

SCHEME OF DELEGATION TO OFFICERS

COLOUR CODE NOTE: Green text is wording transferred from one officer to another – this will not appear in the final version.

1.0 **INTRODUCTION**

- 1.1 Elected Members set policy, priorities and strategies to reflect local interests and needs and are responsible for allocating funding between individual priority areas and for approval of the methodology of implementation of policies and strategies.
- 1.2 Officers of the Authority are responsible for implementing these strategies and policies by delivering services and major initiatives. It is Officers who have responsibility for managing the Authority's day to day operations, within a policy and budgetary framework laid down by Members.
- 1.3 The Authority's Chief Officers (statutory and non-statutory) are listed under Part 2, Chapter 12 . The following Chief Officers comprise the Authority's Corporate Leadership Board (CLB). The Chief Executive, Executive Director of Strategic Commissioning, Chief Operating Officer, Director of Economic Growth and Prosperity, Director of Public Health, Director of Adult Services, Director of Children's Services, Head of Legal Services and Monitoring Officer and Head of HR and Organisational Development. Other Officers will attend CLB as necessary.
- 1.4 Each Chief Officer is accountable to the Chief Executive for leading the Services within his or her area of responsibility and ensuring that the services are managed in accordance with the objectives, plans, policies, programmes, budgets and processes of the Authority.
- 1.5 The powers of this Scheme are delegated to the officers referred to by title within this Scheme of Delegation. The powers are automatically transferred to any successor officer, to whom the functions are allocated, subsequent to any reorganisation of the Council's management arrangements.
- 1.6 The powers in this Scheme are delegated to Chief Officers who will establish, operate and keep under review Local Schemes of Delegation (including Local Schemes of Financial Delegation) to cascade powers and responsibilities to Heads of Service and other officers. Local Schemes of Financial Delegation shall only be put in place after consultation with the Chief Operating Officer and shall comply with the Finance and Contract Procedure Rules and the Staff Employment Procedure Rules

1.7 This Scheme of Delegation to Chief Officers includes both Non-executive and Executive functions. The delegations are granted subject to decisions being taken in accordance with:

- Best interests of residents
- The limitations and requirements specified in the Scheme
- Approved policies and procedures of the Authority
- The implementation plan and methodology of implementation of policies and strategies approved by the Portfolio Holder
- Regular briefings between senior management and Portfolio Holder(s) responsible for the area under their purview
- Statutory powers and requirements, guidance and Codes of Practice
- The approved budget and Policy Framework
- Planning permissions and other statutory consents
- Finance and Contract Procedure Rules and Staff Employment Procedure Rules
- EU Directives and tendering processes
- Principles of Natural Justice
- Professional Standards and
- The terms applicable to Officers holding politically restricted posts.

Note: Chief Officers must comply with instructions from the Leader and Portfolio Holders to undertake work in furtherance of the development of new policy

1.8 Before taking delegated decisions, all officers are under a duty to satisfy themselves that they have the duly delegated power to do so and that they have undertaken appropriate consultation. Appropriate advice must be taken where the matter involves professional or technical considerations that are not within the officer's sphere of competence.

1.9 The delegations to Chief Officers include the power to do anything ancillary or incidental to, arising from, or necessary to give effect to or facilitate the exercise of powers and the discharge of functions, which are delegated, subject to the control measures highlighted in 1.7

above. For the avoidance of doubt Chief Officers may take decisions relating to matters of everyday operational business.

1.10 In some circumstances the officer to whom a power has been delegated may consider a matter to be of such importance or sensitivity that their delegated authority should not be exercised. In these circumstances he or she may refer the matter back to the delegator for determination.

1.11 Any power delegated or cascaded under this Scheme can be exercised by the Chief Officer and in all cases by the Chief Executive personally. The Chief Executive may take powers of Chief Officer and delegate it elsewhere for a temporary period.

1.12 The Scheme of Delegation does not delegate to officers:

- Any matter specifically reserved by law or by this Constitution to the Council, Cabinet or to any committee or sub-committee of the Council
- Any matter in respect of which specific provision is made elsewhere in this Constitution
- Any matter which in law may not be delegated to an officer
- Any Key Decision other than those in respect of which specific provision has been made

1.13 Chief Officers have the power to take all necessary actions (including the letting of contracts, undertaking statutory processes and incurring expenditure) to implement decisions of Cabinet and Council (unless the decision is the subject of the Call-In outlined in Part 4), without further reference to the Council or Cabinet to ensure effective and efficient implementation of these decisions, subject to the control measures highlighted in 1.7 above.

1.14 Actions taken under the above paragraph may include:

- Chief Officers, with the agreement of the relevant Portfolio Holder, to undertake and consider the outcome of statutory and non statutory consultations on service provision.
- Chief Officers requesting a Portfolio Holder to offer advice on a Cabinet or Council decision; or to give direction as to how a Cabinet or Council decision shall be implemented to allow for minor changes to that decision, the desirability for which arises from a change of circumstances; responses to a consultation or new information. (Such matters will be recorded on a delegated decision form. In the event that the change of circumstances is

significant the matter will be referred to the Portfolio Holder for a formal decision).

- 1.15 Officers taking delegated decisions under this Scheme of Delegation must keep appropriate records and registers of decisions and as necessary report to the Council, Executive or Council Committee if required, in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.
- 1.16 Chief Officers, in consultation with the relevant Portfolio Holder, shall determine the level of fees or charges payable in respect of any chargeable goods or services supplied, work undertaken or the loan or use of plant, equipment or machinery whether authorised by specific statutory provision or pursuant to this Scheme of Delegation.

CONFLICTS OF INTEREST

- 1.17 The reference to officer (Chief or otherwise) in this Scheme is not confined to direct employees of the Council. From time to time, in order to meet identified service or other needs, the Council will need to appoint temporary/interim staff to senior positions. This may be through an agency or consultancy appointment. Such managers are likely to be required to exercise delegated powers as if they were a directly employed Council Officer. The Chief Executive in such circumstances, may specifically delegate powers to such managers to act as a Chief Officer (statutory and non-statutory), Head of Service. Such delegation must be made in writing and identify which elements of this Scheme of Delegation apply. A delegation under this paragraph will be limited to a maximum of one year
- 1.18 Every Officer taking a decision under this Scheme is responsible for identifying whether s/he has any conflict of interest in any matter which is under consideration, (actual or perceived) within the Authority and as necessary notifying the Chief Executive (including under S117 of the Local Government Act 1972) in accordance with the Officer Code of Conduct in Part 5
- 1.19 Where any Officer has a conflict of interest in any matter s/he shall not participate in that matter in his/her capacity as an Officer except with the prior approval of the Chief Executive or Head of Legal Services and Monitoring Officer.

FINANCIAL AND CONTRACT APPROVAL LIMITS

- 1.20 Chief Officers are responsible for financial management within their Departments to ensure value for money. They shall manage the development of budget policy options with a detailed assessment of financial implications.

Note: The making of grants to voluntary and community organisations is not delegated to Officers. Grants up to £50,000 shall be for the decision of the relevant Portfolio Holder and grants over £50,000 shall be approved by Cabinet.

- 1.21 All in accordance with the Finance Procedure Rules, Chief Officers may enter into contracts and incur expenditure but must do so within financial limits and procedures set out in the Finance and Contract Procedure Rules and subject to the requirement that projects with an estimated cost of between £100,000 and £250,000 are to be brought before the appropriate Policy Development Group for consideration and/or noting.

