

## SECTION 8 – OFFICER FUNCTIONS

*[Note: in this appendix “Executive Director” refers the Chief Executive, Deputy Chief Executive and all Executive Directors]*

### INTRODUCTION

1. The Scheme of Delegation set out below authorises the designated officers to discharge, executive and non-executive functions delegated to them in this Scheme.
2. In the event of a designated officer being unavailable or unable to exercise the functions delegated to them by this Scheme, the following officers are authorised to act in their place. A reference to a member of the Corporate Leadership Team is a reference to any Executive Director and the Directors of Adult Social Care; Education, Work and Skills; Finance (also referred to as the Section 151 Officer and/or Chief Finance Officer); Place Management; and Public Health: - Executive Director or Director.
  - for the Chief Executive the Deputy Chief Executive.
  - for the Deputy Chief Executive, the Chief Executive or another member of the Corporate Leadership Team
  - ~~for the Director of Development and Regeneration, the Chief Executive or another member of the Corporate Leadership Team~~
  - for the Director of Place Management, the Chief Executive or another member of the Corporate Leadership Team
  - for the Executive Director for People & NeighbourhoodsIntegration, the Chief Executive or the appropriate Director in the People & ~~Integration~~ Directorate.
  - for the Director of Public Health, one of the Senior Public Health Consultants in the the Deputy Director of Public Health Service and to the extent permitted by law, the Chief Executive.
  - for the Assistant Director - Legal & Democratic Governance (Monitoring Officer), the Deputy Monitoring Officer and to the extent permitted by law, the Chief Executive.
  - for the Section 151 (Chief Finance Officer), the appropriate Head of Management Accounting and Head of Financial Accounting and to the extent permitted by law, the Chief Executive.
  - for the Executive Director of Corporate and Support ServicesIntegrated Commissioning, the Chief Executive or another member of the Corporate Leadership Team.
3. An officer with delegated responsibilities may in writing authorise employees of the Council managed by the officer to act on their behalf and to append their signature to documents.
4. An officer with delegated responsibilities may decline to exercise their responsibilities and refer the matter to members for decision as follows:

Non executive responsibilities – to an ordinary committee, sub-committee, area committee or full Council

Executive responsibilities – to the Cabinet or to the Leader of the Council

### GENERAL PROVISIONS

1. All officer delegations are to be exercised in accordance with the Constitution, and consistently with the approved Policy Framework and Budget.

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.
3. In deciding whether or not to exercise delegated powers, officers should have regard to the desirability of consulting with the appropriate Cabinet Member or Committee Chair. Officers will always be entitled to refer matters for decision to the Council Meeting, the Cabinet or relevant Committee, as appropriate, where they consider it expedient so to do.
4. Where the Leader of the Council or the Cabinet has resolved to authorise an officer to take any steps, the resolution takes precedence over any delegation, limit, condition or inhibition on a delegation set out below.
5. **Urgent action** may be taken by the Chief Executive or the appropriate Executive Director, with the agreement (as appropriate) of the Mayor, Cabinet Leader or the relevant Cabinet Member or Committee Chair. All such action must be reported to the next available meeting of the Council, Cabinet or the relevant Committee as appropriate. In taking urgent action under this provision officers should ensure that they comply, as necessary, with the requirements of the **Access to Information Rules (PR7)** (general exception and special urgency), the **Policy Framework and Budget Procedure Rules (PR2)** (urgent departures), and the **Scrutiny Procedure Rules (PR4)** (exemption from call-in).

## IN CONNECTION WITH FINANCIAL MATTERS

Subject to the delegations to the Health and Care Integrated Commissioning Board, all Executive Directors and the Section 151 Officer shall have authority to deal with the following in relation to their respective Services/Departments:

1. The opening and acceptance of tenders or quotations and the placing of orders for goods, materials, works or services in accordance with the Contract Procedure Rules.
2. The award of contracts in accordance with the following table:

Contract value	Decision maker
Up to £49,999.99	Executive Director or any officer authorised in writing by the Executive Director (Chief Officer)
£50,000 to £99,999.99	Executive Director
£100,000 to 4,999,999.99	Following consultation with Cabinet Member with portfolio responsibility for the contract area, Executive Director
£5,000,000 to £9,999,999.99	Executive Director or above and Cabinet Member with portfolio responsibility for the contract area.  <b><u>Note – all contracts above £10 million in value MUST be approved by Cabinet.</u></b>

3. The signing of contracts with a value of £249,999.99 or less (all contracts above £250,000 must be sealed and signed by the Assistant Director of Legal and Democratic Governance or the officer they have delegated that function to).
4. Incurring revenue expenditure.

5. Incurring expenditure on individual capital schemes and on design preparation of such schemes.
6. Approving price variations under contracts.
7. All functions of the 'Executive Director' in relation to contracts for the purchase of goods and services and the execution of works as set out in the Contract Procedure Rules.
8. Disposing of a capital asset, other than land, having a value on disposal of less than £100,000, with disposals of between £50,000 and £100,000 being reported to the appropriate Cabinet Member.
9. The transfer of budgets within and between cost centres under their control, to the extent permitted by the virement rules set out in the Financial Procedure Rules.
10. Approving grants to voluntary or community organisations up to £5,000.
11. Writing off debts deemed to be irrecoverable, up to a maximum of £5,000.
12. To approve in principal bids for external funding. Such approval shall follow consultation with the relevant Cabinet Member in any case where the cost of preparing the bid is likely to be significant in relation to the budget for the Cabinet Member's portfolio and where the bid, if successful will result in material additional risk, the need for match funding or revenue expenditure in addition to the external funding.
13. To prepare and submit approved bids for external funding including all steps necessary or incidental to the submission of such bids.

(Note: Each Executive Director must ensure that the Financial and Contract Procedure Rules are observed throughout his/her Department. He/she shall also ensure that all relevant staff are fully aware of and accept the content of the rules.)

