

**SUPPLEMENTARY PAPERS FOR THE  
ANNUAL MEETING OF THE COUNCIL**

**Date: Wednesday, 25 May 2016**

**7. SHADOW EXECUTIVE**

To note the membership of the Shadow Executive.

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**12. DELEGATION OF FUNCTIONS AND AMENDMENTS TO THE  
CONSTITUTION**

To receive the revised Executive and Officer Schemes of Delegation.

3 - 108

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## TRAFFORD COUNCIL

**Report to:** Annual Meeting of the Council  
**Date:** 25 May 2016  
**Report for:** Information  
**Report of:** Chief Executive

### Report Title

**SHADOW EXECUTIVE**

### Summary

To note the Members of the main opposition with shadow responsibility for the Executive portfolio areas.

### Recommendation(s)

To note the members of the Shadow Executive as set out in the Appendix.

Contact person for access to background papers and further information:

**Name:** Ian Cockill  
**Extension:** 1387

Background Papers: None.

**MEMBERSHIP OF THE SHADOW EXECUTIVE 2016/17**

<u>Councillor</u>	<u>PORTFOLIO</u>
Andrew Western (Leader)	Reshaping Trafford
Catherine Hynes (Deputy Leader)	Communities and Partnerships
Joanne Harding	Adult Social Services and Community Wellbeing
Jane Baugh	Children's Services
Stephen Adshead	Economic Growth, Environment and Infrastructure
Tom Ross	Finance
Anne Duffield	Transformation and Resources

**Deputy Shadow Executive Members**

Denise Western	Communities and Partnerships
Karina Carter	Adult Social Services and Community Wellbeing
Sophie Taylor	Children's Services
Mike Cordingley	Economic Growth, Environment and Infrastructure
Kevin Procter	Finance
Barry Brotherton	Transformation and Resources

*Note: The Members' Allowances Scheme specifies that Shadow Executive arrangements should reflect the composition of the Council's Executive, thus:*

- (a) the Shadow Executive must be composed of identical portfolio areas; and*
- (b) the number of Members appointed to the Shadow Executive (including the Members appointed as Leader and Deputy Leader) must be equal to or less than the number of Members appointed to the Executive.*

## PART 3

### RESPONSIBILITY FOR FUNCTIONS

#### Proposed Amendments for 2016/17

Amendments to the terms of reference to the following portfolios

- Adults Social Care – deleted references to Lead Member and added responsibilities for Mental Health
- Children’s – deleted references to Lead Member
- Economic Growth and Planning and Environment Transport and Operations portfolios deleted
- Economic Growth, Environment and Infrastructure – new portfolio

Deleted references to lead Member roles for Safeguarding, Sports, Culture and Leisure and Integration of Health and Social Care.

Amended Officer delegations - Minor changes to wording

Chief Finance Officer - to reflect change of title of the S151 Officer.

Human Resources – minor changes to wording

Economic Growth, Environment and Infrastructure - minor changes to wording

Page 13 – the Committee

Page 42 – the Executive Portfolio

Pages 75–86 – the officers scheme

## RESPONSIBILITY FOR FUNCTIONS

### 1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function		Decision making body and Delegations
1.	Any function under a Local Act in so far as it relates to registration, licensing and regulatory functions. All other functions under the Act shall be executive functions.	The appropriate regulatory committee
2.	The determination of any appeal against any decision made by or on behalf of the Authority for which no specific provision has been made.	The Appointments and Appeals Committee or such other body or person as is specified in relevant council policies.
3.	The making of arrangements pursuant to subsection (1) of the Education Act 2002 as amended by S4 of the Education Act 2011 and the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012	The Director of Legal and Democratic Services is given delegated authority to appoint to and make changes to Panels and to make all necessary arrangements for the determination of appeals in accordance with prescribed regulations and guidance.
4.	The making of arrangements pursuant to section 94(1) and (4) and schedule 4 of the Education Act 2002 and the School Admissions (Appeals Arrangements) (England) regulations 2012.	As 3 above.
5.	The making of arrangements pursuant to s95 (2) SSFA 1998 and schedule 4 of the EA 2002 and school admissions (appeals arrangements) (England) regulations 2012	As 3 above.
6.	The making of arrangements to ask questions on police matters at council meetings to be put on the discharge of the functions of the Police and Crime Commissioner.	The Council

	<b>Function</b>	<b>Decision making body and Delegations</b>
7.	The conducting of Best Value Reviews in accordance with the provisions of any order for the time being having effect under Section 5 (best value reviews) of the Local Government Act 1999.	The Executive in consultation with the relevant Overview and Scrutiny Committee.
8.	Any function relating to contaminated land.	The Council is responsible for the adoption or approval of any plan or strategy after the submission of a draft by the Executive. All other functions are delegated to the Corporate Director of Economic Growth, Environment and Infrastructure for determination in accordance with the Scheme of Delegation to Officers.
9.	The discharge of any function relating to the control of pollution or the management of air quality. (Pollution Prevention and Control Act 1999; Part IV, Environment Act 1995; Part I, Environmental Protection Act 1990; Clean Air Act 1993)	The Council is responsible for the adoption or approval of any plan or strategy after the submission of a draft by the Executive. All other functions are delegated to the Corporate Director of Economic Growth, Environment and Infrastructure for determination in accordance with the Scheme of Delegation to Officers.
10.	The service of an abatement notice in respect of a statutory nuisance.	Council function delegated to the Corporate Director of Economic Growth, Environment and Infrastructure for determination in accordance with the Scheme of Delegation to Officers.
11.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Borough.	The Council

	<b>Function</b>	<b>Decision making body and Delegations</b>
12.	The inspection of the Authority's area to detect statutory nuisance.	Council function delegated to the Corporate Director of Economic Growth, Environment and Infrastructure for determination in accordance with the Scheme of Delegation to Officers.
13.	The investigation of any complaint as to the existence of a statutory nuisance.	Council function delegated to the Corporate Director of Economic Growth, Environment and Infrastructure for determination in accordance with the scheme of Delegation to Officers.
14.	The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	The Council, except to the extent that it relates to actions preliminary to the exercise of powers to make Compulsory Purchase Orders which is an Executive function.  Delegated in both cases to the Director of Legal and Democratic Services.
15.	The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Council, except to the extent that it relates to actions preliminary to the exercise of powers to make Compulsory Purchase Orders which is an Executive function.  Delegated in both cases to the Director of Legal and Democratic Services.
16.	The making of agreements for the execution of highway works under s.278, s.38, s.6, s.8, s.72, s.184 of the Highways Act 1980, s.111 of the Local Government Act 1972, s.23 of the New Roads and Streetworks Act 1991	Executive function delegated to the Corporate Director of Economic Growth, Environment and Infrastructure for determination in accordance with the Scheme of Delegation to Officers.

	<b>Function</b>	<b>Decision making body and Delegations</b>
17.	<p>The appointment of any individual –</p> <p>(a) to any office other than an office in which he is employed by the authority</p> <p>(b) to any body other than</p> <p style="margin-left: 20px;">i) the authority</p> <p style="margin-left: 20px;">ii) a joint committee of two or more authorities or</p> <p>(c) to a Committee or Sub-Committee of such a body</p> <p>and the revocation of any such appointment.</p>	The Council insofar as the appointment does not relate to an Executive function.
18.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	The Executive
19.	Any function of the local authority in its capacity as a harbour authority.	The Council

## 2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

Committee	Membership	Functions
Accounts and Audit Committee	7 members of the Authority	<p><b><u>Statement of Purpose</u></b></p> <p>The purpose of the committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.</p> <p><b><u>Composition</u></b></p> <p>Membership of the Audit and Accounts Committee shall comprise 7 Members, be politically balanced and shall not include any Members of the Executive. A non voting member, with appropriate skills and experience, may be co-opted on to the Committee with the approval of the Council.</p> <p><b><u>Terms of Reference</u></b></p> <p><b><u>Internal and External Audit</u></b></p> <ul style="list-style-type: none"> <li>a) Review and approve (but not direct) the terms of reference for Internal Audit, an Internal Audit strategy and internal audit resourcing.</li> <li>b) Review and approve (but not direct) the annual Internal Audit work programme. Consider the proposed and actual Internal Audit coverage and whether this provides adequate assurance on organisations main business risks, review the performance of Internal Audit.</li> <li>c) Receive summary internal audit reports and seek assurance on the adequacy of management response to internal audit advice, recommendations and action plans.</li> <li>d) Review arrangements made for cooperation between Internal Audit, External Audit and other review bodies and ensure that there are effective relationships which actively promote the value of the audit process.</li> <li>e) Receive the Annual Internal Audit report and opinion.</li> <li>f) Review and consider proposed and actual External Audit coverage and its adequacy and consider the reports of external audit and inspection agencies.</li> <li>g) Receive updates from External Audit on External Audit findings and opinions (including the audit of the annual financial statements and the value for money conclusion)</li> </ul>

Committee	Membership	Functions
Accounts and Audit Committee (continued)		<p>and seek assurance on the adequacy of management response to External Audit advice, recommendations and action plans.</p> <p><b><u>Risk Management</u></b></p> <p>a) Review the adequacy of arrangements for identifying and managing the organisation's business risks, including partnerships with other organisations. This includes review of the Council's risk management policy and strategy and their implementation.</p> <p>b) Review the robustness of the strategic risk register and the adequacy of associated risk management arrangements.</p> <p>c) Receive and consider regular reports on the risk environment and associated management action.</p> <p><b><u>Internal Control Arrangements, Corporate Governance and the Annual Governance Statement</u></b></p> <p>a) Review the effectiveness of corporate governance arrangements and internal control across the organisation and the adequacy of action taken to address any weaknesses or control failures.</p> <p>b) Conduct a critical review of the proposed Annual Governance Statement (AGS), which is a key assurance statement required to be completed each year in accordance with the Accounts and Audit Regulations 2011. The review includes the procedures followed in its completion and the content of the Statement to consider:</p> <ul style="list-style-type: none"> <li>• how meaningful the AGS is;</li> <li>• the robustness of the evidence and assurances on which the AGS is based; and</li> <li>• whether the AGS discloses adequately the organisations actions for addressing any significant internal control weaknesses disclosed within the statement.</li> </ul> <p>c) Make recommendations for amendment of the AGS and the associated procedures.</p> <p><b><u>Anti - Fraud and Corruption Arrangements</u></b></p> <p>a) Review and ensure the adequacy of the organisation's Anti - Fraud &amp; Corruption policy and strategy and the effectiveness of their application throughout the Authority.</p> <p>b) Review and ensure that adequate arrangements are</p>

