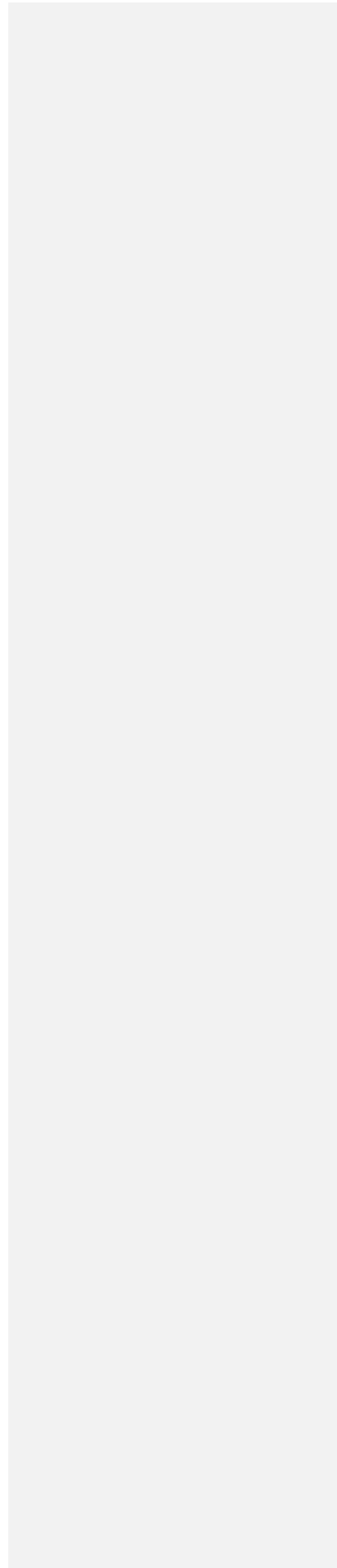


|

## **PART 3**

# **RESPONSIBILITY FOR FUNCTIONS**



## 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 <u>for which no specific provision has been made.</u>	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 <u>the Education Act 2002 as amended by S4 of the Education Act 2011 and the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.</u>	<u>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.</u>	<p><b>Deleted:</b> The Council will approve a panel of Members for Appeal Committees annually.¶</p> <p><b>Deleted:</b> this</p> <p><b>Deleted:</b> section 67 of, and Schedule 18 to, the School Standards and Framework Act 1998 (appeals against exclusion of pupils)</p> <p><b>Deleted:</b> including the process for determining whether appeals made out of time shall be heard.</p>
4.	<u>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.</u>	As <u>3</u> above.	<p><b>Formatted:</b> No bullets or numbering</p>
5.	<u>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</u>	As <u>3</u> above.	<p><b>Deleted:</b> making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals)¶</p> <p><b>Deleted:</b> The</p> <p><b>Formatted:</b> No bullets or numbering</p>
6.	The making of arrangements <u>to ask</u> questions on police matters at council meetings <u>to</u> be put on the discharge of the functions of <u>the Police and Crime Commissioner.</u>	The Council	<p><b>Deleted:</b> making arrangements pursuant to section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (children to whom section 87 applies; appeals by governing bodies)¶</p> <p><b>Deleted:</b> under section 20 (</p> <p><b>Deleted:</b> ) of the Police Act 1996 for enabling questions to</p> <p><b>Deleted:</b> a p</p> <p><b>Deleted:</b> authority</p>

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	Function	Decision making body and Delegations	
			<b>Deleted:</b> The making appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996. ¶
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.	<b>Deleted:</b> The Council
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 <u>Economic Growth and Prosperity</u> for determination in accordance with the Scheme of Delegation to Officers.	<b>Deleted:</b> Prosperity, Planning and Development
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 <u>Environment, Transport and Operations for</u> determination in accordance with the Scheme of Delegation to Officers.	<b>Deleted:</b> Prosperity, Planning and Development for d
10.	The service of an abatement notice in respect of a statutory nuisance.	Council function delegated to the <u>Corporate Director of Environment, Transport and Operations for</u> determination in accordance with the Scheme of Delegation to Officers.	<b>Deleted:</b> Corporate Director of Prosperity, Planning and Development for d
11.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Borough.	The Council	

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	<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 <u>Corporate Director of Environment, Transport and Operations for</u> 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 <u>Corporate Director of Environment, Transport and Operations for</u> determination in accordance with the <u>s</u> cheme 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.	<u>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</u>	Executive function delegated to the <u>Corporate Director of Environment, Transport and Operations for</u> determination in accordance with the Scheme of Delegation to Officers.

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**Deleted:** The making of agreements for the execution of highway works under s.278 of the Highways Act 1980.¶

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	<b>Function</b>	<b>Decision making body and Delegations</b>
<del>1z.</del>	The appointment of any individual – (a) to any office other than an office in which he is employed by the authority (b) to any body other than i) the authority ii) a joint committee of two or more authorities or (c) to a Committee or Sub-Committee of such a body and the revocation of any such appointment.	The Council insofar as the appointment does not relate to an Executive function.
<del>1p.</del>	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	The Executive
<del>1p.</del>	Any function of the local authority in its capacity as a harbour authority.	The Council

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## 2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

Committee	Membership	Functions
Accounts and Audit Committee	7 members of the Authority	<p><u>Terms of Reference</u></p> <p><u>Internal and External Audit</u></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, opinions and seek assurance on the adequacy of management response to External Audit advice, recommendations and action plans.</li> </ul> <p><u>Risk Management</u></p> <ul style="list-style-type: none"> <li>a) Review the adequacy of arrangements for identifying and managing the organisations business risks – including the Council's risk management policy and strategy and their implementation.</li> <li>b) Review the robustness of the strategic risk register and the adequacy of associated risk management arrangements.</li> <li>c) Receive and consider regular reports on the risk environment and associated management action.</li> </ul>

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Committee	Membership	Functions
Accounts and Audit Committee (continued)		<p><u>Internal Control Arrangements, Corporate Governance and the Annual Governance Statement</u></p> <ul style="list-style-type: none"> <li>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.</li> <li>b) Conduct a critical review of the proposed Annual Governance Statement (AGS), the procedures followed in its completion and supporting documentation in order to consider: <ul style="list-style-type: none"> <li>o how meaningful the AGS is;</li> <li>o the robustness of the evidence and assurances on which the AGS is based; and</li> <li>o whether the AGS discloses adequately the organisation's actions for addressing any significant internal control weaknesses disclosed within the statement.</li> </ul> </li> <li>c) Make recommendations for amendment of the AGS and the associated procedures.</li> </ul> <p><u>Anti - Fraud and Corruption Arrangements</u></p> <ul style="list-style-type: none"> <li>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.</li> <li>b) Review and ensure that adequate arrangements are established and operating to deal with situations of suspected or actual fraud and corruption.</li> </ul> <p><u>Accounts</u></p> <ul style="list-style-type: none"> <li>a) Approve the annual Statement of Accounts, including subsequent amendments.</li> <li>b) Consider the External Auditor's report on the audit of the annual financial statements.</li> <li>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.</li> </ul> <p><u>Access and Reporting</u></p> <ul style="list-style-type: none"> <li>a) To have the right of access to senior officers and all committees of the Council.</li> </ul>

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Committee	Membership	Functions
Accounts and Audit Committee (continued)		<p>b) To report directly to the Executive or Council, as appropriate, on matters within these terms of reference.</p> <p><u>Delegation</u></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 <del>those for which specific arrangements have been established.</del></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><u>Terms of Reference</u></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 Transformation and Resources.</li> <li>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.</li> <li>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.</li> </ol> <p><u>Delegation</u></p> <p>The Executive Member with responsibility for Strategic HR and the Corporate Director Transformation and 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>