## **IN CONNECTION WITH HUMAN RESOURCES**

All Executive Directors shall have authority to deal with the following in relation to their respective Directorate/Services/Departments:

1. These delegations are subject to:
  - (a) the corporate human resources policies published by the Council.
  - (b) any statutory provisions or requirements.
  - (c) any other instructions given from time to time by the Chief Executive or Deputy Chief Executive where overriding corporate, financial or recruitment controls are to be strictly observed.
2. In relation to human resources matters, each Executive Director is responsible for the staffing, ~~below Deputy Director level (including staff at Service Director level)~~, of the services that he/she provides.
3. In relation to other employee matters, Executive Directors shall be responsible for the following delegated employee matters, subject to advice and guidance from the Chief Executive:-

- (a) appointments and promotions including the determination of starting salaries, salary progression, the payment of professional subscriptions and the determination of working arrangements.
- (b) the engagement of temporary, agency, seconded or casual employees.
- (c) granting leave, including special leave, and determining applications for paid/unpaid leave.
- (d) varying periods of notice.
- (e) extending an employee's period of paid sick leave in accordance with the scale set out in the Conditions of Service for the post holder.
- (f) authorising payments, including honoraria to staff undertaking additional duties and responsibilities.
- (g) authorising increments in accordance with the conditions of service.
- (h) authorising the payment of disturbance, removal and settling in allowances in accordance with the provisions of the Council's Allowances Scheme.
- (i) authorising the attendance of employees on courses of study including study leave in the United Kingdom, and ~~the~~ payment of course and examination fees, etc., in accordance with the conditions of service
- (j) authorising the attendance of employees at conferences within the United Kingdom and the European Union, provided that the cost, including fees, travelling and subsistence expenses, amounts to not more than £1,500 in any one case.
- ~~(k)~~ (k) authorising the payment of travel and subsistence allowances in accordance with the conditions of service.
- (l) taking disciplinary action in accordance with the Council's disciplinary procedures.
- (m) hearing and determining cases under the Council's grievance procedures.
- (n) undertaking consultation and negotiations with recognised Trade Unions and other employees' representatives.
- (o) approving car and cycle loans in accordance with the approved schemes.
- (p) allowing employees to undertake additional employment, where such consent is required, provided that any such employment does not conflict with, and could not be seen to be detrimental to, the Council's interests.
- (q) consulting with Health and Safety representatives in line with statutory requirements.
- (r) determining applications for secondment etc. including to outside bodies.
- (s) approving, in accordance with guidelines issued by the Deputy Chief Executive, the retirement/dismissal of employees on the grounds of permanent ill-health.
- (t) approving, in advance, the working of overtime provided that:

- (i) employees who do not qualify for premium overtime rates are paid in accordance with their conditions of service;
  - (ii) for overtime which is to extend beyond six months, the agreement of the appropriate Cabinet Member is obtained.
- (u) approving payments, where applicable, of allowances to employees designated as First Aid Officers.
  - (v) determining requests for the provision of temporary Council housing accommodation for employees, in consultation with the Executive Director for People & NeighbourhoodsIntegration.
  - (w) approving the payment of telephone allowances in line with guidelines issued by the Deputy Chief Executive
  - (x) approving redundancies and early retirements in accordance with the Council's agreed arrangements, subject to consultation with the Deputy Chief Executive.
  - (y) settling claims under the Employee Indemnification Scheme, in consultation with the Deputy Chief Executive.
  - (z) approving payment of all remuneration, compensation and other emoluments to employees and administered by the Deputy Chief Executive.

[Note: None of these delegations apply in respect of teachers in the employment the Council, where the responsibility for personnel matters rests with the School Governing Body].

## IN CONNECTION WITH GENERAL MATTERS

All Executive Directors and the Director of Place Management shall have authority to deal with the following in relation to their Directorates/Services/Departments:-

1. The operational management of land, buildings and facilities under their control, subject to advice and guidance from the Deputy Chief Executive in relation to the strategic and corporate use of assets and the overriding authority of the Deputy Chief Executive in relation to the management of the corporate estate.
2. In consultation with the appropriate Cabinet Member, to authorise attendance by Councillors at conferences/seminars.
3. To deal with lost or uncollected property.
4. To authorise, in writing, officers of the Council to exercise statutory rights of entry on to property in pursuance of their duties.
5. To take necessary measures to ensure that high standards of Health, Safety and Welfare are achieved in the activities of the Council and its Departments, in compliance with the Health and Safety at Work etc. Act 1974 and the Council's Health and Safety Policies.
6. To engage specialist or consultant services, where necessary.

7. To obtain particulars of persons interested in land under S.16 Local Government (Miscellaneous Provisions) Act 1976 and, where appropriate, S.330 Town and Country Planning Act 1990.
- ~~7. To seek planning permission for development by the Council or in respect of land under their control.~~
8. The exercise of the Council's functions under the Regulation of Investigatory Powers Act 2000 including the nomination of officers employed at Service Director or Heads of Service level or above to authorise regulated activities under the Regulation of Investigatory Powers Act 2000.
9. To undertake listing reviews or compensation reviews under the Council's Community Right to Bid.
10. To keep a record of all written notifications made to the Executive Director by employees pursuant to the **Officers' Code of Conduct at Part 6 CP2**.
11. To keep a written record of all officers authorised to undertake any functions delegated to any officer under this scheme of delegation.

**TO THE CHIEF EXECUTIVE**

1. To exercise all the powers, duties and functions of the Council which have not been reserved to the Council or the Leader or delegated to an officer, Committee or Cabinet Member.
2. All matters associated with the professional management of the Council.
3. The implementation of the Council's corporate strategies.
4. The co-ordination of all official publicity, press statements and official publications.
5. The taking of any action necessary, including the incurring of expenditure, in connection with an emergency or disaster in the Borough.
6. The exercise of powers delegated to any officer when that officer is unavailable or unable to act.
7. The following functions of the Council Meeting in relation to elections:

Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c. 2)
Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983
Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part
Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972
Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972
Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983
Duty to provide assistance at European Parliamentary elections.	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c.24)
Duty to divide constituency into polling districts.	Sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983
Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983
Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983
Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983
Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985
Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972

Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972
Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972
Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2)
Duty to consult on change of scheme for elections.	Sections 33(2), 38 (2) and 40(2) of the 2007 Act
Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act
Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act
Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act
Functions relating to change of name of electoral area.	Section 59 of the 2007 Act

8. The exercise, following consultation with the Cabinet Leader, of the Council powers under s.13 Public Order Act 1986 in relation to public processions.
9. To adjust the amounts included in the relocation package for officers.
10. To make in-year amendments to the Council Risk Register, in consultation with the Leader of the Council.
11. To deal with matters concerned with civic and ceremonial occasions together with civic hospitality, and to determine requests for permission to reproduce the Council's Coat of Arms and symbol.
12. To convene Education Appeals Panels, and refer cases to them as appropriate.
13. To agree indemnity payments to officers acting as directors on behalf of the Council or otherwise covered by the policy on indemnification of officers.
14. To undertake all functions of the Head of the Paid Service.
15. To undertake all functions pursuant to any appointment as proper officer as set out at Part 4 of the Constitution.