Committee	Membership	Functions
Accounts and Audit Committee (continued)		<p>established and operating to deal with situations of suspected or actual fraud and corruption.</p> <p><b><u>Accounts</u></b></p> <p>a) Approve the annual Statement of Accounts, including subsequent amendments.</p> <p>b) Consider the External Auditor's report on the audit of the annual financial statements.</p> <p>c) Be responsible for any matters arising from the audit of the Council's accounts, including the auditor's opinion on the accounts, identification of any misstatements, comments on the accounting and internal control systems and qualitative aspects of accounting practices and financial reporting.</p> <p><b><u>Access and Reporting</u></b></p> <p>a) To have the right of access to senior officers and all committees of the Council.</p> <p>b) To report directly to the Executive or Council, as appropriate, on matters within these terms of reference.</p> <p><b><u>Delegation</u></b></p> <p>In exercising the power and duties assigned to the Committee in its terms of reference, the Audit and Accounts Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.</p>
Appointments and Appeals Panel	All members of the authority - smaller numbers of Members will constitute individual panels.	<p>To act as the Council's appeals body regarding appeals other than those for which specific arrangements have been established.</p> <p>To be responsible for staff appointment and related matters regarding</p> <ul style="list-style-type: none"> <li>• short-listing applicants and appointments of Corporate Directors and Directors</li> <li>• appeals in accordance with the disciplinary and grievance procedures</li> <li>• appeals by employees against grading</li> </ul>
Employment Committee	7 members of the Authority	<p><b><u>Terms of Reference</u></b></p> <ol style="list-style-type: none"> <li>1. To determine collective and corporate terms and conditions of employment.</li> <li>2. To consider any matter referred to the Committee by the Head of Paid Service or Corporate Director Resources.</li> </ol>

Committee	Membership	Functions
Employment Committee (continued)		<p>3. To consider, approve and adopt any new or significant revision to existing corporate human resources strategies and policies in so far as they relate to the appointment, terms and conditions of employment and dismissal of staff.</p> <p>4. To determine any other matters relating to the appointment, terms and conditions of employment and dismissal of staff which are neither covered by policies of the Council nor delegated to Officers under the Scheme of Delegation.</p> <p><u>Delegation</u></p> <p>The Executive Member with responsibility for Strategic HR and the Corporate Director Resources will notify/keep the Committee informed of all other relevant HR related issues, as required.</p> <p>In exercising the above powers and responsibilities, the Committee shall have delegated power (subject to Council Procedure Rule 9 - Call-in of Decisions taken under Delegated Powers) to make decisions on behalf of the Council, except for any matter where:</p> <ul style="list-style-type: none"> <li>• the Head of the Paid Service determines the matter should be considered by full Council, or</li> <li>• the Council has resolved to determine the matter</li> </ul> <p>[Note: The Committee may itself determine not to exercise its delegated powers and instead make recommendations to Council]</p>
Licensing Committee	15 members of the Authority	<p><u>Terms of Reference</u></p> <p>1. To exercise the Council's licensing functions under the Licensing Act 2003 with the exception of any function conferred on the Council under Section 5 of the Act (statement of licensing policy).</p> <p>2. In respect of each 5 year period, in consultation with the Executive, to formulate or prepare for approval by the Council its policy with respect to the exercise of its licensing functions under the Licensing Act 2003.</p> <p>3. To keep the policy with respect to the exercise of its licensing functions under the Licensing Act 2003 under review and recommend any revisions to the policy to the Council.</p> <p>4. To exercise the Council's licensing functions under the Gambling Act 2005 with the exception of any function conferred on the Council under Section 349 of the Act (statement of licensing policy).</p>

Committee	Membership	Functions
Licensing Committee (continued)		<p>5. To exercise powers in relation to the following functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:</p> <ul style="list-style-type: none"> <li>(i) all licensing and registration functions except those relating to town and country planning and the regulation of the use of the highway;</li> <li>(ii) functions under any 'relevant statutory provision' within the meaning of Part I of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer; and</li> <li>(iii) associated functions under any local Act.</li> </ul> <p>6. To establish one or more Sub-Committees under Section 10(1) of the Licensing Act 2003 and Section 154 of the Gambling Act 2005 consisting of three members of the Licensing Committee for the discharge of functions exercisable by the Committee under the Licensing Act 2003 and the Gambling Act 2005. The functions to be exercised by the Sub-Committees include the functions set out at Appendix 1 and Appendix 2. Licensing Act and Gambling Act Sub-Committees shall be chaired in accordance with the protocol set out at Appendix 3.</p> <p>7. To establish a Safety at Sports' Grounds Sub-Committee consisting of three Members of Council to oversee the exercise of the Council's functions in relation to safety at sports' grounds.</p> <p>8. To establish a Public Protection Sub-Committee for the discharge of all other licensing, registration and regulatory functions within the terms of reference of the Licensing Committee not covered by the sub-committees in paragraphs 6 and 7 above. That in establishing a Public Protection Sub-Committee this is to be a Sub-Committee of 9 Members (5:3:1) with up to 5 substitute Members for the Sub-Committee Members being allowed (3:2:0). The substitute Members for the Sub-Committee can only be nominated from the membership of the Licensing Committee.</p> <p><u>Delegation</u></p> <p>In exercising the power and duties assigned to them in their terms of reference, the Licensing Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.</p>

Committee	Membership	Functions				
Licensing Committee (continued)		<u>Appendix 1 to the Licensing Committee's Terms of Reference</u>				
		Delegated Functions				
		Matter to be dealt with	Full Committee	Sub Committee	Officers	
		Application for personal licence		If a police objection is made	If no objection is made	
		Application for personal licence with unspent convictions		All Cases		
		Application for premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made	
		Application for provisional statement		If a relevant representation is made	If no relevant representation is made	
		Application to vary premises licence/club premises certificate		If a relevant representation is made	If no relevant representation is made	
		Application to vary designated premises supervisor		If a police objection is made	All other cases	
		Request to be removed as designated premises supervisor			All cases	
		Application for transfer of premises licence		If a police objection is made	All other cases	
		Application for interim authorities		If a police objection is made	All other cases	
		Application to review premises licence/club premises certificate		All cases		
		Decision to Serve Counter Notice to Temporary Event Notice		All cases		

Committee	Membership	Functions				
Licensing Committee (continued)		<u>Appendix 2 to the Licensing Committee's Terms of Reference</u>				
		Delegated Functions				
		Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers	
		Final approval of three year licensing policy	X			
		Policy not to permit casinos	X			
		Fee setting (when appropriate)			X	
		Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
		Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
		Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission	
		Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
		Review of a premises licence		X		
		Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn	
		Cancellation of club gaming/club machine permits		X		
		Application for other permits			X	
		Cancellation of licensed premises gaming machine permits			X	
Consideration of temporary use notice			X			
Decision to give a counter notice to a temporary use notice		X				

Committee	Membership	Functions												
Licensing Committee (continued)		<p data-bbox="603 232 1410 264"><u>Appendix 3 to the Licensing Committee's Terms of Reference</u></p> <p data-bbox="603 297 954 329">List of proposed Chairmen</p> <table border="1" data-bbox="608 353 1465 730"> <thead> <tr> <th data-bbox="608 353 1294 421">Title</th> <th data-bbox="1294 353 1465 421">Order of Priority</th> </tr> </thead> <tbody> <tr> <td data-bbox="608 421 1294 477">Chairman of Licensing Committee</td> <td data-bbox="1294 421 1465 477">1</td> </tr> <tr> <td data-bbox="608 477 1294 544">Vice-Chairman of Licensing Committee</td> <td data-bbox="1294 477 1465 544">2</td> </tr> <tr> <td data-bbox="608 544 1294 611">Opposition Spokesperson for Licensing Committee</td> <td data-bbox="1294 544 1465 611">3</td> </tr> <tr> <td data-bbox="608 611 1294 678">Member of Licensing Committee</td> <td data-bbox="1294 611 1465 678">4</td> </tr> <tr> <td data-bbox="608 678 1294 730">Member of Licensing Committee</td> <td data-bbox="1294 678 1465 730">5</td> </tr> </tbody> </table> <p data-bbox="603 763 1474 824">Note: the order of priority is applicable when more than one chairman is a member of the same Sub-Committee.</p>	Title	Order of Priority	Chairman of Licensing Committee	1	Vice-Chairman of Licensing Committee	2	Opposition Spokesperson for Licensing Committee	3	Member of Licensing Committee	4	Member of Licensing Committee	5
Title	Order of Priority													
Chairman of Licensing Committee	1													
Vice-Chairman of Licensing Committee	2													
Opposition Spokesperson for Licensing Committee	3													
Member of Licensing Committee	4													
Member of Licensing Committee	5													
Planning and Development Management Committee	13 members of the Authority	<p data-bbox="603 853 868 884"><u>Terms of Reference</u></p> <ol style="list-style-type: none"> <li data-bbox="603 920 1474 1122">1. To exercise powers in relation to planning and development management over development proposals in the Borough in the context of Government and Council policies and guidance in order to maintain and improve the quality of life and the natural and built environment of the Borough.</li> <li data-bbox="603 1155 1474 1592">2. To exercise powers in relation to the following functions as specified in schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended: <ol style="list-style-type: none"> <li data-bbox="699 1323 1150 1355">(i) town and country planning;</li> <li data-bbox="699 1388 1474 1491">(ii) the protection and registration of common land or town and village greens and to register the variation of rights of common; and</li> <li data-bbox="699 1525 1474 1592">(iii) the exercise of powers relating to the regulation of the use of highways.</li> </ol> </li> </ol> <p data-bbox="603 1626 746 1657"><u>Delegation</u></p> <p data-bbox="603 1691 1474 1827">In exercising the power and duties assigned to them in their terms of reference, the Planning and Development Management Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.</p>												
Standards Committee	11 members of the Authority and 5 non-voting	<p data-bbox="603 1901 868 1933"><u>Terms of Reference</u></p> <ol style="list-style-type: none"> <li data-bbox="603 2000 1362 2031">1. To promote and maintain high standards of conduct.</li> </ol>												

Committee	Membership	Functions
	<p>co-optees comprised of 2 parish representatives and 3 independent members</p>	<ol style="list-style-type: none"> <li>2. To make recommendations to Council on the council's code of conduct and its register of interests.</li> <li>3. To determine by way of its Hearing Panel whether a breach of the code has occurred; if so, whether to take any action and, if so, what action to take.</li> <li>4. To determine appeals from the Monitoring Officer's decision on dispensations.</li> </ol> <p><u>Delegation</u></p> <p>In exercising the power and duties assigned to the Committee in its terms of reference, the Standards Committee shall have delegated power to resolve and to act on behalf of and in the name of the Council.</p>
<p><b>Health and Well-Being Board</b> (established in accordance with S194 of the Health and Social Care Act 2012).</p>	<p>As set out in Section 5 of the Health and Wellbeing Board's Terms of Reference.</p> <p>The Council Membership is nominated by the Leader of the Council)</p>	<p><u>Terms of Reference</u></p> <ol style="list-style-type: none"> <li>1. <u>Functions of Health and Well Being Board</u></li> </ol> <p>The Health and Social Care Act 2012 gives health and wellbeing boards specific functions. These are a statutory minimum and further functions can be given to the boards in line with local circumstances. The statutory functions are:</p> <ul style="list-style-type: none"> <li>• To prepare Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).</li> <li>• A duty to encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under section 75 of the National Health Service Act 2006 (ie lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.</li> <li>• A power to encourage close working between commissioners of health-related services and the board itself.</li> <li>• A power to encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services.</li> <li>• Any other functions that may be delegated by the council under section 196(2) of the Health and Social Care Act 2012. For example, this could include certain public health functions and/or functions relating to the joint commissioning of services and the operation of pooled budgets between the NHS and the council. Such</li> </ul>