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Committee	Membership	Functions																																
Licensing Committee		<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. 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> <p><u>Appendix 1 to the Licensing Committee's Terms of Reference</u></p> <p>Delegated Functions</p> <table border="1" data-bbox="512 1122 1236 1877"> <thead> <tr> <th data-bbox="512 1122 715 1173">Matter to be dealt with</th> <th data-bbox="715 1122 847 1173">Full Committee</th> <th data-bbox="847 1122 1018 1173">Sub Committee</th> <th data-bbox="1018 1122 1236 1173">Officers</th> </tr> </thead> <tbody> <tr> <td data-bbox="512 1173 715 1252">Application for personal licence</td> <td data-bbox="715 1173 847 1252"></td> <td data-bbox="847 1173 1018 1252">If a police objection is made</td> <td data-bbox="1018 1173 1236 1252">If no objection is made</td> </tr> <tr> <td data-bbox="512 1252 715 1357">Application for personal licence with unspent convictions</td> <td data-bbox="715 1252 847 1357"></td> <td data-bbox="847 1252 1018 1357">All Cases</td> <td data-bbox="1018 1252 1236 1357"></td> </tr> <tr> <td data-bbox="512 1357 715 1487">Application for premises licence/club premises certificate</td> <td data-bbox="715 1357 847 1487"></td> <td data-bbox="847 1357 1018 1487">If a relevant representation is made</td> <td data-bbox="1018 1357 1236 1487">If no relevant representation is made</td> </tr> <tr> <td data-bbox="512 1487 715 1568">Application for provisional statement</td> <td data-bbox="715 1487 847 1568"></td> <td data-bbox="847 1487 1018 1568">If a relevant representation is made</td> <td data-bbox="1018 1487 1236 1568">If no relevant representation is made</td> </tr> <tr> <td data-bbox="512 1568 715 1695">Application to vary premises licence/club premises certificate</td> <td data-bbox="715 1568 847 1695"></td> <td data-bbox="847 1568 1018 1695">If a relevant representation is made</td> <td data-bbox="1018 1568 1236 1695">If no relevant representation is made</td> </tr> <tr> <td data-bbox="512 1695 715 1800">Application to vary designated premises supervisor</td> <td data-bbox="715 1695 847 1800"></td> <td data-bbox="847 1695 1018 1800">If a police objection is made</td> <td data-bbox="1018 1695 1236 1800">All other cases</td> </tr> <tr> <td data-bbox="512 1800 715 1877">Request to be removed as designated</td> <td data-bbox="715 1800 847 1877"></td> <td data-bbox="847 1800 1018 1877"></td> <td data-bbox="1018 1800 1236 1877">All cases</td> </tr> </tbody> </table>	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			All cases
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Request to be removed as designated			All cases																															

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Committee	Membership	Functions			
(continued)		premises supervisor			
		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	
		<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			
Licensing Committee					

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Committee	Membership	Functions															
(continued)		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													
		<p><u>Appendix 3 to the Licensing Committee's Terms of Reference</u></p> <p>List of proposed Chairmen</p> <table border="1" data-bbox="512 1037 1230 1357"> <thead> <tr> <th>Title</th> <th>Order of Priority</th> </tr> </thead> <tbody> <tr> <td>Chairman of Licensing Committee</td> <td>1</td> </tr> <tr> <td>Vice-Chairman of Licensing Committee</td> <td>2</td> </tr> <tr> <td>Opposition Spokesperson for Licensing Committee</td> <td>3</td> </tr> <tr> <td>Member of Licensing Committee</td> <td>4</td> </tr> <tr> <td>Member of Licensing Committee</td> <td>5</td> </tr> </tbody> </table> <p>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
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 Development Control Committee	13 members of the Authority	<p><u>Terms of Reference</u></p> <ol style="list-style-type: none"> <li>1. To exercise powers in relation to planning and development control 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>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: <ol style="list-style-type: none"> <li>(i) town and country planning and development control;</li> <li>(ii) the registration of common land or town and village greens and to register the variation of rights of common;</li> </ol> </li> </ol>															

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Committee	Membership	Functions
Planning Development Control Committee (continued)		<p style="text-align: center;">and</p> <p>(iii) the exercise of powers relating to the regulation of the use of highways.</p> <p><u>Delegation</u></p> <p>In exercising the power and duties assigned to them in their terms of reference, the Planning Development Control 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 co-optees comprised of 2 parish representatives and 3 independent members	<p><u>Terms of Reference</u></p> <ol style="list-style-type: none"> <li>1. To promote and maintain high standards of conduct.</li> <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>
<b>Health and Well-Being Board</b> (established in accordance with S194 of the Health and Social Care Act 2012).	Membership of the Health and Wellbeing Board will comprise of: <ul style="list-style-type: none"> <li>• Executive Member for Community Health and Wellbeing</li> <li>• Executive Member for Adult Social Services</li> <li>• Executive Member for Supporting Children and Families</li> <li>• Shadow Executive Member for Community Health and Wellbeing</li> <li>• Non-Executive Member GM Cluster Board</li> </ul>	<p><u>Terms of Reference</u></p> <ol style="list-style-type: none"> <li>1. To provide strong leadership and direction of the health and wellbeing agenda by agreeing priority outcomes for health and wellbeing.</li> <li>2. To develop a shared understanding of the needs of the local population and lead the statutory Joint Strategic Needs Assessment (JSNA).</li> <li>3. To seek to meet those needs by producing a Joint Health and Wellbeing Strategy for Trafford and ensure that it drives commissioning of relevant services.</li> <li>4. To drive a genuine collaborative approach to commissioning of improved health and care services which improve the health and wellbeing of local people and reduces health inequalities.</li> <li>5. To promote joined-up commissioning plans across the NHS, social care and public health.</li> <li>6. To have oversight of local Clinical Commissioning Group (CCG) and local authority commissioning plans.</li> </ol>

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Committee	Membership	Functions
	<ul style="list-style-type: none"> <li>• Corporate Director of Children, Families and Wellbeing *</li> <li>• Director of Public Health *</li> <li>• Chair of Clinical Commissioning Group</li> <li>• Nominated Director Clinical Commissioning Group</li> <li>• Clinical Commissioning Group Lay Member</li> <li>• Chair Health Watch *</li> </ul> <p>The Executive Member for Community Health and Wellbeing will chair the board and a nominated individual will serve as vice chair</p> <p>* Denotes that this position must be represented on the HWB (Note at least one Councillor and one member of the CCG must be appointed)</p> <p>The Council Membership is nominated by the Leader of the Council)</p>	<p>7. To operate as a thematic partnership within the context of the Sustainable Community Strategy Trafford 2021 and align its work to the Trafford Partnership in that capacity.</p> <p>8. To improve local democratic accountability and engage with the Health and Wellbeing Forum which includes Trafford residents, service providers and other key stakeholders to understand health and wellbeing needs in Trafford.</p> <p>9. To monitor and review the delivery of health and wellbeing improvements and outcomes through robust performance monitoring.</p>

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### 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	Cllr Matthew Colledge
Transformation and Resources (Deputy Leader)	Cllr Alex Williams
Adult Social Services	Cllr Michael Young
Community Health and Wellbeing	Cllr Dr. Karen Barclay
Economic Growth and Prosperity	Cllr Michael Hyman
Education	Cllr Michael Cornes
Finance	Cllr Sean Anstee
Highways and Environment	Cllr Alan Mitchell
Safe and Strong Communities	Cllr Jonathan Coupe
Supporting Children and Families	Cllr Miss Linda Blackburn

The Terms of Reference for each of these portfolios are annexed to this Scheme of Delegation.

- 3.3 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 herself, 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:

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- (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.

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3.4 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 Director of Finance (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;

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- (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.

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- 3.5 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.
- 3.6 An individual Executive Member may refer any matter within that Member's portfolio to the Executive for decision.

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## 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.

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## 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
- 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).

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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.

**To submit to the Executive:**

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

**Deleted:** 19 September 2012

## 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.

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## EXECUTIVE TERMS OF OFFICE

### Portfolio – Adult Social Services

#### GENERAL

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

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

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## Areas of Responsibility

To have overall responsibility for:

- 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

**Deleted:** Equality and Diversity

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

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

1. The 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 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.

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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.

**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.

**Deleted:** 19 September 2012



## EXECUTIVE TERMS OF OFFICE

### Portfolio – Community Health and Wellbeing

#### GENERAL

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Community Health and Wellbeing portfolio, 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 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.

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## Areas of Responsibility

To have overall responsibility for:

- 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

## Key Roles and Responsibilities of the Community, Health and 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 Community Health and 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 with regard to the public health functions.
2. 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.
3. Meeting the Council's responsibilities in relation to prevention, health improvement and the reduction of health inequalities.
4. Liaison with the NHS and related matters affecting the general social welfare of people in Trafford.
5. Development of a positive relationship with voluntary sector organisations that represent service users or carers ensuring they are appropriately involved in determining service priorities, service planning and review.
6. Liaison with the Clinical Commissioning Group to ensure that they are provided with appropriate support to deliver public health objectives and priorities in Trafford.
7. To ensure that a Joint Strategic Needs Assessment is in place and that it informs commissioning strategies.

**Deleted:** <#>The duty to protect vulnerable adults.¶

**Deleted:** 19 September 2012

**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.

**Deleted:** 19 September 2012

## EXECUTIVE TERMS OF OFFICE

### Portfolio – Economic Growth and Prosperity

#### GENERAL

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

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## 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

## ***Key Roles and Responsibilities of the Economic Growth and Prosperity 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 Prosperity 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.

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8. Local environment policy and action via sustainable development.
9. Liaison with the Chairman of the Planning and Development Control Committee on the relationship between strategic planning issues and emerging policies and development control.
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

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**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.

**Deleted:** 19 September 2012

## EXECUTIVE TERMS OF OFFICE

### Portfolio – Education

#### GENERAL

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Education portfolio and will support the Lead Member for Children's 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, 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. Represent 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.

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## Working with the Executive Member for Supporting Children and Families

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

- having delegated responsibilities and powers for aspects of the Lead Member for Children's Services role; and
- reporting on a regular basis to the Executive Member for Supporting Children and Families on how these delegated responsibilities and powers are being exercised including all formal decisions made.