**TO THE DEPUTY CHIEF EXECUTIVE**Information and Communications

- ~~1. To be responsible for the Council's telecommunications and information technology systems and procedures.~~
- ~~2. To fulfil the Council's functions and responsibilities under Data Protection and Freedom of Information legislation.~~
- ~~3. The management of the Scrutiny budget in consultation with the Chair of the Scrutiny Co-ordination Committee.~~
- ~~4. To be responsible for Information Governance, including information asset management and the ability to award IT contracts for the use across all service areas.~~

Development Management and Building Control

*Such functions identified below to be alternatively exercised, under established written authorisation, by the Assistant Director Place Making and Planning (Chief Planning Officer).*

1. Subject to the delegations to the Planning and Highways Regulation Committee and the Area Committees, to exercise all the non-executive functions of the Council as local planning authority including those set out below unless one or more of the following apply:
  - a) applications for planning permission made by a Councillor, the Chief Executive, Deputy Chief Executive, Executive Director, Assistant Director, Service Head or an officer who deals with planning matters (in which case the application will be considered by the Planning and Highways Regulation Committee)
  - b) applications where the grant of permission would be contrary to the Development Plan (in which case the application will be considered by the Planning and Highways Regulation Committee) unless the relevant policies of the development plan are considered to be out of date as a result of a change in national planning policy, either via the National Planning Policy Framework or by the imposition of National Development Management policies (in which case the application will be considered under delegated powers.)
  - c) applications relating to land or buildings under the management or control of the Director of Development and Regeneration (in which case the application will be considered by the Planning and Highways Regulation Committee)
  - d) applications which have been called up for determination by an Area Committee or the Planning and Highways Regulation Committee in accordance with the procedure set out in the **Planning Protocol (Part 6, CP8)**
  - e) applications in respect of where the Council has received six (6) or more representations which do not accord with the officer recommendation and that are received within 24 days of the date on the letter of notification or following the expiry of a site or press notice (whichever is that latter) and where the application does not relate to householder development)
  - f) applications in respect of which six (6) or more representation of support have been received within 24 days of the date on the letter of notification or following the expiry of a site or press notice (whichever is that latter) unless the determination accords with those representations and where the application does not relate to householder development (in which case the application will be considered by the relevant Area Committee)

Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).
Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666).
Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990
Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990
Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990

Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act
Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990
Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Duties relating to applications for listed building consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01
Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990 (c.8).
Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)

2. Subject to the delegations to the Area Committees, to exercise all executive functions of the Council as local planning authority.
3. To exercise the powers of entry contained in the Town and Country Planning Act 1990, Highways Act 1980, Wildlife and Countryside Act 1981 and Environment Act 2021
4. To act as the Appointing Officer in relation to the appointment of arbitrators of disputes under the Party Walls Etc. Act 1996.
5. Powers to deal with dangerous or dilapidated buildings, dangerous trees, and dangerous excavations on land accessible to the public.

6. The making of Article 4 Directions withdrawing permitted development rights conferred by a development order, subject to consultation with the appropriate Cabinet Member.
7. To respond to consultations from adjoining local planning authorities, in accordance with the delegations set out above or in **Part 3, Section 3**, after consultation with ward councillors.
8. To exercise the Council's functions in relation to high hedges in accordance with Part 8 Anti Social Behaviour Act 2003 including powers of entry on to land.

#### Policy Development

*Such functions identified below to be alternatively exercised, under established written authorisation, by the Assistant Director Place Making and Planning - Chief Planning Officer.*

9. In consultation with the appropriate Cabinet Member, to approve the Annual Monitoring Report required by the Planning and Compulsory Purchase Act 2004.

#### Estates Management

10. To manage all land held or controlled by the Council including the declaration of land as surplus to requirements and the appropriation of land to any purpose of the Council.
11. To be responsible for all contracts between the Council and others relating to the management of land.
12. When required by law, to advertise any proposed appropriation or disposal of open space, to consider any representations received by the Council as a result of the advertisement in consultation with the relevant Cabinet Member and to determine any such disposal or appropriation where the value of the land does not exceed £1million
13. To undertake estates management functions, including dealing with applications to develop or alter property where the Council's consent as landlord is required, and to determine whether action should be taken under relevant property related legislation.
14. To commission valuations relating to property, including "right to buy" applications, mortgages, legal charges, and other financial charges in land and buildings and with the lodging and conduct of appeals relating to rating assessments.
15. Subject to consultation with members of the appropriate Area Committee(s), and to securing the best consideration that can reasonably be obtained:
  - a. To approve transactions for a consideration that does not exceed £25,000 per annum or a premium of £500,000 (whichever is the higher) in relation to the following interests: leases, licences, easements, wayleaves and other similar interests in land and in relation to consents.
  - b. To approve the acquisition and disposal of land, buildings or other property interests for a consideration not exceeding £500,000.
  - c. In consultation with the appropriate Cabinet Member, to approve the acquisition and disposal of land, buildings or other property interests, where the consideration exceeds £500,000 but does not exceed £1 million.

16. To determine rent reviews and lease renewals.
17. 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 where the use of compulsory purchase powers is in contemplation.
18. To approve the payment of claims for diminution in value not exceeding £100,000 in each case, under the terms of the Land Compensation Act 1973 (Part 1).
19. To determine all dilapidation claims, and compensation claims at the termination or surrender of leases or tenancies relating to tenants improvements or loss of security or tenure under relevant property related legislation.
20. To refuse requests for the purchase or lease of land or property vested in the Council where that disposal would not be in the interests of the Council.
21. To take urgent action to protect the Council's legal or financial position in relation to the management of property.
22. To exercise all the functions of the post holder of Corporate Director of Corporate and Support Services delegated to the post holder by a decision of the Cabinet or of any committee or sub committee of the Council prior to 31<sup>st</sup> March 2016.
23. To exercise all functions of the post holder of the Director of Regeneration delegated to that post holder by a decision of the Cabinet or of any committee or sub committee of the Council prior to 10July 2024.

Regeneration, Urban Renewal etc.

24. To approve applications for grants up to £25,000 within the Townscape Heritage Initiatives (THI) and, in consultation with the appropriate Cabinet Member, grants in excess of £25,000 within that initiative.

Leisure and Heritage Functions

*Such functions identified below in respect of Stockport Active CIC to be alternatively exercised by the Director for Place Management where a conflict of interest may otherwise arise.*

25. The management and control of all the Council's Sport, Leisure, Recreational, Heritage and Cultural facilities.
26. To authorise the letting of rooms in the civic buildings and community facilities on approved terms and conditions.
27. To let sporting and recreational accommodation, facilities and equipment on approved terms and conditions.
28. To determine all matters in relation to the licensing of premises for civil marriages.
29. In consultation with the relevant Cabinet Member, to determine admission charges.

fees and concessions for the use of recreational establishments and facilities, and to agree variations from the standard charges.