STAFFING

- 1.22 Chief Officers are authorised to deal with the full range of employment and staff management issues, below CLB level including but not limited to appointments, terms and conditions (other than those negotiated nationally) training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the Staff Employment Procedure Rules. This delegation shall **not** include:

- making a post redundant,
- conducting appeals against dismissal
- conducting appeals on the outcome of grievance hearings

Note: Recruitment of Chief Officers shall be undertaken only via Staffing Committee, including the approval of job descriptions and person specifications

- 1.23 Chief Officers are authorised, subject to prior notification of the Head of HR and Organisational Development and prior consultation with all appropriate parties affected by the decision, including any Trade Union, to implement changes to staffing structures except where the restructure:

- Involves the loss of one or more posts not currently vacant
- Involves regrading of posts or the grading of new posts
- Involves changes to existing National or Local Agreements and policies
- Cannot be achieved within delegated powers in respect of budgets

- 1.24 To enter into reciprocal arrangements for the authorisation and appointment of Officers to facilitate cross-border co-operation in the

discharge of delegated functions with any other local authority and to transfer enforcement functions to another enforcement authority, subject to approval by Cabinet.

MANAGEMENT OF LAND PREMISES VEHICLES AND EQUIPMENT

1.25 In order to facilitate operational requirements:

- Chief Officers are authorised to manage, in accordance with all appropriate service standards and policies approved by the Council or Cabinet, land, premises, vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture appliances and uniforms necessary for the provision of services.
- In respect of vehicles, plant, equipment, machinery, stock, stores, supplies, materials, furniture, appliances and uniforms this includes but is not limited to cleaning, maintenance, letting or hire and authorising the write-off loss or disposal of the same where obsolete or surplus to operational requirements (limits are in accordance with the Finance Procedure Rules).
- In respect of land and premises this includes but is not limited to, cleaning, maintenance and letting or hiring for up to 12 months

1.26 To administer the supply of goods and services to other public authorities and bodies under the Local Authorities (Goods and Services) Act 1970 and all other enabling legislation.

LEGAL AUTHORISATIONS AND COMPLIANCE

1.27 Chief Officers shall implement and ensure compliance with the Authority's procedures relating to data protection, Environmental Information Regulations, freedom of information, human rights and surveillance activities and shall only withhold the publication of requested information with the permission of the relevant Portfolio Holder, whose refusal shall not override the Scheme of Publication.

1.28 Chief Officers shall have power to authorise Officers (and such other persons where permitted by law) possessing such qualifications as may be required by law and where Chief Officers are satisfied that appropriate training has been undertaken, to:

- Take samples, carry out inspections or surveys, enter land and premises and generally perform the functions of and/or act as a duly authorised, or Proper Officer of the Authority (howsoever described)
- To issue certificates of authority or certify copies of documents
- To enforce the requirements of legislation

- To instruct the Head of Legal Services and Monitoring Officer to consider whether or not legal proceedings to enforce the requirements of legislation are appropriate.
- 1.29 With the approval of the Head of Legal Services and Monitoring Officer, Chief Officers shall have power to:
- authorise the issue and service of requisitions for information, any notice, order or direction
 - Approve or issue any licence which may be required or authorised by or under any legislation or byelaws (not otherwise mentioned in this scheme of delegation)
 - Authorise the institution of legal and quasi-legal proceedings and/or other action (including debt recovery) as is considered necessary to protect the interests of the Authority
 - Sign certificates for contracts
- 1.30 Chief Officers are authorised to make application for planning permission and any other necessary applications for other consents required for the development of land, subject to notification to the appropriate Portfolio Holder and Ward Members. No development shall take place before planning permission is obtained.
- 1.31 Chief Officers are authorised to undertake all steps required to complete Government Statistical Returns and to respond to Government Consultations and consultations from other bodies, in consultation with the relevant Portfolio Holder(s) or committee chairman.
- 1.32 Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions.

SAFEGUARDING CHILDREN AND VULNERABLE ADULTS

- 1.33 Chief Officers shall ensure that arrangements are in place to discharge the responsibilities of the Authority within their functional responsibilities in respect of the need to safeguard and promote the welfare of children and of vulnerable adults.

Note: Where the Council approves any restructure of services, whereby a service is moved to be the responsibility of another Director, the delegated authorities in respect of that service will move to the officer taking on the new responsibility

THEME OF SCHEME

- 1.34 This Scheme of Delegation is set out as far as possible in terms of broad functional areas of responsibility rather than in terms of specific statutory powers.
- 1.35 This Scheme of Delegation is structured as follows:
- Chief Executive
 - Executive Director of Strategic Commissioning and Chief Officers reporting to this post
 - Chief Operating Officer and Chief Officers reporting to this post

2.0 CHIEF EXECUTIVE

- 2.1 The Council's Chief Executive is the Council's Head of Paid Service appointed by Council. Under Section 4 of the Local Government and Housing Act 1989 the responsibility of the Head of Paid Service is to make proposals to the Authority in the manner in which the discharge of the Authority's functions are co-ordinated and the numbers, grades and organisation of staff required and the proper management of those staff. In respect of the Chief Executive role the responsibility is to develop for Member approval a strategic vision and to provide strategic leadership for the Council.
- 2.2 Within the following areas the Chief Executive/Head of Paid Service is empowered to operate the services of the Authority and except where powers, duties and functions are delegated elsewhere by the Council, to exercise all powers, duties and functions, including but not limited to the following:
- 2.3 To be the Authority's principal officer representative and to promote its good image and reputation
- 2.4 To undertake the communications, marketing and media functions of the authority and promote good public relations
- 2.5 To exercise the powers and responsibilities of any Chief Officer in his or her absence
- 2.6 To lead and direct the strategic management of the Authority to ensure the effective pursuit and achievement of the Authority's objectives
- 2.7 To ensure the Authority's activities are carried out with maximum effectiveness and efficiency
- 2.8 To discharge emergency planning and civil protection functions

- 2.9 To take such steps (including the incurring of expenditure where necessary) as may be required in the event of any national or local emergency requiring immediate action by the Authority
- 2.10 To sign settlement agreements for employees/ex-employees, in consultation with the Leader of the Council and Chair of the Staffing Committee
- 2.11 To act as the Authority's Proper Officer in respect of the following under the Local Government Act 1972 unless stated:
- Declaration of acceptance of office by chairman, vice-chairman or Councillor (Section 83)
 - Receipt of resignation of officer by person elected (Section 84)
 - Keeping the role of Freemen (Section 248 (2))
 - Convening Council meeting to fill casual vacancy in office of chairman (Section 88(2))
 - Signature of summons to Council meetings and receipt of notices to which summons to meeting is to be sent (Schedule 12 para 4)
 - Receipt of notice of casual vacancy of Councillor (Section 80 (1) (b) of the Local Government Act
 - The Electoral Registration Officer for the registration of electors under Section 8 of the Representation of the People Act 1983
 - The Returning Officer for the election of Councillors for the District and Parishes within the District under Section 35 of the Representation of the People 1983 Act
 - The Acting Returning Officer at UK Parliamentary elections; the Local Returning Officer at European Parliamentary Elections and for the Police and Crime Commissioner Elections
 - Compile list of Politically Restricted Posts under Section 2 of the Local Government and Housing Act 1989
 - Receipt of Notices relating to political groups (Section 15 – 17 of the Local Government and Housing Act 1989)

3.0 EXECUTIVE DIRECTOR OF STRATEGIC COMMISSIONING

- 3.1 To be responsible for commissioning services for and making a decision for the operational effectiveness of the following functions:

Adult Social Care and Independent Living, Children's Services, building control, cemeteries and crematoria, environmental health, highways, housing, licensing, planning and development management, strategic partnerships, strategic planning, regeneration, public health.

