

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 Chairman. 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 Director of Legal and Democratic Services.
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, relevant Corporate Director or Director of Legal and Democratic Services has authority to take such action in consultation with the Chairman, Vice-Chairman 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.

WHO IS RESPONSIBLE	FUNCTION
CHIEF EXECUTIVE	<p>A. <u>GENERAL MATTERS</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"> 1. To undertake all matters associated with the professional management of the Council. 2. To exercise any power delegated to any officer at any time when that officer is unable or unwilling to act. 3. To give a decision on the applicability of any delegated power in any specific case. 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. 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.) 6. To determine, in conjunction with the Chief Finance Officer, 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. 7. To deal with matters relating to the development of the Community Strategy and Corporate Plan. 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. <p>B. <u>ELECTIONS</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"> 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). 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.)

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C. HUMAN RESOURCES

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

11. The overall direction of all human resource matters.
12. The administration and implementation of the Council's organisational, employee development and human resource plans.

<p>CHIEF EXECUTIVE AND CORPORATE DIRECTORS</p>	<ol style="list-style-type: none"> 1. The management and administration of the services for which they are responsible and the incurring of expenditure for such purposes within the approved budget. 2. In relation to any matters delegated to them, to take any action which is calculated to facilitate or is conducive or incidental to the discharge of the Council's functions within their service area.
<p>CORPORATE DIRECTORS AND DIRECTOR OF HUMAN RESOURCES (5,6,7,9) CHIEF EXECUTIVE(7, 9)</p>	<p>A. <u>HUMAN RESOURCES</u></p> <p>The following delegations are subject to:</p> <ol style="list-style-type: none"> (a) the corporate human resources policies adopted by the Council. (b) any statutory provisions or requirements. (c) any other instructions given from time to time by the Chief Executive or Director of Human Resources where overriding corporate, financial or recruitment controls are to be strictly observed.
<p>COUNCIL (8)</p>	<ol style="list-style-type: none"> 3. To implement all the Council's policies relating to the employment of staff. 4. The creation of a maximum of 3 new posts up to and including Band 12 and deletion of posts up to and including band 12 i.e. where the job description has previously been agreed and evaluated by HR. 5. The creation/change of up to 3 new posts up to and including Band 12 for which there is no approved job description and the duties are substantially new. 6. Responsibility for all Service Reviews – including the creation/re-grading and deletion of posts above Band 12. 7. Responsibility for directorate wide reviews and the development of corporate and cross cutting proposals. 8. Decisions on proposals affecting Director level posts are subject to the prior approval of the Chief Executive. The Council will approve all salary packages for Chief Officer posts in excess of £100,000. 9. Before referring any matters deemed by the Chief Executive to be of strategic significance to the Employment Committee for consideration and/or determination, the Chief Executive shall consult with, and obtain the views of the Executive. 10. To act in accordance with the provisions of the Council's locally-agreed arrangements, including the appointment to posts below Head of Service level. 11. To act in accordance with the provisions of the Council's locally-agreed arrangements, including:- <ol style="list-style-type: none"> (a) To determine those groups of employees who can participate in the flexible working hours schemes.

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(P), (Q), (R),
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- (b) To determine the arrangements that should apply in respect to the carry forward of up to five days from one leave year to the next and to approve any carry forward of leave in excess of five days.
- (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.
- (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.
- (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.
- (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.
- (g) To determine payments to officers temporarily undertaking additional duties.
- (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.
- (i) To approve the discretionary application of the Council's relocation Scheme for Newly Appointed Officers.
- (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.
- (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.
- (l) To determine the arrangements for the granting of leave with pay to officers for attendance at meetings of approved outside bodies.
- (m) To determine the arrangements for the granting of leave in accordance with the Special Leave for Public Duties Policy.
- (n) To determine the arrangements for the granting of leave in accordance with the Special Leave for Dependents and Bereavement Policy.
- (o) 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.
- (p) To grant leave with or without pay for trade union purposes including

<p>CHIEF EXECUTIVE AND CORPORATE DIRECTORS</p>	<p>training in accordance with the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.</p> <p>(q) To grant leave with pay to staff serving on Staff Councils or other Joint Negotiating Bodies.</p> <p>(r) To approve a long service award in those cases where the exact length of an employee's service contract cannot be verified.</p> <p>12. 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.</p> <p>13. To enter into settlement agreements with employees.</p>
	<p>B. <u>FINANCIAL, COUNCIL AND CONTRACT PROCEDURES</u></p> <p>14. 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>15. To incur revenue expenditure.</p> <p>16. To incur expenditure on individual capital schemes.</p> <p>17. To approve price variations under contracts.</p> <p>18. 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 Chief Finance Officer.</p> <p>19. To write-off stocks and stores up to a book value of £50,000 in consultation with the Chief Finance Officer 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>C. <u>PLANNING PERMISSION AND PROPERTY</u></p> <p>20. 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>21. The management of buildings and facilities under their control, subject to advice and guidance from the Corporate Director of Economic Growth, Environment and Infrastructure in relation to the strategic and corporate use of assets.</p>

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22. To permit the casual use of property by outside organisations, in accordance with the policy of the Council.

D. GENERAL MATTERS

23. To deal with lost or uncollected property.

24. To authorise, in writing, officers of the Council to exercise statutory rights of entry on to property in pursuance of their duties.

25. 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.

26. 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.

27. 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:

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,

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 Director of Legal and Democratic services if necessary.

28. To deal with requests for access to personal files and data in accordance with the relevant legislation and regulations.

29. In consultation with the appropriate Executive Portfolio Holder, to authorise attendance by councillors/co-opted members at conferences/seminars.

30. To sign and serve documents and notices on behalf of the Council.

31. The taking of any necessary action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough.

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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:

A Economic Growth

1. To prepare and submit applications for regeneration funding to any providers of external funding for which the Council may become eligible, and with regard to European Funding, the power to sign off public authority certificates.
2. 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.
3. In consultation with the Executive Portfolio Holder to generate revenue from economic growth services, activities, initiatives and programmes in accordance with Council policies, statutory requirements, guidance and Codes of Practice'.

B Housing Renewal

1. 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.