30. To authorise the emergency closure of premises and facilities, without notice, in the interests of public safety.
31. To designate appropriate officers as the holders of liquor and entertainment licences for Council premises, and to authorise the making of applications for necessary licences in connection with the use of premises.
32. To provide floral decorations for public and private functions, and to hire out plants in accordance with Council policy and on approved terms and conditions.
33. To authorise proceedings for the removal of trespassers on land in Council ownership.
34. To deal with all matters relating to the Council's powers and duties as enforcement authority concerning the safety of reservoirs under relevant legislation.
35. In consultation with the relevant Cabinet Member, to agree seasonal and other variations in the hours of opening of recreational and heritage establishments and facilities, and the closure of facilities at bank holidays.
36. To engage artists for musical, dramatic or similar functions.
37. To authorise the emergency closure of premises and facilities, without notice, in the interests of public safety.
38. To designate appropriate officers as the holders of liquor and entertainment licences for Council premises, and to authorise the making of applications for necessary licences in connection with the use of premises.
39. To accept or refuse gifts or work or exhibits for museums and art galleries, and to hire, or obtain on loan, exhibitions for museums and art galleries.
40. The powers of the Council in relation to the preservation of trees including the making of tree preservation orders, the confirmation of such orders except where objections have been received, and the granting or refusal of consent to lop, top or fell protected trees.
41. To be responsible for the management of Stockport Market, including the letting, transfer and surrender of stalls, applications for change of trade, and the cancellation of licences.

#### Miscellaneous

42. To exercise any functions or responsibilities delegated to the Corporate Director for Corporate and Support Services by a decision of the Executive [Cabinet] prior to 31 March 2016.
43. To fulfil the Council's duties in relation to Domestic Homicide Reviews pursuant to Section 9 of the Domestic Violence, Crime and Victims Act 2004 and any functions which are ancillary to that duty.

9.

#### Miscellaneous

- ~~10. To exercise any functions or responsibilities delegated to the Corporate Director for Corporate and Support Services by a decision of the Executive [Cabinet] prior to 31 March 2016.~~
- ~~11. To sign agreements with employees in connection with the termination of their employment with the Council.~~
- ~~12. To fulfil the Council's duties in relation to Domestic Homicide Reviews pursuant to Section 9 of the Domestic Violence, Crime and Victims Act 2004 and any functions which are ancillary to that duty.~~

## **TO THE EXECUTIVE DIRECTOR OF CORPORATE AND SUPPORT SERVICES**

### Information and Communications

1. To be responsible for the Council's telecommunications and information technology systems and procedures.
2. To fulfil the Council's functions and responsibilities under Data Protection and Freedom of Information legislation.
3. The management of the Scrutiny budget in consultation with the Chair of the Scrutiny Co-ordination Committee.
4. To be responsible for Information Governance, including information asset management and the ability to award IT contracts for the use across all service areas.

## **TO THE DIRECTOR OF DEVELOPMENT & REGENERATION**

### Estates management

- ~~1. To manage all land held or controlled by the Council including the declaration of land as surplus to requirements and the appropriation of land to any purpose of the Council.~~
- ~~2. To be responsible for all contracts between the Council and others relating to the management of land.~~
- ~~3. When required by law, to advertise any proposed appropriation or disposal of open space, to consider any representations received by the Council as a result of the advertisement in consultation with the relevant Cabinet Member and to determine any such disposal or appropriation where the value of the land does not exceed £1million~~
- ~~4. To undertake estates management functions, including dealing with applications to develop or alter property where the Council's consent as landlord is required, and to determine whether action should be taken under relevant property related legislation.~~
- ~~5. To commission valuations relating to property, including "right to buy" applications, mortgages, legal charges, and other financial charges in land and buildings and with the lodging and conduct of appeals relating to rating assessments.~~
- ~~6. Subject to consultation with members of the appropriate Area Committee(s), and to securing the best consideration that can reasonably be obtained:
  - ~~i) To approve transactions for a consideration that does not exceed £25,000 per annum or a premium of £250,000 (whichever is the higher) in relation to the following interests: leases, licences, easements, wayleaves and other similar interests in land and in relation to consents.~~
  - ~~ii) To approve the acquisition and disposal of land, buildings or other property interests for a consideration not exceeding £500,000.~~
  - ~~iii) In consultation with the appropriate Cabinet Member, to approve the acquisition and disposal of land, buildings or other property interests, where the consideration exceeds £500,000 but does not exceed £1 million.~~~~
- ~~7. To determine rent reviews and lease renewals.~~
- ~~8. 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 where the use of compulsory purchase powers is in contemplation.~~
- ~~9. To approve the payment of claims for diminution in value not exceeding £100,000 in each case, under the terms of the Land Compensation Act 1973 (Part 1).~~
- ~~10. To determine all dilapidation claims, and compensation claims at the termination or surrender of leases or tenancies relating to tenants improvements or loss of security or tenure under relevant property related legislation.~~
- ~~11. To refuse requests for the purchase or lease of land or property vested in the Council where that disposal would not be in the interests of the Council.~~



- ~~12. To take urgent action to protect the Council's legal or financial position in relation to the management of property.~~
- ~~13. To exercise all the functions of the post holder of Corporate Director of Corporate and Support Services delegated to the post holder by a decision of the Cabinet or of any committee or sub-committee of the Council prior to 31<sup>st</sup> March 2016.~~

~~Regeneration, Urban Renewal etc.~~

- ~~14. To approve applications for grants up to £25,000 within the Townscape Heritage Initiatives (THI) and, in consultation with the appropriate Cabinet Member, grants in excess of £25,000 within that initiative.~~

~~Leisure and Heritage Functions~~

*~~Such functions identified below in respect of Stockport Active CIC to be alternatively exercised by the Deputy Chief Executive where a conflict of interest may otherwise arise.~~*

- ~~15. The management and control of all the Council's Sport, Leisure, Recreational, Heritage and Cultural facilities.~~
- ~~16. To authorise the letting of rooms in the civic buildings and community facilities on approved terms and conditions.~~
- ~~17. To let sporting and recreational accommodation, facilities and equipment on approved terms and conditions.~~
- ~~18. To determine all matters in relation to the licensing of premises for civil marriages.~~
- ~~19. In consultation with the relevant Cabinet Member, to determine admission charges, fees and concessions for the use of recreational establishments and facilities, and to agree variations from the standard charges.~~
- ~~20. To authorise the emergency closure of premises and facilities, without notice, in the interests of public safety.~~
- ~~21. To designate appropriate officers as the holders of liquor and entertainment licences for Council premises, and to authorise the making of applications for necessary licences in connection with the use of premises.~~
- ~~22. To provide floral decorations for public and private functions, and to hire out plants in accordance with Council policy and on approved terms and conditions.~~
- ~~23. To authorise proceedings for the removal of trespassers on land in Council ownership.~~
- ~~24. To deal with all matters relating to the Council's powers and duties as enforcement authority concerning the safety of reservoirs under relevant legislation.~~
- ~~25. In consultation with the relevant Cabinet Member, to agree seasonal and other variations in the hours of opening of recreational and heritage establishments and facilities, and the closure of facilities at bank holidays.~~
- ~~26. To engage artists for musical, dramatic or similar functions.~~
- ~~27. To authorise the emergency closure of premises and facilities, without notice, in~~