- 3.2 To have overall management responsibility for Director of Children's Services, Director of Adult Social Care and Independent Living, Director of Economic Growth and Prosperity, Built Environment, Communities and commissioning responsibilities for Director of Public Health.
- 3.3 In commissioning the functions listed at para 3.1 the Executive Director will, pursuant to the Authority's decision to become a strategic commissioning Council, use the following Alternative Service Delivery Vehicles(ASDV) for example, ANSA, CoSocius, East Cheshire Engine of the North, Everybody Sport and Recreation, Orbitas, Tatton Park Enterprises and other agencies, as appropriate.
- 3.4 **Environmental Protection and Enhancement (*including Highways*)**
 - Car Parking Policy
 - Highway Maintenance
 - Grounds Maintenance
 - Streetscape
 - Street Cleansing
 - Waste Collection and Disposal
 - Recycling
 - Green Energy and Carbon Reduction
 - Public Rights of Way
 - Fleet Management
 - Farms
 - Gardens
 - Greenspace/Countryside
- 3.5 To discharge the operational day to day functions of the Authority in respect of the maintenance and improvement of highways and street management including but not limited to the following in this Highways and Transport section
- 3.6 To grant consents and impose requirements in connection with works in highways or adjacent premises.
- 3.7 To determine applications for the placing of plant, structures, trees and equipment in, over or under highways or highway land, except that applications from Town and Parish Councils, which officers are minded to refuse, must be determined by the Portfolio Holder.
- 3.8 To construct carriageway crossings over footways and verges, erect fences, boundary posts, cattle grids and carry out works for the drainage of highways.

- 3.9 To exercise the Authority's responsibilities under the New Road and Street Works Act 1991 and, where appropriate, waive charges
- 3.10 To authorise urgent repair of private streets under Section 230 of the Highways Act 1980, pass exemption resolutions and give exemption notices on behalf of the Street Works Authority under Section 219 of the Highways Act 1980.
- 3.11 To authorise minor improvements to roads including grass verges, street furniture etc. not exceeding £30,000 for which provision has been made in the budget and capital programme.
- 3.12 To set charges for work and maintenance carried out by the Authority for which the costs are to be met by third parties.
- 3.13 To authorise the installation of sound insulation.
- 3.14 To appoint safety supervisors.
- 3.15 To make observations on planning application consultations.
- 3.16 To take traffic censuses.
- 3.17 On the advice of the Assets Manager or District Valuer, to settle claims for borehole damage up to £1,500.
- 3.18 In consultation with the Portfolio Holder and subject also to notification to Ward members, to authorise all steps: (a) relating to permanent traffic regulation orders (including in respect of public rights of way), experimental orders, parking (except imposing or varying of any charges for car parking), alley-gating, stopping up and diversion of highway; and school and controlled crossings; under the Road Traffic Regulation Act 1984 and Highways Act 1980
- 3.19 To authorise all steps relating to temporary road traffic regulation orders under the Road Traffic Regulation Act 1984 and all orders under section 21 of the Town Police Clauses Act 1847.
- 3.20 To determine the manner in which the requirements of Schedule 14 to the Highways Act 1980 shall be carried out.
- 3.21 To take emergency measures to protect persons and property from escapes of water from reservoirs.
- 3.22 To grant licences under Sections 142, 176, 177 and 181 of the Highways Act 1980.
- 3.23 To exercise powers and duties under Part VIIA of the Highways Act 1980

- 3.24 To exercise powers and duties under the Traffic Management Act 2004
- 3.25 To accept land for road improvements by dedication subject to the total consideration not exceeding £30,000.
- 3.26 To enter into agreements for the construction and adoption of estate roads.
- 3.27 To manage the Highways Services Contract
- 3.28 In consultation with the relevant Portfolio Holder, to take all decisions and actions in respect of nameplates and of street naming/renaming and numbering/renumbering provided it is within policy
- 3.29 To take action to make safe or remove dangerous trees overhanging or adjoining the highway or to ensure such trees are made safe or removed and to reclaim the costs
- 3.30 To manage the strategic needs of the highways network in consultation with the appropriate Portfolio Holder, with regard to securing sustainable growth and regional connectivity
- 3.31 To manage the following functions:-
- Tendering, applications to Traffic Commissioners and other relevant functions under the Transport Act 1985.
 - Negotiations in respect of terms with service operators in respect of concessionary fare/travel and dial-a-ride schemes, however agreement of terms shall be in consultation with Portfolio Holder
 - organisation of (special and non-special) school transport services, including the issue of scholars' passes, and Social Services transport services, in consultation with the relevant Portfolio Holder, in accordance with the Authority's policy on school transport.
 - issuing of minibus permits under the Public Passenger Vehicles Act 1981.
 - administration of Car Contract Hire Schemes.
 - Management of the client side of vehicle maintenance contracts under the Local Government Act 1988.
 - Organisation of School Crossing Patrols, except that a decision to create or remove a School Crossing Patrol lies with the Portfolio Holder

- holding of Operators Licence(s) on behalf of the Authority and all associated functions and responsibilities.
- 3.32 To exercise all powers in relation to public rights of way (includes footpaths, Bridleways, Restricted Byways and Byways Open to all Traffic and any other such ways) and to discharge the functions under the statutory provisions listed in the Appendix in relation to public rights of way PROVIDED THAT the following delegations shall be subject to consultation with the Portfolio Holder and with ward members:
- Granting permission for provision of services, amenities, recreation and refreshment facilities on public paths (Section 115A – 115K of the Highways Act 1980 and
 - Authorising the use of footpaths and bridleways for motor vehicles and cycle tracks under Section 33 of the Road Traffic Regulation Act 1988
- 3.33 To make temporary diversion orders for footpaths
- 3.34 To serve notices to require the removal of obstructions from public rights of way, the restoration of public rights of way following ploughing, cropping or other disturbances and the maintenance of stiles, gates or other structures across public rights of way.
- 3.35 To grant permission to extend the period of restoration following disturbance of the surface of a right of way and to grant orders that the surface of a right of way may be disturbed by excavation or operations.
- 3.36 To authorise the erection of stiles and gates across any public right of way.
- 3.37 Under the Countryside and Rights of Way Act 2000:
- To appoint wardens under section 18
 - To erect notices under section 19
 - To enter into agreements with landowners to carry out works and to carry out works in default under sections 35 and 36
 - To give notice to an owner of land requiring access under section 37
- 3.38 To manage the Authority's vehicle fleet and to maintain, acquire and dispose of vehicles

Markets

- 3.39 To manage the Authority's markets, including:-
- To determine applications for and to let market stalls and to grant leave of absence to market traders.
 - To determine and apply the Market Rules and Regulations.

- To allocate market stalls to charities and local fund raising organisations without charge.

Sports and leisure Facilities

- 3.40 As part of the Authority's client commissioning function through ESAR, to ensure satisfactory contractual provisions covering all Authority sports and leisure facilities for public use, including caravan parks and allotments including
- Temporary changes to the opening and closing times of a facility except that permanent changes to opening and closing times shall be a decision of the Portfolio Holder)
 - Reviewing delivery models and implementing solutions relevant to individual communities except that permanent changes shall be the decision of the relevant Portfolio Holder
 - Promotion of sporting activity in the community
 - Promotion of customer care and equality of access

Car Parking services

- 3.41 To maintain and manage the Authority's car parks and in consultation with the Portfolio Holder to take all steps to advertise and make, vary or revoke traffic regulation orders in respect of car parks under the Road Traffic Regulation Act 1984, except imposing or varying any charges for car parking

Streets and Open Spaces

- 3.42 To be responsible for all matters relating to the management of Greenspaces (Parks) in accordance with all service standards and policies approved by the Council or Cabinet

Waste management

- 3.43 To discharge the functions of the authority relating to waste, waste collection and waste disposal and to generally manage the refuse collection, disposal and recycling system of the authority including but not limited to:-
- Taking any action including enforcement action under the Refuse Collection (Amenity) Act 1978; the Removal and Disposal of Vehicle Regulations 1986; the Environmental Protection Act 1990 and the Controlled Waste (England and Wales) Regulations 2012
 - Functions relating to the provision of litter/dustbins and wheeled bins including functions relating to the recovery of charges, expenses and fines

3.44 Resilient Local Communities

- Delivery of locally based services
- Community Safety
- Revenues and Benefits
- Credit Unions
- Customer Service Centres and public access
- Customer Insight
- Consultation and Opinion Surveys
- Citizens' Panel
- Libraries
- Community Centres
- Bereavement Services
- Local Area partnerships
- Links with Town and Parish Councils
- Housing & Housing Enforcement
- Housing Landlord Services
- Private Sector Landlord
- Local Streetscape
- Community Transport
- Home to School Transport
- Passenger Transport
- Allotments
- Parking Enforcement
- Road Safety
- Benefit Fraud
- Drug and Alcohol Misuse

3.45 To exercise functions in relation to the general management and operation of the Authority's burial grounds, cemeteries and crematoria including but not limited to:-

- The grant of exclusive rights of burial under Section 2 of the Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970.
- Determine licence conditions and operating licensing arrangements of memorial stonemasons.