C Asset Management

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

Land and Property

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.
2. To be responsible for progressing all land and property transactions.
3. To take action to protect the Council's legal or financial position in relation to the management of property.
4. Land Sales Programme:
 - i) In respect of the Land Sales Programme, as approved from time to time, authority to:
 - a) Engage external resources where this will assist in implementation of the programme.
 - b) Submit for planning consent on any of the properties included in the programme where this will assist in marketing.

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- c) Negotiate and accept bids.
- 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.
- 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
- ii) In respect of the Land Sales Programme, in consultation with the Executive Portfolio Holder, authority to
 - a) Approve the substitution or addition of sites to the Land Sales Programme.
 - b) Approve the hiring of security services or the demolition of any property should this become necessary.
 - c) Authorise an alternative method of sale where appropriate.
- 5. Subject to compliance with the Council's agreed arrangements, appropriate budgetary provision and to securing the best consideration that can be obtained:
 - 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 £100,000
 - b) to approve the acquisition and disposal of land, buildings or other property interests for a consideration not exceeding £250,000
- 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.
- 7. All rent reviews and lease renewals.
- 8. Sale of freeholds in accordance with the Leasehold reform Act 1967, in accordance with the prevailing rate of capitalisation.
- 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.
- 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.
- 11. To appoint consultants for small works in line with agreed policy.
- 12. To authorise the repair and maintenance of Council property in

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accordance with the approved budget or the use of virement.

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.
14. To agree terms and conditions of re-purchase of defective former Council or public authority dwellings under Part XVI, Housing Act 1985.
15. The acquisition and disposal of Chief Rents on Council property.
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.
17. To prioritise works in respect of access for the disabled and fire precaution work.
18. To approve the appointment of estate agents for residential disposals on the basis agreed by the Council.
19. To manage all building services for the Council's administrative buildings.
20. To act in the best interests of the Council in relation to energy management.
21. To repair and maintain buildings and grounds within approved revenue estimates for these purposes.
22. To authorise statutory authorities to carry out essential works.
23. To determine requests for inscriptions to be added to Cenotaphs throughout the Borough.

Markets

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.
25. To licence or refuse temporary markets in accordance with the policy approved by the Council

Lettings and Public Halls

26. To control the range and frequency of events in public halls, subject to obtaining planning permission when necessary.
27. To approve lettings and concessions of Council accommodation for hire, in accordance with the Council's approved scheme.

<p>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES JOINTLY WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</p>	<p><u>Planning Enforcement</u></p> <p>1. Authority to exercise all functions, powers and duties includes the authority to take appropriate enforcement action, including issuing notices and cautions and, in consultation with the Director of Legal & Democratic Services, bringing proceedings under any appropriate legislation, statutory provisions and by-laws.</p>
<p>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT</p>	<p><u>D PLANNING AND DEVELOPMENT MANAGEMENT</u></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. Definitions</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"> ❖ Applications for Outline Planning Permission, Full Planning Permission and Approval of Reserved Matters ❖ Applications for development within the curtilage of a dwellinghouse ❖ Applications for minerals and waste development (including Review of Minerals Permissions) ❖ 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

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- ❖ 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 Housing and Planning Act 2016, including the inclusion of a site on Part 2 of the Council's brownfield land register (but for the avoidance of doubt, not Part 1). 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 Chairman of the Committee. For the avoidance of doubt there is no geographical limit to the call in powers of the Chairman. 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 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.

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- iv) 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. (Usually 21 days for new applications and 10 days for amended plans received during the course of processing an application).
- 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 Economic Growth, Environment and Infrastructure, 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 Economic Growth, Environment and Infrastructure 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 determine the validity of any planning or other application made to the Local Planning Authority.
- c) To determine whether an applicant has carried out necessary pre-application consultation under S61W of the Act.
- d) To determine what consultation, notification and publicity

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is appropriate and to carry this out in accordance with statute and the Council's approved arrangements.

- e) To maintain for inspection registers of applications and associated matters, brownfield land, works to protected trees and decision notices as required by statute.
- f) To determine whether or not an application appears to be a departure from the Development Plan and to take appropriate procedural action.
- g) 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.
- h) 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 .
- i) Jointly with the Chief Finance Officer 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.
- j) To issue all decision notices when exercising powers under the Act and other relevant legislation.
- k) 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'.

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 Housing and Planning Act 2016, including the inclusion of sites on Part 2 of the Council's brownfield land

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register under the Town and Country Planning (Brownfield Land Register) Regulations 2017 .

- c) Applications for advertisement consent under the Town and Country Planning (Control of Advertisements) Regulations 2007.
- d) Non-material amendments under Section 96A of the Town and Country Planning Act 1990.
- e) 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 Chairman of the Committee should be consulted) For the avoidance of doubt this provision does not include S73 applications.
- f) Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- g) 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.
- h) To attach conditions (and associated reasons) to planning permissions determined under this delegation and to make modifications to the standard planning conditions as necessary.
- i) To attach reasons for refusal where permission or consent is refused.
- j) To approve or refuse details and plans submitted to discharge conditions attached to planning permissions, including those imposed by an Order or Direction.
- k) To finally dispose of applications.

3.4 Minerals Applications

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

3.5 Response To Consultations

- m) To respond to consultations from the Secretary of State in respect of Crown Development under S293 of the Town and Country Planning Act 1990.
- n) 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

	<p>Development Plan, or where development plan policies are out of date, national planning policy.</p> <p>o) 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.</p> <p>p) 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.</p> <p>q) 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).</p>
<p>HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</p>	<p>r) To determine applications for Certificates of Lawfulness in relation to existing and proposed uses or development under the Act.</p> <p>s) To determine applications for Certificates of Lawfulness of Proposed Works to a Listed Building under the Planning (Listed Buildings and Conservation Areas) Act 1990</p> <p>t) To determine applications for Certificates of Appropriate Alternative Development.</p> <p>u) 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..</p>
<p>HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</p>	<p>4. Planning Appeals / Secretary of State call in</p> <p>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.</p> <p>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.</p> <p>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.</p>