Committee	Membership	Functions
		<p>delegated functions need not be confined to public health and social care. Where appropriate, they could also, for example, include housing, planning, work on deprivation and poverty, leisure and cultural services, all of which have an impact on health, wellbeing and health inequalities.</p> <p><b>2. <u>Regulations relating to Health &amp; Well Being Boards: Statutory Instrument 2013 No. 218</u></b></p> <p>The regulations relating to health and wellbeing boards have been published as Statutory Instrument 2013 No. 218 entitled, The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 <a href="http://www.legislation.gov.uk/ukSI/2013/218/contents/made">http://www.legislation.gov.uk/ukSI/2013/218/ contents/made</a></p> <p>The regulations modify certain legislation as it applies to health and wellbeing boards and disapply certain legislation in relation to the boards. The provisions which are modified or disapplied are in the Local Government Act 1972 and the Local Government and Housing Act 1989.</p> <p>Under section 194 of the Health and Social Care Act 2012, a health and wellbeing board is a committee of the council which established it and for the purposes of any enactment is to be treated as if appointed under section 102 of the Local Government Act 1972. It is therefore a 'section 102 committee', as it is sometimes called within local government. However, the regulations modify and disapply certain provisions of section 102 and other sections of the Local Government Act 1972 and also provisions of the Local Government and Housing Act 1989 in relation to health and wellbeing boards.</p> <p>This means that it is best not to think of health and wellbeing boards according to the strict model of other section 102 committees, but to think of them as a basic section 102 committee with some differences. The sections below discuss the characteristics shared by health and wellbeing boards with other council committees and where they do or may diverge under the new regulations.</p> <p>The modifications and disapplications which apply to health and wellbeing boards within the regulations generally also apply to subcommittees and joint sub-committees of boards.</p> <p><b>3. <u>Membership of Health &amp; Well Being Boards</u></b></p> <p>The Health and Social Care Act 2012 indicates that health and wellbeing boards are different to other section 102 committees, in particular in relation to the appointment of members. Specifically, the Act:</p> <ul style="list-style-type: none"> <li>• sets a core membership that health and wellbeing boards</li> </ul>

Committee	Membership	Functions
		<p>must include:</p> <ul style="list-style-type: none"> <li>• at least one councillor from the relevant council</li> <li>• the director of adult social services</li> <li>• the director of children's services</li> <li>• the director of public health</li> <li>• a representative of the local Healthwatch organisation (which will come into being on a statutory footing on 1 April 2013)</li> <li>• a representative of each relevant clinical commissioning group (CCG)</li> <li>• any other members considered appropriate by the council</li> </ul> <ul style="list-style-type: none"> <li>• requires that the councillor membership is nominated by the executive leader or elected mayor (in councils operating executive arrangements) or by the council (where executive arrangements are not in operation) with powers for the mayor/ leader to be a member of the board in addition to or instead of nominating another councillor.</li> <li>• under the regulations (Regulation 7) modifies sections 15 to 16 and Schedule 1 of the Local Government and Housing Act 1989 to disapply the political proportionality requirements for section 102 committees in respect of health and wellbeing boards – this means that councils can decide the approach to councillor membership of health and wellbeing boards.</li> <li>• requires that the CCG and local Healthwatch organisation appoint persons to represent them on the board.</li> <li>• enables the council to include other members as it thinks appropriate but requires the authority to consult the health and wellbeing board if doing so any time after a board is established.</li> <li>• the NHS Commissioning Board must appoint a representative for the purpose of participating in the preparation of JSNAs and the development of JHWSs and to join the health and wellbeing board when it is considering a matter relating to the exercise, or proposed exercise, of the NHS Commissioning Board's commissioning functions in relation to the area and it is requested to do so by the board.</li> </ul> <p><b><u>4. Trafford Health and Well Being Board additional locally agreed functions</u></b></p> <p>In addition to the statutory functions outlined in section 1 above the governance task group, convened in November 2015, agreed the Board would:</p>

Committee	Membership	Functions
		<ul style="list-style-type: none"> <li>• Provide oversight to the delivery of the Trafford (Locality) Plan (although accountability for the delivery of the Plan will remain with the Trafford Joint Commissioning Board, reporting into the GM Joint Commissioning Board).</li> <li>• Maintain a positive relationship with the Joint Commissioning Board in order to help shape strategic commissioning decisions and those concerning structural reform in Health and Social Care sectors.</li> <li>• Agree annually, a number of key priorities (5-10) based on those in the Trafford (Locality) Plan, the CAMHs strategy and relevant data sets such as the JSNAA, the indices of Multiple Deprivation and Public Health profiles, as well as reflecting GM agendas emerging from the GM Joint Commissioning and GM Early Intervention and Prevention Boards.</li> <li>• Ensure delivery against these priorities either through Task and Finish (service reform) project groups or by delegating the priority to a relevant thematic partnership (e.g. Safer Trafford)</li> <li>• Put in place a Performance dashboard to monitor progress against the agreed priorities and receive exception reports relating to progress as necessary.</li> <li>• Receive written reports at regular agreed intervals from the Safer Trafford, Sport and Physical Activity Partnerships, from the two Safeguarding Boards and from the project groups.</li> </ul> <p><b>5. <u>Trafford Health and Well Being Board Membership</u></b></p> <p>Following a review of the overall structures of the Trafford Partnership in 2015 it was proposed to amend the membership of the Board to the following:</p> <ul style="list-style-type: none"> <li>• Executive Member for Adult Social Services and Community Wellbeing</li> <li>• Executive Member for Children and Families</li> <li>• Shadow Executive Member for Adult Social Care and Community Wellbeing</li> <li>• NHS England representative</li> <li>• Corporate Director of Children, Families and Well Being (Director of Children’s Services)</li> <li>• Director of Public Health</li> <li>• Chief Accountable Clinical Officer NHS Trafford Clinical Commissioning Group</li> <li>• Chief Operating Officer NHS Trafford Clinical Commissioning Group</li> <li>• Chair of Health Watch</li> <li>• Third Sector representative</li> <li>• Independent Chair Children’s Local Safeguarding Board</li> <li>• Independent Chair Adult Safeguarding Board</li> <li>• Chair of the Safer Trafford Partnership - GMP</li> <li>• Chair of the Trafford Sports and Physical Activity</li> </ul>

Committee	Membership	Functions
		<p>Partnership</p> <ul style="list-style-type: none"> <li>Chief Executive Officers of health care providers:</li> </ul> <p>(Central Manchester University Hospital NHS Foundation Trust University Hospital South Manchester NHS Foundation Trust Pennine Care NHS Foundation Trust Greater Manchester West Mental Health NHS Foundation Trust)</p> <p><b>6. <u>Meeting Arrangements</u></b></p> <p><b>Notice of Meetings</b> Meetings of the Board will be convened by Trafford Council, who will also arrange the clerking and recording of meetings (a member of the Council's Democratic Services Team will act as Clerk).</p> <p><b>Chairmanship</b> The chairmanship for the Health and Well Being Board will rotate on an annual basis between Trafford Council and NHS Trafford Clinical Commissioning Group.</p> <p><b>Quorum</b> The quorum for all meetings of the Board will be a minimum of 5 members with at least two Local Authority and two Clinical Commissioning Group members present.</p> <p><b>Substitutes</b> Nominating groups may appoint a substitute member for each position. These members will receive electronic versions of agendas and minutes for all meetings. Members are asked to nominate a single named substitute who replace them in the event they cannot attend a meeting. Notification of a named substitute member must be made in writing or by email to the Clerk. . Substitute members will have full voting rights when taking the place of the ordinary member for whom they are designated substitute.</p> <p><b>Decision Making</b> It is expected that decisions will be reached by consensus; however, if a vote is required it will be determined by a simple majority of those members present and voting. If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.</p> <p><b>Meeting Frequency</b> The Health and Well Being Board will meet quarterly in line with the new schedule of dates agreed within the Trafford Partnership review.</p>

Committee	Membership	Functions
		<p><b>Status of Reports</b>  Meetings of the Board shall be open to the press and public and the agenda, reports and minutes will be available for inspection at Trafford Council's offices and on Trafford Council's website at least five working days in advance of each meeting. This excludes items of business containing confidential information or information that is exempt from publication in accordance with Part 5A and Schedule 12A to the Local Government Act 1972 as amended. The same principals will apply to information from NHS Trafford as a partner organisation on the board. Other participating organisations may make links from their website to the Board's papers on Trafford Council's website.</p> <p><b>7. <u>Members' Conduct</u></b></p> <p>Where appropriate rules and regulations governing the Code of Conduct of Board members will apply. The Code in use will be the Trafford Council Code of Conduct. Board members will be expected to declare appropriate interests where necessary.</p> <p><b>8. <u>Amendment of the Constitution</u></b></p> <p>The Health and Well Being Board may vary its constitution by a simple majority vote by the members provided that prior notice of the nature of the proposed variation is made and included on the agenda for the meeting.</p> <p><b>9. <u>Governance and Accountability</u></b></p> <ul style="list-style-type: none"> <li>• The Health and Well Being Board will be accountable for its actions to its individual member organisations.</li> <li>• There will be sovereignty around decision making processes. Representatives will be accountable through their own organisations for the decisions they take. It is expected that Members of the Board will have delegated authority from their organisations to take decisions within the terms of reference.</li> <li>• Decisions within the terms of reference will be taken at meetings and will not normally be subject to ratification or a formal decision process by partner organisations. However, where decisions are not within the delegated authority of the Board members, these will be subject to ratification by constituent bodies.</li> <li>• It is expected that decisions will be reached by consensus.</li> </ul>

Committee	Membership	Functions
<u>Joint Arrangements</u>		
<p>Joint Health Scrutiny Committee with Manchester City Council</p>	<p>5 Members from each Authority</p>	<p>Terms of Reference</p> <p>Purpose of the Committee</p> <p>In accordance with the letter sent to the JHOSC by the Secretary of State on 11 July 2013, the purpose of the Committee is:-</p> <ol style="list-style-type: none"> <li>1. To assess and evaluate the progress made in relation to the implementation of the New Health Deal for Trafford.</li> <li>2. To take part in the assurance process, as stipulated by the Secretary of State." In exercising these functions, the JHOSC has the power to:               <ol style="list-style-type: none"> <li>a) Make comments to a relevant NHS body;</li> <li>b) Require an NHS body to provide information;</li> <li>c) Require an officer of a local NHS body to attend meetings and to answer questions in connection with the implementation of the proposals.</li> </ol> </li> </ol> <p>Membership/Chairing</p> <p>The JHOSC will consist of ten Members. Five members will be appointed from each participating Local Authority and this will be decided upon at the Annual Meeting of each participating Local Authority.</p> <p>Individual authorities will decide whether or not to apply political proportionality to their own Members in accordance with their own legal requirements and constitutional arrangements of each authority.</p> <p>The Committee's members will elect a Chair and Vice-Chair.</p> <p>Each member of the Committee will have one vote and the Chairman will not exercise a casting vote.</p> <p>Quorum for meetings</p> <p>The quorum for the Joint Health Scrutiny Committee will be a minimum of three members, with at least one member from each authority.</p> <p>Supporting the Joint Health Scrutiny Committee</p> <p>The administrative support for the JHOSC will be shared between both Local Authorities.</p> <p>Each participating authority will appoint a link officer to provide</p>

