bankruptcy or insolvency.</p> <p>17. In consultation with the and the Executive Member for Finance, to write off any other income due to the Council (e.g., any individual item in excess of £100,000)</p>
<b>DIRECTOR OF FINANCE AND SYSTEMS</b>	<p><b><u>National Non-Domestic Rates</u></b></p> <p>18. To charge, collect and recover any non-domestic rates payable.</p> <p>19. To consider and determine applications for relief under Section 43 of the Local Government Finance Act 1988 (mandatory charitable relief).</p> <p>20. To consider and determine applications made under Section 44A of the Local Government Finance Act 1988 (as amended by the Local Government and Housing Act 1989) (granting relief for unoccupied parts of hereditaments).</p> <p>21. To consider and determine applications for relief under Section 47 of the Local Government Finance Act 1988 as amended by Clause 69 of the Localism Act 2011 having regard to the guidelines previously laid down (discretionary rate relief).</p> <p>22. To consider and determine applications made under Section 49 of the Local Government Finance Act 1988 (reduction or remission of liability on the grounds of hardship).</p> <p>23. To prosecute and appear on behalf of the Council at any legal proceedings.</p>

	<p>24. To exercise reasonable discretion in making suitable arrangements for the collection of rates by instalments within the context of statutory provisions and the Council's resolutions.</p> <p>25. To annually estimate and set the Non-Domestic Rate Tax Base for local and national requirements pursuant to the relevant legislation and Council policy.</p>
<p><b>DIRECTOR OF FINANCE AND SYSTEMS</b></p>	<p><b><u>Council Tax</u></b></p> <p>26. To charge, collect and recover any Council Tax payable.</p> <p>27. To establish and maintain a list of liable persons and to request certain information in order to achieve this objective in accordance with legislation.</p> <p>28. To consider, determine, grant (as appropriate) and review any application for statutory and discretionary discounts, relief, reductions and exemptions.</p> <p>29. To impose penalties in certain instances.</p> <p>30. To attend Valuation Tribunals.</p> <p>31. To prosecute and appear on behalf of the Council at any legal proceedings.</p> <p>32. To exercise reasonable discretion in making suitable arrangements for the collection of rates by instalments within the context of statutory provisions and the Council's resolutions.</p> <p>33. The determination of the Council Tax base in accordance with Section 33(1) of the Local Government Finance Act 1992.</p> <p>34. To annually estimate and set the Council Tax Base for local and national requirements pursuant to the relevant legislation and Council policy.</p> <p>35. To annually determine the level of available Collection Fund Surplus.</p>
<p><b>DIRECTOR OF FINANCE AND SYSTEMS</b></p>	<p><b><u>Council Tax Support and Housing Benefit Rent Allowances and Rent Rebates)</u></b></p> <p>36. To administer the Council Tax support and housing benefits scheme and make all determinations necessary for its proper administration including:</p> <ol style="list-style-type: none"> <li>a. determining the period benefit is awarded for, subject to any statutory maximum.</li> <li>b. determining applications for benefit to be backdated</li> <li>c. consider and determine the granting of additional relief in exceptional circumstances</li> <li>d. determining overpayments and pursuing recovery where appropriate</li> <li>e. considering appeals and attending Appeal Tribunals if required</li> <li>f. considering awards of extra Housing Benefit under discretionary powers</li> <li>g. where otherwise "exceptional hardship" would be caused.</li> </ol>

	<p>37. To cancel applications where insufficient information has been received at any time after a minimum of 4 weeks has elapsed, from the further written request for the necessary information being made.</p> <p>38. To withhold benefit in circumstances to be defined in consultation with the <del>Corporate Director of Governance and Community Strategy</del> <u>Director of Legal and Governance</u>.</p> <p>39. In respect of Housing Benefit to determine the appropriate level of rent to be met by the scheme having regard to rents which are unreasonable.</p>
<p><b>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY DIRECTOR OF LEGAL AND GOVERNANCE</b></p>	<p><b><u>Appeals</u></b></p> <p>40. To consider and determine all appeals against decisions of the Director of Finance and Systems relating to NNDR, Council Tax and Council Tax support.</p>
<p><b>DIRECTOR OF FINANCE AND SYSTEMS (IN CONSULTATION WITH CORPORATE DIRECTOR OF ADULT SERVICES)</b></p>	<p><b><u>Adult Social Care - Matters Relating to Income and Expenditure</u></b></p> <p>41. To assess for and collect charges under the Care and Support (Charging and Assessment of Resources) Regulations 2014 and the Care and Support and Aftercare (Choice of Accommodation) Regulations 2014.</p> <p>42. To offer deferred payments in line with the Care and Support (Deferred Payments Agreements) Regulations 2014.</p> <p>43. To ensure debt recovery is pursued in line with the Care Act and the Council's Care &amp; Residential Services Debt Management &amp; Recovery Policy.</p> <p>44. To protect the property of adults being cared for away from home in accordance with Section 47 of the Care Act.</p>
<p><b>DIRECTOR OF FINANCE AND SYSTEMS</b></p>	<p><b><u>Discretionary Welfare Assistance</u></b></p> <p>45. To administer the Discretionary Housing Payments Scheme including the setting of criteria, making payments and establishing a review procedure.</p> <p>46. To administer and determine the award of discretionary Council Tax Support in accordance with Council policy.</p> <p>47. To administer the Trafford Assist fund, including the setting of criteria, issuing awards and establishing review procedures.</p>