	<p>4.4 To appoint consultants to assist the Council where necessary, with the agreement of the Chairman of the Planning and Development Management Committee if the decision has been made by that Committee.</p>
<p>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</p>	<p>5. Enforcement Of Planning Control</p> <p>5.1 Generally:-</p> <ul style="list-style-type: none"> a) 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. 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. c) To serve Breach of Condition Notices. d) To serve Enforcement Notices and Listed Building Enforcement Notices. e) 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. f) To serve Stop Notices and Temporary Stop Notices. g) To make applications for Planning Enforcement Orders in respect of deliberately concealed unauthorised development. h) To bring prosecutions in respect of breaches of planning control. i) To make applications for an injunction to restrain breaches of planning control. j) To take all necessary enforcement action under the Planning (Hazardous Substances) Act 1990 and any amendment thereto. k) To serve Building Preservation Notices where there is an imminent threat of demolition of a building. l) To maintain for inspection registers of enforcement notices as required by statute. m) To determine the expediency of planning enforcement action. n) To serve completion notices. <p>5.2 Advertisements:-</p>

<p>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</p>	<ul style="list-style-type: none"> a) To serve Discontinuance Notices and removal notices under the Act and the Town and Country Planning (Control of Advertisements) Regulations 2007. b) To enforce the control of fly-posting through the obliteration and/or removal of any unauthorised placard or poster on private land. c) To bring prosecutions in respect of breaches of the Advertisement Regulations. <p>5.3 Neglected/ Untidy Land:-</p> <ul style="list-style-type: none"> 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. 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. c) To bring prosecutions in respect of breaches of Section 215 Notices..
<p>HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</p>	<p>6. Heritage</p> <p>6.2 To approve or refuse requests for grant aid for works to Listed Buildings or buildings within Conservation Areas within the approved budget.</p> <p>6.3 To issue Listed Building Repair Notices.</p> <p>6.4 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>6.5 To enter into Listed Building Heritage Partnership Agreements.</p> <p>6.6 To make Local Listed Building Consent Orders.</p>
<p>HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</p>	<p>7 Trees And Hedgerows</p> <p>1.1 Trees</p> <ul style="list-style-type: none"> a) To make, confirm and amend Tree Preservation Orders subject to confirmation (or otherwise) by the Chairman, Vice Chairman and Opposition Spokesperson in those cases where the Order is opposed. b) To determine applications for works to, including felling of, trees protected by Tree Preservation Orders including the imposition of any conditions.

	<ul style="list-style-type: none"> c) To serve Tree Replacement Notices under S207 of the Town and Country Planning Act 1990. d) To process notices under S211 of the Town and Country Planning Act 1990 (notices for works to trees in a conservation area). e) To approve or refuse requests for grant aid for works to protected trees and new planting within the approved budget. <p>7.2 Hedgerows</p> <ul style="list-style-type: none"> a) To make and confirm Hedgerow Retention and Replacement Notices. b) To determine applications under the Hedgerow Regulations 2007. <p>7.3 To bring proceedings for breach of tree preservation or hedgerow control..</p> <p>7.4 High Hedges</p> <p>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 proceedings.</p>
<p>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</p>	<p>E <u>BUILDING CONTROL</u></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> <ul style="list-style-type: none"> 1. Building Regulation Applications <ul style="list-style-type: none"> 1.1 Processing Building Regulation Applications. 1.2 Jointly with the Chief Finance Officer to operate the system of charging fees for applications, including ensuring that the correct fee has been paid under the approved charging scheme. 1.3 To issue all decision notices relating to the determination of building regulation applications. 1.4 Determination of Building Regulation Applications. 1.5 To determine applications under the Building Regulations. 1.6 To determine applications for relaxation of the Building Regulations. 1.7 To issue conditional notices of approval. 1.8 To determine amendments to approved schemes and to determine

	<p>whether the variation requires a further application and fee.</p> <p>1.9 To issue Certificates of Completion of Work.</p> <p>1.10 To deal with the submission of Building Notices under the Building Act.</p> <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>2. Other Building Control Matters</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>3. Contraventions</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>4. Miscellaneous Planning And Building Control Matters</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>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE OR DIRECTOR OF GROWTH AND REGULATORY SERVICES</p>	<p>F. <u>STRATEGIC HOUSING</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"> 1. All matters concerning the relationship between the Council and Trafford Housing Trust limited and other providers. 2. To discharge the Council's functions under legislation relating to homeless persons. 3. To deal with special circumstances not adequately provided for within the Council's allocations policy

	<p>4. In consultation with the Executive Portfolio Holder to:</p> <ul style="list-style-type: none">i) add further Section 106 planning agreement commuted sums and CIL payments to the Capital Programme, and:ii) approve future Registered Social Landlord schemes for grant funding.
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<p>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</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>A. ENVIRONMENT</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"> 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, the management of on and off street parking, abandoned vehicles and environmental enforcement. 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. 3. Authority to carry out the all duties of the Council's Chief Inspector of Weights & Measures is delegated to the Regulatory Services Manager (Trading Standards and Licensing). 4. To take direct action to remove unlawful itinerants' encampments from Council-owned and other land in certain circumstances. 5. To authorise all action required to repair and/or improve 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. 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

<p>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</p>	<p>the Director of Legal and Democratic Services, bringing proceedings under any appropriate legislation, statutory provisions and by-laws.</p> <p><u>Licensing</u></p> <p>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:</p> <ul style="list-style-type: none"> Amusement with prizes Betting and Gaming Certificates of Suitability Cinema and Cinema Clubs Dealers in Game Door Staff Entertainment Clubs (Part IX) Hackney Carriage Drivers and Proprietors House-to-House Collections Late Night Refreshment Houses Lotteries Motor Salvage Operators Nurses Agencies Performances of Hypnotism Pools Promoters Premises for the solemnisation of marriage Private Hire Drivers, Proprietors and Operators Prize Bingo Scrap Metal Dealers Street Collections Theatre Licences Track Betting <p>8. In accordance with the Licensing Act 2003, authority to determine:</p> <ul style="list-style-type: none"> (a) Applications for personal licences provided no objection is made; (b) Applications for premises licences/club premises certificates, provisional statements and to vary premises licences/club premises certificates provided no relevant representation is made; (c) Applications to vary designated premises' supervisor, for transfer of premises licences and for interim authorities provided that no police objection is made, and (d) Requests to be removed as designated premises supervisor <p>9. 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.</p> <p>10. To suspend the licence of a vehicle for reasonable cause where the vehicle owner has failed to renew the certificate of compliance.</p>
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<p>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</p>	<p>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> <p><u>Safety at Sports Grounds</u></p> <p>12. 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>13. 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>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</p>	<p><u>Public Health</u></p> <p>14. 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>15. To appoint suitably qualified persons to act as Public Analyst under Section 27 of the Food Safety Act 1990.</p> <p>16. To appoint suitably qualified persons to act as Agricultural Analyst under Section 67 of the Agriculture Act 1970.</p> <p>17. 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>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT, AND</p>	<p>B. <u>Highways, Engineering And Traffic Management</u></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <p>1. To exercise the Council's functions, powers and duties in respect of:</p>