3.46 To be responsible for the libraries services including

- Temporary changes to the opening and closing times of the library and information points except that permanent changes shall be the decision of the relevant Portfolio Holder;
- Temporary establishment and variation of mobile library schedules except that permanent changes shall be the decision of the relevant Portfolio Holder;

- reviewing delivery models and implementing solutions relevant to individual communities except that permanent changes shall be the decision of the relevant Portfolio Holder
- to promote cultural activities in libraries and other locations
- *To promote customer care and equality of access .*

4.0 DIRECTOR OF ECONOMIC GROWTH AND PROSPERITY

4.1 The Director of Economic Growth and Prosperity has overall responsibility for the operational management and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to provide the services for which this directorate is responsible. It comprises the following main functions:-

- Economic Intelligence and investment planning
- Skills for Work
- 14+Education, Apprenticeships and NEETS
- Adult Education and Lifelong Learning
- Learner Information, Advice and Guidance Services
- Tourism, Visitor Economy, Culture, Arts and Heritage (including Tatton Vision)
- Business Engagement and Support
- Land and Property Acquisition, Disposal and Management
- Strategic infrastructure projects
- Employment Sites
- Housing Strategy and Development
- Highways/Transport Strategy
- Strategic/Spatial planning
- Rural Economy/Access
- Sustainable Towns
- Inward Investment and Funding
- Local Enterprise Partnership
- Enterprise
- Development Control (major applications)
- Corporate landlord
- Building /Development Control
- Commons

Development Management and Building Control

4.2 Apart from matters reserved to the Strategic Planning Board and Planning Committees, to exercise and make decisions in respect of all those Council functions set out in the Local Authorities (Functions & Responsibilities (England) Regulations 2000 which relate to town & country planning and development control, including planning

applications, permitted development, the protection of important hedgerows, the preservation of trees and the regulation of high hedges.

Note: Development control functions include decisions regarding planning applications, permitted development, certificates of lawful use and development, enforcement, listed buildings and conservation areas. These planning functions are to be construed purposively and broadly, to include anything which facilitates or is incidental to them and will also include power to impose conditions, limitations or other restrictions or to determine terms to which approvals are subject, and to modify, vary or revoke approvals

- 4.3 To exercise all the powers and duties in relation to Building Control under the Building Act 1984 and related legislation and under Building Regulations, including but not limited to the determination of plans and applications, dealing with dangerous structures and all enforcement under the Act and Regulations
- 4.4 To vary the Standard Fee Scales of the Local Government Association Model Scheme by up to plus or minus 10%
- 4.5 To exercise all powers and duties relating to Local Land Charges
- 4.6 To act as Proper Officer in respect of the Ordnance Survey under Section 191 of the Local Government Act 1972
- 4.7 To take all action to ensure dangerous trees are removed or made safe or to ensure that they are made safe or removed and to reclaim the costs under the Local Government (Miscellaneous Provisions) Act 1976

Land and Property Acquisition Disposal and Management

- 4.8 To produce for Cabinet approval and implement the Corporate Asset Management Plan.
- 4.9 To make all delegated decisions in accordance with the Corporate Asset Management Plan
- 4.10 To manage the Authority's Estate within approved budgets and in accordance with the medium term financial strategy (including but not limited to the development and appropriation of land and buildings, maintenance, repair and demolition, the granting or taking of assignments, surrender or termination of leases, tenancies, granting of leases up to 7 years, licences, easements, way leaves, variations of rent, enforcement of conditions or covenants in any agreement, the collection of rents and service of all notices).

This delegation is subject to:

- Prior notification to ward Councillors in respect of all management decisions which affect the external appearance of land or property or which involve a change of use and where there is objection from Ward Members(s), the approval of the Portfolio Holder must be obtained.
 - the requirement in the Contract Procedure Rules that the approval of the Chief Operating Officer must be obtained for all agreements which may involve a leasing charge
- 4.11 Subject to prior notification to the Chief Operating Officer (in respect of sales) and prior approval of the Chief Operating Officer (in respect of leases), to accept any offer or tender and agree the disposal of any interest in land or property, provided the Director of Economic Growth and Prosperity is of the opinion that it is the best consideration that can reasonably be obtained:
- In consultation with the Chief Operating Officer and after having notified the Portfolio Holder where the offer or tender does not exceed £200,000
 - With the approval of the Portfolio Holder and in consultation with the Chief Operating Officer where the offer or tender is between £200,000 and £500,000
- Note: a disposal includes the disposal of a lease for land and premises of 7 years or more
- Note: The Portfolio Holder must be notified of the intent to dispose of any land or building, prior to disposal.
- 4.12 To authorise the acquisition of an interest in any land or property (including under the Land Compensation Act 1973)
- Where the consideration or compensation does not exceed £200,000, in consultation with the Chief Operating Officer and after having notified the Portfolio Holder
 - With the approval of the Portfolio Holder and in consultation with the Chief Operating Officer where the consideration of compensation is between £200,000 and £500,000
- 4.13 To take all actions under the Land Compensation Act 1973 including the payment of necessary compensation for claims
- 4.14 To publish notices under s123 Local Government Act 1972
- 4.15 To manage assets of community value scheme under the Localism Act 2011
- 4.16 To establish and maintain a corporate database of the Authority's land and buildings and to perform any responsibilities placed on the Authority under the Local Government Planning and Land Act 1980,

and to ensure the publication of details of the Authority's interests in land.

- 4.17 To take action with regard to Authority property rating issues, including the conduct of appeals.
- 4.18 With the agreement of the Portfolio Holder, and subject to notification to Ward Members, to take decisions on applications by electricity, gas, water, telephone, broadcasting or cable companies to place any apparatus in , on, over or under any land or building owned by the Authority
- 4.19 With the agreement of the Portfolio Holder to approve or refuse each application for release from restrictive covenants, to negotiate compensation payable to the Authority and complete approved releases
- 4.20 To enter into property investments, management and development partnerships, and such contracts as accord with the Asset Management Plan after having notified the Portfolio Holder
- 4.21 To authorise and complete the transfer of freehold land at nil value for education purposes, where it is a statutory requirement to do so.
- 4.22 To authorise deeds of rectification with Housing Associations
- 4.23 To manage the Farms estate, serve all statutory notices, to negotiate and approve all matters and grant all consents required in order to do so provided that investment in improvements to farms will not exceed £20,000

Tatton Park

- 4.24 Through contractual arrangements with Tatton Enterprises Limited to be responsible for all matters relating to the day to day management of Tatton Park, except:
 - alteration of admission charges and
 - permanent changes to opening hours which must only be with Portfolio Holder approval