Committee	Membership	Functions
		<p>support to the members of the Committee as follows:</p> <ul style="list-style-type: none"> <li>• liaise with the Chair and Committee Members;</li> <li>• ensure attendance of witnesses;</li> <li>• Organising and minuting meetings;</li> <li>• Produce any correspondence where appropriate.</li> </ul> <p>Meetings shall be held at venues, dates and times agreed between the participating authorities. The host authority will bear the costs of arranging, supporting and hosting the meetings of the Committee.</p> <p>Constitutional arrangements</p> <p>In all matters other than those specified in this document, the standing orders and constitutional rules of the Members' appointing authority will apply.</p>
<p>Greater Manchester Joint Health Scrutiny Committee</p>	<p>1 Non-Executive Member from each of the 10 Greater Manchester Local Authorities</p>	<p>Terms of Reference</p> <p>These reviewed arrangements take into account the extended role for Health Scrutiny as detailed in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ("the Local Health Scrutiny Regulations").</p> <p>Membership</p> <p>The membership of the GM Joint Health Scrutiny Committee will be nominated by the ten Greater Manchester local authorities. Each local authority will nominate one non-Executive/Cabinet member. Where possible, members will be drawn from the individual local Scrutiny Panels/Committees that have responsibility for scrutinising Health and Social Care issues within their area.</p> <p>Officers of Individual District Health Scrutiny Panels/Committees are invited to attend to support and advise Members from their local authority on Health Scrutiny Issues and will have access to all agendas, briefing notes and minutes.</p> <p>Substitutes will be allowed but will need to be non-Executive/Cabinet members of the respective local authority.</p> <p>Role</p> <p>The GM Joint Health Scrutiny Committee has the delegated powers from the 10 Authorities of Greater Manchester (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport,</p>

Committee	Membership	Functions
		<p>Tameside, Trafford and Wigan) to undertake all the necessary functions of health scrutiny in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (“the Local Health Scrutiny Regulations”), relating to reviewing and scrutinising health services matters where these are at a Greater Manchester level, and to provide a body to which Health Services Providers have a duty to consult under the Local Health Scrutiny Regulations.</p> <p>The Committee will scrutinise:</p> <ol style="list-style-type: none"> <li>1. The strategies, policies, actions and consultations of: <ul style="list-style-type: none"> <li>• NHS England Greater Manchester Local Area Team</li> <li>• The joint work of the Greater Manchester Clinical Commissioning Groups (the Association of GM CCGs)</li> <li>• Public Health England (Greater Manchester)</li> <li>• Local Authorities across Greater Manchester regarding their role as providers and commissioners of social care, and as public health agencies.</li> <li>• All other cross-boundary NHS services i.e. North West Ambulance Service, Christies, Specialist Children’s Services provided by the Royal Manchester Children’s Hospital</li> </ul> </li> <li>2. Services provided to patients living and working across Greater Manchester</li> <li>3. Specific health issues that cut across geographical boundaries</li> <li>4. Individual authorities will reserve the right to undertake scrutiny of any of those authorities listed above with regard to matters relating specifically to their local population</li> </ol> <p>Objectives</p> <ol style="list-style-type: none"> <li>1. To ensure that the needs of local people are considered as an integral part of the delivery and development of health services; and to contribute to the reduction of health inequalities by ensuring that services are accessible to all local people.</li> <li>2. To review proposals for consideration or items relating to proposed substantial developments/substantial variations to services provided across Greater Manchester by NHS organisations, including; <ul style="list-style-type: none"> <li>• Changes in accessibility of services</li> <li>• Impact of proposal on the wider community</li> <li>• Patients affected</li> </ul> </li> <li>3. To engage pro-actively with the GM Health and Social Care Reform Programme as it develops.</li> <li>4. To keep abreast of organisational changes and key policy</li> </ol>

Committee	Membership	Functions
		<p>implementation within the NHS.</p> <p>5. To bring together the responsibilities of local authorities to promote health service provision, delivery and accessibility within the remit of the Health Scrutiny function.</p> <p>Support</p> <p>Officers from the Greater Manchester Integrated Support Team (GMIST) will provide policy and administrative support to the Committee.</p>
<p>Stockport, Trafford and Rochdale (STaR) Joint Committee</p>	<p>1 Member from each Authority</p>	<p>Terms of Reference</p> <ol style="list-style-type: none"> <li>1. To manage the procurement operations of the Councils except for any procurement activity carried on by each Council that is specifically excluded by each Council from being dealt with by the STaR on its behalf.</li> <li>2. To agree any changes to the cost and income sharing arrangements set out in the inter-authority agreement.</li> <li>3. To agree the organisational structure of the STaR to carry out those operations.</li> <li>4. To recommend to Trafford Council the person to be appointed as Director of STaR and the salary for the post.</li> <li>5. To consider the policies and procedures for procurement activities carried out by the STaR recommended to it by its Board including the contract procedure rules under which it will operate for each of the Councils.</li> <li>6. To recommend the business plans and budgets of the STaR for approval by the Councils.</li> <li>7. To monitor the budget and performance of the STaR.</li> <li>8. To approve major changes to standard tender documentation and procedures.</li> <li>9. Such other matters as the Councils (for non-executive matters) and/or the Executive Leaders jointly agree.</li> <li>10. To the extent that the activities of the STaR joint committee are not executive functions the council delegates to the joint committee the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the procurement functions delegated to it – in particular the power to make staffing appointments and the power to make standing orders as to contracts but not the power to set budgets.</li> </ol>

### **3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS - DELEGATION TO INDIVIDUAL EXECUTIVE MEMBERS**

- 3.1 The Executive is authorised to carry out all of the functions of the Council which are, by virtue of the Local Government Act 2000 and regulations thereunder, the responsibility of an Executive of the Council. The Executive Leader has the responsibility for determining the delegation of executive functions. The scheme of delegation of functions to officers is set out in Section 4 of this Part of the Constitution.
- 3.2 Each Executive Member has been allocated particular areas of responsibility (portfolios) by the Council meeting. The list of portfolio responsibilities and portfolio holders is:-

Portfolio	Portfolio Holder
Leader and Reshaping Trafford	Cllr Sean Anstee
Adult Social Services (Deputy Leader)	Cllr Alex Williams
Children's Services	Cllr Michael Hyman
Communities and Partnerships	Cllr John Lamb
Economic Growth, Environment and Infrastructure	Cllr John Reilly
Finance	Cllr Patrick Myers
Transformation and Resources	Cllr Mrs. Laura Evans

- 3.3 An additional 6 Members will be appointed to act as Deputies for the Executive Members. These members will support the work of the Executive Members and will provide an important link between members and the Executive but will not be members of the Executive nor serve on the Scrutiny Committees.
- 3.4 The Deputy Executive Members will support the Executive Members in their role and will be able to attend Executive meetings. They will be able to speak at Executive meetings in the absence of the Executive Member, however, they will not have any decision making powers.
- 3.5 Subject to any matters which are specifically reserved to the Council, reserved to an individual under any statutory provision, delegated to Officers, or which the Leader from time to time decides should be determined by the Executive, a committee of the Executive, another Executive Member or themselves, and to paragraphs 4 and 5 each individual Executive Member,

within the Terms of Reference for their portfolio, is authorised to deal with and determine the following matters:

- (a) To take decisions, other than key decisions as defined in the Constitution or decisions relating to the disposal of land at an undervalue, in relation to the discharge of executive functions and expenditure on services, including the payment or repayment of grants. Except that the Leader may, in his/her discretion, authorise an individual Executive Member to take key decisions on specific matters.
- (b) To monitor the budget for services within the portfolio, and report as necessary to the Executive.
- (c) To agree policies, plans and strategies for services within their portfolio.
- (d) To monitor service performance.
- (e) To consider any policy review reports prepared by Overview and Scrutiny Committees and make recommendations to the Executive for any consequent action.
- (f) To respond to requests from Overview and Scrutiny Committees for information relating to the discharge of executive functions and the performance of the Executive.
- (h) To approve virement between budget heads in accordance with virement rules approved by Council.
- (i) To represent the Council's views on matters of corporate or strategic policy and other matters within their respective portfolios.

3.6 The exercise of the delegated authority in paragraph 3 above is subject to the following conditions:

- (a) In making decisions Executive Members must comply with the principles of decision making in Article 13 of the Constitution, corporate policies and such decisions must be made in accordance with the Council's Policy and Budgetary Framework;
- (b) Executive Members must seek the advice of the Director of Legal and Democratic Services and the Chief Finance Officer (or their nominees) and such other officers as the Executive Member shall consider necessary to fully inform the decision making process;
- (c) Such decisions must be recorded in a Decision notice, which shall be open to public inspection in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;

- (d) Where an Executive Member has been authorised by the Leader to make a key decision, the procedure on key decision making set out in the Constitution must be followed;
  - (e) To consult with other Executive Members as appropriate before taking decisions on matters which are cross cutting and affect other portfolio areas.
  - (f) Where an Executive Member has a prejudicial interest in a matter or otherwise believes that they should not make a particular decision due to a conflict of interest, the matter should be referred to the Leader who will either make the decision or refer the matter to the Executive.
- 3.7 If there is any doubt as to which portfolio would cover any proposed decision by an Executive Member, the matter shall be referred to the Leader to determine the appropriate portfolio. The Leader may also determine that any proposed decision (of any description) shall be referred to the Executive for decision.
- 3.8 An individual Executive Member may refer any matter within that Member's portfolio to the Executive for decision.

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio - Leader of the Council**

#### **GENERAL**

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

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

## **Areas of Responsibility**

To have overall responsibility for:

- Strategic overview of the Council
- Community Strategy and the Local Strategic Partnership
- Greater Manchester Police and Crime Panel
- Overall performance of the Council
- Overall performance of the Executive
- Overall governance of the Council
- Chief Executive's functions
- Co-ordination within the Executive
- Re-Shaping Trafford
- Partnership and neighbourhood working
- Sustainability and Climate Change
- Determination of how and by whom Executive functions are exercised
- Appointments to outside bodies not within the remit of the Council
- All matters not within the remit of any other portfolio

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

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

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

Community Strategy (delegating work to other Executive Members where necessary).

8. To review and monitor, with the Chief Executive, the management arrangements of the Council.
9. To exercise a monitoring role regarding performance and budgets, to ensure progress towards meeting the Council's key objectives.
10. To ensure that Executive Members and services work together effectively.
11. Representing the Council externally and furthering the Council's interests within Greater Manchester Combined Authority, AGMA, the North West region and nationally.
12. Greater Manchester Police and Crime Panel matters.
13. To be the principal political spokesperson for the Council at internal and external meetings.
14. To ensure liaison with the Council's external auditors and inspectors.