<p><b>CORPORATE DIRECTOR OF STRATEGY AND RESOURCES IN CONSULTATION WITH DIRECTOR OF FINANCE AND SYSTEMS</b></p>	<p><b><u>Human Resources</u></b></p> <p>48.To act in accordance with the Council’s locally-agreed arrangements, including:-</p> <ul style="list-style-type: none"> <li>a. To administer the payment of all remuneration, compensation and other emoluments to employees of the Council.</li> <li>b. To make deductions from employees’ salaries in respect of sums or debts lawfully due to the Council, in accordance with statute, the relevant contract of employment, by agreement and/or in accordance with Council policy determined by Members.</li> <li>c. In consultation with the Chief Executive, to implement national and provincial pay awards within approved estimated.</li> </ul> <p>49.To determine requests received from employees under the terms of the council’s Voluntary Redundancy and Early Retirement Scheme, including requests for flexible retirement and ill-health retirement, where total costs associated with the request do not exceed £<del>150</del><u>100</u>,000 and the payback period does not exceed <del>5</del> <u>2.5</u> years (the Employment Committee will determine all requests where costs exceed £<del>150</del><u>100</u>,000 or the payback period exceeds <del>5</del> <u>2.5</u> years).</p>
---	---

<p><b>DIRECTOR OF FINANCE AND SYSTEMS</b></p>	<p><b><u>Miscellaneous Matters</u></b></p> <p>50. To revise the financial limits in the scheme to assist schools to purchase items of school equipment if the need arises in the light of experience.</p> <p>51. In consultation with the Corporate Director of Children and Families to deal with all classes of improvement grants.</p> <p>52. In consultation with the Corporate Director of Children and Families, determine, administer and action the Council's Scheme for Financing Schools.</p> <p>53. To be the Council's authorised signatory for all grant claims and bids made by the Council.</p> <p>54. To determine and issue any protocols, rules, procedures, guidance and best practice for the effective discharge of proper financial administration in a devolved environment, including determining all relevant accounting practices and instructions.</p> <p>55. To be and to select other officers under the Director of Finance and System's direct managerial control to be bank signatories.</p> <p>56. To approve holders of Credit and Purchase cards in the Council's name.</p> <p>57. To approve all leases or similar credit arrangements (excluding property related).</p> <p>58. To exercise the following privileges, and to extend these privileges to other officers who are under the Director of Finance and System's direct managerial control:</p> <ul style="list-style-type: none"> <li>a. Enter any Council premise at any time pursuant to investigations of financial irregularity and/or to secure any asset or documentation</li> <li>b. To request any Council officer or Member to produce and release any Council monies, instruments, stocks, financial record or other asset immediately</li> <li>c. To give instruction to any Council officer of Member pursuant to investigations of financial irregularity and/or to prevent financial loss or liability being incurred</li> <li>d. To remove and/or instruct on the security of any document and/or asset in furtherance of any investigation of financial irregularity and/or to prevent loss or liability being incurred</li> <li>e. To determine whether any matter of financial irregularity and/or corruption will be brought to the attention of the Police</li> <li>f. To require any officer of the Council to fully cooperate with any investigation of financial irregularity</li> </ul>
<p><b>HEAD OF FINANCIAL MANAGEMENT</b></p>	<p>In the absence of the Director of Finance and Systems, for example, due to holidays or sickness, the Head of Financial Management shall assume the responsibility for all the delegations of the Director of Finance and Systems.</p>

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:

**General**

1. To institute, conduct, prosecute and defend any legal proceedings on behalf of the Council and make applications to court as required.
2. To make any order or direction, give or serve any notice, or sign on behalf of the Council, or witness the sealing of any document necessary to give effect to any decision lawfully taken by or on behalf of the Council.
3. To grant authority for someone (other than an admitted solicitor) to appear in the Magistrates' Court, on behalf of the Council, under Section 223 of the Local Government Act 1972.
4. To institute criminal proceedings in respect of offences against any legislation (including by-laws) that the Council is authorised to enforce and to institute and respond to any appeals arising out of such proceedings.
5. In consultation with the relevant Director, to serve any notices required in pursuance of the Council's functions or powers.
6. To approve, in consultation with the relevant Director, the payment of financial compensation not exceeding £1,000, in order to resolve a complaint submitted in accordance with the Council's Complaints' Procedure.
7. On the instructions of a Director, to take all necessary steps to secure the removal of any person or persons from land.
8. To grant authority to officers to enter premises in exercise of statutory powers and duties.
9. To establish and administer appeal committees to determine statutory education and exclusion appeals; to appoint additional members to the Panel as necessary and to appoint panel members to act as chairs of the committees.
10. To execute documents under Seal and to authorise other officers, as necessary, to do the same.
11. To settle claims against the Council in consultation with the relevant Director.
12. To certify and settle claims under the Land Compensation Act 1973.
13. To serve requisitions as to ownership of property under various statutory provisions.
14. To attach the Council's Seal to Tree Preservation Orders made under delegated powers.
15. To administer the Council's responsibilities under the Data Protection and Freedom of Information legislation.
16. To maintain the Local Land Charges' register, respond to local searches and deal with the registration of Common Land etc.