Commons

- 4.26 To maintain the Register of Commons

Housing

- 4.27 To receive and determine applications for Housing Benefit including rent restrictions, rebates, allowances, backdating requests and overpayment recovery and otherwise exercising all powers and

responsibilities of the Authority under legislation relating to Housing Benefit

- 4.28 To administer all housing strategies and policies.
- 4.29 To advise on housing and energy conservation matters, including administering a Housing Advice Service
- 4.30 To maintain the Housing Waiting List and to make nominations to Registered Providers of Social Housing in accordance with the Authority's Allocations Policy
- 4.31 To work with other housing providers to meet the housing needs of the Borough
- 4.32 To deal with all matters in respect of the Borough's Registered Providers of social housing
- 4.33 To undertake all functions under the Housing Act 2004 in respect of assessing and reviewing housing conditions and enforcing housing standards including inspection and the power to enter premises and carry out works
- 4.34 To serve notices pursuant to the following legislation:
 - Environmental Protection Act 1990
 - Housing Act 1985
 - Local Government (Miscellaneous Provisions) Act 1982
 - Prevention of Damage by Pests Act 1949
 - Public Health Acts 1936 and 1961
 - Protection from Eviction Act 1977

(The decision to institute legal proceedings with regard to non-compliance with Notices served lies with the Head of Legal Services and Monitoring Officer)

PROPER OFFICER

- 6.3 To act as Proper Officer under Section 1 of the Countryside and Rights of Way Act 2000 relating to the Access to the Countryside (Maps in Draft Form) England Regulations

5.0 DIRECTOR OF ADULT SOCIAL CARE AND INDEPENDENT LIVING

- 5.1 The Director of Adult Social Care and Independent Living is the Council's Statutory Chief Officer for Adult Social Services as required by Section 6 of the Local Authority Social Services Act 1970.

5.2 The Director of Adult Social Care and Independent Living has overall responsibility for the operational management of the Adult Services Directorate and for bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to provide the services for which this directorate is responsible. It comprises the following main functions:-

- Provision of Adult Social Care
- People with Disabilities
- Housing Options and Homelessness
- Private Sector Landlords
- Supported Housing Strategy
- Respite Provision
- Reablement
- Intermediate Care
- Adult Day Care Provision
- Community Support Networks
- Supported Living Networks
- Supported Employment and occupational opportunities
- Telecare/Assistive Technology
- Occupational Therapy
- Community Equipment
- Home Improvement Agency Assessment and Care Management Services (including Adult Safeguarding)
- Hospital Discharge
- Equipment Aids and Adaptations (including DFG allocation)
- Carers support

5.3 Within the following areas, the Director of Adult Social Care and Independent Living is empowered to operate the services of the directorate and, except where powers, duties and functions are delegated elsewhere by the Council, to exercise all powers, duties and functions, including, but not limited to the following in this section:

5.4 To provide a professional focus and lead for adult and social care services, ensuring that the social care needs of the local community are met. The Director has seven key roles in this regard:

- Professional leadership, including workforce planning;
- Safeguarding and welfare of vulnerable adults
- Leading the implementation of standards;
- Managing cultural change
- Promoting local access and ownership and driving partnership working;

- Delivering an integrated whole systems approach to supporting communities; and
 - Promoting social inclusion and wellbeing.
- 5.5 To exercise the powers and duties of the Authority under the enactments listed in Schedule 1 of the Local Authority Social Services Act 1970 (excluding Children and Young Persons).
 - 5.6 To apply for orders of receivership under the legislation relating to mental health and for grants of representation in respect of the estates in cases of intestacy arising under the appropriate provisions of the National Assistance Act 1948, non-recoverable expenses to be defrayed by the Authority.
 - 5.7 To exercise powers to purchase domiciliary, residential and nursing home services vested in the Authority under the National Assistance Act 1948 as amended by subsequent legislation.
 - 5.8 To authorise the removal of parts of the body of a deceased resident in accordance with the wish expressed by the resident during his/her lifetime.
 - 5.9 On terms approved by the Chief Operating Officer and the Head of Legal Services and Monitoring Officer, to authorise adaptations to property and the provision of assistance and aids in accordance with the Chronically Sick and Disabled Persons' Act 1970
 - 5.10 To act as trustee or appointee for the assets of service users for whom the Authority has a statutory responsibility.
 - 5.11 To exercise the powers and duties of the Social Services Authority under the legislative provisions relating to mental health, including those relating to Guardianship and the institution of Court proceedings.
 - 5.12 To award and pay adaptation grants and loans pursuant to the Housing Grants Construction and Regeneration Act 1996 and within the Authority's policies
 - 5.13 To administer the Authority's responsibilities for the homeless including the commissioning of hostels and accommodation.
 - 5.14 To discharge the Authority's functions with regard to the assessment of need for and provision of Community Care Services in accordance with Part iii of the National Health Service and Community Care Act 1990 and Regulations thereunder.
 - 5.15 To approve expenditure on the following matters:

- a) In consultation with the relevant Portfolio Holder, contributions to the funds of voluntary organisations providing services for the elderly and/all the disabled in accordance with the approved policy, including initial grants to newly formed clubs and centres, annual grants and contributions towards running costs;
- b) Contributions towards the running costs of new meals-on-wheels schemes and luncheon clubs and variations in costs of existing schemes.
- c) To accept guardianship applications under the Mental Health Act 1983 and subsequent renewals, such action to be reported to the appropriate Cabinet Portfolio Member and to determine subsequent applications for discharge by the authority.
- d) To fulfil the responsibilities of nearest relative as determined by the Courts under the Mental Health Act 1983;
- e) To accept responsibility as the Court Appointed Deputy under the Mental Capacity Act 2005;
- f) To approve expenditure incurred under S48 of the National Assistance Act 1948 in the protection of moveable property of persons and to recover such expenditure where applicable.
- g) For the purposes of S114 of the Mental Health Act 1983 to issue approvals and authorisations on behalf of the Authority in respect of Approved Mental Health Professionals.
- h) In consultation with the Head of Legal Services and Monitoring Officer, to take decisions, serve notices, requirements or orders, make applications, exercise powers of entry, provide reports and institute or defend any proceedings before any Court or other tribunal on behalf of the Authority in discharge of the Authority's Adult Social Care functions arising under any Act.
- i) In consultation with the relevant Portfolio Holder, to write off debt or waive future charges in respect of care provision where it is felt that an individual would be at risk if the debt were pursued or they chose to withdraw from care on financial grounds. This is subject to the requirement that a written record of a write off decision setting out the reasons for the write off and/or waiving of charges shall be kept by the Director and a copy provided for the Chief Operating Officer. Any waiving of future charges will only be for the minimum period that any risk previously referred to exists.
- j) To approve the disposal of assets belonging to deceased residents residing within the Authority's boundary to persons entitled to them after payment of proper claims on account of funeral expenses or sums due to the Authority.
- k) In consultation with the Head of Corporate Resources and Stewardship and the Head of Legal Services and Monitoring

Officer to extend, renegotiate or enter into agreements with the NHS in relation to any funding streams allocated to the NHS or successor body, with the specific purpose of being transferred to the Authority under a S25 arrangement.

- l) Following consultation with the Cabinet Portfolio Member where possible, to sign off and return responses to formal and informal consult proposals from government departments on matters of professional judgment and/or policy.
- m) All Adult Social Care functions exercisable by the Authority in its capacity as a local authority.
- n) To approve, amend or terminate contracts with providers whose services are commissioned by the Authority or jointly with other partners as part of a Health and Adult Social Care Joint Integrated Commissioning, after consultation with the Head of Legal Services and Monitoring Officer, Chief Operating Officer and Cabinet Portfolio Member.
- o) To fulfil statutory duties and functions as determined by any subsequent changes to legitimate framework governing Adult Social Care and Health Services.

6.0 DIRECTOR OF CHILDREN'S SERVICES

6.1 The Director of Children's Services is the Authority's Statutory Director of Children's Services required by Section 18 of the Children Act 2004. The Director is also the Authority's Chief Education Officer as required by Section 532 Education Act 1996.