#### Leader's Responsibilities for Re-Shaping Trafford

To act as the Executive Portfolio Holder responsible for all matters relating to the development and implementation of the Reshaping Trafford Programme, including: Trust arrangements; trading; early intervention and well-being; integration of health and social care; managing budget pressures and the joint venture contract for environmental, highways, waste and technical planning services. As such, the Leader is responsible for:

1. Chairing the Re-shaping Trafford Executive Board comprising of the Leader, Executive Portfolio Holder for Transformation and Resources and Executive Portfolio Holder for Finance.
2. Receiving contributions and reports from other members of the Executive, particularly from the Lead Member for Trust Development.
3. To approve strategic direction of the Programme
4. To monitor overall performance of the Programme

In addition, to add to the 'key roles and responsibilities' in the Leader's portfolio:-  
To ensure delivery of the Council's overall vision for Trafford Borough Council, including the Reshaping Trafford Programme.

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

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

## **EXECUTIVE TERMS OF OFFICE**

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

#### **GENERAL**

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

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

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

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

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Adult Social Services and Community Wellbeing**

#### **GENERAL**

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

The Executive Portfolio holder is responsible for:-

- all matters relating to the Council's affairs in respect of Adult Social Services including acting as the Lead Member for Adult Services in accordance with best practice guidance; and
- all matters relating to Community Health and Wellbeing, including acting as the Lead Member for Community Health and Wellbeing Services in accordance with best practice guidance.

As such, the Executive Portfolio holder is responsible for:

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

11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

### **Areas of Responsibility**

To have overall responsibility for:

1. Adult Social Services including:

- Services to Older People
- Mental Health
- Learning Disabilities
- Health & Disability Services
- Sensory Services
- Other Adult services
- Liaison with Health Service bodies
  
- Housing issues including:
  - Supporting People
  - Adaptations Services
  
- Community Rights

2. Community Health and Wellbeing Services including:

- The Health and Wellbeing Board
- Public health functions
- Delivery of the Health and Wellbeing Strategy
- Liaison with Health Service bodies
  
- Liaison with voluntary and community sector organisations in relation to health and wellbeing
- Championing health and wellbeing issues on behalf of the Council and Trafford Partnership
- Equality and Diversity

3. Mental Health Services – to act as the Council's champion for all matters relating to mental health.

## **Key Roles and Responsibilities of the Adult Social Services and Community Wellbeing Portfolio:**

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

1. The powers and duties of the Council as an Adult Social Services Authority.
2. The duty to make provision for services to people in need as defined by the National Assistance Act 1948, the Chronically Sick and Disabled Persons Act and the NHS and Community Care Act 1989.
3. The duty to protect vulnerable adults.
4. Developing working partnerships with NHS bodies, exploiting the flexibility afforded by the Health Act (1999) when likely to deliver improved services for Trafford residents. This may involve integrated commissioning and provider arrangements.
5. Ensuring Services are in place that meet the needs of carers in Trafford.
6. Liaison with the NHS and related bodies on matters affecting the social care and the general social welfare of people in Trafford.
7. Development of a positive relationship with voluntary sector organisations who represent service users or carers ensuring they are appropriately involved in determining service priorities, service planning and review.
8. Acting as Older People's Champion.
9. Administration of the Supporting People Programme.
10. Administration and delivery of the equipment and adaptations service.
11. Matters concerning the community rights service, including liaison with other agencies such as the Citizens' Advice Trafford (CAT) and the Community Legal Services Partnership.
12. Promotion of equality and diversity and ensuring compliance with the Council's equalities duties.
13. The powers and duties of the Council with regard to the public health functions.
14. Meeting the Council's responsibilities in relation to prevention, health improvement and the reduction of health inequalities.

15. Liaison with the Clinical Commissioning Group to ensure that they are provided with appropriate support to deliver public health objectives and priorities in Trafford.

15.To ensure that a Joint Strategic Needs Assessment is in place and that it informs commissioning strategies.

16.To act as the Council's Mental Health Champion.

**To submit to the Executive:**

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

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Children’s Services**

#### **GENERAL**

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

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

## **Areas of Responsibility:**

- Statutory Lead Member for Children's Services in accordance with the Children Act 2004 and associated statutory guidance
- Development of the integrated multi-agency Children and Young People's Service
- Children's Social Services, Youth Service and the Youth Offending Team
- Early Years and Children's Centres
- the functions of the Council with regard to its responsibilities for the safeguarding of children and young people, including:
- receiving and responding to referrals where there is concern about the welfare and safety of individual children and young people;
- investigating referrals for child protection and children-in-need and taking appropriate action to safeguard children and young people's safety and welfare;
- maintaining an up-to-date Child Protection Register;

## ***Key Roles and Responsibilities of the Children's Services portfolio:***

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

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

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

- Educational Psychology Service
- School improvement
- Early years education and care
- School admissions
- School attendance and provision for pupils not in school
- School Organisation
- Asset management planning
- Provision of management and administrative support to schools
- Funding of schools
- To receive schools OFSTED reports and subsequent Action Plans
- To ensure an effective response to the OFSTED inspection of the LEA

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

**To submit to the Executive:**

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

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Economic Growth, Environment and Infrastructure**

#### **GENERAL**

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Economic Growth, Environment and Infrastructure. As such, the Executive Portfolio holder is responsible for:

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

## **Areas of Responsibility**

To have overall responsibility for:

- Economic growth, development and regeneration
- Economic strategy
- Resource Procurement
- Strategic and Regional Planning
- Land use and development in the Borough
- Sustainable Development
- Conservation and building preservation
- Strategic Asset Management
- Property acquisition and disposal
- Architectural services
- Buildings Services and Surveyors
- Strategic Housing
- Community Buildings
- Community Learning
- Engineering and construction services
- Highways, Traffic and transportation
- Passenger transport
- Transport strategy and road safety
- Bridges and structures
- Public Protection
- Environmental Services
- Environmental Partnerships
- Green Spaces
- Waste Management
- Parking Services

### ***Key Roles and Responsibilities of the Economic Growth, Environment and Infrastructure Portfolio***

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

1. The furtherance of trade, commerce and general industrial and physical development within the Borough, including assisting with the relocation and development of industry, commerce and business, the making of grants in respect of business security, environmental improvement, commercial improvement and related matters.
2. To promote economic growth within the Borough through effective working with AGMA and other North West regional partners and agencies.
3. Identification of and support for employment initiatives.

4. Development of economic strategies.
5. The initiation, development and monitoring of industrial and commercial development projects and the encouragement of development of land in furtherance of the Council's policies and objectives.
6. Obtaining external funding through e.g. AGMA funding streams including regional, national, European and lottery funding.
7. Monitoring regeneration programme performance.
8. Local environment policy and action via sustainable development.
9. Liaison with the Chairman of the Planning and Development Management Committee on the relationship between strategic planning issues and emerging policies and development management.
10. The development and management of the town centres.
11. The encouragement and support of community economic development initiatives.
12. The strategic management of the Council's property assets including:
  - a. The acquisition, management and development of land and property acquired for the general purposes of the Council until required for the specific functions of another service or until disposal of the land or property
  - b. The control and management or disposal of land and property surplus to service requirements by receiving (if necessary) a transfer or an appropriation of such land or property
  - c. The management and control of the municipal estates, the municipal buildings forming the Waterside Centre, Sale and buildings used as offices by the Council
13. The repair and maintenance of buildings (except insofar as this is within the responsibility of individual services) in accordance with the Council's strategic policies.
14. The management of the Council's market functions.
15. The powers and duties of the Council as a local housing authority including specific issues such as: -
  - (a) Management of the arrangements with Trafford Housing Trust
  - (b) Arrangements with Housing Associations
  - (c) Dealing with homelessness

- (d) Temporary housing provision
  - (e) Private sector housing and renovation grants
  - (f) The promotion, lead and support for the development of appropriate strategies in relation to public and private sector housing.
  - (g) Benefits and housing advice services
  - (h) Travellers' accommodation
16. The functions, powers and duties of the Council as highway authority including:
    - a) detailed highways and transportation schemes and proposals
    - b) traffic calming, street lighting, road safety, new bus routes and priorities, station improvements, traffic regulation and network management
    - c) management of decriminalised parking enforcement and car parking facilities
  17. Highways inspections and maintenance.
  18. Highways and engineering planning and development.
  19. Development and implementation of the Transport Strategy.
  20. Transport for Greater Manchester matters.
  21. Integration of public/private transport.
  22. Sewers and drainage including flood and water management
  23. The protection of public health and measures to promote the health of Trafford residents.
  24. Waste collection, management, disposal and recycling.
  25. Environmental health, protection and standards including:
    - a) food safety and control
    - b) control and monitoring of pollution and statutory nuisances
    - c) animal health and welfare
    - d) pest control
    - e) private sector housing standards
  26. Trading Standards including:
    - a) consumer advice
    - b) weights and measures
    - c) fair trading
    - d) consumer credit and safety
    - e) consumer complaints
  27. Health and Safety (excluding Council employee health and safety)

28. Parks and countryside including:
  - a) grounds' maintenance
  - b) allotments
29. Clean neighbourhoods including street cleansing and collection of litter.
30. Tackling environmental crime including appropriate consultations, interventions and enforcement.
31. Local environment policy and action via the environmental sustainability agenda.
32. Ecological protection and environmental improvements.
33. Sustainability and Climate Change.
34. Any functions under any licensing legislation including safety at sports grounds which are Executive functions and which do not fall within the remit of any other Executive Member.

**To submit to the Executive:**

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

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio - Finance**

#### **GENERAL**

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

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

## **Working with the Executive Member for Transformation and Resources**

In carrying out the responsibilities of their portfolio, the Executive Member for Finance will support the Executive Member for Transformation and Resources. The Executive Member for Finance will, in undertaking the responsibilities of the Finance portfolio, liaise with the Executive Member for Transformation and Resources.

### **Areas of Responsibility**

To have overall responsibility for:

- Corporate Finance
- Accountancy
- Benefits and Local Taxation
- Procurement
- Pension Fund

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

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

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

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

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

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Communities and Partnerships**

#### **GENERAL**

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

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

## **Areas of Responsibility**

- Community Safety
- Community Cohesion
- Community Partnerships
- Delivery of the Local Strategic Partnership arrangements
- Adult and Community Learning
- Area and Neighbourhood Services
- Sport Development and Leisure Management
- Culture
- Arts
- Voluntary Sector Grants

## **Key Roles and Responsibilities of the Communities and Partnerships portfolio:**

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

1. Community safety including:
  - (a) Development of policy guidelines for the management of Council policies regarding crime and community safety and monitoring the implementation of such guidelines.
  - (b) Links to Police Service, Probation Service etc through membership of the Safer Trafford Partnership Board and the Greater Manchester Police and Crime Panel Steering Group.
  - (c) Development of Safer and Stronger Communities (including tackling Domestic Violence, Race and Hate crime).
  - (d) Drug and Alcohol Action Team, ensuring services are in place for the prevention and treatment of substance misuse.
  - (e) Crime reduction initiatives (both social and physical) across the Executive portfolios.
  - (f) Prevention of offending and re-offending in partnership with key Criminal Justice services.
  - (g) Tackling Anti-social behaviour and environmental crime including appropriate consultations, interventions and enforcement.
  - (h) 24hour Control Room and CCTV network.
2. Leading and overseeing the promotion of a neighbourhood and area focus across the Council and the Borough.