<p><b><u>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p>	<p>17. To apply for injunctions in appropriate cases in pursuance of the Council's statutory functions and duties or to protect people or property.</p> <p>18. Authority to act jointly with the Director of Finance and Systems in respect of paragraph 6 of the Accounts and Audit Regulations 2011.</p> <p>19. To administer the Members' Scheme of Allowances.</p> <p>20. To set a reasonable fee for supplying a copy of the Independent Remuneration Panel's report to interested parties.</p> <p>21. To grant or refuse applications for use of the Borough Badge.</p> <p>22. To take necessary action to implement the Equality Standard for Local Government.</p>
<p><b><u>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p>	<p><b><u>Planning and Highways</u></b></p> <p>1. In consultation with the Corporate Director of Place to enter into agreements and bonds with developers or others in accordance with planning and highway legislation</p> <p>2. Jointly with the Head of Planning and Development authority to determine applications for Certificates of Lawful Use or Development.</p> <p>3. Jointly with the Head of Planning and Development authority to issue Stop Notices and take further enforcement action and, in other cases, serve Enforcement Notices, Stop Notices or Breach of Condition Notices.</p> <p>4. To accept blight notices where all statutory requirements are met and to serve counter notices in response to purchase notices and blight notices served on the Council.</p> <p>5. Authority to lodge objections to vehicle operators' licences, in consultation with the Corporate Director of Place, where it appears that the operating centre is not suitable and if necessary, to appear at any hearing into the grant of an Operators' Licence.</p>
<p><b><u>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p>	<p><b><u>Mortgages</u></b></p> <p>1. At the request of the Director of Finance and Systems to take action (including the institution and prosecution of Court proceedings), against mortgagors who are persistently in default.</p> <p>2. Approval of occasional variations of first mortgages given by a building society for the purchase of Council houses by tenants to enable the society to charge a higher rate of interest for further advances on the same properties.</p> <p>3. In consultation with the Director of Finance and Systems, to consider and determine applications from owners of former Council dwellings for the Council's approval to Building Society further advances taking priority over the Council's claim for repayment of discount, subject to both officers being satisfied that the Council's financial interests are safeguarded in each case.</p>

<p><b><u>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p>	<p><b><u>Asset Management</u></b></p> <ol style="list-style-type: none"> <li>1. At the request of the Chief Officer responsible for the property concerned, to serve notice to quit on tenants, to recover possession of property, and to terminate the leases of business premises required for demolition or redevelopment.</li> <li>2. To confirm Compulsory Purchase Orders in accordance with section 14A of the Acquisition of Land Act 1981, where empowered to do so by the relevant Secretary of State.</li> </ol>
<p><b><u>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p> <p><b><u>Transferred to</u></b></p> <p><b><u>CORPORATE DIRECTOR OF STRATEGY AND RESOURCES</u></b></p>	<p><b><u>Libraries</u></b></p> <p><del>3. The management and control of all the Council's library facilities. This includes:</del></p> <p><del>(a) in consultation with the Executive Portfolio Holder, determining admission charges, fees and concessions for the use of such facilities, and to agree variations from standard charges;</del></p> <p><del>(b) authorising the emergency closure of premises and facilities, without notice, in the interests of public safety;</del></p> <p><del>(c) to agree seasonal and other variations in the hours of opening of facilities, and the closure of facilities at bank holidays;</del></p> <p><del>(d) selecting of books, periodicals and newspapers for the libraries;</del></p> <p><del>(e) permitting and organising exhibitions.</del></p> <p><del>4. The development of library services throughout the Borough.</del></p> <p><del>5. To fix charges for any occasional activity, sale of goods over the counter or by machine, hire of equipment and other permitted use not contained in the approved list of charges.</del></p>
<p><b><u>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p>	<p><b><u>Local Government Standards</u></b></p> <ol style="list-style-type: none"> <li>1. To maintain a register of member's interests consistent with the adopted Code of Conduct.</li> <li>2. To decide on whether to investigate or reject or informally resolve a complaint and to arrange an investigation (having consulted with the Independent Person).</li> <li>3. To refer an investigation finding of breach to the Standards Committee for hearing (having consulted with the Independent Person).</li> <li>4. To determine requests for dispensation on grounds 1-3 below, subject to a member's right to appeal to the Standards Committee:</li> </ol> <p>The grounds are:</p> <p>(1) So many members have disclosable personal interests (dpi's) that it would impede the transaction of the business;</p>