~~the interests of public safety.~~

- ~~28. To designate appropriate officers as the holders of liquor and entertainment licences for Council premises, and to authorise the making of applications for necessary licences in connection with the use of premises.~~
- ~~29. To accept or refuse gifts or work or exhibits for museums and art galleries, and to hire, or obtain on loan, exhibitions for museums and art galleries.~~
- ~~30. The powers of the Council in relation to the preservation of trees including the making of tree preservation orders, the confirmation of such orders except where objections have been received, and the granting or refusal of consent to lop, top or fell protected trees.~~
- ~~31. To be responsible for the management of Stockport Market, including the letting, transfer and surrender of stalls, applications for change of trade, and the cancellation of licences.~~

## **TO THE DIRECTOR OF PLACE MANAGEMENT**

*Such functions identified below to be alternatively exercised, under established written*

authorisation, by the Deputy Chief Executive in the absence of the Director for Place Management

1. Jointly with the ~~Section 151 Officer Deputy Chief Executive~~ to approve the purchase of properties that the Council is obliged or wishes to purchase under Housing legislation and take such action as may be necessary to secure compliance with the relevant legislation.
2. Jointly with the ~~Section 151 Officer Deputy Chief Executive~~ to approve the purchase price of properties that the Council is obliged to purchase under the Housing Act 1985 and take such action as may be necessary to secure compliance with the Act.
3. To exercise all executive functions of the Council as hazardous substances authority, lead local flood authority and related matters.

Highways, Sewers and Traffic Management

4. Action in relation to abandoned vehicles.
5. To exercise the Council's powers to name streets and require the numbering of buildings in streets.
6. To exercise all the Council's functions in respect of the maintenance and improvement of public highways, including action in respect of trees, and the management of car parks.
7. To make temporary orders in accordance with the Road Traffic Regulations (Special Events) Act 1994.
8. To establish or disestablish school crossing patrols in consultation with relevant Ward Councillors.
9. To carry out the duties of supervising officer for engineering and architectural contracts or nominate an appropriate Head of Service to carry out such duties, and to assume powers to ensure the safe and efficient completion of works and the general safety of property and highways.
10. To deal with all matters relating to the private street works code and to inspect and adopt streets and sewers following private street works.
11. To serve notices and, where necessary, carry out work in default and recover costs incurred in relation to:
  - (i) liability to maintain unadopted streets;
  - (ii) interference with highways and streets;
  - (iii) urgent repairs to private streets;
  - (iv) liability to maintain stiles and gates across bridleways.
12. To arrange for the temporary prohibition or restriction of traffic on roads by temporary traffic regulation order or notice and the temporary closure or diversion of rights of way.
13. To exercise the Council's functions in relation to the adoption of streets.
14. To investigate Traffic Regulations issues, in consultation with Ward

Councillors nominated for this purpose by the relevant Area Committee.

15. To authorise the making of Traffic Regulation Orders provided that there is no outstanding objection to the Council's proposals.
16. To fix operative dates for Traffic Regulation Orders.
17. To authorise the confirmation of Public Rights of Way Orders provided that there is no outstanding objection to the Order as made.
18. To consent to the construction of cellars etc. under streets and to the making of openings into cellars etc. under streets and pavement lights and ventilators.
19. To keep the definitive map and statement under review and maintain the statutory register of highways maintainable at public expense.
20. To determine applications for consent to statutory undertakers works in highways, temporary excavations and the placing or erection of works, apparatus, equipment, projections or materials, on, over or under the highway.
21. To object to the renewal of commercial vehicle operator's licences of those operators whose vehicles are persistently parked overnight in residential streets.
22. To determine applications for footway crossings and enforce their provision in appropriate cases.
23. To deal with the stopping up, replacement, and provision of private accesses to highways.
24. To regulate builders skips on highways and take any necessary enforcement action.
25. To regulate street works under S.174 Highways Act 1980.
26. To serve notices and secure the removal of obstructions from the highway, including dealing with overhanging trees etc. and all nuisances, encroachments, and interference with the highway, and take any necessary enforcement action.
27. To determine applications for consent to the temporary display of posters on street furniture.
28. To install and maintain all traffic signs, waymarks and road markings.
29. To recover costs in relation to highways works, licences, traffic regulation orders etc, where authorised by statute, and to waive charges in special circumstances.
30. To serve notices requiring the repair of walls etc. of yards under S.43 Greater Manchester Act 1981.
31. To issue licences under the New Roads and Street Works Act 1991.
32. To designate protected streets, streets with special engineering difficulties, and traffic sensitive streets, under the New Roads and Street Works Act 1991 (or any subsequent enactment).
33. To authorise persons to enter land and to serve notices under the provisions of the Countryside and Rights of Way Act 2000.

### Environmental Health and Safety/Licensing

34. The powers of the Council in relation to statutory nuisances, offensive trades, pest control, infectious diseases, food and drugs, food safety, environmental protection, pollution control, air quality, health and safety at work, and trading standards.
35. The appointment of Inspectors and Authorised Officers under legislation relating to private sector housing, health and safety at work, public health, food safety, environment protection, pollution control, animal health, weights and measures, trading standards, or the sale of tobacco to children and young persons, identifying the powers each Inspector or Authorised Officer is empowered to exercise, and the variation or termination of such appointments.
36. To serve notices under Section 264 of the Public Health Act 1936 (or any similar provision), Section 59 Building Act 1984 and Section 17 Public Health Act 1961, and where necessary carry out work in default and recover the costs involved.
37. The signature and serving of any notice in a form approved by the Head of Legal & Democratic Governance, in relation to the issuing of licences and authorisations, procuring of samples, seizure of unsound food and articles and the execution of work in default under legislation relating to private sector housing, health and safety at work, public health, food safety, environment protection, pollution control, animal health, weights and measures, trading standards or the sale of tobacco to children and young persons.
38. To carry out all licensing, registration and enforcement functions, other than those specifically delegated to other Executive Directors, including determining applications and imposing conditions, in accordance with policies and criteria determined from time to time by the Council and Licensing, Environment and Safety Committee, in connection with the licensing of premises and persons or issue or renewal or transfer of permits or consents or registration of taxis, private hire vehicles, drivers and operators, regulated entertainments, the sale of alcohol, the provision of late night refreshment, gambling and gaming machines, game dealers, charities, street and house to house collections, small lotteries, gaming machines, scrap yards, hypnotists, car boot sales, sex shops, hairdressers and barbers, sports grounds, street traders, acupuncturists, tattooists, ear piercers and electrolysis, pet shops, animal boarding establishments, animal trainers and exhibitors, zoos, caravan sites, riding establishments, dog breeders and, dangerous wild animals.
39. To suspend a hire car driver's licence with immediate effect on the grounds of public safety under S.61(2B) Local Government (Miscellaneous Provisions) Act 1976.
40. To waive the requirement that an electrician's certificate be supplied on an application for an occasional licence for a public entertainment, following a satisfactory inspection by the fire service.
41. To authorise, in writing, officers of the Council to exercise the powers of the "authorised officer", under the Local Government Act 1976, in relation to taxis and hire cars.
42. Within the criteria laid down from time to time by the Licensing, Environment and Safety Committee, to determine the size and design of signs permitted to be displayed in the windscreen of private hire vehicles and on the sides of taxis and private hire

vehicles.