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- (a) regulation of the use of the highway
- (b) protection of highways and highway users
- (c) the adoption of highways
- (d) the maintenance and improvement of public highways
- (e) dangerous or dilapidated buildings or structures, dangerous excavations and dangerous trees on land accessible to the public
- (f) abandoned vehicles
- (g) private streets and unadopted highways
- (h) interference with highways and streets
- (i) footpaths, cycleways and bridleways
- (j) sewers and land drainage
- (k) the management of on and off street parking
- (l) transport
- (m) fleet management and maintenance
- (n) Traffic Management Statutory Duty

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.

2. In relation to road traffic orders:

- (a) To make and implement temporary road traffic orders under the provisions of any relevant legislation.
- (b) Subject to there being no unresolved objection, to make and implement traffic regulation orders.

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.

4. To deal with all matters relating to the private street works code and to inspect and adopt sewers following private street works.

5. To exercise the Council's powers to name streets and require the renumbering of buildings in streets, subject to consultation with Ward Councillors.

6. To exercise the Council's powers and duties in relation to the safety of reservoirs.

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.

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.

<p>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT, AND INFRASTRUCTURE</p>	<ol style="list-style-type: none"> 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:- <ol style="list-style-type: none"> (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 Chairman, the Vice-Chairman 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>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE IN CONSULTATION WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</p>	<ol style="list-style-type: none"> 1. To determine applications for Definitive Map Modification Orders.

<p>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE</p>	<p>C. <u>Environmental 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"> 1. To manage and maintain the Council's parks, play areas and open spaces. 2. To give authorisation for events in the Borough's Parks, [in consultation with the Executive Portfolio Holder.] 3. Authority to let facilities in parks and recreation grounds. 4. To arrange exhibits for horticultural shows as required. 5. To exercise the Council's functions, powers and duties in relation to cemeteries, crematoria, burial grounds and memorials. 6. To exercise the Council's functions, powers and duties in relation to: <ol style="list-style-type: none"> (a) Refuse collection and recycling (b) Waste management (c) Street cleaning, including litter, refuse and controlled waste 7. To fix charges for refuse collection and recycling. 8. To exercise the Council's functions, powers and duties in relation to: <ol style="list-style-type: none"> (a) Nuisance vehicles (b) Graffiti and fly posting (c) Abandoned vehicles
<p>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE</p>	<p>D. OPERATIONAL SERVICES FOR EDUCATION</p> <ol style="list-style-type: none"> 1. All matters relating to the supply of school milk and school meals. 2. To negotiate with prospective suppliers with regard to charges which may be made for out-door media advertisements
<p>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE; DIRECTOR OF GROWTH AND</p>	<p>E HOUSING RENEWAL</p> <ol style="list-style-type: none"> 1. To issue licences and certificates as appropriate for licensing and accreditation schemes for privately rented properties. 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.

**REGULATORY
SERVICES;
HEAD
REGULATORY
SERVICES**

**OR
OF**

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<p>CORPORATE DIRECTOR CHILDREN, FAMILIES AND WELLBEING</p>	<p>The Corporate Director Children, Families and Wellbeing 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.</p>
<p>Except item 12 which is the responsibility of the Director of Human Resources and item 14 which is the responsibility of Access Trafford in T&R Directorate)</p>	<p>A. <u>EDUCATION SERVICES</u></p> <p>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:</p> <p><u>General</u></p> <ol style="list-style-type: none"> 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 Director of Legal and Democratic Services, 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><u>School Support Services</u></p> <ol style="list-style-type: none"> 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. 13. To arrange the secondment and transfer of staff with the approval of the Governors concerned.

<p>CORPORATE DIRECTOR CHILDREN, FAMILIES AND WELLBEING</p> <p>(Except item 12 which is the responsibility of the Director of Human Resources and item 14 which is the responsibility of Access Trafford in T&R Directorate)></p>	<p>14. To implement a scheme for assessing the eligibility of applicants for free school meals.</p> <p><u>Special Education – Education Health and Care Plans</u></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><u>School Improvement</u></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><u>Young People's Services</u></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><u>Miscellaneous</u></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><u>B. CHILDREN'S SERVICES</u></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</p>
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welfare of children and young people:

General

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.
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.
3. To manage the Council's Children's Services' establishments
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.
5. In consultation with the Director of Legal and Democratic Services, 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.
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.
7. Administering grants, loans, charges and other forms of assistance.
8. The determination of individual applications for provision under community care legislation and the implementation of such provision.
9. The administration of services for the welfare of children and young people with disabilities or mental health needs and their carers.
10. The receipt into the guardianship of the Council of such people with mental health problems for whom this may be appropriate.
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.

Adoption Services

12. To establish and maintain an Adoption Agency and engage fully in the development of the Regional Adoption Agency.
13. To exercise all the Council's functions as an adoption agency subject to future legislative changes related to Regional Adoption Agencies.
14. To establish and maintain an adoption service to meet the needs of children

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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.

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.

Fostering Services

16. To establish and maintain a Fostering Agency.
17. To exercise all the Council's functions as a fostering agency.
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.
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.

Secure Accommodation

20. The function of placing and reviewing the placement of children and young persons in secure accommodation.
21. To provide or arrange with another local authority the provision of sufficient secure accommodation.
22. Arrangements for the provision of accommodation, where necessary, with other authorities or organisations.