	<p>(2) Without the dispensation the strengths of political groups on the body would be so upset as to alter the likely outcome of any vote on the matter;</p> <p>(3) Without the dispensation, every member of the Executive would have a (dpi) prohibition from participating.</p>
<p><b><u>CORPORATE DIRECTOR OF GOVERNANCE AND COMMUNITY STRATEGY</u></b>  <b><u>DIRECTOR OF LEGAL AND GOVERNANCE</u></b></p> <p><b><u>Transferred to</u></b></p> <p><b><u>CORPORATE DIRECTOR OF STRATEGY AND RESOURCES</u></b></p>	<p><b><u>Arts</u></b></p> <p><del>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</del></p> <p><b><u>General</u></b></p> <p><del>5. The management and control of all the Council's arts facilities. This includes:</del></p> <p style="padding-left: 40px;"><del>(a) authorising the emergency closure of premises and facilities, without notice, in the interests of public safety;</del></p> <p style="padding-left: 40px;"><del>(b) permitting and organising exhibitions.</del></p> <p><del>6. The development of arts services throughout the Borough.</del></p> <p><del>7. To fix charges for any occasional activity, sale of goods over the counter or by machine, hire of equipment and other permitted use not contained in the approved list of charges.</del></p> <p><del>8. To set ticket prices for arts events.</del></p>

**PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE  
CODE OF PRACTICE**

CONTENTS

1. Introduction
2. General Roles, Responsibilities and Conduct
3. Planning Committee Meetings
4. Administrative Arrangements
5. Pre-Application Discussions
6. Lobbying of Members of the Planning Committee
7. Planning Applications Submitted by Members and Officers
8. Planning Applications Submitted by the Council
9. Conduct and Procedure of Planning Committee Meetings
10. Conduct
11. Procedure
12. Planning Committee Decisions Contrary to Officer Recommendation
13. Appeals against Council Decisions
14. Member Training
15. Review of Decisions

## 1. Introduction

1.1 This Code of Practice is intended to guide the procedures by which Members and Officers of the— Council deal with planning matters, and to set standards of probity and conduct which the residents of Trafford ~~Council~~ can expect. In this document all references to ‘Planning Committee’ should be taken to refer to the Planning and Development Management Committee or any successor body.

1.2 As planning affects people’s lives and private interests, it can often be very contentious. It is important that residents of Trafford and applicants for planning permission understand the system, have confidence in its integrity and transparency and that Members and Officers involved in the planning process avoid impropriety or even the suspicion of impropriety. Members and officers should always be conscious of how their actions may be perceived by interested parties in the planning process, whatever the intentions behind them, and behave accordingly.

1.3 Members must follow the Codes and Protocols in the Constitution of Trafford Council, which cover such matters as declarations of interests, gifts and hospitality and the Protocol for Member/Officer relations. When dealing with planning matters they must also act in accordance with this Planning Code of Practice.

1.4 A breach of these codes, whilst not usually amounting to a breach of criminal law, may adversely affect the standing of the Council. It could result in a decision being judicially reviewed, or in a complaint of maladministration being made to the Local Government Ombudsman. A breach of the Members’ Code of Conduct can also result in a complaint against a Member personally.

1.5 If Members or Officers are in doubt about the application of the Codes they should seek advice from the Council’s Monitoring Officer.

## 2. General Roles, Responsibilities and Conduct

2.1 Members and Officers have different but complementary roles in the planning process. Members of the Planning Committee have different roles to those of other Councillors.

### Members of Planning Committee

2.2 There are 13 Members on the Planning Committee and they normally meet once a month.

**2.3** Members of the Committee are appointed at the Council's Annual General Meeting, held in May each year.

**2.4** Four Members of the Committee constitute a Quorum.

**2.5** Councillors who are Members of the Planning Committee are responsible for the determination of planning applications. The Committee must assess proposals against the development plan and all other material considerations and carefully balance the benefits of proposed development with any adverse consequences. Members are required to consider all planning proposals in the wider public interest. Decisions are restricted to planning considerations, and cannot seek to control non-planning issues or duplicate other legislative controls. Decisions made by the Committee must be lawful.

**2.6** Councillors who are not members of Planning Committee can 'call in' applications, within geographical limits, thus requiring them to be considered by the Committee where the applications would otherwise be delegated to officers under the Scheme of Delegation. However, such requests must be supported by clear planning reasons why the case requires consideration by the Committee. The Chair of the Committee can call in any application to the Committee without geographical limit, but is still required to provide clear planning reasons. Members shall not put any pressure on Officers to make particular recommendations or decisions, nor to change recommendations or decisions in respect of any application. However, it is helpful if Members explain their concerns in relation to any application which they have called in with the case officer in advance of the Committee meeting.