43. To require a taxi or private hire vehicle to be submitted for mechanical inspection in accordance with the Council's agreed procedures.
44. To order an applicant for a taxi or private hire vehicle driver's licence to submit to examination by a nominated medical practitioner.
45. To administer the Council's "Doorsafe" registration scheme.
46. To regulate temporary markets and fairs subject to approved conditions.
47. To make all necessary formal appointments and arrangements in respect of legislation relating to explosives and safety of sports grounds.
48. To exercise the functions of the Council under Part 1 of the Wildlife and Countryside Act 1981.
49. The designation of litter control areas.
50. To determine applications for street trading consents under Part III of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 save in those instances where
  - (i) there have been two or more applications for a single pitch;
  - (ii) there have been objections; or
  - (iii) there has been an appeal against the decision of the Executive Director(such determinations to be made by the relevant area committee)
51. To determine applications for short term street trading permits under Part III of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 for consent for streets in the Town Centre in consultation with the Chair of the Central Stockport Area Committee.
52. In relation to the functions of the Scrap Metal Dealers Act 2013;
  - (i) To grant or renew a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.
  - (ii) To serve Notice of a proposal to refuse or cancel a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.
  - (iii) To serve notice of a proposal to vary a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.
  - (iv) To determine applications for a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013 where it is the intention to refuse or cancel a licence or to vary a licence under section 4 of the Act, where the applicant has not served notice requiring the opportunity to make representations to the authority in respect of the proposal to refuse or cancel a licence, or to impose conditions on a licence.

#### Housing matters

*Note: The operational management functions relating to Council housing and associated accommodation was transferred with effect from 1 October 2005 to an Arm's Length Management Organisation, Stockport Homes Limited.*

53. To discharge the functions of the Council as a Local Housing Authority.
54. To be responsible for all matters concerning the relationship between the Council and Stockport Homes Limited.
55. To discharge the Council's functions under legislation relating to homeless persons.
56. To deal with special circumstances not adequately provided for within the Council's allocations policy.
57. To deal with requests for access to personal files in accordance with the relevant legislation and regulations.
58. Jointly with the Head of Legal & Democratic Governance, to take legal action under the Anti-social Behaviour, Crime and Policing Act 2014, Housing Act 1985 and Housing Act 1988 in respect of anti-social behaviour and neighbour nuisance.
59. To authorise proceedings for the removal of squatters and persons left in possession of Council dwellings.
60. Jointly with the Head of Legal & Democratic Governance, to deal with disrepair claims.
61. Jointly with the Deputy Chief Executive to approve the purchase of properties that the Council is obliged or wishes to purchase under Housing legislation, and take such action as may be necessary to secure compliance with the relevant legislation.
62. 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 the harassment and illegal eviction of private sector tenants in accordance with the relevant legislation. To serve statutory notices as appropriate and to authorize officers to enter premises to perform these functions.
63. To inspect periodically and report on housing conditions in the Borough from time to time with a view to determining what action needs to be taken.
64. To determine applications for grants to improve properties in accordance with housing legislation and local policy and to take all necessary steps to ensure that any action relating to the implementation of renewal areas, grants and necessary repair of properties is carried out.
65. To make arrangements with statutory undertakers or relevant supply companies to restore or continue the supply of water, gas or electricity to an occupied privately rented dwelling in accordance with the relevant legislation.
66. To enter into agreements relating to the carrying out by the Council of works of improvement by agreement with, and at the expense of, the property owner.
67. To issue licences and certificates as appropriate for licensing and accreditation schemes for privately rented properties run in accordance with housing legislation and local policy.
68. To authorize 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. To serve statutory notices as appropriate

and to authorize officers to enter premises to perform these functions.

69. To provide an integrated welfare benefits service, including advisory services.
70. To discharge the Council's functions as local housing authority as they relate to the disabled facilities grants.

#### Miscellaneous

71. All matters concerning the relationship between the Council and Totally Local Company.
72. To determine applications for the use of parks by outside organisations except
  - where attendance or participation of over 250 or more persons is anticipated.
  - where events are likely to result in noise or traffic disturbance to local residents.
  - where the sale of alcohol is requested at the event.
  - Bonfires and firework displays.
  - Fairs.
  - Circuses.
  - Events involving animals.
  - All evening events which continue after 10pm

and subject to all applications for the use of parks being issued to members of relevant area committees with the opportunity being given for individual councillors to "call up" the application for determination by the area committee.



## **TO THE EXECUTIVE DIRECTOR FOR PEOPLE & NEIGHBOURHOODS INTEGRATION**

To undertake all functions pursuant to any appointment as Proper Officer as set out at **Part 4** of the Constitution

### Education functions

In accordance with legislation to take necessary and appropriate action in respect of the following service areas:-

#### 1. Leadership and Direction

- (i) Preparation of the statutory plans for the Education function
- (ii) Arrangements for school budgets under Fair Funding regulations
- (iii) Completion of statutory returns to Central Government.
- (iv) Discharge of functions in relation to the making of Instruments of Governance for schools

#### 2. Access

- (i) Arrangements for the admission of pupils to all community, controlled and special schools
- (ii) Arrangements for dealing with pupil exclusion and reinstatement cases
- (iii) The provision of home/school transport for pupils
- (iv) Matters relating to the enforcement of school attendance, including the authorisation of legal proceedings
- (v) All matters relating to child employment and children's participation in public performances
- (vi) The making of any grants to children or students to facilitate educational attendance
- (vii) Implementation of the Capital Programme as agreed by the Council
- (viii) Preparation of the Schools Organisation Plan

#### 3. School Improvement

- (i) Arrangements for the monitoring of school performance having regard to the Code of Practice on LA/School relations
- (ii) Arrangements for intervening in schools under Special Measures or otherwise causing concern
- (iii) Arrangements for receiving OFSTED reports.