Reports recommending decisions to be made by the Executive should be countersigned by the Executive Member for Supporting Children and Families.

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### Areas of Responsibility:

Supporting and advising the Executive Member for Supporting Children and Families in:

- The Council's functions as Local Education Authority
- School Improvement and Inclusion
- Connexions
- School support services

### ***Key Roles and Responsibilities of the Education portfolio:***

Deleted: <#>Early Years' Development and Sure Start¶  
<#>Children's Fund¶  
¶

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 Education is responsible for all matters within their Areas of Responsibility as set out above, to the extent that they comprise Executive functions, including in particular:-

1. The functions, powers and duties of the Council as 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

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- 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
2. The functions, powers and duties of the Council with regard to Connexions and the Youth Service including targeted services 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.

**Deleted:** 19 September 2012

## 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.

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## **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 Value for Money. The Executive Member for Finance will, in undertaking the responsibilities of the Finance portfolio, liaise with the Executive Member for Value for Money.

### **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

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

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## EXECUTIVE TERMS OF OFFICE

### Portfolio – Highways and Environment

#### GENERAL

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

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## Areas of Responsibility

To have overall responsibility for:

- 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
- Operational Services for Education
- Waste Management
- Parking Services

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

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

1. The functions, powers and duties of the Council as highway authority including:
  - a) detailed highways and transportation schemes and proposals
  - 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
2. Highways inspections and maintenance.
3. Highways and engineering planning and development.
4. Development and implementation of the Transport Strategy.
5. 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
  - c) Out-Door media advertising
6. Transport for Greater Manchester matters.

**Deleted:** Management of the provision and maintenance of the Council's vehicle fleet through the Trafford Transport Partnership (TTP).¶

**Deleted:** Integrated Transport Authority

**Deleted:** 19 September 2012

7. Integration of public/private transport.

| 8. Sewers and drainage including flood and water management

9. The protection of public health and measures to promote the health of Trafford residents.

10. Waste collection, management, disposal and recycling.

11. 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

12. Bereavement Services.

13. Trading Standards including:

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

14. Health and Safety (excluding Council employee health and safety)

15. Parks and countryside including:

- a) grounds' maintenance
- b) allotments

16. Clean neighbourhoods including street cleansing and collection of litter.

| 17. Tackling environmental crime including appropriate consultations, interventions and enforcement.

18. Local environment policy and action via the environmental sustainability agenda.

19. Ecological protection and environmental improvements.

20. Sustainability and Climate Change.

| 21. 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.

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**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.

**Deleted:** 19 September 2012

## EXECUTIVE TERMS OF OFFICE

### Portfolio – Safe and Strong Communities

#### GENERAL

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

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## 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 Safe and Strong Communities 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 Safe and Strong Communities 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.

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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.

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## EXECUTIVE TERMS OF OFFICE

### Portfolio – Supporting Children and Families

#### GENERAL

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

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing in conjunction with the relevant Corporate Director or Director, Transformation Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Represent 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.

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## Working with the Executive Member for Education

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

- having delegated responsibilities and powers for aspects of the Lead Member for Children's Services role; and
- reporting on a regular basis to the Executive Member for Supporting Children and Families on how these delegated responsibilities and powers are being exercised including all formal decisions made.

Reports recommending decisions to be made by the Executive should be countersigned by the Executive Member for Supporting Children and Families.

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### Areas of Responsibility:

- 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;

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

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers, the responsibilities of the Lead Member for Children's Services and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Supporting Children and Families 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:-

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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 organizations;
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 Youth Service including targeted services for 13 to 19 year olds such as youth centres, 'one-stop-shops'; street-based work; mobile youth centre, school-based work and support to 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;

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- 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. Development of the integrated multi-agency Children and Young People's Service and implementation of the statutory requirements under the Children Act 2004 and those which will stem from the Green Paper, *Every Child Matters*, and from the DfES strategy documents including *Every Child Matters – Change for Children*.

**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.

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## 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.

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## 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

## 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

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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
8. All aspects of the Council's corporate communications including:
  - Your Trafford
  - Publicity
  - Consultation and engagement
9. The functions of the Council under the Civil Contingencies Act 2004 and responsibility for ensuring appropriate business continuity planning across the Council.
10. All matters concerning the provision and management of public libraries.

**To submit to the Executive:**

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

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## 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 will issue
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.

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**C. HUMAN RESOURCES**

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

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

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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(4)</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>CORPORATE DIRECTORS AND DIRECTOR OF HUMAN RESOURCES (5,6,7) CHIEF EXECUTIVE(7)</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 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> </ol>
<p><b>COUNCIL (8)</b></p>	<ol style="list-style-type: none"> <li>10. To determine whether further assistance be granted to employees for second attempts at examinations in line with approved procedures and guidance.</li> <li>11. To act in accordance with the provisions of the Council's Supplemental Conditions of Service, including the appointment to posts below Head of Service level.</li> <li>12. To act in accordance with the provisions of the Council's Supplemental</li> </ol>

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**CHIEF EXECUTIVE AND CORPORATE DIRECTORS AND DIRECTOR OF HUMAN RESOURCES (12)(J), (N), (O) (P),(Q), (R) (S) (V)(Y) 14**

Conditions of Service, including:-

- (a) To determine those groups of full-time employees who can participate in the flexible working hours schemes.
- (b) To allow up to a maximum of ten days to be carried forward from one leave year to the next, where this is considered necessary for operational or other reasons and is by mutual consent.
- (c) To authorise the attendance of employees at courses and professional meetings for periods not exceeding five days, at the expense of the authority.
- (d) To authorise 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 approve the allocation of Casual User car allowance status to posts within his/her own Service, having regard to the criteria set out in the former National Scheme of Conditions of Service for APT&C Staff, Section 6, Paragraph 63.
- (f) To grant payment at the appropriate Casual User car mileage grant in respect of the occasional use of cars for specific approved journeys by officers not designated as Essential or Casual Users.
- (g) 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.
- (h) To determine payments to officers temporarily undertaking additional duties in accordance with Paragraphs 35(a) and (b) of the former NJC Scheme of Conditions of Service for Local Authorities' APT&C Staff up to a maximum period of 12 months.
- (i) 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.
- (j) To approve the discretionary application of the Council's relocation Scheme for Newly Appointed Officers in cases where the Scheme does not automatically apply.
- (k) To approve job sharing arrangements, reduced hours or term time working in appropriate circumstances, subject to their being no detrimental effect on the service.
- (l) To approve 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.
- (m) To grant leave with pay to officers for attendance at meetings of approved outside bodies.
- (n) To grant leave of absence for jury service.

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(P), (Q), (R) (S)  
(V) (Y) 14**

- (o) To grant leave with pay of up to 18 days to staff engaged in magisterial and other public duties. Examples of public duties include:
  - Members of a police authority, local education authority, educational governing body, health authority or primary care trust,
  - Members of any statutory tribunal, an environmental agency, or of the boards of prison visitors.
- (p) 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.
- (q) To grant leave with or without pay for trade union purposes including training in accordance with the ACAS Code of Practice on Time Off for Trade Union Duties and Activities.
- (r) To grant leave with pay to an employee when attending meetings, etc., as a member of another local authority, on condition that the employee shall not be entitled to full salary during the time he/she is absent from work whilst performing “approved duties” as a member of the local authority concerned, but that he/she is paid the difference between full salary and the amount he/she is entitled to recover under the Local Government (Financial Loss) Regulations.
- (s) To grant leave with pay to staff serving on Whitely councils or other Joint Negotiating Bodies.
- (t) To grant special leave of absence in circumstances not covered above and for urgent personal or domestic reasons for up to five days with pay per year.
- (u) To grant leave without pay to staff for up to five years for the purpose of taking a Career Break.
- (v) In cases where there is loss of earnings by an employee involved in an incident in which he/she was prevented from working due to detention by police as a result of mistaken identity, to determine whether to advance an amount not exceeding the normal payment of wages due, subject to necessary undertakings being given by the employee concerned including the requirement to repay to the Council the amount of any settlement of a claim for damages received, up to the total amount advanced.
- (w) To approve extensions to the scheme for the provision of safety footwear where these are considered necessary in the interests of health and safety.
- (x) To determine whether employees retiring prematurely be allowed to attend pre-retirement courses, which start or overlap with their last day of service provided that the arrangements in such cases be made prior to the employee’s last day of service.
- (y) To approve a long service award in those cases where the exact length of an employee’s service contract cannot be verified.