#### **Planning Committee Members shall:-**

**2.7** For and in meetings:-

- Exercise personal responsibility in deciding whether to declare any personal interest as defined in the Council's Code of Conduct in relation to any planning application that is before the Planning Committee for determination, and withdraw, if so required by the Code. If in doubt, Members shall consult and seek guidance from the Monitoring Officer in advance of the meeting.
- Act fairly and openly.
- Carefully weigh up all relevant planning issues before making a decision.
- Not make decisions on party political grounds.
- Make decisions purely on planning grounds in the public interest and not favour, or appear to favour, any person, company, group or locality. Whilst Planning Committee Members have a responsibility to their constituents, the decisions of the Committee must be based on the Development Plan and all other material planning considerations.
- Have reasons and justification for their position and resolutions (this is a requirement of the Code of Conduct).

**2.8** Planning Committee Members also have a personal responsibility to declare a personal or pecuniary interest as defined in the Council's Code of Conduct in any planning application so it can properly be brought before the Committee under the Council's Scheme of Delegation.

### **Non-Planning Committee Members of the Council**

**2.9** Ward Councillors who do not sit on the Planning Committee will be allowed to speak at Planning Committee at the Chair's discretion. This opportunity shall not apply to delegated items unless they are referred to Planning Committee for determination in accordance with the operation of the scheme of delegation and call in arrangements.

**2.10** Applications to be placed before the Planning Committee will be scheduled for the first available meeting. Applications will not be deferred to later Committee meetings on the grounds that an interested Member is unavailable to attend the scheduled meeting.

**2.11** Ward Members should exercise personal responsibility in declaring an interest in planning applications where they are for example, affected by, are related to the applicant, or would have a pecuniary interest in, the proposals, so that it can properly be brought before the Committee under the Council's Scheme of Delegation. The weekly lists of planning applications are sent to all Members. If a Member receives a standard neighbour consultation letter from the Planning Service at their home address they should declare an interest. If in doubt, Members shall consult and seek guidance from the Monitoring Officer.

### **3. Planning Committee Meetings**

**3.1** Meetings of the Planning Committee will normally be held on the second Thursday of each month. Dates for Committee meetings can be found on the Council's website.

**3.2** All meetings will be held in public. However the public will be excluded from meetings whenever it is likely in view of the nature of the item to be discussed or the nature of the proceedings, that confidential information would be disclosed.

**3.3** Public speaking items will normally be taken first on the agenda, and in an order which allows the meeting to be managed most effectively. The agenda order is normally set by the Head of Planning in agreement with the Chair as necessary but is ultimately at the Chair's discretion. This will not necessarily be the order in which items appear on the agenda papers. ~~All other applications will be heard in the order in which they appear on the Agenda, other than in exceptional circumstances, and~~

~~always at the discretion of the Chair.~~ The procedure at the Planning Committee meetings is explained in paragraph 9 of this Code of Practice.

**3.4 The deadline to register for public speaking is 4.00pm on the day preceding the Planning Committee meeting. Any member of the public who attends the meeting having not previously registered to speak will not be permitted to do so.**

3.5 Where more than one person registers to speak for or against the same application, only the person who registered first will be permitted to speak, other than in exceptional circumstances and always at the discretion of the Chair.

Where more than one application appears on the agenda for the same site (for example an application for planning permission and for listed building consent) then normally speakers will be invited to speak only once, after the officer has presented the items, but for the combined amount of time (i.e. two applications = six minutes in total). Again, this is at the discretion of the Chair.

## **Webcasting / Broadcasting of Meetings**

**3.5** The Council has ~~no~~ arrangements in place for the webcasting/broadcasting of Committee meetings. With the exclusion of Part II items (exclusion of press and public) meetings are broadcast live on the Council's You Tube Channel and are thereafter available to view. Members and officers should remain aware throughout proceedings that meetings can be, and likely will be viewed by persons not physically in attendance, including after the event, and act accordingly.

**3.6** Members of the public wishing to film or record Committee meetings will need to agree arrangements in advance of the meeting with the Council's Democratic services team to ensure that the arrangements are compliant with the Council's obligations under the Data Protection Act ~~2018~~1998 and the Human Rights Act 1998.

**3.6** The Chair of the meeting has the discretion to terminate or suspend filming, if in the opinion of the Chair continuing to do so would prejudice the proceedings of the meeting or if the Chair, on advice, considers that continued filming might infringe the rights of any individual.

## **Content of Ward Councillor Speeches**

**3.7** Comments by Ward Councillors should be limited to relevant planning issues.

These include:-

- Relevant national and local planning policies;
- Appearance and character of the development, layout and density;

- Traffic generation, highway safety and parking/servicing; [and](#)
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Ward Councillors should avoid referring to matters outside the remit of the Planning Committee, such as:

- Boundary disputes, covenants and other property rights;
- [Personal](#) remarks [e.g. applicant's motives or actions to date];
- [Rights](#) to views or devaluation of property;
- Competition between businesses/services; [and](#)
- Issues covered by other legislation e.g. [licensing Environmental Health](#)

## Officers

**3.8** The function of Officers is to support and facilitate the Councillors in their work and to ensure that robust and lawful decisions are made. Planning decisions must be made in accordance with the Development Plan and other material planning considerations.

**3.9** The Head of Planning and Development makes decisions on the majority of planning applications under delegated powers and makes recommendations on more significant and contentious applications and other planning matters for decision by the Planning Committee. Officers will provide professional advice and will provide Members with a recommendation on whether or not planning permission should be granted, based on the Officer's assessment.