Day Care

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.

Private Fostering

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.
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.
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.
27. Approving, where required, applications by foster parents for residence orders and to pay appropriate allowances to foster parents.

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Investigation and Social Reports

28. To investigate a child's circumstances at the request of a court and to report to that court.
29. To make enquiries into the circumstances of any child the subject of an emergency protection order.
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.

Review of Children's Cases

31. To review the cases of children looked after within the appropriate timescales.

Charging for Services

32. Decisions regarding charging for services to children.

Miscellaneous

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.
34. To safeguard and promote the welfare of children in need in accordance with Section 17 Children Act 1989:-
 - 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:-

Schedule 2, paragraph 18(1), relating to the power to guarantee apprenticeship and articles of clerkship for children in need.
 - b) By undertaking the duties of the Local Authority mentioned in Parts 4 and 5 of the Children Act 1989.
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.
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.
37. To be consulted by the Court in regard to remands of individual children in criminal proceedings.

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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.
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.

Matters Relating to Income and Expenditure

40. To deal with matters relating to the collection of income as follows:-
- (a) To determine the contribution to be made by a young person accommodated by the department.
 - (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.
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.
- (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.
 - (b) To make payments and allowances for children in residential or fostering placements in accordance with the regional schedules and Council policy as below:
 - (i) Boarding Out Allowances

To increase future boarded out rates annually, in line with Northwest Association of Social Services Authorities recommendations, subject to adequate budgetary provision.
 - (ii) Discretionary Grants
 - (c) To make payments to non-parents looking after a child under residence orders.
 - (d) Authority to incur expenditure as appropriate following burial and cremation under the Children Act 1989, Schedule 2, paragraph 20.
42. To authorise:-
- (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.
 - (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>CORPORATE DIRECTOR CHILDREN, FAMILIES AND WELLBEING</p> <p>CHIEF EXECUTIVE</p>	<p>43. In respect of day nurseries, in accordance with Financial Procedure Rules, and in consultation with the Chief Finance Officer 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> <p><u>Local Safeguarding Children Board</u></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> <p><u>Reporting Arrangements</u></p> <p>47. Mandatory reporting to the relevant Government departments, agencies and inspectorates.</p>
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<p>CORPORATE DIRECTOR CHILDREN, FAMILIES AND WELLBEING</p>	<p>The Corporate Director Children, Families and Wellbeing 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><u>MATTERS RELATING TO ADULT SOCIAL SERVICES</u></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><u>General</u></p> <ol style="list-style-type: none"> 1. To manage the Council's Adult Social Services' functions and establishments. 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 Director of Legal and Democratic Services. To take into account the needs of carers in so doing. 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 Director of Legal and Democratic Services. 4. To ensure the provision of community and home based services. 5. The provision of equipment and adaptations to property. 6. The determination of individual applications for provision under the Care Act and the implementation of such provision. 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. 8. Arrangements for the provision of accommodation, where necessary with other authorities or organisations. 9. Administering grants, loans, charges and other forms of assistance, in accordance with Council policy and legislation. 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. 11. Arrangements for the burial or cremation of persons in the care of the Council, or where no other person takes responsibility.
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**CORPORATE
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WELLBEING**

12. The development of support and health improvement initiatives throughout the Borough, either independently or in partnership with local health bodies.

Safeguarding

13. To be responsible for ensuring appropriate practices and procedures are in place for safeguarding vulnerable adults.

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.

15. To arrange an independent advocate for adults who are subject to a safeguarding enquiry or Safeguarding Adults Review (SAR).

16. To set up a Safeguarding Adults Board or similar partnership vehicle to develop strategic safeguarding policy and practice.

17. To cooperate with relevant partners to protect adults.

Miscellaneous Matters

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.

19. Dealing with requests for access to personal files in accordance with the relevant legislation and regulations.

**DIRECTOR OF
PUBLIC
HEALTH**

PUBLIC HEALTH

Without prejudice to the specific delegations to the Director of Public Health the Corporate Director of Children, Families and Wellbeing will maintain a strategic overview of the discharge of the Council's functions in relation to public health.

The holder of the post of Director of Public Health shall be responsible for the management of the public health consultant function within the Children, Families and Well-being Directorate and the discharge of the statutory responsibilities of the Director of Public Health. This includes:

20. Preparing the annual report on the health of the local population

21. Responsibility for all of the Council's duties to take steps to improve public health

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.

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.

24. Carrying out of such other public health functions as the Secretary of State specifies in regulations

<p>DIRECTOR OF PUBLIC HEALTH</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> <p>The following mandatory (prescribed functions) and other (non prescribed) public health services will be commissioned by the Integrated Structure with clinical oversight and advice provided by the Public Health Consultant function under the guidance of the Director of Public Health:</p> <p>Mandatory (Prescribed Functions)</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> <p>Other (Non Prescribed Functions)</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>
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**CORPORATE
DIRECTOR
TRANSFORMATION
AND RESOURCES**

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

A. HUMAN RESOURCES

1. Authority, after consultation where appropriate with the Portfolio Holder, chairman 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.
2. 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.

B LIBRARIES

1. The management and control of all the Council's library facilities. This includes:

- (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;
- (b) authorising the emergency closure of premises and facilities, without notice, in the interests of public safety;
- (c) to agree seasonal and other variations in the hours of opening of facilities, and the closure of facilities at bank holidays;
- (d) selecting of books, periodicals and newspapers for the libraries;
- (e) permitting and organising exhibitions.

2. The development of library services throughout the Borough.

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.

C. SPORTS, LEISURE AND ARTS

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

General

1. All matters concerning the relationship between the Council, Trafford Community Leisure Trust and other sports and leisure providers with

**CORPORATE
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AND RESOURCES**

- whom we have a contractual arrangement.
2. With the exception of facilities operated by Trafford Community Leisure Trust and facilities within parks, the management and control of all the Council's sports, leisure and arts facilities. This includes:
 - (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;
 - (b) authorising the emergency closure of premises and facilities, without notice, in the interests of public safety;
 - (c) to agree seasonal and other variations in the hours of opening of facilities, and the closure of facilities at bank holidays;
 - (d) permitting and organising exhibitions.
 3. The development of sport and arts services throughout the Borough.
 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.
 5. To set ticket prices for arts events.

D ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

1. The exercise of all functions, powers and duties relating to Community Safety, including the taking of any appropriate enforcement action.
2. The issuing of notices and cautions and, in consultation with the Director of Legal and Democratic Services, bringing proceedings under any appropriate legislation, statutory provisions and by-laws.

E GENERAL

1. To grant or refuse applications for use of the Borough Badge.
2. To take necessary action to implement the Equality Standard for Local Government.

**CHIEF
FINANCE
OFFICER**

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 £500,000 per transaction;
 - b. Between £500,001 - £1,500,000 per transaction – delegation to be exercised in consultation with the Executive portfolio holder;
 - c. Over £1,500,000 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 Legal & Democratic Services 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 for Economic Growth and Prosperity) made by the Council.
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.

**CHIEF
FINANCE
OFFICER**

Borrowing and Investment

10. To raise money by any means permitted by statute and intra vires as is most appropriate at the relevant time.
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.
12. To act as Registrar for the Council's Mortgage, Bonds and similar schemes.

Debt Recovery

13. To administer the Council's procedures to deal with debt recovery.
14. Following consultation with appropriate Directors, to request the Director of Legal and Democratic Services 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.
15. To write-off individual items of irrecoverable income of up to £25,000 (excluding VAT) as specified in the Finance Procedure Rules.
16. To write off any income that is irrecoverable due to liquidation, bankruptcy or insolvency.
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 £25,000)

National Non-Domestic Rates

18. To charge, collect and recover any non-domestic rates payable.
19. To consider and determine applications for relief under Section 43 of the Local Government Finance Act 1988 (mandatory charitable relief).
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).
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).
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).
23. To prosecute and appear on behalf of the Council at any legal proceedings.

<p>CHIEF FINANCE OFFICER</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><u>Council Tax</u></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><u>Council Tax Support and Housing Benefit Rent Allowances and Rent Rebates)</u></p> <p>36. To administer the Council Tax support and housing benefits scheme and make all determinations necessary for its proper administration including:</p> <ul style="list-style-type: none"> a. determining the period benefit is awarded for, subject to any statutory maximum. b. determining applications for benefit to be backdated c. consider and determine the granting of additional relief in exceptional circumstances d. determining overpayments and pursuing recovery where appropriate e. considering appeals and attending Appeal Tribunals if required f. considering awards of extra Housing Benefit under discretionary powers g. where otherwise “exceptional hardship” would be caused.
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**CHIEF
FINANCE
OFFICER**

- 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.
- 38. To withhold benefit in circumstances to be defined in consultation with the Director of Legal and Democratic Services.
- 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

Appeals

**DIRECTOR OF
LEGAL AND
DEMOCRATIC
SERVICES**

To consider and determine all appeals relating to NNDR, Council Tax and Council Tax support

Adult Social Care - Matters Relating to Income and Expenditure

- 40. 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.
- 41. To offer deferred payments in line with the Care and Support (Deferred Payments Agreements) Regulations 2014
- 42. To ensure debt recovery is pursued in line with the Care Act and the Council's Care & Residential Services Debt Management & Recovery Policy
- 43. To protect the property of adults being cared for away from home in accordance with Section 47 of the Care Act

Discretionary Welfare Assistance

- 40. To administer the Discretionary Housing Payments Scheme including the setting of criteria, making payments and establishing a review procedure.
- 41. To administer and determine the award of discretionary Council Tax Support in accordance with Council policy.
- 42. To administer the Trafford Assist fund, including the setting of criteria, issuing awards and establishing review procedures.

<p>DIRECTOR OF HUMAN RESOURCES IN CONSULTATION WITH CHIEF FINANCE OFFICER</p>	<p><u>Human Resources</u></p> <p>43. To act in accordance with the Council's locally-agreed arrangements, including:-</p> <ul style="list-style-type: none"> a. To administer the payment of all remuneration, compensation and other emoluments to employees of the Council. 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. c. In consultation with the Chief Executive, to implement national and provincial pay awards within approved estimated. d. To approve or refuse applications for staff car leases in accordance with the Council's Salary Sacrifice Car Lease Scheme and applications for other salary sacrifice schemes. <p>44. To determine requests received from employees under the terms of the council's Voluntary Redundancy and Early Retirement Scheme where total costs associated with the request do not exceed £100,000 and the payback period does not exceed 5 years.</p>
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<p>CHIEF FINANCE OFFICER</p>	<p><u>Miscellaneous Matters</u></p> <p>45. 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>46. In consultation with the Director of Children, Families and Wellbeing to deal with all classes of improvement grants.</p> <p>47. In consultation with the Corporate Director of Children’s, Families and Wellbeing Services, determine, administer and action the Council’s Scheme for Financing Schools.</p> <p>48. To be the Council’s authorised signatory for all grant claims and bids made by the Council.</p> <p>49. 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>50. To be and to select other officers under the Chief Finance Officer’s direct managerial control to be bank signatories.</p> <p>51. To approve holders of Credit and Purchase cards in the Council’s name.</p> <p>52. To approve all leases or similar credit arrangements (excluding property related).</p> <p>53. To exercise the following privileges, and to extend these privileges to other officers who are under the Chief Finance Officers’ direct managerial control:</p> <ul style="list-style-type: none"> a. Enter any Council premise at any time pursuant to investigations of financial irregularity and/or to secure any asset or documentation b. To request any Council officer or Member to produce and release any Council monies, instruments, stocks, financial record or other asset immediately c. To give instruction to any Council officer or Member pursuant to investigations of financial irregularity and/or to prevent financial loss or liability being incurred 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 e. To determine whether any matter of financial irregularity and/or corruption will be brought to the attention of the Police f. To require any officer of the Council to fully cooperate with any investigation of financial irregularity
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DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES	<p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <p><u>General</u></p> <ol style="list-style-type: none"> 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 chairmen 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.
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**DIRECTOR
OF LEGAL
AND
DEMOCRATIC
SERVICES**

16. To maintain the Local Land Charges' register, respond to local searches and deal with the registration of Common Land etc.
17. To apply for injunctions in appropriate cases in pursuance of the Council's statutory functions and duties or to protect people or property.
18. Authority to act jointly with the Chief Finance Officer in respect of paragraph 6 of the Accounts and Audit Regulations 2011.
19. To administer the Members' Scheme of Allowances.
20. To set a reasonable fee for supplying a copy of the Independent Remuneration Panel's report to interested parties.