13. To consider and make payments, not exceeding £500, in respect of claims

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<b>CHIEF EXECUTIVE AND CORPORATE DIRECTORS</b>	<p>by employees for loss of, or damage to, personal property arising from their official duties.</p> <p>14. To enter into compromise agreements with employees in their area.</p> <p><b>B. <u>FINANCIAL, COUNCIL AND CONTRACT PROCEDURES</u></b></p> <p>15. 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>16. To incur revenue expenditure.</p> <p>17. To incur expenditure on individual capital schemes.</p> <p>18. To approve price variations under contracts.</p> <p>19. Disposing of a surplus or obsolete capital asset, other than land and property at the best price obtainable in accordance with the procedures agreed with the Director of Finance.</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>20. Under the Town and Country Planning General Regulations 1992 to seek planning permission for development by the Council or in respect of land vested in the Council.</p> <p>21. The management of buildings and facilities under their control, subject to advice and guidance from the Corporate Director of Economic Growth and Prosperity in relation to the strategic and corporate use of assets.</p> <p>22. To permit the casual use of property by outside organisations, in accordance with the policy of the Council.</p> <p><b>D. <u>GENERAL MATTERS</u></b></p> <p>23. To deal with lost or uncollected property.</p> <p>24. To authorise, in writing, officers of the Council to exercise statutory rights of entry on to property in pursuance of their duties.</p> <p>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.</p>
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	<p>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.</p> <p>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:</p> <p style="padding-left: 40px;">public health, mental health, children and young persons, social services, housing, education, town planning, rating, licensing, trading standards and consumer services, highways, building control, shops, food safety, environmental health, animal health and welfare, health and safety at work,</p> <p style="padding-left: 40px;">under the provisions of the Greater Manchester Act 1981 or relating to any other statutory function or duty of the Council and to issue any necessary Certificates of Authority. In relation to any powers delegated to the Chief Executive which require to be dealt with by a Solicitor of the Supreme Court, his/her power shall in turn be delegated to the Director of Legal and Democratic services if necessary.</p> <p>28. To deal with requests for access to personal files and data in accordance with the relevant legislation and regulations.</p> <p>29. In consultation with the appropriate Executive Portfolio Holder, to authorise attendance by councillors/co-opted members at conferences/seminars.</p> <p>30. To sign and serve documents and notices on behalf of the Council.</p> <p>31. The taking of any necessary action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough.</p>
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**CORPORATE  
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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.

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**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 taken 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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¶ Enforcement¶  
<#>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.¶  
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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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**CORPORATE  
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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.

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<p><b>CORPORATE DIRECTOR ECONOMIC GROWTH AND PROSPERITY AND CHIEF PLANNING OFFICER</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 AND PROSPERITY AND CHIEF PLANNING OFFICER</b></p>	<p><b><u>D PLANNING AND DEVELOPMENT 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>Definitions</b></p> <p>For the purposes of this scheme and for the avoidance of doubt: -</p> <p>a) 'planning application' means applications for:</p> <ul style="list-style-type: none"> <li>❖ Outline Planning Permission, Full Planning Permission and Approval of Reserved Matters</li> <li>❖ Renewal of permission</li> <li>❖ Retrospective permission</li> <li>❖ Applications to extend time limits on a permission</li> <li>❖ Variation or discharge of Conditions</li> <li>❖ Listed Building Consent</li> <li>❖ Conservation Area Consent</li> <li>❖ Consent to Display Advertisements</li> <li>❖ Permission under the Town and Country Planning General Regulations</li> <li>❖ Hazardous Substances Consent and Deemed Consent</li> </ul> <p>b) 'excluded application' or application to be determined by committee means:-</p> <p>i) Applications where six or more representations* contrary to the Officers' recommendation have been received from separate addresses within the prescribed period.</p> <p>* For the purposes of this section a representation shall be taken to mean a letter, a signature on a petition or e-mail.</p> <p>ii) Where an application has been "called in" for determination by the Committee by a Member who represents a ward within the same Neighbourhood Forum area in which the application site lies. Such a call-in is 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 normally to attend the meeting of the Committee when the application is considered.</p> <p>iii) Proposals considered to be a material departure from the provisions of the approved Core Strategy or of other approved Local Development Framework documents which officers are minded to approve.</p>

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**CORPORATE  
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- iv) Applications for non-householder development considered to be a material departure from approved planning guidelines which officers propose to approve.
  - v) Applications for householder development considered to be a material departure from approved planning guidelines where an objection has been received in writing which officers propose to approve.
  - vi) Applications in which a Member or Officer has declared a personal or financial interest (either through a connection with the applicant or with an affected neighbour).
  - vii) Proposals for residential development exceeding 10 dwellings or, in the case of outline applications not specifying a number of units, a site area in excess of 0.5ha.
  - viii) Non-residential development in excess of 1000 square metres of new or additional floor space or, in the case of outline applications not specifying a floor area, a site area in excess of 1.0 ha except in respect of Class B1, B2 and B8 developments on sites within the Trafford Park, Broadheath, Elsinore Road and Carrington Main Industrial Areas as defined in the Unitary Development Plan.
  - ix) Developments in excess of 20 metres in height.
  - x) Applications for Listed Building Consent where they relate to minor works or for Conservation Area Consent which do not attract adverse representations from statutory consultees.
  - xi) Applications requiring reference to the Secretary of State.
  - xii) Applications for approval which require linking to an agreement under Section 106 of the Town and Country Planning Act unless the sole purpose of the proposed S106 Agreement is to secure financial contributions in line with the requirements of SPD1: Planning Obligations (but not where minor amendments are subsequently required to the s.106 agreement and or where a Deed of Variation or Supplemental Agreement is required to link to a s.106 agreement to a subsequent planning permission, in which case the prior consent of the Chairman and Vice-Chairman and Opposition Spokesperson [or in their absence, substitute member(s) of the Planning Development Control Committee selected by them] must be obtained).
  - xiii) Applications for development by or on behalf of the Council to which an objection has been made which is material to the development proposed.
- c) 'planning or building regulation permission' includes, approvals and consents

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- d) 'householder application' means any domestic extension or alterations or other works within the curtilage of a dwelling or flat other than redevelopment or change of use.
- e) '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).
- f) 'the Act' means the Town and Country Planning Act 1990
- g) 'the Order' means the Town and Country Planning (General Permitted Development) Order 1995 or any amendment thereto
- h) 'the Committee' means the Planning Development Control Committee
- i) Any reference to an Act, Order or Regulation 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 and Prosperity / Chief Planning Officer 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 and Prosperity Directorate.

**3. Planning Applications**

**3.1 Processing Planning Applications**

- (a) To determine what consultation, notification and publicity is appropriate and to carry this out in accordance with statute and the Council's approved arrangements.
- (b) To maintain for inspection registers of applications and associated matters, enforcement notices, works to protected trees and decision notices as required by statute.
- (c) To determine whether or not an application appears to be a departure from the Development Plan and to take appropriate procedural action.
- (d) 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 (Assessment of Environmental Effects) Regulations as may be amended.
- (e) To determine on the receipt of Outline Applications whether further information is required under the Town and Country Planning (General Development Procedure) Order 1995 as may be amended.

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(f) Jointly with the Director of Finance to operate the system of charging fees for planning applications, including the assessment and receipt of fees under the charging scheme.

(g) To issue all planning application decision notices.

**3.2 Determination of Planning Applications**

(h) To determine all planning applications except excluded applications including:-

- applications where up to 5 residents (from separate addresses) and/or consultees have made representations in writing contrary to the officers' recommendation within the prescribed period, which are not otherwise excluded applications.
- householder applications which do not conform with approved standards and guidelines, but which accord with the provisions of the Core Strategy and/or of other approved Local Development Framework documents and where no objections to the grant of permission have been received within the prescribed period.

(i) To decline to determine planning applications under the provisions of Section 70(A) of the Act (i.e. where a similar application has been dismissed at appeal).

(j) To attach conditions to planning permissions determined under this delegation and to make modifications to the standard planning conditions as necessary.

(k) To approve or refuse details and plans submitted to discharge conditions placed on planning permissions.

**3.3 Amendments to Planning Permissions**

(l) To approve or refuse minor amendments to planning permissions not requiring a new planning application or formally submitted as non-material amendments or minor material amendments.

**3.4 Prior Notifications**

(m) To determine whether or not prior approval of details is required under the Order for demolition, telecommunications equipment and agricultural/ forestry buildings and operations and to approve or refuse such submitted details.

(n) To deal with notifications for mineral exploration under the Order served upon the Council as mineral authority including the issuing of a direction.

(o) To approve or refuse details and plans submitted in compliance with conditions imposed by the Order relating to development permitted by that Order.