**3.10** In considering applications and in advising members of the public on planning policy, the determination of planning applications, enforcement and other planning matters, Officers must:-

- Act fairly and openly and avoid any actions that would give rise to an impression of bias
- Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
- Approach each planning application or issue with an open mind, avoiding preconceived ideas
- Carefully weigh up all relevant planning issues before making a decision
- Make decisions and recommendations purely on planning grounds having regard to the Development Plan and other material [planning](#) considerations
- Give professional, objective and consistent advice

- Carry out the decisions of the Committee insofar as they relate to the completion of any legal agreement, amendment to the officer recommendation e.g. the imposition of additional planning conditions--

The majority of senior officers who advise the Committee hold politically restricted posts, which are governed by the Code of Conduct. However, where an officer is invited to speak at a meeting who does not hold a politically restricted post, like those with politically restricted posts, they must not make any party political statement, or any statement which may be construed as demonstrating support for any particular political party.

#### **4. Administrative Arrangements Planning Application Notification**

**4.1** All Members of the Council will be informed of the submission of all planning and related applications through the weekly list of applications published on the Council's website. This list will include basic details about the application. Further detail on the application, including relevant plans and documents, can be viewed on the Council's website.

##### **Meetings with Applicants and Objectors**

**4.2** The Local Planning Authority does not organise public meetings in respect of any application. The statutory planning process which includes a procedure for notifying occupiers of land neighbouring an application site provides the opportunity for the public to make its views known about a proposal. In order to be taken into account in the final decision, all comments made by local residents and third parties must be made in writing (an electronic submission via the Council's Public Access system or an email is sufficient). Representations comprise part of the public planning file and are published on the Council's website. Sensitive personal information is redacted but the name and address of the person making the representation is published.

#### **5. Pre-Application Discussion and Enforcement Discussions**

**5.1** Local Planning Authorities are encouraged to enter into discussions and negotiations which can bring about improvements that can make an application acceptable, and thereby potentially speed up the planning process. Such pre-application discussions will normally take place with at-Officers. level and Members shall wherever possible, refer requests by applicants and third parties for such advice to Officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional and they may wish to make a record of the discussion.

**5.2** All Officers taking part in such discussions shall:-

- Identify the decision-making process applicable to the application or issue under discussion

- Make it clear that only personal professional and provisional views can be expressed that will not bind the Council (Officers or Members) to reach a particular decision when determining the application
- Express views in the context of the Development Plan and other material planning considerations
- Be consistent in interpreting planning policies and Government guidance
- Where appropriate, advise applicants, neighbours and objectors on procedural matters.

## 6. Lobbying of Members of the Planning Committee

**6.1** Lobbying is the process by which applicants, agents, neighbours, non-Planning Committee Members and other interested parties may seek to persuade Members of the Planning Committee to come to a particular decision. It is legitimate for them to approach Members of the Planning Committee (in person or in writing) and such discussions may help Members to understand the issues and concerns. As stated in the Nolan Committee Third Report “it is essential for the proper operation of the planning system that local concerns are adequately ventilated”.

**6.2** In responding to approaches of this kind, Planning Committee Members may publicly express an opinion provided that they keep an open mind at Planning Committee meetings and must not have closed their mind prior to hearing all the evidence and arguments which will be presented at the Planning Committee. They should explain their position in respect of probity if they express an opinion on a proposal before consideration at the Planning Committee. They should:-

- Explain the procedures by which representations can be made;
- Indicate that a decision will be taken only when all relevant planning considerations have been taken into account
- Explain the kinds of planning issues that the Council can take into account;
- Direct the public to report issues raised to the Officers so that their views can be considered. It is helpful if this takes place in advance of the Planning Committee meeting so that all relevant issues are fully considered before the agenda is published.
- Forward any lobbying correspondence received to officers so that a record can be kept on the planning file and reported to the Committee.

## Site visits

6.3 Site visits are for observing the site and gaining a better understanding of the issues. A councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. They cannot enter private property unless they are invited, and should only do so if there is no alternative to gaining a proper understanding of the scheme from public viewpoints.

Site visits should not be used as a lobbying opportunity by objectors or supporters. This should be made clear to any members of the public who are there

If Members are invited onto a site by an interested party, or otherwise encounter them whilst on site, they should explain that they cannot engage in a discussion or hear that person's views about the merits of the case, and if necessary direct that person to make their views known through the formal process (i.e. either by making representations in writing, if they have not already, and / or by registering to speak at the Committee, if they are able, and / or by asking their Ward Councillor to speak on their behalf).

In visiting sites, Members should act in a way which is fair to all interested parties, and also take a step back and consider if they are acting in a way which would be perceived as being fair to all interested parties, even if there is no intention otherwise.