Planning and Highways

21. In consultation with the Corporate Director of Economic Growth, Environment and Infrastructure to enter into agreements and bonds with developers or others in accordance with planning and highway legislation
22. Jointly with the Head of Planning Services authority to determine applications for Certificates of Lawful Use or Development.
23. Jointly with the Head of Planning Services authority to issue Stop Notices and take further enforcement action and, in other cases, serve Enforcement Notices, Stop Notices or Breach of Condition Notices.
24. 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.
25. Authority to lodge objections to vehicle operators' licences, in consultation with the Corporate Director of Economic Growth, Environment and infrastructure, 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.

Mortgages

26. At the request of the Chief Finance Officer to take action (including the institution and prosecution of Court proceedings), against mortgagors who are persistently in default.
27. 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.
28. In consultation with the Chief Finance Officer, 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.

**DIRECTOR
OF LEGAL
AND
DEMOCRATIC
SERVICES**

Asset Management

29. 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.
30. 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.

Local Government Standards

31. To maintain a register of member's interests consistent with the adopted Code of Conduct.
32. To decide on whether to investigate or reject or informally resolve a complaint and to arrange an investigation (having consulted with the Independent Person).
33. To refer an investigation finding of breach to the Standards Committee for hearing (having consulted with the Independent Person).
34. To determine requests for dispensation on grounds 1-3 below, subject to a member's right to appeal to the Standards Committee:

The grounds are:

- (1) So many members have disclosable personal interests (dpi's) that it would impede the transaction of the business;
- (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;
- (3) Without the dispensation, every member of the Executive would have a (dpi) prohibition from participating.

Appointment of Officers

1. As set out in Article 12 of the Constitution, the following designations have been made:
 - a) The Chief Executive is designated Head of Paid Service in accordance with section 4 of the Local Government and Housing Act 1989
 - b) The Director of Legal and Democratic Services is designated Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989. The Principal Solicitor (Corporate and Commercial) is designated as the Deputy Monitoring Officer.
 - c) The Chief Finance Officer is designated as the Statutory Chief Finance Officer in accordance with section 151 of the Local Government Act 1972. The Head of Financial Management is designated as the Deputy Statutory Chief Finance Officer.
2. The Chief Executive is appointed Returning Officer for any constituency or part of a constituency coterminous with or contained in the Borough of Trafford
3. The Chief Executive is appointed Returning Officer for the elections of Councillors for the Borough of Trafford and of Councillors for parishes within the Borough.
4. The Chief Executive is appointed Registration Officer for any constituency or part of a constituency coterminous with or contained in the Borough of Trafford.
5. The Chief Executive following consultation with the Leader of the Council may appoint a Corporate Director to the role of Deputy Chief Executive on such terms and conditions including remuneration, as the Chief Executive sees fit. The Deputy Chief Executive shall:
 1. undertake any duties delegated to him/her by the Chief Executive
 2. perform duties of the Chief Executive set out in this Constitution either;
 - (i) upon the instruction of the Chief Executive; or
 - (ii) upon the instruction of the Leader of the Council when the Chief Executive is absent from his/her duties for whatever reasons for a period of five consecutive working days or more. During such times, the Deputy Chief Executive shall undertake any of the powers of the Chief Executive set out in this Constitution, except where the Constitution already provides for deputising arrangements (for example, Proper Officer functions)
6. The Director of Legal and Democratic Services is appointed as the officer who may do acts in respect of Registration in the event of the Chief Executive's absence or incapacity
7. The Corporate Director Children, Families and Wellbeing is appointed as the Statutory Director of Children' Services under section 18 of the Children Act 2004

8. The Corporate Director Children, Families and Wellbeing is appointed as the Statutory Director of Social Service (Adults) under section 6 of the Local Authority Social Services Act 1970
9. The Head of Governance is appointed as the Statutory Scrutiny Officer under the Local Democracy, Economic Development and Construction Act 2009
10. The Director of Public Health is appointed as the Statutory Director of Public Health as required under the Health and Social Care Act 2012.
11. The officers specified in the following table are appointed Proper Officer for the purpose of the respective functions specified in relation to them:

Registration Service Act 1953		
Reference	Description	Proper Officer
S3, 9,13 & 20	Registration of Births, Deaths and Marriages	Director of Legal and Democratic Services (Head of Legal Services)
Local Government Act 1972		
Reference	Description	Proper Officer
S 83	Witness and receipt of declaration and acceptance of office	Chief Executive (Director of Legal and Democratic Services)
S 84	Receipt of written notice of resignation of office	Chief Executive (Director of Legal and Democratic Services)
S 88(2)	Convening of meeting of the Council to fill a casual vacancy in the office of Chairman	Chief Executive (Director of Legal and Democratic Services)
S 89(1)(b)	Receipt of notice of casual vacancy in the office of Councillor from two local government electors	Chief Executive (Director of Legal and Democratic Services)
S 100B	Exclusion of parts from reports open to inspection	Director of Legal and Democratic Services
S 100C(2)	Responsibility to prepare a written summary of those parts of the committee proceedings which disclose exempt information	Director of Legal and Democratic Services
S 100D	Responsibility for identifying background papers and compiling list of such documents	For each report, the officer named in it as the responsible officer
S 100F(2)	Decision to exclude from production to Members documents disclosing exempt information	Chief Executive (Director of Legal and Democratic Services)
S 115	Responsibility for receipt of money due from officers	Chief Finance Officer