**3.5 Response To Consultations**

(p) To respond to consultations from Government Departments in connection with proposed development by those departments which are exempt from the provisions of the Act in accordance with DETR Circular 18/84 where the

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	<p>response would accord with the provisions of the Core Strategy and/or of other approved Local Development Framework documents.</p> <p>(q) 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 Core Strategy and/or of other approved Local Development Framework documents.</p> <p>(r) To comment on proposals to erect overhead electricity lines and transformer sub-stations submitted by a statutory undertaker where the response would accord with the provisions of the Core Strategy and/or of other approved Local Development Framework documents.</p>
<b>CHIEF PLANNING OFFICER IN CONSULTATION WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</b>	<p>3.6 To determine applications for Certificates of Lawfulness in relation to existing and proposed uses or development.</p> <p>3.7 To determine applications for Certificates of Appropriate Alternative Development.</p> <p>3.8 To agree minor amendments to planning agreements/ obligations where the agreements/ obligations previously had the approval of the Committee.</p>
	<p><b>4. Planning Appeals</b></p> <p>4.1 To defend the decisions of the Council at appeal.</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 appeal process which do not conflict with the provisions of the Core Strategy and/or of other approved Local Development Framework documents or the resolution of the Committee in order to best present the Council's case.</p> <p>4.4 With the approval of the Chairman of the Planning Development Control Committee, to appoint consultants to assist the Council in defending its decision at appeal.</p>
<b>CHIEF PLANNING OFFICER JOINTLY WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</b>	<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 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 where planning conditions have not been complied with and to specify the steps which the Council consider ought to be taken or the activities which ought to cease.</p>

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**CHIEF PLANNING OFFICER JOINTLY WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

- d) In consultation with the Chairman, Vice-Chairman and Opposition Spokesperson (or their nominated substitutes) to serve Enforcement Notices.
- e) To withdraw, modify and reissue any enforcement notice following a decision by the Committee to grant permission for development or not to proceed with enforcement action.
- f) In cases of urgency, in consultation with the Chairman, Vice-Chairman and Opposition Spokesperson (Planning Development Control Committee), or their nominated substitutes, to issue and serve stop notices.
- g) In consultation with the Chairman, Vice-Chairman and Opposition Spokesperson (or their nominated substitutes) to serve Temporary Stop Notices.
- h) In consultation with the Chairman, Vice-Chairman and Opposition Spokesperson (or their nominated substitutes) to serve Prosecution for Non-Compliance With Notice.
- i) To serve contravention notices under the Planning (Hazardous Substances) Act 1990 and any amendment thereto.
- j) To serve Building Preservation Notices where there is an imminent threat of demolition of a building.

**5.2 Advertisements:-**

- k) To serve Discontinuance Notices under the Town and Country Planning (Control of Advertisements) Regulations 1992.
- l) To enforce the control of fly-posting through the obliteration and/or removal of any unauthorised placard or poster on private land.
- m) To take prosecution proceedings in respect of breaches of the Advertisement Regulations.

**5.3 Neglected/ Untidy Land:-**

- n) 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.
- o) To authorise entry onto land to carry out works required by a Section 215 Notice and to recover expenses reasonably incurred in doing so.

**6. Conservation**

- 6.2 To approve or refuse requests for grant aid for works to Listed Buildings or buildings within Conservation Areas within the approved budget.
- 6.3 To issue Listed Building Repair Notices.
- 6.3 In consultation with the Chairman, Vice-Chairman and Opposition

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<p><b>CHIEF PLANNING OFFICER JOINTLY WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</b></p>	<p>Spokesperson of the Planning Development Control Committee (or their nominated substitutes) to issue Notices for Urgent Works to Listed Buildings and buildings in Conservation Areas (subject to the agreement of) and to retrieve the Council's reasonable costs for works carried out.</p> <p><b>7 Trees And Hedgerows</b></p> <p>7.1 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 TPO Sub-Committee 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 and to serve notice requiring such replanting as is considered necessary.</li> <li>c) To determine prior notifications of works to trees situated within Conservation Areas.</li> <li>d) 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 Notices.</li> <li>b) To determine applications under the Hedgerow Regulations.</li> </ul> <p>7.3 Jointly with the Director of Legal and Democratic Services, to take legal proceedings for breach of a Tree Preservation Order and/or Hedgerow Retention Notice.</p>
<p><b>CORPORATE DIRECTOR ECONOMIC GROWTH AND PROSPERITY AND CHIEF PLANNING OFFICER</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><b>1. Building Regulation Applications</b></p> <p>1.1 Processing Building Regulation Applications.</p> <p>1.2 Jointly with the Director of Finance 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>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>

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<p><b>CORPORATE DIRECTOR ECONOMIC GROWTH AND PROSPERITY AND CHIEF PLANNING OFFICER</b></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>
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**Deleted:** <#>To make representations in response to applications for Heavy Goods Vehicle operating centre licences in accordance with Council policies.¶

**Deleted:** <#>To act as the Council's appointed officer for the purposes of the Party Wall etc Act 1996.¶

<p><b>CORPORATE DIRECTOR ECONOMIC GROWTH AND PROSPERITY</b></p>	<p><b>F. STRATEGIC HOUSING</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>All matters concerning the relationship between the Council and Trafford Housing Trust limited <u>and other providers</u>.</li> <li>To discharge the Council's functions under legislation relating to homeless persons.</li> <li>To deal with special circumstances not adequately provided for within the Council's allocations policy</li> <li>In consultation with the Executive Portfolio Holder to:</li> </ol>
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	<p>i) add further Section 106 planning agreement commuted sums <u>and CIL payments</u> to the Capital Programme, and:</p> <p>ii) approve future Registered Social Landlord schemes for grant funding.</p>
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<b>CORPORATE DIRECTOR ENVIRONMENT, TRANSPORT AND OPERATIONS</b>	<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. ENVIRONMENT</b></p> <p><u>Public Protection</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 services, consumer protection and trading standards.</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 electrolysisists, 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 Public Protection Manager (Trading Standards)</li> <li>4. To take direct action to remove unlawful itinerants' encampments from Council-owned and other land in certain circumstances.</li> <li>5. <u>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.</u></li> <li>6. <u>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.</u></li> </ol> <p><u>Licensing</u></p> <ol style="list-style-type: none"> <li>7. To grant, renew, transfer, suspend and vary, where no objections have been received, and to make conditions in relation to annual licences, occasional licences, registrations, certificates, permits, permissions and consents relating to: <p style="text-align: center;">Amusement with prizes</p> </li> </ol>

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**CORPORATE  
DIRECTOR  
ENVIRONMENT,  
TRANSPORT AND  
OPERATIONS**

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  
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

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.
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

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	<p>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 ENVIRONMENT, TRANSPORT AND OPERATIONS</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 ENVIRONMENT, TRANSPORT AND OPERATIONS</b></p>	<p><b>B. <u>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 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</p>

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**CORPORATE  
DIRECTOR  
ENVIRONMENT,  
TRANSPORT AND  
OPERATIONS**

(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.
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.

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<p><b>CORPORATE DIRECTOR ENVIRONMENT, TRANSPORT AND OPERATIONS</b></p>	<p>14. To exercise functions required by the Road Traffic Act 1974 to promote road safety:-</p> <p>(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</p> <p>(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).</p> <p>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.</p> <p>16. To determine all applications for signs within the Borough.</p> <p>17. Authority in consultation with local Ward Members, the Chairman, the Vice-Chairman and the Opposition Spokesperson of the Planning Development Control Committee and the Police to consider applications for the placing of tables, chairs and certain associated furniture on the highway. If the application is considered suitable to serve notices, obtain necessary consents from owners and occupiers and, if no objections are received, to grant permission subject to such conditions as he/she considers appropriate.</p>
<p><b>CORPORATE DIRECTOR ENVIRONMENT, TRANSPORT AND OPERATIONS IN CONSULTATION WITH DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</b></p>	<p>1. To determine applications for Definitive Map Modification Orders.</p>
<p><b>CORPORATE DIRECTOR ENVIRONMENT, TRANSPORT AND OPERATIONS</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> <p>1. To manage and maintain the Council's parks, play areas and open spaces.</p> <p>2. To give authorisation for events in the Borough's Parks, [in consultation with the Executive Portfolio Holder.]</p> <p>3. Authority to let facilities in parks and recreation grounds.</p> <p>4. To arrange exhibits for horticultural shows as required.</p> <p>5. To exercise the Council's functions, powers and duties in relation to cemeteries, crematoria, burial grounds and memorials.</p>

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	<p>6. To exercise the Councils functions, powers and duties in relation to:</p> <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> <p>7. To fix charges <u>for refuse collection and recycling</u>.</p>
<p><b>CORPORATE DIRECTOR ENVIRONMENT, TRANSPORT AND OPERATIONS</b></p>	<p><b><u>D.</u> OPERATIONAL SERVICES FOR EDUCATION</b></p> <p>1. All matters relating to the supply of school milk and school meals.</p> <p>2. <u>To negotiate with prospective suppliers with regard to charges which may be made for out-door media advertisements</u></p>
<p><b><u>CORPORATE DIRECTOR ENVIRONMENT, TRANSPORT AND OPERATIONS</u></b></p>	<p><b><u>E.</u> HOUSING RENEWAL</b></p> <p>1. To issue licences and certificates as appropriate for licensing and accreditation schemes for privately rented properties.</p> <p>2. To authorise all action required to address public health concerns within private sector housing including statutory nuisances, filthy and verminous premises, pest control, local drainage concerns and accumulations.</p>

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**CORPORATE  
DIRECTOR  
CHILDREN,  
FAMILIES  
AND  
WELLBEING,**

**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)>**

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.