3. Ensuring the delivery of the aims and objectives of the Local Strategic Partnership through the agreed delivery arrangements.
4. Matters concerning the Council's adult and community learning services.
5. Matters concerning the provision, development, monitoring and promotion of leisure, recreation, tourism, events, arts and culture and entertainment in the Borough.
6. The strategic management and development of sports and leisure facilities, sports development.
7. Liaison with Trafford Community Leisure Trust and other sporting organisations.
8. The consideration and approval of any Voluntary Sector Grants made by the Council.

**To submit to the Executive:**

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

## **EXECUTIVE TERMS OF OFFICE**

### **Portfolio – Transformation and Resources**

#### **GENERAL**

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Transformation and Resources portfolio including acting as Lead Member for all corporate resource and support services. As such, the Executive Portfolio holder is responsible for:

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

## **Working with the Executive Member for Finance**

In carrying out the responsibilities of their portfolio, the Executive Member for Transformation and Resources will be supported by the Executive Member for Finance. The Executive Member for Finance will, in undertaking the responsibilities of the Finance portfolio, liaise with the Executive Member for Transformation and Resources.

### **Areas of Responsibility**

- Delivery of value for money services
- Customer Services/Relations
- E-Government
- Policy and Performance Improvement
- Assurance – including Internal Audit and Scrutiny Support
- Corporate Governance
- Legal and Democratic Services – including Registration Services and liaison with the Coroner's Service
- Information Governance
- Strategic Human Resources
- Occupational Health and Safety
- Corporate Communications including events and tourism
- Civil Contingencies and Business Continuity
- The library service
- Operational Services for Education

### **Key Roles and Responsibilities of the Transformation and Resources portfolio:**

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

1. Ensuring the delivery of effective and efficient corporate and support services including:
  - Legal Services
  - Democratic and Council Support Services
  - Strategic Human Resources
  - E-government
  - Performance Improvement
2. Ensuring the delivery of performance improvements and efficiencies set out in the Transformation Programme.

2. Ensuring that the highest standards of customer care are delivered
3. All aspects of the Council's customer relations including:
  - Performance and development of Access Trafford
  - Development and implementation of Customer Standards and the Customer Pledge
  - Corporate Compliments and Complaints
4. Development and implementation of the Council's E-Government Strategy.
5. Ensuring that the Council has effective corporate governance, including:
  - Internal audit assurance
  - Risk management
  - Information governance
  - Systems and processes for business planning and performance improvement
6. All aspects of the Council's corporate communications including:
  - Your Trafford
  - Publicity
  - Consultation and engagement
7. The functions of the Council under the Civil Contingencies Act 2004 and responsibility for ensuring appropriate business continuity planning across the Council.
8. All matters concerning the provision and management of public libraries.
9. Operational services for Education
  - a) Management of the provision and maintenance of the Council's vehicle fleet
  - b) School catering services
  - c) Cleaning and caretaking Services
  - d) School crossing patrols
  - e) Out-Door media advertising
10. Bereavement Services

**To submit to the Executive:**

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

## **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 data-bbox="363 253 715 286"><b>A. <u>GENERAL MATTERS</u></b></p> <p data-bbox="363 315 1404 376">In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <ol data-bbox="363 405 1404 1400" style="list-style-type: none"> <li data-bbox="363 405 1404 472">1. To undertake all matters associated with the professional management of the Council.</li> <li data-bbox="363 510 1404 577">2. To exercise any power delegated to any officer at any time when that officer is unable or unwilling to act.</li> <li data-bbox="363 616 1404 683">3. To give a decision on the applicability of any delegated power in any specific case.</li> <li data-bbox="363 721 1404 817">4. To require any officer of the Council to refer a matter to a Committee or the Executive for decision notwithstanding the fact that the officer may have delegated authority to deal with that matter.</li> <li data-bbox="363 855 1404 952">5. The taking of any necessary action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough. (Note: This delegation is also exercisable by all Corporate Directors.)</li> <li data-bbox="363 990 1404 1153">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.</li> <li data-bbox="363 1191 1404 1258">7. To deal with matters relating to the development of the Community Strategy and Corporate Plan.</li> <li data-bbox="363 1296 1404 1400">8. To appoint replacement members to the Independent Remuneration Panel whenever necessary and agree their terms of reference, in consultation with the Political Group Leaders.</li> </ol> <p data-bbox="363 1438 582 1471"><b>B. <u>ELECTIONS</u></b></p> <p data-bbox="363 1500 1404 1561">In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <ol data-bbox="363 1590 1404 1960" style="list-style-type: none"> <li data-bbox="363 1590 1404 1792">9. In consultation with the relevant ward councillors and Group Leaders to discharge the function of dividing electoral divisions into polling districts at local government elections and altering such districts and to be responsible for the ongoing review of polling districts, polling places and polling stations between the 4 yearly reviews for parliamentary elections (Sections 18A, 18B and 31 of the Representation of the People Act 1983).</li> <li data-bbox="363 1830 1404 1960">10. To determine fees and conditions for the supply of copies of extracts of elections documents. (Rule 48(3) Local Elections (Principal Areas) Rules 1986 and Rule 48(3) Local Elections (Parishes and Communities) Rules 1986.)</li> </ol>

<b>CHIEF EXECUTIVE</b>	<p><b>C. <u>HUMAN RESOURCES</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <p>11. The overall direction of all human resource matters.</p> <p>12. The administration and implementation of the Council's organisational, employee development and human resource plans.</p>
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<p><b>CHIEF EXECUTIVE AND CORPORATE DIRECTORS</b></p>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>
<p><b>CORPORATE DIRECTORS AND DIRECTOR OF HUMAN RESOURCES (5,6,7,9) CHIEF EXECUTIVE(7, 9)</b></p>	<p><b>A. <u>HUMAN RESOURCES</u></b></p> <p>The following delegations are subject to:</p> <ol style="list-style-type: none"> <li>(a) the corporate human resources policies adopted by the Council.</li> <li>(b) any statutory provisions or requirements.</li> <li>(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.</li> </ol>
<p><b>COUNCIL (8)</b></p>	<ol style="list-style-type: none"> <li>3. To implement all the Council's policies relating to the employment of staff.</li> <li>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.</li> <li>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.</li> <li>6. Responsibility for all Service Reviews – including the creation/re-grading and deletion of posts above Band 12.</li> <li>7. Responsibility for directorate wide reviews and the development of corporate and cross cutting proposals.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>
<p><b>DIRECTOR OF HUMAN RESOURCES 11 (I), (M), (O), (P), (Q), (R),</b></p>	<ol style="list-style-type: none"> <li>11. To act in accordance with the provisions of the Council's locally-agreed arrangements, including:- <ol style="list-style-type: none"> <li>(a) To determine those groups of employees who can participate in the flexible working hours schemes.</li> </ol> </li> </ol>

- (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><b>CHIEF EXECUTIVE AND CORPORATE DIRECTORS</b></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>B. <u>FINANCIAL, COUNCIL AND CONTRACT PROCEDURES</u></b></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. (Note: consequential change to Financial Procedure Rule 23.1.3 below:</p> <p><i>FPR 23.1.3 stocks and stores no longer required are disposed of in accordance with the regulations of the Council so as to maximise benefits; the writing down or writing off of stock up to a book value of £50,000 must be done in consultation with Chief Finance Officer, whereas the Executive Member for Finance, in consultation with the Chief Finance Officer, is authorised to write off stock with a book value in excess of £50,000.)</i></p> <p>(Note: Each designated officer must ensure that the Financial and Contract Procedure Rules set out in the Constitution are observed throughout his/her Directorate. He/she shall also ensure that all relevant staff are fully aware of and accept the content of such aspects of financial management. Designated officers must maintain a record of those officers to whom this Scheme has been issued, thus providing a framework of financial administration and control that facilitates compliance with Section 151 Local Government Act 1972.)</p> <p><b>C. <u>PLANNING PERMISSION AND PROPERTY</u></b></p>
<p><b>CHIEF EXECUTIVE</b></p>	

**AND  
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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.
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.
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.
    - 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

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- 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 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.

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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 Altrincham and Partington markets and any other 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><b>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE, DIRECTOR OF GROWTH AND REGULATORY SERVICES AND HEAD OF REGULATORY SERVICES</b></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 &amp; Democratic Services, bringing proceedings under any appropriate legislation, statutory provisions and by-laws.</p>
<p><b>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE, DIRECTOR OF GROWTH AND REGULATORY SERVICES AND HEAD OF PLANNING AND DEVELOPMENT</b></p>	<p><b><u>D PLANNING AND DEVELOPMENT MANAGEMENT</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision, to take necessary and appropriate action in respect of the following:</p> <p>1. <b>Definitions</b></p> <p>For the purposes of this scheme and for the avoidance of doubt: -</p> <p>a) 'planning application' means:</p> <ul style="list-style-type: none"> <li>❖ Applications for Outline Planning Permission, Full Planning Permission and Approval of Reserved Matters</li> <li>❖ Applications for development within the curtilage of a dwellinghouse</li> <li>❖ Applications for minerals and waste development (including Review of Minerals Permissions)</li> <li>❖ 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</li> <li>❖ Applications requiring the completion of a legal agreement / planning obligation under S106 of the Town and Country Planning Act or any other enabling power.</li> <li>❖ Applications for 'relevant demolition' in a conservation area.</li> <li>❖ 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</li> <li>❖ Applications for consent to Display Advertisements (under the Town and Country Planning (Control of Advertisement) Regulations 2007</li> <li>❖ Applications for non-material amendments under S96A of the Town and Country Planning Act 1990</li> <li>❖ Applications for permission under the Town and Country Planning General Regulations 1992</li> <li>❖ Application for Hazardous Substances Consent under the Planning (Hazardous Substances) Act 1990.</li> <li>❖ Applications for prior approval under the Town and Country Planning (General Permitted Development) (England) Order 2015.</li> <li>❖ Applications for permission in principle and technical details consent under the Housing and Planning Act 2016 (or howsoever the provisions for these consents in Housing and Planning Bill are enacted)</li> </ul>

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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.

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 (either through a connection with the applicant or with an affected neighbour).

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).

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- 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 / 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 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, 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 (or howsoever the provisions in the Housing and Planning Bill are enacted).
- 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.