S 146(1)	Authorisation to produce a declarations and certificates with regard to securities	Chief Finance Officer
S 191	Functions with regard to Ordnance Survey	Corporate Director Economic Growth, Environment and Infrastructure.
S 210	Officer in whom power in respect of a charity will vest as at 1 April 1974	Director of Legal and Democratic Services
S 225(1)	Deposit of documents and giving of acknowledgements or receipts.	Director of Legal and Democratic Services
S 229	Certification of photographic copies of	Director of Legal and Democratic Services
S 234(1)	Authentication of documents	Director of Legal and Democratic Services
S 238	Certification of byelaws	Director of Legal and Democratic Services
Para 4(2)(b) of Part 1 of Schedule 12	Officer who may sign a summons to council meetings	Chief Executive (Any Corporate Director/Director of Legal and Democratic Services)
Para 4(3) of Part 1 of Schedule 12	Receipt of notices from Members regarding address to which a summons to a meeting is to be sent	Chief Executive (Director of Legal and Democratic Services)
Local Government Act 1974		
Reference	Description	Proper Officer
S 30 (5)	Publication of notice of Local Commissioner's report on investigation of a complaint	Director of Legal and Democratic Services
Local Government (Miscellaneous Provisions) Act 1976		
Reference	Description	Proper Officer
S 41	Certification of copies of resolutions, minutes and other documents	Director of Legal and Democratic Services
Rates Act 1984		
Reference	Description	Proper Officer
S 7	Certification of rate	Chief Finance Officer
Local Government and Housing Act 1989		

Reference	Description	Proper Officer
S 2	Preparation of list of politically restricted posts	Corporate Director Transformation and Resources
S 15, 16, 17	Receipt of notices relating to political groups	Chief Executive (Director of Legal and Democratic Services)
Local Government (Committees and Political Groups) Regulations 1990		
Reference	Description	Proper Officer
S 8 (1) and (5)	Receipt of notice of constitution of a political group, or the change of name of a political group	Chief Executive (Director of Legal and Democratic Services)
S 9 and 10	Receipt of notice of Councillor's membership of, or cessation of membership of, a political group	Chief Executive (Director of Legal and Democratic Services)
S 13	Officer to whom the wishes of a political group are expressed	Chief Executive (Director of Legal and Democratic Services)
S 14	Responsibility for notifying a political group about allocations and vacancies of seats	Chief Executive (Director of Legal and Democratic Services)
The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012		
Reference	Description	Proper Officer
Reg 5 (2)(3)and (4)	Responsibility to produce a notice giving 28 days' notice of its intention to hold a meeting in private.	Director of Legal and Democratic Services
Reg 5 (6)and (7)	Responsibility to gain approval from the Chairman of Scrutiny Committee to the consideration of an item in private where notice in accordance with Regulation 5 (2) was not practical and the publication of the notice thereafter.	Director of Legal and Democratic Service
Reg 6	Responsibility for giving notice of the time and place of a public meeting.	Director of Legal and Democratic Service
Reg 7	Responsibility to ensure that certain copy documents are available for public inspection	Director of Legal and Democratic Services
Reg 9 (1), (2) and (3)	Responsibility to produce a notice giving 28 days' notice of its intention to take a key decision.	Director of Legal and Democratic Services

<i>Reg 10</i>	Responsibility to inform the Chairman of Scrutiny Committee of the intention to take a key decision where notice in accordance with Regulation 9 was not practical and the publication of the notice thereafter.	Director of Legal and Democratic Services
<i>Reg 11</i>	Responsibility for dealing with cases of special urgency.	Director of Legal and Democratic Services
<i>Reg 12</i>	Responsibility for the recording of executive decisions taken at meetings	Director of Legal and Democratic Services
<i>Reg 13(1), (2) and (3) and Reg 14</i>	Responsibility for the recording of executive decisions taken by individual members	Director of Legal and Democratic Services
<i>Reg 13 (4) and Reg 14</i>	Responsibility for the recording of executive decisions taken by Officers	Relevant Corporate Director
<i>Regs 15 and 21</i>	Responsibility for ensuring that background papers are available for inspection	Director of Legal and Democratic Services
<i>Reg 20</i>	Officer who may form an opinion as to whether a document contains or is likely to contain information confidential information, exempt information or the advice of a political advisor or assistant	Director of Legal and Democratic Services
The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000		
Reference	Description	Proper Officer
<i>Reg 4</i>	Publication of the number that is equal to 5 per cent of the number of local government electors for the authority's area	Head of Governance
<i>The Local Authorities (Standing Orders) (England) Regulations 2001</i>		
Section	Description	Proper Officer
<i>Reg 3 & 4 and Schedule 1</i>	Officer for receiving notification of proposed appointment of certain officers, notifying executive members of that proposed appointment and for receiving and notifying of objections to the proposed appointment. This officer is the proper officer referred to in the Officer Employment Procedure Rules set out in Part 3 of the Constitution	Chief Executive

12. The officer of the Council named in the second column below is appointed the Proper Officer of the Council in relation to references to the officer named in the first column in:

- (i) any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before the 26 October 1972 which reference is to be construed as a reference to the proper officer of the Council;
- (ii) any reference in any local statutory provision which, by virtue of any Order made under the Local Government Act 1972, is to be construed as a reference to the proper officer of the Council.

**1.
Reference**

Town Clerk or Clerk of the Council

Treasurer

Surveyor

**2.
Proper Officer**

Chief Executive

Chief Finance Officer

Corporate Director of Economic Growth,
Environment and Infrastructure

13. This schedule of appointments is to be read in conjunction with the Scheme of Delegation to Officers (Part 3 Section 4 of the Council's Constitution) which contains information about other functions delegated to, and exercisable, by officers.
14. The deputy Proper Officer, if any, is given in brackets after the Proper Officer. The deputy Proper Officer is appointed to act where the Proper Officer is absent and/or unable to act for any reason. An officer appointed as a Proper Officer may also make arrangements for the carrying out of the relevant duties and functions by another officer. In the event of an officer being for any reason unable to act or the post being vacant the Chief Executive or in their absence, the Director of Legal and Democratic Services, and in the absence of both, the Chief Finance Officer, shall nominate an officer to act in their stead.
15. Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no Proper Officer appointment has, for the time being, been made either in accordance with this schedule of Proper Officer functions or the Scheme of Delegation to Officers.