**A. EDUCATION SERVICES**

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

**General**

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

**School Support Services**

12. All the Council's functions in relation to the employment of teachers and other school based staff including appointment, termination of appointment and reimbursement of expenses properly incurred.
13. To arrange the secondment and transfer of staff with the approval of the Governors concerned.

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<p><b>CORPORATE DIRECTOR CHILDREN, FAMILIES AND WELLBEING</b></p> <p><u>(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)&gt;</u></p>	<p><u>14.</u> To implement a scheme for assessing the eligibility of applicants for free school meals.</p> <p><b><u>Special Education</u></b></p> <p>15. Arrangements for determining whether a child is in need of Special Education.</p> <p>16. Preparation of Statements of special educational need and provision.</p> <p>17. Arrangements to implement special education provisions specified in Statements.</p> <p>18. To approve grant aid for parental visits at appropriate times to children with special needs in residential schools and colleges.</p> <p>19. The provision of education to individual pupils “otherwise than in school”.</p> <p><b><u>School Improvement</u></b></p> <p>20. Arrangements for the monitoring of school performance.</p> <p>21. Arrangements for intervening in schools under Special Measures or otherwise causing concern in accordance with the School Standards Framework Act 1998.</p> <p>22. To exercise the Council’s reserve power under the School Standards and Framework Act 1998 to prevent a breakdown of discipline</p> <p>23. Arrangements for receiving OFSTED reports.</p> <p><b><u>Young People's Services</u></b></p> <p>24. To discharge the functions of the Council in relation to youth support services.</p> <p>25. To provide equipment and facilities for voluntary youth organisations and youth welfare services.</p> <p>26. To approve remission of fees for youth service courses in cases not already covered, where payment of the fee would cause unnecessary hardship.</p> <p><b><u>Miscellaneous</u></b></p> <p>27. To fix charges for any occasional activity, sale of goods over the counter or by machine, hire of equipment and other permitted use not contained in the approved list of charges.</p> <p><b><u>B. CHILDREN'S SERVICES</u></b></p> <p>In accordance with Council policies, statutory requirements, guidance, relevant Codes of Practice, National Care Standards and subject to overall budget provision to exercise all relevant children social services functions as conferred by; the Children Act 1989, the Adoption and Children Act 2002, the Local Authority Social Services Act 1970, the Children (Leaving Care) Act 2000 and the Protection of Children Act 1999 in the interests of safeguarding and promoting the welfare of children and young people:</p>
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**Deleted:** <#>All matters relating to the supply of school milk and school meals.¶

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**CORPORATE  
DIRECTOR  
CHILDREN,  
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**General**

- i. 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.
- i. 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.
- i. To manage the Council's Children's Services' establishments
- v. 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.
- v. 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.
- i. 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.
- i. Administering grants, loans, charges and other forms of assistance.
- i. The determination of individual applications for provision under community care legislation and the implementation of such provision.
- k. The administration of services for the welfare of children and young people with disabilities or mental health needs and their carers.
- k. The receipt into the guardianship of the Council of such people with mental health problems for whom this may be appropriate.
- i. 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**

- i. To establish and maintain an Adoption Agency.
- i. To exercise all the Council's functions as an adoption agency.
- v. To establish and maintain an adoption service to meet the needs of children who have been or may be adopted, parents and guardians of such children and persons who have adopted or may adopt such a child.
- v. After taking note of the recommendations of the Adoption Panel, and subject

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to the leave of the Court where necessary, to apply for Orders to place children for adoption.

**Fostering Services**

- i. To establish and maintain a Fostering Agency.
- i. To exercise all the Council's functions as a fostering agency.
- i. 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.
- k. 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**

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

**Day Care**

- i. 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**

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

**Investigation and Social Reports**

- i. To investigate a child's circumstances at the request of a court and to report to that court.

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**CORPORATE  
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- k. To make enquiries into the circumstances of any child the subject of an emergency protection order.
- k. 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**

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

**Charging for Services**

- i. Decisions regarding charging for services to children.

**Miscellaneous**

- i. 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.
- v. 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.
- v. To express an opinion, when asked by the Special Educational Needs Service, as to whether a "statemented" child has disabilities.
- i. 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.
- i. To be consulted by the Court in regard to remands of individual children in criminal proceedings.
- i. 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.
- k. When in force to make applications in relation to the remand of individual children under the Children and Young Persons Act 1969, Section 23.

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**Matters Relating to Income and Expenditure**

- l. 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.
- i. 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.
- i. 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.
- i. In respect of day nurseries, in accordance with Financial Procedure Rules, and in consultation with the Director of Finance 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.
- v. To agree to disregard up to the full amount of the attendance allowance or

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disabled living allowance received in appropriate cases.

**Local Safeguarding Children Board**

- v. 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.

**Reporting Arrangements**

- i. Mandatory reporting to the relevant Government departments, agencies and inspectorates.

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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.

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**MATTERS RELATING TO ADULT SOCIAL SERVICES**

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

**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 ensure the provision of community and home based services.
4. The provision of equipment and adaptations to property including:  
  
Authority to approve all applications for minor adaptations to properties up to the individual limit approved by the Council. When arranging the provision of major adaptations to property subject to a Disabled Facilities Grant:-
  - (a) In cases where the Council has an existing legal and financial obligation for the disabled person and has arranged this person's long term care to approve financial assistance to cover the assessed personal contribution.
  - (b) In certain other cases where the Council has, as part of its obligations, arranged and approved short term regular and planned alternative care for a disabled person to approve grant assistance to cover the assessed personal contribution. This assistance would be confined to the approved carer who was acting as agent for the Council in providing the care within their own home.
  - (c) Where the payment of the personal contribution would cause hardship to the disabled person or their carers, the Corporate Director of Children, Families and Wellbeing, in consultation with the Director of Finance, has the power to approve a grant covering all or part of this contribution.
5. To administer the loan scheme for physically disabled people in financial hardship who require adaptations to their property.
6. The determination of individual applications for provision under community care legislation 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

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of the public.

8. Arrangements for the provision of accommodation, where necessary with other authorities or organisations.
9. Carrying out any registration, licensing and inspection functions of the Council under Social Services' legislation.
10. Administering grants, loans, charges and other forms of assistance.
11. 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**
12. All matters relating to the recovery of contributions and charges for accommodation or services.
13. Arrangements for the burial or cremation of persons in the care of the Council, or where no other person takes responsibility.
14. The development of community care and health improvement initiatives throughout the Borough, either independently or in partnership with local health bodies.
15. Under the provision of the National Health Service and Community Care Act 1990 and any other appropriate legislation to:-
  - (a) authorise, within the approved budgetary provision, the placing of contracts for the supply of services assessed under the above Act and any other appropriate legislation as needed by the individual concerned.
  - (b) authorise the placing of contracts for the domiciliary care and day care of adults with such organisations or individual as he/she considers will meet the assessed needs of the client, for an appropriate fee and within the approved budgetary provision.
16. Authority to take all necessary steps and actions to facilitate and provide preventative services, including technology, to assist people to live independently, offer alternatives to residential, hospital or nursing home care and remain in their own homes for as long as possible. Expenditure under this delegated authority is limited to £50,000 per contract or, where the expenditure is grant funded, such as the Assistive Technology grant, the amount of the grant funding.
17. To plan and commission services to meet the social care needs of Trafford residents, ensuring through monitoring and service improvement that these services are of appropriate quality and value for money.

**Safeguarding**

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

**Reporting Arrangements**

19. Mandatory reporting to the relevant Government departments, agencies and inspectorates.

**Matters Relating to Income and Expenditure**

20. To assess and collect charges:-

- (a) Under the provisions of the National Assistance (Assessment of Resources) Regulations 1992 for the residential accommodation provided under Part 3 of the National Assistance Act 1948.
- (b) Under the scale of assessment and charges laid down by the Council, for other services.

21. To deal with matters relating to the collection of income as follows:-

- (a) To vary retention fees to other local authorities after an absence of six weeks in exceptional circumstances.
- (b) To reach a voluntary agreement with liable relatives within the agreed criteria.
- (c) To decide the extent to which the value of a former dwelling should be reduced in an assessment and/or abandonment of assets of a client.
- (d) Authority to reduce the assessed charge to residential and nursing home clients.
- ~~(e)~~ Authorise the payment of fees at an appropriate rate to individuals who have agreed to provide specified services to meet the assessed needs of adults living in the community, subject to the agreement of the Director of Finance with regard to documentation.
- ~~(f)~~ To act as an agent for the payment of Third Party Top Up Fees to residential and nursing homes
- ~~(g)~~ To collect Third Party Top Up Fees from Third Parties.

22. To vary arrangements for charges in exceptional circumstances under Section 48 of the National Assistance Act 1948.

23. To agree to disregard up to the full amount of the attendance allowance or disabled living allowance received in appropriate cases.

24. In consultation with the Director of Finance to agree the annual rate of standard charges for Social Services residential establishments and day centres.

25. To vary fees for providing long-term community placements for people with a learning disability in accordance with the council's agreed scheme.

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26. To approve assistance to persons from abroad who are subject to immigration control.