<p><b>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE, DIRECTOR OF GROWTH AND REGULATORY SERVICES AND HEAD OF PLANNING AND DEVELOPMENT</b></p>	<p>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.</p> <p>i) To attach reasons for refusal where permission or consent is refused.</p> <p>j) To approve or refuse details and plans submitted to discharge conditions attached to planning permissions, including those imposed by an Order or Direction.</p> <p>k) To finally dispose of applications.</p> <p>3.4 Minerals Applications</p> <p>l) To make Orders in respect of the control of minerals development under the Town and Country Planning Act 1990.</p> <p>3.5 Response To Consultations</p> <p>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.</p> <p>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 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><b>HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR</b></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</p>

<p><b>OF LEGAL AND DEMOCRATIC SERVICES</b></p>	<p>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><b>HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</b></p>	<p><b>4. Planning Appeals / Secretary of State call in</b></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>.</p>
<p><b>DIRECTOR OF GROWTH AND REGULATORY SERVICES, HEAD OF REGULATORY SERVICES , , DIRECTOR OF GROWTH AND REGULATORY SERVICES HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</b></p>	<p><b>5. Enforcement Of Planning Control</b></p> <p>5.1 Generally:-</p> <p>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.</p> <p>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.</p> <p>c) To serve Breach of Condition Notices.</p> <p>d) To serve Enforcement Notices and Listed Building Enforcement Notices.</p> <p>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.</p> <p>f) To serve Stop Notices and Temporary Stop Notices.</p> <p>g) To make applications for Planning Enforcement Orders in respect of</p>

<p><b>DIRECTOR OF GROWTH AND REGULATORY SERVICES, , DIRECTOR OF GROWTH AND REGULATORY SERVICES HEAD OF REGULATORY SERVICES , JOINTLY WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</b></p>	<p>deliberately concealed unauthorised development.</p> <ul style="list-style-type: none"> <li>h) To bring prosecutions in respect of breaches of planning control.</li> <li>i) To make applications for an injunction to restrain breaches of planning control.</li> <li>j) To take all necessary enforcement action under the Planning (Hazardous Substances) Act 1990 and any amendment thereto.</li> <li>k) To serve Building Preservation Notices where there is an imminent threat of demolition of a building.</li> <li>l) To maintain for inspection registers of enforcement notices as required by statute.</li> <li>m) To determine the expediency of planning enforcement action.</li> </ul> <p>5.2 Advertisements:-</p> <ul style="list-style-type: none"> <li>a) To serve Discontinuance Notices and removal notices under the Act and the Town and Country Planning (Control of Advertisements) Regulations 2007.</li> <li>b) To enforce the control of fly-posting through the obliteration and/or removal of any unauthorised placard or poster on private land.</li> <li>c) To bring prosecutions in respect of breaches of the Advertisement Regulations.</li> </ul> <p>5.3 Neglected/ Untidy Land:-</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>c) To bring prosecutions in respect of breaches of Section 215 Notices..</li> </ul>
<p><b>HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</b></p>	<p><b>6. Heritage</b></p> <ul style="list-style-type: none"> <li>6.2 To approve or refuse requests for grant aid for works to Listed Buildings or buildings within Conservation Areas within the approved budget.</li> <li>6.3 To issue Listed Building Repair Notices.</li> <li>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.</li> </ul>

<p><b>HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</b></p>	<p>6.5 To enter into Listed Building Heritage Partnership Agreements.</p> <p>6.6 To make Local Listed Building Consent Orders.</p> <hr/> <p><b>7 Trees And Hedgerows</b></p> <p>1.1 Trees</p> <ul style="list-style-type: none"> <li>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.</li> <li>b) To determine applications for works to, including felling of, trees protected by Tree Preservation Orders including the imposition of any conditions.</li> <li>c) To serve Tree Replacement Notices under S207 of the Town and Country Planning Act 1990.</li> <li>d) To process notices under S211 of the Town and Country Planning Act 1990 (notices for works to trees in a conservation area).</li> <li>e) To approve or refuse requests for grant aid for works to protected trees and new planting within the approved budget.</li> </ul> <p>7.2 Hedgerows</p> <ul style="list-style-type: none"> <li>a) To make and confirm Hedgerow Retention and Replacement Notices.</li> <li>b) To determine applications under the Hedgerow Regulations 2007.</li> </ul> <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><b>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE, DIRECTOR OF GROWTH AND REGULATORY SERVICES, AND HEAD OF REGULATORY SERVICES</b></p>	<p><b>E <u>BUILDING CONTROL</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision, to take necessary and appropriate action in respect of the following:</p> <p>1. <b>Building Regulation Applications</b></p> <p>1.1 Processing Building Regulation Applications.</p> <p>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.</p>

<p><b>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE, DIRECTOR OF GROWTH AND REGULATORY SERVICES, AND HEAD OF REGULATORY SERVICES</b></p>	<p>1.3 To issue all decision notices relating to the determination of building regulation applications.</p> <p>1.4 Determination of Building Regulation Applications.</p> <p>1.5 To determine applications under the Building Regulations.</p> <p>1.6 To determine applications for relaxation of the Building Regulations.</p> <p>1.7 To issue conditional notices of approval.</p> <p>1.8 To determine amendments to approved schemes and to determine 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><b>2. Other Building Control Matters</b></p> <p>2.1 To approve or refuse minor amendments to Building Regulation applications not requiring a new application.</p> <p>2.2 To exercise all other functions under the Building Act.</p> <p>2.3 To enter into Partnership schemes.</p> <p><b>3. Contraventions</b></p> <p>3.1 To authorise action, including legal proceedings to ensure compliance with building control requirements.</p> <p>3.2 In respect of building control and general powers, to serve notices or to approve or reject plans under the Highways Act 1980, Section 180 for pavement lights and ventilators.</p> <p><b>4. Miscellaneous Planning And Building Control Matters</b></p> <p>4.1 To sell service publications in accordance with the Council's scheme of charging.</p> <p>4.2 Authority to sell departmental publications to the general public at printing or copying cost, plus postal charges where applicable, but that no charge be made for the issue of copies to Members and other Council departments and first copies of guidelines, etc. to architects, estate agents, civic societies and similar persons or voluntary organisations.</p>
<p><b>CORPORATE DIRECTOR ECONOMIC GROWTH,</b></p>	<p><b>F. <u>STRATEGIC HOUSING</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p>

**ENVIRONMENT  
AND  
INFRASTRUCTURE  
AND DIRECTOR OF  
GROWTH AND  
REGULATORY  
SERVICES**

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
4. In consultation with the Executive Portfolio Holder to:
  - 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.

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

Licensing

7. To grant, renew, transfer, suspend and vary, where no objections have been received, and to make conditions in relation to annual licences, occasional licences, registrations, certificates, permits, permissions and consents relating to:
- Amusement with prizes
  - Betting and Gaming
  - Certificates of Suitability
  - Cinema and Cinema Clubs
  - Dealers in Game
  - Door Staff
  - Entertainment Clubs (Part IX)
  - 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
8. In accordance with the Licensing Act 2003, authority to determine:
- (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
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.
10. To suspend the licence of a vehicle for reasonable cause where the vehicle owner has failed to renew the certificate of compliance.
11. To suspend vehicle licences under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 where he/she is not satisfied as to the fitness of the vehicle to be used as a hackney carriage or private hire vehicle.

Safety at Sports Grounds

<p><b>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE</b></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><b>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT AND INFRASTRUCTURE</b></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><b>CORPORATE DIRECTOR ECONOMIC GROWTH, ENVIRONMENT, AND INFRASTRUCTURE</b></p>	<p><b><u>B. Highways, Engineering And Traffic Management</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <p>1. To exercise the Council’s functions, powers and duties in respect of:</p> <p style="padding-left: 40px;">(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</p>

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- 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.

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.

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INFRASTRUCTURE**

- 12. To deal with applications for easements and wayleaves affecting highways.
- 13. To negotiate with prospective sponsors with regard to charges which may be made for advertisements on sponsored litter bins, together with locations and other pertinent commercial matters.
- 14. To exercise functions required by the Road Traffic Act 1974 to promote road safety:-
  - (a) to carry out studies into accidents arising out of the use of vehicles on roads or parts of roads other than trunk roads within the Borough, and
  - (b) following consultation with the Executive Portfolio Holder, authorisation to disseminate information and advice relating to the use of roads and to give practical training to road users or any class or description of road users in the light of such studies (other measures to be reported to the Executive).
- 15. In consultation with the Police, to approve the siting of temporary school crossing patrol points in such circumstances, for example, as road works and royal visits.
- 16. To determine all applications for signs within the Borough.
- 17. Authority in consultation with local Ward Members, the 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.

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INFRASTRUCTURE  
IN CONSULTATION  
WITH DIRECTOR  
OF LEGAL AND  
DEMOCRATIC  
SERVICES**

- 1. To determine applications for Definitive Map Modification Orders.

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

<p><b>CORPORATE DIRECTOR CHILDREN, FAMILIES AND WELLBEING</b></p> <p><b>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&amp;R Directorate)</b></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><b>A. <u>EDUCATION SERVICES</u></b></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><b><u>General</u></b></p> <ol style="list-style-type: none"> <li>1. To discharge the functions conferred on or exercisable by the Council in its capacity as local education authority.</li> <li>2. To discharge the functions of the Council in relation to early years' development and provision.</li> <li>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.</li> <li>4. To take necessary action to ensure measures are in place to promote good attendance.</li> <li>5. To approve or disapprove applications for grants, awards, fees, concessions or allowances by or for pupils or students.</li> <li>6. In consultation with the Director of Legal and Democratic Services, to authorise proceedings in respect of irregular or non-attendance at school.</li> <li>7. To administer the regulations regarding the employment of children.</li> <li>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.</li> <li>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.</li> <li>10. To maintain the mechanisms by which a continuing positive dialogue may take place with non-Local Education Authority institutions.</li> <li>11. The provision of home/school transport for pupils.</li> </ol> <p><b><u>School Support Services</u></b></p> <ol style="list-style-type: none"> <li>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.</li> <li>13. To arrange the secondment and transfer of staff with the approval of the Governors concerned.</li> </ol>
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**(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)>**

14. To implement a scheme for assessing the eligibility of applicants for free school meals.

**Special Education – Education Health and Care Plans**

15. Arrangements for determining whether a child is in need of an Education, Health and Care Plan
16. Preparation of Education, Health and Care Plans and provision.
17. Arrangements to implement special education provisions specified in Education, Health and Care Plans.
18. To approve grant aid for parental visits at appropriate times to children with special needs in residential schools and colleges.
19. The provision of education to individual pupils “otherwise than in school”.

**School Improvement**

20. Arrangements for the monitoring of school performance.
21. Arrangements for intervening in schools under Special Measures or otherwise causing concern in accordance with the School Standards Framework Act 1998.
22. To exercise the Council's reserve power under the School Standards and Framework Act 1998 to prevent a breakdown of discipline
23. Arrangements for receiving OFSTED reports.

**Young People's Services**

24. To discharge the functions of the Council in relation to youth support services.
25. To provide equipment and facilities for voluntary youth organisations and youth welfare services.
26. To approve remission of fees for youth service courses in cases not already covered, where payment of the fee would cause unnecessary hardship.

**Miscellaneous**

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.

**B. CHILDREN'S SERVICES**

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

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Protection of Children Act 1999 in the interests of safeguarding and promoting the 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.
13. To exercise all the Council's functions as an adoption agency.
14. To establish and maintain an adoption service to meet the needs of children who have been or may be adopted, parents and guardians of such children

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and persons who have adopted or may adopt such a child.

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.