6.2 The Director of Children's Services will provide a professional focus and lead for children's and family services ensuring that the needs of children, young people and families are met in the locality:

- To be professionally accountable for the effectiveness, availability and value for money of all local authority children's services;
- To perform a leadership role to secure any necessary changes to culture and practice, so that services are organised around children and young people's needs; and
- To build and lead effective partnerships with and between those local bodies who also provide children's services, in order to focus resources jointly on improving outcomes for children and young people.

6.3 The Director of Children's Services has overall responsibility for the operational management of the Children's Services Directorate and for

bringing forward such strategic plans and policies, and implementing all decisions, including the allocation of resources within approved estimates, as are necessary to provide the services for which this directorate is responsible. It comprises the following main functions:-

1. Children's Services

- Education Services, including improvements and standards, school funding, school admissions and school transport
- Provision for children outside mainstream education
- Children's Social Care
- Engagement of young people
- Children's Health Services
- Inter-Agency Co-operation
- Corporate parent for looked after (known as 'cared for') children
- Services for children with disabilities and special educational needs
- SEN Assessment, Educational Psychology, Sensory Support, Autism
- Virtual School
- Leaving Care
- Domestic Violence
- Non-attendance at school

2. Early intervention and prevention

- Assessment and Care management of Vulnerable children
- Child Protection
- Children in Need
- Adoption and Fostering
- Looked after Children (known as 'cared for')
- Residential Children's Homes
- Care Planning and Review
- Out of hours response (Children and Adults)
- "Front Door" Access to Social Care (Children and Adults)
- Sexual Exploitation
- Children missing from home
- Education Welfare
- Children's Centres and Child Development Centres
- Early Years Provision and Childcare
- Health Prevention
- Targeted Youth Work
- Information advice and Signposting
- Early help Strategy
- Family Support
- Childcare and early education provision
- Drug and alcohol misuse – prevention services
- Youth Offending Team

- 6.4 Within the following areas, the Director of Children's Services is empowered to operate the services of the directorate and, except where powers, duties and functions are delegated elsewhere by the Council, to exercise all powers, duties and functions, including, but not limited to the following:
- Education services: the Authority's functions in its capacity as a local authority under the Education Acts, except those certain functions relating to further education, higher education and adult education.
 - Children's social care: the authority's social services functions within the meaning of the Local Authorities Social Services Act 1970 insofar as they relate to children and young persons, and the local authority's functions for children and young people leaving care.
 - Safeguarding: The Safeguarding and welfare of children
 - Health services: any health related functions exercised on behalf of an NHS body, insofar as they relate to children.
 - Inter-agency co-operation. The functions conferred on the authority under the Children Act 2004, in particular building and leading the arrangements for inter-agency co-operation and safeguarding.
 - Early Childhood Services. Ensuring the wellbeing of young children in the Authority's area under the Childcare Act 2006
 - Early intervention and prevention: Ensuring service intervenes early to prevent children and young people becoming vulnerable.
- 6.5 To be responsible for all other functions conferred on Children Services Authorities under the Children Act 2004 and by any subsequent legislation or Regulations.
- 6.6 To observe all policy decisions taken by the Authority and its relevant bodies and to exercise all functions of a "Director of Children's Services" specified in relevant legislation and Government Guidance, (such power, alternatively, to apply to any duly nominated officer in respect of Children's Services).
- 6.7 Licensing the Employment of Children
- 6.8 Bring forward to the Portfolio Holder/ Cabinet as appropriate strategic plans and policies as follows:
- to develop partnership and commissioning arrangements to ensure the provision of children's services.

- To implement all necessary decisions, including the allocation of resources within approved estimates, so as to maintain the operation and effectiveness of the early years and related services
- To implement all necessary decisions, including the allocation of resources within approved estimates, so as to maintain the operation, effectiveness and quality of post early years children's education and related services
- In relation to persons under 25 years of age, to bring forward proposals and implement all necessary decisions including the allocation of resources within approved estimates, so as to maintain the operation and effectiveness of children's services
- In consultation with Head of Legal Services and Monitoring Officer, to institute and defend proceedings in relation to the care of children, the exercise of parental responsibility, provision of secure accommodation and wardship proceedings and to intervene, where appropriate, in matrimonial, guardianship and special guardianship proceedings or any other proceedings pursuant to its functions relating to children and young persons, and to undertake the functions of the Authority as an adoption and fostering agency.
- To ensure the provision and quality of statutory youth and related Services, and the development of associated strategic plans and partnership arrangements for those services.

7.0 DIRECTOR OF PUBLIC HEALTH

- 7.1 The Director of Public Health ('DPH') will have four key roles:
- Health Improvement
 - Health Protection
 - Health Care, Commissioning and Service Planning
 - Reduction of Health Inequalities
- 7.2 In addition, the DPH has been given responsibility for the following within this Authority:
- Public Protection and Enforcement
- 7.3 The DPH is the Authority's Statutory Chief Officer and therefore a Holder of politically restricted posts, by section 2(6)(zb) of the Local Government and Housing Act 1989, inserted by Schedule 5 of the Health and Social Care Act 2012.

7.4 Pursuant to the Health and Social Care Act 2012 (the 2012 Act) the Director is responsible for:

- all of the Authority's duties to take steps to improve public health (the exercise by the Authority of its functions under section 2B, 111 or 249 of, or Schedule 1 to, the 2006 Act)
- 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
- the Secretary of State's public health functions exercised by local authorities in pursuance of arrangements under section 7A of the 2006 Act
- exercising the Authority's functions that relate to planning for, or responding to, emergencies that present a risk to public health
- the Authority's duty to co-operate with the prison service with a view to improving the exercise of functions in relation to securing and maintaining the health of prisoners (the functions of the Authority under section 325 of the Criminal Justice Act 2003)
- such other public health functions as the Secretary of State may prescribe.
- the duty to write the annual report on the health of the local population:
- Subject to the publication of Regulations, the Authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications (a function given to local authorities by sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the 2012 Act)
- if the Authority provides or commissions a maternity or child health clinic, then regulations made under section 73A(1) will also give the DPH responsibility for providing Healthy Start vitamins (a function conferred on local authorities by the Healthy Start and Welfare Food Regulations 2005 as amended)

7.5 The Director of Public Health will also:

- be the person who elected members and senior officers look to for leadership, expertise and advice on a range of issues, from outbreaks of disease and emergency preparedness through to

improving local people's health and concerns around access to health services

- know how to improve the population's health by understanding the factors that determine health and ill health, how to change behaviour, and promote both health and wellbeing in ways that reduce inequalities in health
- provide the public with expert, objective advice on health matters
- be able to promote action across the life course, working together with local authority colleagues such as the Strategic Director of Children, Families and Adults services, and with NHS colleagues
- work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health
- work with local criminal justice partners and police and crime commissioners to promote safer communities
- work with wider civil society to engage local partners in fostering improved health and wellbeing
- be an active member of the Health and Wellbeing Board, advising on and contributing to the development of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy, and commission appropriate services accordingly
- take responsibility for the management of their authority's public health services, with professional responsibility and accountability for their effectiveness, availability and value for money
- play a full part in their authority's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children's Board
- contribute to and influence the work of NHS commissioners, ensuring a whole system approach across the public sector.
- will receive information on all local health protection incidents and outbreaks and take any necessary action, working in concert with Public Health England and the NHS.

7.6 Pursuant to Section 6C(1) and (3) of the NHS Act 2006 as amended by the 2012 Act, the Director of Public Health is responsible for:

- steps to be taken to protect the health of the local population
- ensuring NHS commissioners receive the public health advice they need
- appropriate access to sexual health services
- the National Child Measurement Programme
- NHS Health Check assessments.