~~Site visits should not be used as a lobbying opportunity by objectors or supporters. This should be made clear to any members of the public who are there.~~

## **7. Planning Applications Submitted by Members and Officers**

### **7.1 Any application:**

- made by any Elected Member of the Council; ~~or~~
- made by an Officer of the Council; ~~or~~
- in respect of which an Elected Member of the Council has been consulted as a neighbour; or
- in respect of development by or on behalf of the Council (where a single representation or more has been made contrary to the officer recommendation);

shall be determined by the Planning Committee.

**7.2** In respect of any such application any affected Member or Officer must declare the existence and nature of the interest or relationship in accordance with the appropriate Code of Conduct and withdraw from involvement in the decision. The

affected Officer shall take no part in the processing of the application and any recommendations made to Planning Committee.

## 8. Planning Applications Submitted by the Council

8.1 It is essential that the Council treats applications for its own development (or a development involving the Council and another party) in the same manner as all other applications and that this is seen to be the case.

## 9. Conduct and Procedure of Planning Committee Meetings

### Officers' Reports to the Planning Committee

9.1 All planning matters considered by the Planning Committee will be the subject of appropriate written reports by the Head of Planning and Development incorporating his/her recommendations. Such reports shall be comprehensive but succinct in setting out the key planning issues to be considered in terms of the provisions of the Development Plan and other material planning considerations, the substance of any representations received and any planning history.

### Consideration of Planning Applications:-

9.2 Planning applications will be considered in the following manner:

a) Members will receive an additional information report outlining any late correspondence received on an application since publication of the agenda. This addendum must be considered by the Committee prior to making its decision on the application.

New documents or other information cannot should not be circulated to the Committee or shown during the proceedings by speakers or other attendees. ~~by members of the public~~; This is because eCouncillors may not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. Any documents that interested parties wish the Committee to see should be distributed electronically to Members at least 24 hours before the meeting and officers provided with a copy. This should be made clear to those who intend to speak.

a)b) Public speaking:

Those who have made requests to speak in accordance with the relevant Protocol will be invited to speak in the following order:

- Objector (3 minutes)

- Supporter (3 minutes)
- ~~Where the Chair considers that wider debate is necessary e.g. for Major Applications, the number of speakers for and against the Application and time allocated to speak will be at his/her discretion.~~
- ~~\_\_\_\_\_~~
- ~~\_\_\_\_\_~~
- Other Elected Members of Council who the Chair has given permission to speak. Ward Members for the ward in which the development is located will normally be allowed to speak for 5 minutes each but the length of time granted for other interested Members to speak will be at the discretion of the Chair.

Once all speakers have made their representations concerning an Application, they will not be allowed to enter into debate with the Committee. They will only be able to speak again, unless if invited to do so by the Chair and by exception only (e.g. if a question has been raised by Members which can only be answered by the speaker).

~~b)c)~~ The Planning Officer will respond as necessary.

~~e)d)~~ The Chair will then open the debate by providing an opportunity for members of the Planning Committee to comment or ask questions of the Planning Officer or any other officer in attendance. The Planning Officer or others will be provided with the opportunity to respond.

~~e)e)~~ When a Member of the Committee wishes to speak, he or she will indicate this to the Chair. No Member will speak unless called upon to do so by the Chair. When called upon to speak, the Member will address the meeting through the Chair. If two or more Members wish to speak the Chair will ask one to speak and the other(s) will remain silent. While a Member is speaking, other Members will remain silent until invited to speak by the Chair.

~~e)f)~~ When the Chair considers all Members have had an opportunity to contribute he or she will take a vote on motions for or against the proposal which have been moved during the debate in the order in which they were proposed and seconded. If the motion is to do something other than agree the Officer recommendation set out in the report before Committee, planning reasons should be given at that time and before taking the vote.

~~f)g)~~ The application will be determined by a simple majority vote by show of hands. All Members of the Committee, including the Chair, should cast a vote in favour or against the motion before the Committee. As Planning Committee is appointed for the purpose of making decisions on planning applications, it is not appropriate for Members to abstain.

g)h) If there are equal numbers of votes for and against, the Chair will have a second or casting vote. The Chair can only use a second or casting vote if he or she has participated in the original vote.

h)i) Following the vote, if the matter has been resolved. There must be no further discussion on the matter.

i) If the Committee makes a different decision to that recommended by the Head of Planning and Development, it must articulate and record in the minute the relevant planning reasons:

- If an application is refused against Officer recommendation, the Committee must provide the planning reasons for refusing planning permission.
- If an application is granted against Officer recommendation, the Committee must provide planning reasons for granting planning permission and suggest any conditions that it thinks should be imposed and the reason for those conditions.
- Where an application is recommended for approval by officers, if Members wish to impose additional conditions or planning obligations, or not impose recommended conditions or obligations, a planning reason must be given. The precise wording of additional conditions will be determined by officers, using standard conditions as appropriate, and interpreting Committee's expressed views.
- Officers can be called upon to assist (e.g. suggest appropriate standard conditions) but cannot give reasons, only interpret the Committee's expressed views.
- The imposition of suitable planning conditions may be deferred and delegated to the Head of Planning and Development if it is not possible to deal with this comprehensively at the Committee.