#### 4. School Support Services

- (i) All the Council's functions in relation to the employment of teachers and other school based staff
- (ii) Arrangements for reviewing the salaries of Headteachers and Deputy Headteachers in the direct employment of the Council
- (iii) The organisation of in-service training for teachers
- (iv) Setting fees and charges for music tuition and instrument hire
- (v) All matters relating to the supply of milk and school meals.

#### 5. Special Education

- (i) Arrangements for determining whether a child is in need of Special Education
- (ii) Preparation of Statements of special educational need and provision

- (iii) Arrangements to implement special education provisions specified in Statements
- (iv) The provision of education to individual pupils "otherwise than in school".

## 6. Lifelong Learning

- (i) Arrangements for securing income from the Skills Funding Agency in respect of course provision
- (ii) Arrangements for awarding grant aid to local youth organisations

## Children & Young People's Services

In accordance with the policies from time to time laid down by the Cabinet and subject to overall budget provision:

7. To manage the Council's Children's Services functions and establishments.
8. To exercise all the Council's functions as an adoption agency under legislation relating to adoption and associated regulations.
9. All matters relating to the supervision of privately fostered children.
10. The function of placing and reviewing the placement of children and young persons in secure accommodation.
11. The determination of individual applications for provision under community care legislation and the implementation of such provision.
12. The hearing and determination of any complaint or representation relating to the discharge of children's services functions, whether from a client or a member of the public.
13. Arrangements for the provision of accommodation, where necessary with other authorities or organisations.
14. Dealing with requests for access to personal files in accordance with the relevant legislation and regulations.
15. Approving (where required) applications by foster parents for residence orders and to pay appropriate allowances to foster parents.
16. Administering grants, loans, charges and other forms of assistance in accordance with Council policy and legislation.
- [17. Allocating expenditure from the Children's Fund, after consultation with the Cabinet Portfolio Holder and in accordance with the recommendations of the Children Trust.](#)
- [18. Responding to consultation in respect of proposed or actual applications for education supervision orders.](#)

47.

## TO THE DIRECTOR OF ADULT SERVICES

### Adult Social Services Matters

In accordance with the policies from time to time laid down by the Cabinet and subject to

- overall budget provision;
- the Financial Procedure Rules;
- the Contract Procedure Rules; and
- the delegation to the Health and Care Integrated Commissioning Board:

18. To manage the Council's Adult Services functions and establishments.
19. To discharge the Council's functions 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 jointly with the Head of Legal & Democratic Services.
20. The provision of home helps, meals on wheels, and support to luncheon clubs.
21. The provision of equipment and adaptations to property.
22. The determination of individual applications for provision under community care legislation and the implementation of such provision.
23. The hearing and determination of any complaint or representation relating to the discharge of Adult Services functions, whether from a client or a member of the public.
24. Arrangements for the provision of accommodation, where necessary with other authorities or organisations.
25. Dealing with requests for access to personal files in accordance with the relevant legislation and regulations.
26. Carrying out any registration, licensing and inspection functions of the Council under Social Services legislation.
27. Administering grants, loans, charges and other forms of assistance in accordance with Council policy and legislation.
28. 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.
29. All matters relating to the recovery of contributions and charges for accommodation or services.
30. Arrangements for the burial or cremation of persons in the care of the Council, or where no other person takes responsibility.
31. The administration of the scheme for car badges and public transport concessionary fare passes.

~~32. Responding to consultation in respect of proposed or actual applications for education supervision orders.~~

~~33.32.~~ The development, jointly with the Chief Executive, of community care and health improvement initiatives throughout the Borough, either independently or in partnership with local health trusts and authorities.

~~34.33.~~ Functions specified in:

- (i) Schedule 1 of the Local Authorities Social Services Act 1970 Sections 6 and 7B of the Local Authorities Social Services Act 1970 to the extent that they do not fall within the delegated responsibilities of the Health and Care Integrated Commissioning Board or the Director of Integrated Commissioning
- (ii) Sections 1 and 2 of the Adoption Act 1976
- (iii) Sections 114 and 115 of the Mental Health Act 1983
- (iv) The Registered Homes Act 1984
- (v) Parts VII to X and Section 86 of the Children Act 1989
- (vi) The functions under Sections 5, 7 and 8 of the Disabled Persons (Services, Consultations and Representations) Act 1986

~~34.~~ To be responsible for the delivery of the Government's Prevent Strategy and statutory duty of the Prevent Channel Panel.

~~35. 4. Day to day management of the pooled fund and the pooled service budgets established by the Section 75 agreement of the 21 June 2016 in accordance with that agreement.~~

~~2. For the purpose only of making arrangements for the provision of such adult social services as are set out in any agreement for the time being in operation between the~~

~~36. Council and the Greater Manchester Integrated Commissioning Service (formerly Stockport Clinical Commissioning Group), to exercise the Council's functions set out at Schedule 1 of the Local Authorities Social Services Act 1970.~~

~~35.~~

**TO THE SECTION 151 OFFICER (DIRECTOR OF FINANCE / CHIEF FINANCE OFFICER)**

To undertake all functions pursuant to any appointment as proper officer as set out in **Part 4** of the Constitution.

**Finance Matters**

1. To be responsible for:-
  - (a) administration of the General Fund, the Collection Fund, Housing Revenue Accounts and the former Greater Manchester Residuary Body in accordance with the approved Codes of Practice and all other matters which are the responsibility of the Chief Finance Officer appointed pursuant to section 151 of the Local Government Act -1972;
  - (b) implementation and monitoring of the Council's Treasury Management arrangements;
  - (c) the authorisation of claims for grant monies;
  - (d) the recording of income, expenditure, assets and liabilities in accordance with proper practices;
  - (e) the recording of proposed and approved budget adjustments arising from virement or budget re-alignment;
  - (f) arrangements for the leasing of vehicles plant and equipment, where the acquisition of the item has the necessary approvals;
  - (g) insurance matters;
  - (h) the Council's contributions to and risks arising from participation in the Greater Manchester Pension Fund by the Council and any other body for which the Council acts as guarantor.
2. To submit to the Cabinet the budget process timetable and a medium term plan.
3. To audit financial and accounting procedures.
4. To administer the Council's procedures to deal with debt recovery.
5. To administer the Council's car loan, car leasing, and similar schemes.
6. Approval loans to employees granted in accordance with an approved Employee Benefit scheme.
7. To be responsible for the collection and recovery of all Council Tax, National Non-Domestic Rates, residual Community Charge monies, and Housing Rents, and to determine applications for discretionary non-domestic rate relief and Council Tax discounts in accordance with the policy adopted by the Cabinet.
8. To commence legal proceedings for the recovery of arrears of Council Tax, National Non-Domestic Rates, residual Community Charge monies, and Housing Rents.
9. To appoint officers from Corporate and Support Services to represent the Council in legal proceedings for the recovery of Council tax, National Non-Domestic Rates, rent arrears, and the repossession of Council housing accommodation.
10. To review, at least biennially, the Council's Financial and Contract Procedure Rules.
11. To administer Council Tax Benefit, Rent Rebate and Housing Benefit in accordance with Council policy.