7.7 The Director of Public Health will also lead the non-mandated public health commissioning responsibilities of the Authority, which include:

- tobacco control and smoking cessation services
- alcohol and drug misuse services
- public health services for children and young people aged 5-19 (including the Healthy Child Programme 5-19) (and in the longer term all public health services for children and young people)
- interventions to tackle obesity such as community lifestyle and weight management services
- locally-led nutrition initiatives
- increasing levels of physical activity in the local population
- public mental health services
- dental public health services
- accidental injury prevention
- population level interventions to reduce and prevent birth defects
- behavioural and lifestyle campaigns to prevent cancer and long-term conditions
- local initiatives on workplace health
- supporting, reviewing and challenging delivery of key public health funded and NHS delivered services such as immunisation and screening programmes
- local initiatives to reduce excess deaths as a result of seasonal mortality

- public health aspects of promotion of community safety, violence prevention and response
 - public health aspects of local initiatives to tackle social exclusion
 - local initiatives that reduce public health impacts of environmental risks.
- 7.8 The Director of Public Health will take day-to-day management over the ring-fenced public health grant is provided to local authority to discharge its new public health responsibilities
- 7.9 The Director of Public Health will carry overall responsibility for all services and issues concerning public health, and for professional advice to the Cabinet, Corporate Leadership Board and Council as the designated statutory Director of Public Health (including exercising the duties and functions set out in statutory guidance). The Director of Public Health may sub delegate any of these responsibilities to appropriate qualified Officers.

In addition to the statutory role outlined above, the DPH has been given responsibility for [Public Protection and Enforcement](#)

7.10 Subject to notification of Ward members to licence

- the use of land as a caravan site and the use of moveable dwellings and camping sites
- Pleasure boats and pleasure vessels
- Premises for the breeding of dogs
- Pet shops and animal boarding establishments
- Zoos and dangerous wild animals
- Motor salvage operators

7.11 To register

- Animal trainers and exhibitors
- Fishing vessels on board which shrimps and molluscs are cooked
- Auction and wholesale markets
- Premises for the preparation and sale of food

- Premises for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing, micro pigmentation and electrolysis
- 7.12 To grant consent for the operation of a loudspeaker subject to approval of the Portfolio Holder
- 7.13 To approve
- meat product premises and premises for the production of minced meat or meat preparations
 - Dairy establishments, fish products premises and dispatch or purification centres
 - Factory vessels and fishery product establishments
- 7.14 To undertake all functions under the Scrap Metal Dealers Act 1964 (as amended) and to take all enforcement action under the Act
- 7.15 To carry out all enforcement under the Health Act 2006 and regulations made under it
- 7.16 To carry out all functions relating to health and safety at work (to the extent that those functions are discharged otherwise than in the authority's capacity as an employer)
- 7.17 To undertake all the Authority's functions in respect of animal health
- 7.18 To licence hackney carriages, private hire vehicles and drivers and operators licences and to suspend such licences, unless
- A hackney carriage or private hire vehicle does not meet the Authority's vehicle conditions or does not pass the vehicle inspection
 - An applicant for an operator's licence does not meet the Authority's requirements
 - An applicant for a hackney carriage or private hire driver's licence does not meet the Authority's requirements
- 7.19 To licence any charitable collections unless it is an application for a waiver of the Authority's street collection regulations (other than in respect of processions)
- 7.20 To renew, transfer or vary licences for sex establishments where
- there has been no material change to the character of the relevant locality or to the use to which any premises in the

vicinity are put or to the layout, character or condition of the premises in respect of which the application is made; and

- no objections have been received, or those that have been received have been withdrawn.

7.21 To issue street trading consents where no representations have been received or those that have been received have been withdrawn

7.22 To licence performances of hypnotism

7.23 To exercise licensing functions under the Licensing Act 2003 and the Gambling Act 2005 except:

- The determination of the 3 year statement of principles under the 2005 Act and the 5 year statement of licensing policy under the 2003 Act
- A decision not to licence casinos under the 2005 Act
- Where relevant representations have been received and are not withdrawn (with the exception of applications for minor variations under Sections 41A-C or 86A-C of the 2003 Act
- The determination of review applications under Section 52 and 53C of the 2003 Act or Section 201 of the 2005 Act and determination of interim steps pending summary review under Sections 53A(2) and 53B of the 2003 Act
- The decision to object when the authority is a consultee under the 2003 or 2005 Act
- Consideration of representations in relation to the proposed rejection of a club gaming permit or club machine permit under Schedule 12 of the 2005 Act
- The decision to give a counter notice to a temporary use notice under Section 224 of the 2005 Act
- The decision to make an order dis-applying section 279 or 282(1) of the 2005 Act where representations have been made by the licensee
- The decision to revoke a personal licence where convictions come to light after grant or renewal under section 124 of the 2003 Act
- The decision to set fees under the 2005 or the 2003 Act

Note: The power to institute criminal proceedings under the 2003 or 2005 Acts lies with the Head of legal Services and Monitoring Officer

- 7.24 To undertake or appoint to the role of the Authority's Chief Inspector of Weights and Measures under Section 72 of the Weights and Measures Act 1985.
- 7.25 To appoint and authorise Officers of the Authority (employees or other persons as permitted by law) to act as duly authorised persons, Proper Officers, inspectors, or similar (howsoever statutorily described) to discharge the statutory functions devolving upon the Authority under the legislation listed in the Appendix to this Section including but not limited to the functions of enforcement, inspection, or any associated action or granting, amending, varying, refusing, revoking, suspending or transferring any licences, approvals or consents .
- 7.26 To refer to the Head of Legal Services and Monitoring Officer all suspected offences under the legislation covered by these functions.
- 7.27 To amend the functions listed in the Appendix to this section (and any associated Officer authorisations) in accordance with legislation from time to time in force in respect of functions which the authority is obliged by legislation to discharge).

8.0 CHIEF OPERATING OFFICER

- 8.1 The Chief Operating Officer is the Authority's "Section 151 Officer", appointed by Council and is the financial adviser to the Council, the Cabinet and Officers. The post has overall responsibility for operational management of the Commissioning Support functions and for bringing forward such strategic plans and policies, and implementing all necessary decisions including the allocation of resources within approved estimates, as are necessary to provide the services for which the directorate is responsible. It comprises the following main functions:-

1. Commercial Strategy, Business Innovation and Performance

- Corporate Policy and Business Strategy
- Business Support Services
- Business intelligence and performance
- Business Improvement and Innovation
- Commercial Strategy
- Internal Audit
- Risk management
- Complaints
- ICT infrastructure
- Procurement

2. Finance

- Pensions
- Insurances
- Accountancy

3. HR and Organisational Development

- Staff training and Development
- Workforce Planning
- Organisational Change and Support
- Internal Communications
- Talent Management and Succession Planning
- Staff Engagement
- HR Strategy/Policy
- Industrial Relations
- Occupational health
- Member Training and Development
- Organisational Culture

4. Governance and Democratic Services

- Local Governance Arrangements
- Member Training and Development
- Registration of births, marriages and deaths
- Election Services
- Community Governance and Boundary Reviews
- Committee Servicing
- Scrutiny Provision
- Member attendance on External Bodies
- Mayoral Support and Civic Functions
- Executive Office Support
- Support to the Lord Lieutenant
- Support for Sub-Regional Committees/Boards
- Administrative Support for School exclusion and other appeals
- Cross party Liaison support
- Corporate Health and Safety
- Provision of Coronial Service

5. Legal Services

ROLE OF SECTION 151 OFFICER

8.2 The Chief Operating Officer is:-

- The financial adviser to the Council, the Cabinet and Officers
- The Authority's 'responsible financial Officer' under the Accounts and Audit Regulations