27. To amend payments made to asylum seekers resulting from awards of Housing Benefit and Council Tax benefit.

28. To agree the Annual rate of standard charges for Social Services' residential establishments and day centres.

**Miscellaneous Matters**

29. The removal to suitable premises of persons in need of care and attention, subject to Section 47 of the National Assistance Act 1948.

30. To provide temporary protection for property of persons admitted to hospitals, etc., subject to Section 48 of the National Assistance Act 1948 and to incur relevant expenditure.

31. To cause to be buried or cremated the body of any person who has died, or been found dead in the Borough.

32. 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

33. To exercise the Council's functions, powers and duties in relation to:

- a. Nuisance vehicles
- b. Graffiti and fly posting
- c. Abandoned vehicles

34. In consultation with the Executive Portfolio Holder to decide whether or not to report to the Police incidents of serious criminal damage by service users to Adult Social Care establishments.

**PUBLIC HEALTH**

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

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

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

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

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37. 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.
38. 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.
39. Carrying out of such other public health functions as the Secretary of State specifies in regulations
40. 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.
41. 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).
42. Being a member of the Health & Well Being Board.

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The following mandatory and other public services will be carried out by the Director of Public Health

#### **Mandatory**

43. Appropriate access to sexual health services (ie., 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)
44. 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.
45. Ensuring NHS commissioners receive the public health advice they need
46. The National Child Measurement Programme
47. NHS Health Check assessment.

#### **Other**

48. Tobacco control and smoking cessation services
49. Alcohol and drug misuse services
50. 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)
51. Interventions to tackle obesity such as community lifestyle and weight management services
52. Locally-led nutrition initiatives
53. Increasing levels of physical activity in the local population
54. Public mental health services
55. Dental public health services
56. Accidental injury prevention
57. Population level interventions to reduce and prevent birth defects
58. Behavioural and lifestyle campaigns to prevent cancer and long-term conditions
59. Local initiatives on workplace health
60. Supporting, reviewing and challenging delivery of key public health funded and

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	<p>NHS delivered services such as immunisation and screening programmes</p> <p>61. Local initiatives to reduce excess deaths as a result of seasonal mortality</p> <p>62. The local authority role in dealing with health protection incidents, outbreaks and emergencies</p> <p>63. Public health aspects of promotion of community safety, violence prevention and response</p> <p>64. Public health aspects of local initiatives to tackle social exclusion</p> <p>65. Local initiatives that reduce public health impacts of environmental risks.</p>
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**CORPORATE  
DIRECTOR OF  
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

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	<p><u>whom we have a contractual arrangement.</u></p> <p><u>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:</u></p> <p style="padding-left: 40px;"><u>(a) in consultation with the Executive Portfolio Holder, determining admission charges, fees and concessions for the use of such facilities, and to agree variations from standard charges;</u></p> <p style="padding-left: 40px;"><u>(b) authorising the emergency closure of premises and facilities, without notice, in the interests of public safety;</u></p> <p style="padding-left: 40px;"><u>(c) to agree seasonal and other variations in the hours of opening of facilities, and the closure of facilities at bank holidays;</u></p> <p style="padding-left: 40px;"><u>(d) permitting and organising exhibitions.</u></p> <p><u>3. The development of sport and arts services throughout the Borough.</u></p> <p><u>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.</u></p> <p><u>5. To set ticket prices for arts events.</u></p> <p><b><u>D GENERAL</u></b></p> <p>1. To grant or refuse applications for use of the Borough Badge.</p> <p>2. To take necessary action to implement the Equality Standard for Local Government.</p>
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<b>DIRECTOR OF FINANCE</b>	<p>In accordance with Council policies, statutory requirements, guidance and Codes of practice, and subject to overall budget provision:</p> <p><b><u>General</u></b></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>3. To prepare the annual Statement of Accounts and to ensure that the Council, its appropriate Committees, the Executive and the Corporate</u></p>
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**DIRECTOR OF FINANCE**

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.

**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

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**Deleted:** Authority to act jointly with the Director of Legal and Democratic Services in respect of paragraph 6 of the Accounts and Audit Regulations 2011.¶  
¶  
To arrange all insurance cover for Council requirements, and to determine all claims made on the self-insured fund, in accordance with Council Policy.¶  
¶  
To consider and determine applications for virement between revenue budgets.¶  
¶  
To approve or refuse requests for capital virement up to a maximum of £100,000 or any greater figure approved by the Executive from time to time.¶  
¶  
To be the Council's authorised signatory for all grant claims made by the Council.¶

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<#>To administer the Members' Scheme of Allowances.¶  
¶  
<#>To set a reasonable fee for supplying a copy of the Independent Remuneration Panel's report to interested parties.¶

**Deleted:** To invest temporarily, as is most appropriate, monies not immediately needed for the Council's purposes, within the guidelines laid down by the Council.¶

**Deleted:** <#>To repay borrowings, mortgages or bonds prematurely.¶  
<#>¶

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**DIRECTOR OF FINANCE**

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.

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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)

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**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

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.

Deleted: <#>To consider and determine all applications for rate relief.¶ <#>¶

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**

Deleted: <#>To operate the Council's scheme for financial support to sporting organisations.¶

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.

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**DIRECTOR OF FINANCE**

- 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)**

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- 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.
- 37. To cancel applications where insufficient information has been received at any time after a minimum of 4 weeks has elapsed, from the further written request for the necessary information being made.
- 38. To withhold benefit in circumstances to be defined in consultation with the Director of Legal and Democratic Services.
- 39. In respect of Housing Benefit to determine the appropriate level of rent to be met by the scheme having regard to rents which are unreasonable.

**Discretionary Welfare Assistance**

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

Deleted: <#>To administer the Discretionary Housing Payments Scheme including the setting of criteria, making payments and establishing a review procedure.¶

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<p><b>DIRECTOR OF HUMAN RESOURCES</b></p>	<p><b>Human Resources</b></p> <p>43. To act in accordance with the Council's Supplemental Conditions of Service, 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</li> </ul>
<p><b>DIRECTOR OF HR AND DIRECTOR OF FINANCE</b></p>	<p>44. To determine requests received from employees under the terms of the council's Voluntary <u>Redundancy and Early Retirement Scheme</u> where <u>total costs associated with the request do not exceed £100,000.</u></p> <p><b>Miscellaneous Matters</b></p>
<p><b>DIRECTOR OF FINANCE</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><u>46. In consultation with the Director of Children, Families and Wellbeing to deal with all classes of improvement grants.</u></p> <p><u>47. In consultation with the Corporate Director of Childrens, Familes and Wellbeing Services, determine, administer and action the Council's Scheme for Financing Schools.</u></p> <p><u>48. To be the Council's authorised signatory for all grant claims and bids made by the Council.</u></p> <p><u>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.</u></p> <p><u>50. To be and to select other officers under the Director of Finance's direct managerial control to be bank signatories.</u></p> <p><u>51. To approve holders of Credit and Purchase cards in the Council's name.</u></p> <p><u>52. To approve all leases or similar credit arrangements (excluding property related).</u></p> <p><u>53. To exercise the following privileges, and to extend these privileges to other officers who are under the Director of Finances' direct managerial control:</u></p> <ul style="list-style-type: none"> <li>a. <u>Enter any Council premise at any time pursuant to investigations of financial irregularity and/or to secure any asset or documentation</u></li> <li>b. <u>To request any Council officer or Member to produce and</u></li> </ul>

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**Deleted:** <#>To pay only such proportion of salary due, up to and including the 15th of the month, to any employee who is to terminate his/her employment on a date later than the 15th, the balance to be paid on the last working day. ¶

**Deleted:** <#>To approve or refuse applications for staff car loan advances in accordance with the Council's assisted car purchase scheme.¶ <#>To adjust the upper limit of loans available under the Assisted Car Purchase Scheme, in line with changes in the rate of inflation.¶

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		<p><u>release any Council monies, instruments, stocks, financial record or other asset immediately</u></p> <p>c. <u>To give instruction to any Council officer of Member pursuant to investigations of financial irregularity and/or to prevent financial loss or liability being incurred</u></p> <p>d. <u>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</u></p> <p>e. <u>To determine whether any matter of financial irregularity and/or corruption will be brought to the attention of the Police</u></p> <p>f. <u>To require any officer of the Council to fully cooperate with any investigation of financial irregularity</u></p>
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¶

<#>To administer the payment of all remuneration, compensation and other emoluments to employees of the Council.¶

¶

<#>To act in accordance with the Council's Supplemental Conditions of Service, including:¶

¶

<#>To pay only such proportion of salary due, up to and including the 15<sup>th</sup> of the month, to any employee who is to terminate his/her employment on a date later than the 15<sup>th</sup>, the balance to be paid on the last working day.¶

¶

<#>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.¶

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<p><b>DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</b></p>	<p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <p><b>General</b></p> <ol style="list-style-type: none"> <li>1. To institute, conduct, prosecute and defend any legal proceedings on behalf of the Council and make applications to court as required.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol> <ol style="list-style-type: none"> <li>6. In consultation with the relevant Director, to serve any notices required in pursuance of the Council's functions or powers.</li> <li>7. 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.</li> <li>8. On the instructions of a Director, to take all necessary steps to secure the removal of any person or persons from land.</li> <li>9. To grant authority to officers to enter premises in exercise of statutory powers and duties.</li> <li>10. 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.</li> <li>11. To execute documents under Seal and to authorise other officers, as necessary, to do the same.</li> <li>12. To settle claims against the Council in consultation with the relevant Director.</li> <li>13. To certify and settle claims under the Land Compensation Act 1973.</li> <li>14. To serve requisitions as to ownership of property under various statutory provisions.</li> </ol>
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**DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

- 15. To attach the Council's Seal to Tree Preservation Orders made under delegated powers.
- 16. To administer the Council's responsibilities under the Data Protection and Freedom of Information legislation.
- 17. To maintain the Local Land Charges' register, respond to local searches and deal with the registration of Common Land etc.
- 18. To apply for injunctions in appropriate cases in pursuance of the Council's statutory functions and duties or to protect people or property.
- 19. Authority to act jointly with the Director of Finance in respect of paragraph 6 of the Accounts and Audit Regulations 2011.