12. To write off rent arrears and other irrecoverable debts in excess of £5000, provided that, where the debt exceeds £10000 net of VAT, and the debtor is not in liquidation or bankruptcy or deceased, a report on the matter shall be submitted to the Cabinet Member or Cabinet as appropriate.
13. To refer fraudulent housing benefit and council tax benefit claimants for prosecution.
14. To make and review arrangements for a pooled budget in relation to the integrated commissioning arrangements made with Greater Manchester Integrated Commissioning Service (formerly Stockport Clinical Commissioning Group), pursuant to Section 75 of the National Health Service Act 2006.

15. To sign agreements with employees in connection with the termination of their employment with the Council, subject to other legislative requirements.

**TO THE ASSISTANT DIRECTOR – LEGAL & DEMOCRATIC GOVERNANCE**  
**(MONITORING OFFICER)**

To undertake all functions pursuant to any appointment as proper officer as set out in **Part 4** of the Constitution.

1. 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 in accordance with the Scheme of Delegation.
2. To institute, defend, intervene in, appear in, and be responsible for the conduct of any legal proceedings in any civil or criminal court, tribunal or Inquiry, or before a Coroner, where the interests of the Council are or could be affected and, in consultation with the relevant Cabinet Member, to settle proceedings, where it is in the Council's interest so to do.
3. To accept service of any proceedings.
4. To institute criminal proceedings in respect of offences against any legislation (including bye-laws) that the Council is authorised to enforce, and to institute and respond to appeals arising out of such proceedings.
5. To settle claims against the Council, and where claims exceed £20,000 to settle these in consultation with the Section 151 Officer and Chief Executive.
6. To approve, in consultation with the relevant Executive Director, the payment of financial compensation not exceeding £5000, in order to resolve a complaint submitted in accordance with the Council's Complaints Procedure.
7. On the instructions of an Executive Director, to take all necessary steps to secure the removal of any person or persons from land.
8. To authorise officers of the Council to appear in the Magistrates' and County Courts.
9. To obtain Counsel's opinion and brief Counsel.
10. To authorise the payment of costs awarded against the Council.
11. To sign indemnities, where they are required to enable the Council to exercise any of its functions, provided that, where the giving of an indemnity could have significant financial implications, the consent of the Section 151 Officer is obtained.
12. To take out a grant of representation to a deceased person's estate as creditor, beneficiary or trustee.
13. To make formal application to H.M. Land Registry to register and dispense with statutory charges, in respect of private residential properties.
14. To be responsible for the sale of Council accommodation under the Right to Buy Scheme.
15. To deal with land in compulsory purchase orders by way of notice to treat or vesting declaration procedure.
16. To accept blight notices where all the statutory requirements are met.

17. To accept the District Valuer's valuation of properties, and authorise payments in advance of completion of property purchases.
18. To serve notice to quit on tenants of land required for Council purposes.
19. To obtain particulars of persons interested in land under S.16 Local Government (Miscellaneous Provisions) Act 1976 and S.330 Town and Country Planning Act 1990.
20. To contribute to the legal costs of other local authorities in respect of specific cases with implications for the Council, up to a maximum of £1000.
21. To maintain the Local Land Charges Register, respond to local searches, and deal with the registration of Common Land etc.
22. To take action, including the institution of proceedings, under the Crime and Disorder Act 1998, where necessary in the interests of community safety.
23. 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 in accordance with the Scheme of Delegation.
24. To instruct and appoint external legal advisors to the Council.
25. Jointly with the Director of Place Management to take legal action under the Anti-social Behaviour, Crime and Policing Act 2014, Housing Act 1985 and Housing Act 1988 in respect of anti-social behaviour and neighbour nuisance.
26. Jointly with the Director of Place Management to deal with disrepair claims.
27. To procure contracts for goods and services supplied for the purposes of providing legal services to the Council.
28. To do all things necessary and incidental to their carrying out function as the Monitoring Officer as set out in the Monitoring Officer Protocol at CP11 of the Constitution.
29. To make typographical changes to the Constitution; amendments to job titles, posts and the definition of the 'Corporate Leadership Team' and 'Executive Director'; and other such changes required to ensure compliance with legislation.



**TO THE DIRECTOR OF PUBLIC HEALTH**

In accordance with legislation, the Council's Constitution and the policies from time to time laid down by the Cabinet and subject to the overall budget provision and to the delegation of the Health and Care Integrated Commissioning Board or the Director for Integrated Commissioning to take necessary and appropriate action in respect of the following:-

1. To discharge the responsibilities for public health within Stockport in accordance with the requirements of the Health and Social Care Act 2012 and the NHS Act 2006, including the award of contracts for the provision of public health services.
2. To manage the Council's Public Health functions
3. Exercising the Council's functions in planning for, and responding to, emergencies that present a risk to public health.
4. To cooperate with the police, the probation service and prison service to assess the risks posed by violent or sexual offenders.
5. To provide the Council's public health response as a 'responsible authority' under the Licensing Act.
6. To develop and maintain the Joint Strategic Needs Assessment for the Stockport and to discharge the responsibilities for research in relation to public health and wellbeing.
7. To produce an annual report.

**TO THE DIRECTOR OF INTEGRATED COMMISSIONING**

~~To undertake the following functions:~~

- ~~1. Day to day management of the pooled fund and the pooled service budgets established by the Section 75 agreement of the 21 June 2016 in accordance with that agreement.~~
- ~~2. For the purpose only of making arrangements for the provision of such adult social services as are set out in any agreement for the time being in operation between the Council and the Greater Manchester Integrated Commissioning Service (formerly Stockport Clinical Commissioning Group), to exercise the Council's functions set out at Schedule 1 of the Local Authorities Social Services Act 1970~~

**TO THE HEAD OF PUBLIC PROTECTION**

1. To consider written representations and be the person appointed to hear oral representations and determine those applications on the Cabinet's behalf under Schedule 1 (Section 7(7) and (8)) of the Act where the Director of Place Management proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act and the applicant has given notice to the authority within the prescribed time that they require the opportunity to make representations about that proposal.

**TO THE DEMOCRATIC AND ELECTORAL SERVICES MANAGER ASSISTANT  
DIRECTOR – FINANCE**

1. To undertake all functions pursuant to his or her appointment as Designated Scrutiny Officer under Section 9FB of the Local Government Act 2000.

**TO THE PLACE SERVICES CSS MANAGER – ~~EVENTS AND~~ REGISTRARS SERVICE**

1. To undertake all function pursuant to his/her appointment as Proper Officer under the Registration Services Act 1953.