9.3 Following the Planning Committee meeting, the Head of Planning and Development will produce a Decision Notice reflecting the Committee's decision on the application. This will be sent to the applicant/agent and published on the Council's website.

**N.B. If a Member joins a Planning Committee meeting after the presentation of an item has begun, then the Member should not take part in the debate or vote on that item.**

## 10. Conduct

10.1 The Chair of Planning Committee is responsible for the conduct of the meeting in accordance with the Rules of Procedure and for the effective delivery of business

in a professional, courteous, transparent and timely manner. The Members of the Committee and Officers shall respect the role and behave in a manner that is commensurate with the high standards of conduct and propriety that are expected in public office. Members of the Committee shall be respectful towards other Members, Officers and members of the public at all times during the meeting.

**10.2** The Chair will seek to ensure that Members and Officers are treated in accordance with the Council's agreed Protocol on Member/Officer relations, with regard to:-

- The political neutrality of Officers
- The independence of Officers
- Mutual respect, courtesy, civility and professionalism with respect of differing views

**10.3** Where disturbance of the meeting occurs by way of public interference, the Chair may suspend proceedings until matters are resolved or in extreme situations may close the meeting to the public.

**10.4** Please be aware that the Code of Conduct applies to all Members at all meetings of the Council. Laws relating to remarks made about individuals apply at all meetings of the Council, whether or not they are being recorded or broadcast.

## **11. Procedure**

**11.1** The Chair will ensure that the meetings of the Planning Committee are conducted in accordance with the Council's Rules of Procedure and safeguard that appropriate debate is able to take place in a structured and professional manner. The Chair should seek to avoid repetition or irrelevant debate.

**11.2** Appropriate Legal and Democratic Services Officers will be responsible for advising the Chair and the Committee on matters of procedure and protocol.

**11.3** Where Officers advise the Chair of material planning concerns or potential consequences of a particular course of action, or any potential liabilities or errors of fact, Officers shall be afforded reasonable opportunity to concisely explain those matters to Planning Committee before it reaches a decision.

## **12. Planning Committee Decisions Contrary to Officer Recommendation**

**12.1** From time to time the Committee will disagree with professional advice given by the Officers and may decide to determine an application contrary to that advice.

When this occurs the Chair of Planning Committee will ensure that the following principles are followed:-

- Members shall clearly express the planning reasons for their decision and these will be recorded in the minutes.
- A Member proposing refusal of an application for which the Officer recommendation is approval shall state his/her reasons prior to the vote being taken.

### **13. Appeals against Council Decisions**

**13.1** Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances (such as where specialist evidence is required) it may be necessary to appoint Consultants to appear for the Council.

**13.2** In giving evidence, Officers will present the best possible case on behalf of the Council while complying with the Royal Town Planning Institute (“RTPI”) Code of Professional Conduct. This Code requires that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinion.

**13.3** Members can have an important role to play in appeals and may, within set deadlines, make written representations to the Inspector and may also appear at informal hearings or as a witness at public local inquiries. In doing so they should state whether they are acting in their local Councillor capacity or, representing the Council’s case.

**13.4** Where Planning Officers are unable to defend decisions on appeal (due to requirements of the professional conduct rules of the RTPI) the Planning Committee should be aware of this before the final vote is taken. In such cases it may be appropriate for Members of the Committee to attend any subsequent appeal hearing [or inquiry](#), and if necessary, to give evidence in support of the Council’s decision.

**13.5** Planning and Legal Officers will support Members attending or wishing to make representation at appeals and advise them on preparing and delivering evidence. Legal Officers will attend inquiries or assist in preparing representations when legal representation is required.

**13.6** Planning decisions are decisions made by the Council. It is therefore not normally appropriate for an elected Member to support an appellant at Appeal. If Members have concerns about delegated applications, the appropriate course of action is to call in the application to Planning Committee for determination.

## **14. Member Training**

**14.1** Members of Planning Committee should undertake training which, on occasions, should be offered to all Members of the Council.

**14.2** Members will be offered and required to attend core (compulsory) training (normally within three months of appointment to the Committee). This training will cover planning procedures, code of conduct and other subjects determined from time to time by Officers in consultation with the Chair.

**14.3** Attendance at training events will be recorded and published and monitored.

## **15. Review of Decisions**

**15.1** The Audit Commission's report "Building Quality" recommends that Councillors should visit a sample of implemented planning permissions to assess the quality of decisions. The purpose of such a review is not to change decisions, but to assess and improve the quality and consistency of decisions and thereby strengthen public confidence and assist in reviewing planning policy.

**15.2** The Planning Committee will undertake an annual review of a sample of planning decisions made by the Committee. The review will include examples from a range of development types and, where it is considered appropriate and beneficial, include visits to sites.

**15.3** The Planning Committee will consider the results of the review and decide whether it gives rise to the need for new policies, procedures and practices.

**15.4** The outcome of appeals against the decisions of the Council will be reported regularly to Planning Committee. The outcome of legal proceedings will also be reported regularly so that Planning Committee can review its own decision-making processes.

This page is intentionally left blank