20. To administer the Members' Scheme of Allowances.

21. To set a reasonable fee for supplying a copy of the Independent Remuneration Panel's report to interested parties.

**Planning and Highways**

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

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

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<p><b>DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES</b></p>	<p>Council's claim for repayment of discount, subject to both officers being satisfied that the Council's financial interests are safeguarded in each case.</p> <p><b><u>Asset Management</u></b></p> <p><a href="#">30.</a> 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.</p> <p><a href="#">31.</a> 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.</p> <p><b><u>Local Government Standards</u></b></p> <p><a href="#">32.</a> To maintain a register of member's interests consistent with the adopted Code of Conduct.</p> <p><a href="#">33.</a> To decide on whether to investigate or reject or informally resolve a complaint and to arrange an investigation (having consulted with the Independent Person).</p> <p><a href="#">34.</a> To refer an investigation finding of breach to the Standards Committee for hearing (having consulted with the Independent Person).</p> <p><a href="#">35.</a> To determine requests for dispensation on grounds 1-3 below, subject to a member's right to appeal to the Standards Committee:</p> <p>The grounds are:</p> <ol style="list-style-type: none"> <li>(1) So many members have disclosable personal interests (dpi's) that it would impede the transaction of the business;</li> <li>(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;</li> <li>(3) Without the dispensation, every member of the Executive would have a (dpi) prohibition from participating.</li> </ol>
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## Appointment of Officers

2. 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 & Democratic Services is designated Monitoring Officer in accordance with section 5 of the Local Government and Housing Act 1989
  - c) The Director of Finance is designated Chief Finance Officer in accordance with section 151 of the Local Government Act 1972
3. The Chief Executive is appointed Returning Officer for any constituency or part of a constituency coterminous with or contained in the Borough of Trafford
4. 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.
5. The Chief Executive is appointed Registration Officer for any constituency or part of a constituency coterminous with or contained in the Borough of Trafford.
6. 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)
7. The Director of Legal & 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
8. The Corporate Director Children, Families and Wellbeing is appointed as the Statutory Director of Children's Services under section 18 of the Children Act 2004
9. 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

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10. The [Corporate Director Environment, Transport and Operations](#) is appointed as the Statutory Scrutiny Officer under section 21ZA of the Local Government Act 2000

11. The Director of Public Health is appointed as the Statutory Director of Public Health as required under the Health and Social Care Act 2012.

12. 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 Services 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 & 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 & Democratic Services)
S 84	Receipt of written notice of resignation of office	Chief Executive (Director of Legal & 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 & 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 & Democratic Services)
S 100B	Exclusion of parts from reports open to inspection	Director of Legal & 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 & Democratic Services
S 100D	Responsibility for identifying background papers and compiling list of such	For each report, the officer named

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	documents	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 & Democratic Services)
S 115	Responsibility for receipt of money due from officers	Director of Finance
S 146(1)	Authorisation to produce a declarations and certificates with regard to securities	Director of Finance
S 191	Functions with regard to Ordnance Survey	Corporate Director Economic Growth and Prosperity.
S 210	Officer in whom power in respect of a charity will vest as at 1 April 1974	Director of Legal & Democratic Services
S 225(1)	Deposit of documents and giving of acknowledgements or receipts.	Director of Legal & Democratic Services
S 229	Certification of photographic copies of	Director of Legal & Democratic Services
S 234(1)	Authentication of documents	Director of Legal & Democratic Services
S 238	Certification of byelaws	Director of Legal & 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 & 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 & 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	Director of Legal & Democratic

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	complaint	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 & Democratic Services
<b>Rates Act 1984</b>		
<b>Reference</b>	<b>Description</b>	<b>Proper Officer</b>
S 7	Certification of rate	Director of Finance
<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 Transformation & Resources
S 15, 16, 17	Receipt of notices relating to political groups	Chief Executive (Director of Legal & 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 & 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 & Democratic Services)

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S 13	Officer to whom the wishes of a political group are expressed	Chief Executive (Director of Legal & Democratic Services)
S 14	Responsibility for notifying a political group about allocations and vacations of seats	Chief Executive (Director of Legal & Democratic Services)
<b><u>The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations</u></b>		
<b>Reference</b>	<b>Description</b>	<b>Proper Officer</b>
<del>Reg 5 (2)(3) and (4)</del>	<del>Responsibility to produce a notice giving 28 days' notice of its intention to hold a meeting in private.</del>	<del>Director of Legal &amp; Democratic Services</del>
<del>Reg 5 (6) and (7)</del>	<del>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.</del>	<del>Director of Legal &amp; Democratic Service</del>
<del>Reg 6</del>	<del>Responsibility for giving notice of the time and place of a public meeting.</del>	<del>Director of Legal &amp; Democratic Service</del>
<del>Reg 7</del>	<del>Responsibility to ensure that certain copy documents are available for public inspection.</del>	<del>Director of Legal &amp; Democratic Services</del>
<del>Reg 9 (1), (2) and (3)</del>	<del>Responsibility to produce a notice giving 28 days' notice of its intention to take a key decision.</del>	<del>Director of Legal &amp; Democratic Services</del>
<del>Reg 10</del>	<del>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.</del>	<del>Director of Legal &amp; Democratic Services</del>
<del>Reg 11</del>	<del>Responsibility for dealing with cases of special urgency.</del>	<del>Director of Legal &amp; Democratic Services</del>
<del>Reg 12</del>	<del>Responsibility for the recording of executive decisions taken at meetings</del>	<del>Director of Legal &amp; Democratic Services</del>
<del>Reg 13(1), (2) and (3) and Reg 14</del>	<del>Responsibility for the recording of executive decisions taken by individual members.</del>	<del>Director of Legal &amp; Democratic Services</del>
<del>Reg 13 (4) and Reg 14</del>	<del>Responsibility for the recording of executive decisions taken by Officers</del>	<del>Relevant Corporate Director</del>
<del>Regs 15 and 21</del>	<del>Responsibility for ensuring that background papers are available for inspection</del>	<del>Director of Legal &amp; Democratic Services</del>
<del>Reg 20</del>	<del>Officer who may form an opinion as to whether a document contains or is likely to contain</del>	<del>Director of Legal &amp; Democratic</del>

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**Deleted:** Responsibility to ensure that certain copy documents are available for public inspection

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**Deleted:** Officer who may exclude whole or part of any report provided for public inspection under regulation 11 (1). This officer is the proper officer referred to in rule 11 of the Access to Information Procedure Rules set out in Part 8 of the Constitution

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**Deleted:** Chief Executive (D)

**Deleted:** Officer who may supply to a newspaper a copy of any document supplied to Executive members, if he or she thinks fit.

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**Deleted:** Reg 12 (1)

**Deleted:** Responsibility for publishing the information relating to key decisions. This officer is the proper officer referred to in rule 14 of the Access to Information Procedure Rules set out in Part 8 of the Constitution.

**Deleted:** Reg 15 (1)

**Deleted:** Responsibility giving appropriate notice where the inclusion of a matter on the forward plan is impracticable and the matter would be a key decision¶ This officer is the proper officer referred to in rule 15 of the Access to Information Procedure Rules set out in Part 8 of the Constitution

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**Deleted:** determining whether compliance with regulations 17 (1) or 17 (2) would involve the disclosure of either exempt information or advice provided by a political advisor or assistant

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	<a href="#">information confidential information, exempt information or the advice of a political advisor or assistant</a>	<a href="#">Services</a>
<b>The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000</b>		
<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 Services Manager
<b><i>The Local Authorities (Standing Orders) (England) Regulations 2000</i></b>		
<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

13. 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

Director of Finance

Corporate Director of Environment, Transport and Operations

14. 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.

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15. 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 Director of Finance, shall nominate an officer to act in their stead.
16. 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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