**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.
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.

43. In respect of day nurseries, in accordance with Financial Procedure Rules,

<p><b>CORPORATE DIRECTOR CHILDREN, FAMILIES AND WELLBEING</b></p> <p><b>CHIEF EXECUTIVE</b></p>	<p>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><b><u>Local Safeguarding Children Board</u></b></p> <p>45. Responsibility for ensuring that the Local Safeguarding Children Board is an effective vehicle for the promotion of child protection and the safeguarding of children in Trafford.</p> <p>46. To appoint or remove the chair of the Trafford Safeguarding Children Board in partnership with TSCB members and hold the chair to account for the effective work of the board, drawing on TSCB information as appropriate</p> <p><b><u>Reporting Arrangements</u></b></p> <p>47. Mandatory reporting to the relevant Government departments, agencies and inspectorates.</p>
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**CORPORATE  
DIRECTOR  
CHILDREN,  
FAMILIES  
AND  
WELLBEING**

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.

**MATTERS RELATING TO ADULT SOCIAL SERVICES**

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):

**General**

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.
12. The development of support and health improvement initiatives throughout the

<p><b>CORPORATE DIRECTOR CHILDREN, FAMILIES AND WELLBEING</b></p>	<p>Borough, either independently or in partnership with local health bodies.</p> <p><b><u>Safeguarding</u></b></p> <p>13. To be responsible for ensuring appropriate practices and procedures are in place for safeguarding vulnerable adults.</p> <p>14. To carry out a safeguarding enquiry, or cause others to do so, where a person is experiencing or is at risk of abuse and neglect to decide what action, if any, is necessary and by whom.</p> <p>15. To arrange an independent advocate for adults who are subject to a safeguarding enquiry or Safeguarding Adults Review (SAR).</p> <p>16. To set up a Safeguarding Adults Board.</p> <p>17. To cooperate with relevant partners to protect adults.</p>
<p><b>DIRECTOR OF PUBLIC HEALTH</b></p>	<p><b><u>Miscellaneous Matters</u></b></p> <p>18. To establish a complaints procedure and to give publicity to this procedure, pursuant to Section 7B of the Local Authority Social Services Act 1970 and the Complaints Directions 1990, as reformed by The Local Authority Social Services and NHS Complaints (England) Regulations 2009.</p> <p>19. Dealing with requests for access to personal files in accordance with the relevant legislation and regulations.</p> <p><b>PUBLIC HEALTH</b></p> <p>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.</p> <p>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:</p> <p>20. Preparing the annual report on the health of the local population</p> <p>21. Responsibility for all of the Council's duties to take steps to improve public health</p> <p>22. Responsibility for the delivery of any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the 2006 Act, inserted by section 18 of the 2012 Act.</p> <p>23. Exercising the Council's functions in planning for, and responding to, emergencies that present a risk to public health, their local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders.</p> <p>24. Carrying out of such other public health functions as the Secretary of State specifies in regulations</p> <p>25. Being responsible for the Council's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications.</p>

**DIRECTOR OF  
PUBLIC  
HEALTH**

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).
27. Being a member of the Health and Well Being Board.

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:

**Mandatory (Prescribed Functions)**

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)
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.
30. Ensuring NHS commissioners receive the public health advice they need
31. The National Child Measurement Programme
32. NHS Health Check assessment.

**Other (Non Prescribed Functions)**

33. Tobacco control and smoking cessation services
34. Alcohol and drug misuse services
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)
36. Interventions to tackle obesity such as community lifestyle and weight management services
37. Locally-led nutrition initiatives
38. Increasing levels of physical activity in the local population
39. Public mental health services
40. Dental public health services
41. Accidental injury prevention
42. Population level interventions to reduce and prevent birth defects
43. Behavioural and lifestyle campaigns to prevent cancer and long-term conditions
44. Local initiatives on workplace health
45. Supporting, reviewing and challenging delivery of key public health funded and NHS delivered services such as immunisation and screening programmes
46. Local initiatives to reduce excess deaths as a result of seasonal mortality
47. The local authority role in dealing with health protection incidents, outbreaks and emergencies
48. Public health aspects of promotion of community safety, violence prevention and response
49. Public health aspects of local initiatives to tackle social exclusion
50. Local initiatives that reduce public health impacts of environmental risks.

**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  
DIRECTOR  
TRANSFORMATION  
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.

**CHIEF  
FINANCE  
OFFICER**

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.

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.

**Council Tax**

26. To charge, collect and recover any Council Tax payable.

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.

28. To consider, determine, grant (as appropriate) and review any application for statutory and discretionary discounts, relief, reductions and exemptions.

29. To impose penalties in certain instances.

30. To attend Valuation Tribunals.

31. To prosecute and appear on behalf of the Council at any legal proceedings.

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.

33. The determination of the Council Tax base in accordance with Section 33(1) of the Local Government Finance Act 1992.

34. To annually estimate and set the Council Tax Base for local and national requirements pursuant to the relevant legislation and Council policy.

35. To annually determine the level of available Collection Fund Surplus.

**Council Tax Support and Housing Benefit Rent Allowances and Rent Rebates)**

36. To administer the Council Tax support and housing benefits scheme and make all determinations necessary for its proper administration including:

- 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.

<p><b>CHIEF FINANCE OFFICER</b></p>	<p>37. To cancel applications where insufficient information has been received at any time after a minimum of 4 weeks has elapsed, from the further written request for the necessary information being made.</p> <p>38. To withhold benefit in circumstances to be defined in consultation with the Director of Legal and Democratic Services.</p> <p>39. In respect of Housing Benefit to determine the appropriate level of rent to be met by the scheme having regard to rents which are unreasonable.</p> <p><b><u>Adult Social Care - Matters Relating to Income and Expenditure</u></b></p> <p>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.</p> <p>41. To offer deferred payments in line with the Care and Support (Deferred Payments Agreements) Regulations 2014</p> <p>42. To ensure debt recovery is pursued in line with the Care Act and the Council's Care &amp; Residential Services Debt Management &amp; Recovery Policy</p> <p>43. To protect the property of adults being cared for away from home in accordance with Section 47 of the Care Act</p> <p><b><u>Discretionary Welfare Assistance</u></b></p> <p>40. To administer the Discretionary Housing Payments Scheme including the setting of criteria, making payments and establishing a review procedure.</p> <p>41. To administer and determine the award of discretionary Council Tax Support in accordance with Council policy.</p> <p>42. To administer the Trafford Assist fund, including the setting of criteria, issuing awards and establishing review procedures.</p>
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<p><b>DIRECTOR OF HUMAN RESOURCES IN CONSULTATION WITH CHIEF FINANCE OFFICER</b></p>	<p><b><u>Human Resources</u></b></p> <p>43. To act in accordance with the Council's locally-agreed arrangements, including:-</p> <ul style="list-style-type: none"> <li>a. To administer the payment of all remuneration, compensation and other emoluments to employees of the Council.</li> <li>b. To make deductions from employees' salaries in respect of sums or debts lawfully due to the Council, in accordance with statute, the relevant contract of employment, by agreement and/or in accordance with Council policy determined by Members.</li> <li>c. In consultation with the Chief Executive, to implement national and provincial pay awards within approved estimated.</li> <li>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.</li> </ul> <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><b>CHIEF FINANCE OFFICER</b></p>	<p><b><u>Miscellaneous Matters</u></b></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> <ol style="list-style-type: none"> <li>a. Enter any Council premise at any time pursuant to investigations of financial irregularity and/or to secure any asset or documentation</li> <li>b. To request any Council officer or Member to produce and release any Council monies, instruments, stocks, financial record or other asset immediately</li> <li>c. To give instruction to any Council officer or Member pursuant to investigations of financial irregularity and/or to prevent financial loss or liability being incurred</li> <li>d. To remove and/or instruct on the security of any document and/or asset in furtherance of any investigation of financial irregularity and/or to prevent loss or liability being incurred</li> <li>e. To determine whether any matter of financial irregularity and/or corruption will be brought to the attention of the Police</li> <li>f. To require any officer of the Council to fully cooperate with any investigation of financial irregularity</li> </ol>
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**DIRECTOR  
OF LEGAL  
AND  
DEMOCRATIC  
SERVICES**

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

**General**

1. To institute, conduct, prosecute and defend any legal proceedings on behalf of the Council and make applications to court as required.
2. To make any order or direction, give or serve any notice, or sign on behalf of the Council, or witness the sealing of any document necessary to give effect to any decision lawfully taken by or on behalf of the Council.
3. To grant authority for someone (other than an admitted solicitor) to appear in the Magistrates' Court, on behalf of the Council, under Section 223 of the Local Government Act 1972.
4. To institute criminal proceedings in respect of offences against any legislation (including by-laws) that the Council is authorised to enforce and to institute and respond to any appeals arising out of such proceedings.
5. In consultation with the relevant Director, to serve any notices required in pursuance of the Council's functions or powers.
6. To approve, in consultation with the relevant Director, the payment of financial compensation not exceeding £1,000, in order to resolve a complaint submitted in accordance with the Council's Complaints' Procedure.
7. On the instructions of a Director, to take all necessary steps to secure the removal of any person or persons from land.
8. To grant authority to officers to enter premises in exercise of statutory powers and duties.
9. To establish and administer appeal committees to determine statutory education and exclusion appeals; to appoint additional members to the Panel as necessary and to appoint panel members to act as 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.

**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 Head of Legal (Community) 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
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 coterminus 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 Democratic and Performance Services Manager 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:

<b>Registration Service Act 1953</b>		
<b>Reference</b>	<b>Description</b>	<b>Proper Officer</b>
S3, 9,13 & 20	Registration of Births, Deaths and Marriages	Director of Legal and Democratic Services (Head of Legal Services)
<b>Local Government Act 1972</b>		
<b>Reference</b>	<b>Description</b>	<b>Proper Officer</b>
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)
<b>Local Government Act 1974</b>		
<b>Reference</b>	<b>Description</b>	<b>Proper Officer</b>
S 30 (5)	Publication of notice of Local Commissioner's report on investigation of a complaint	Director of Legal and Democratic Services
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
<b>Reference</b>	<b>Description</b>	<b>Proper Officer</b>
S 41	Certification of copies of resolutions, minutes and other documents	Director of Legal and Democratic Services
<b>Rates Act 1984</b>		
<b>Reference</b>	<b>Description</b>	<b>Proper Officer</b>
S 7	Certification of rate	Chief Finance Officer

<b>Local Government and Housing Act 1989</b>		
<b>Reference</b>	<b>Description</b>	<b>Proper Officer</b>
S 2	Preparation of list of politically restricted posts	Corporate Director Resources
S 15, 16, 17	Receipt of notices relating to political groups	Chief Executive (Director of Legal and Democratic Services)
<b>Local Government (Committees and Political Groups) Regulations 1990</b>		
<b>Reference</b>	<b>Description</b>	<b>Proper Officer</b>
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)
<b>The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012</b>		
<b>Reference</b>	<b>Description</b>	<b>Proper Officer</b>
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**

<b>Reference</b>	<b>Description</b>	<b>Proper Officer</b>
<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	Democratic and Performance Services Manager

***The Local Authorities (Standing Orders) (England) Regulations 2001***

<b>Section</b>	<b>Description</b>	<b>Proper Officer</b>
<i>Reg 3 &amp; 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.

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