- Responsible for the proper administration of the Authority's affairs as specified in, and undertake the duties required by, Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003, and all other relevant legislation.
- 8.3 The Chief Operating Officer shall act as the Authority's Proper Officer or appointed officer in respect of the following functions:
- Opening accounts to inspection under Section 228(3) of the Local Government Act 1972
 - Officer responsible as regard reports under Section 114 of the Local Government Finance Act 1988
 - Receipt of money due from officers (Section 115(2) of the Local Government Act 1972
 - Declarations and Certificates with regard to securities under Section 146 of the Local Government Act 1972
 - The Authority's Money Laundering Reporting Officer (Section A21 and 22 of the Finance Procedure Rules

Commercial Strategy Business Innovation and Performance

- 8.4 To be responsible for benchmarking and monitoring the performance of the Authority, for promoting the performance management framework and reporting performance issues to relevant committees and cabinet/Council
- 8.5 To promote effective working through business improvement initiatives as relevant including recommendations on targets, service standards, performance indicators and consultation
- 8.6 To be responsible for the authority's risk management approach
- 8.7 To be responsible for the research and consultation function including the census and corporate public feedback mechanisms
- 6.8 To be responsible for the corporate customer services function and promote a culture of customer service and equality in service delivery, access and design.
- 8.9 To develop corporate policy for Council/Cabinet approval and to ensure implementation

- 8.10 To develop and implement the authority's approach to local area working with partners to ensure co-ordinated delivery of services to the community
- 8.11 To act as lead officer on behalf of the authority in relation to the Data Protection and Freedom of Information legislation, with an overall presumption of openness and transparency and that publication is the norm

Finance

The Chief Operating Officer, in accordance with the Finance Procedure Rules, will:-

- Carry out the functions and responsibilities which are detailed in the Finance Procedure Rules
- Secure effective treasury management, including taking all action necessary in relation to all debts, payment of accounts, loans (including guarantees and indemnities), grants, advances, investments, financing and banking generally
- Take all action necessary to ensure the safeguarding of assets by maintaining and administering appropriate insurance and approving requests to postpone legal charges
- To take all necessary action in respect of the Authority's role in relation to the administration and operation of the Cheshire Pension Fund.
- To make recommendations to the Council on Council Tax requirements, on the Council tax base and to administer and manage generally all matters relating to Council Tax, Non Domestic Rates, Community Charge and General Rates including the awarding of discounts, relief, and exemptions and the levying, collection, recovery, and disbursement of all sums due to the Authority in respect of the same in accordance with all governing Regulations.
- To negotiate, enter into arrangements and act generally on behalf of the Authority in respect of continuing financial matters arising from arrangements and obligations existing between the former Cheshire County and six District Councils.

Note: The Chief Operating Officer is not authorised to write off debt, which must be approved by the Portfolio Holder or Cabinet.

Procurement

- 8.12 Provided the limits are not exceeded in respect of European Tendering Rules, within the Contract Procedure Rules, to agree in consultation with Corporate Leadership Board, the Chief Executive and the Head of legal Services and Monitoring Officer, circumstances where normal procurement requirements and or requirements for quotations or tenders should be waived.

Organisational Development HR and Staffing

- 8.13 Monitoring and reviewing the Authority's management and general sufficiency of staffing arrangements and reporting quarterly to the Staffing Committee on the effectiveness of the arrangements
- 8.14 To recommend to Council the development of policies on the full range of Human Resources and Organisational Development issues, after appropriate consultation with Members
- 8.15 To take responsibility for the health and safety of the Authority's employees
- 8.16 To submit Codes of Conduct in support of Human Resources, to the Constitution Committee for approval
- 8.17 To undertake the effective implementation and maintenance of Equal Opportunities in Employment Policy
- 8.18 To submit the Management Structure of each Directorate below Head of Service level and for all posts at Grade 10 and above, for approval by the Staffing Committee, and to produce departmental establishments and to monitor staff information reports against those establishments, reporting quarterly to the Staffing Committee.
- 8.19 To monitor developments relating to the Local Government Pensions Scheme and the Authority's Early Retirement Scheme (except where they are applied to individual employees), to implement mandatory changes and recommend policy changes as appropriate
- 8.20 In consultation with the Portfolio Holder and CLB, to determine annually the recruitment requirements for trainee positions at a level that can be met within budgetary provisions
- 8.21 To approve Job Descriptions/Person Specifications for all employees other than members of Corporate Leadership Board (CLB job descriptions and Person Specifications shall be approved by the Staffing Committee)
- 8.22 The Chief Operating Officer to apply the approved early retirement /redundancy scheme in certain circumstance EXCEPT that (a)

decisions relating to redundancy must not be delegated to the Head of HR and OD under a local scheme of delegation and (b) decisions relating to redundancy of a post at Grade 15 and above shall be with the agreement of the relevant Portfolio Holder.

- 8.23 To determine honoraria in accordance with the NJC Scheme, reporting to Staffing Committee at the next available meeting
- 8.24 To determine the placement of staff to facilitate joint working with other organisations under sections 13(4) and (5) of the Local Government Act 2000 and to second staff from other organisations under Sections 111 and 113 of the Local Government Act 1972, and in particular, but not limited to, to second (and accept secondments of) staff to and from health bodies
- 8.25 To appoint and dismiss staff and take disciplinary or capability action against any member of staff, in accordance with the law and the Council's Policies and Procedures, including the Staff Employment Procedure Rules except:
- The above authorisation shall not apply in respect of the Head of paid Service and Statutory Chief Officers and
 - The appointment of all Chief Officers shall be the responsibility of Staffing Committee (this latter exception does not apply to dismissal, disciplinary or capability)

Head of Governance and Democratic Services

- 8.26 To perform all other functions of the Authority as set out in the Schedule to the Local Government (Committees and Political Groups) Regulations 1990
- 8.27 To exercise the Authority's duties in respect of the provision of a Coroners Service.
- 8.28 The Head of Governance and Democratic Services is the Authority's Proper Officer and authorised to:
- Exercise all functions under the Registration Service Act 1953 and to act as the Authority's Proper Officer in respect of the Registration of Births, Marriages and Deaths
 - Determine applications for the approval of premises under the Marriage Act 1994
 - Act as the Designated Scrutiny Officer under the Local Democracy Economic Development and Construction Act 2009

8.29 The Head of Governance and Democratic Services is the Authority's Deputy Proper Officer, as follows:

- Deputy Electoral Registration Officer for the registration of electors under Section 8 of the Representation of the People Act 1983
- Deputy Returning Officer for the election of Councillors for the District and Parishes within the District under Section 35 of the Representation of the People Act 1983
- Deputy Returning Officer at UK Parliamentary elections; Deputy Local Returning Officer at European Parliamentary Elections and Deputy for the Police and Crime Commissioner Elections.

9.0 HEAD OF LEGAL SERVICES AND MONITORING OFFICER

9.1 The Head of Legal Services and Monitoring Officer is the Authority's Monitoring Officer, appointed by Council, and has overall responsibility for the operational management of the Legal Services Division and for bringing forward such strategic plans and policies, and implementing all necessary decisions including the allocation of resources within approved estimates, as are necessary to provide the services for which the directorate is responsible.

Monitoring Officer Role

9.2 The Head of Legal Services and Monitoring Officer is the Authority's Monitoring Officer in accordance with Section 5 Local Government and Housing Act 1989 and is responsible for ensuring the lawfulness and fairness in decision making and matters relating to the conduct of elected Members

9.3 The Monitoring Officer will provide advice to ensure that decisions are taken on proper authority, by due process, and in accordance with the budget and policy framework.

9.4 The Monitoring Officer shall, where necessary, and in consultation with the Head of Paid Service and the Chief Operating Officer, report any proposal, decision or omission considered to be unlawful or to amount to maladministration to the Council or the Executive, as appropriate in accordance with Section 5 of the Local Government and Housing Act 1989. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

9.5 The Head of Legal Services and Monitoring Officer will act as the Authority's Proper Officer under the following provisions of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000 unless otherwise stated:

- Receipt of notice of interests in contracts or proposed contracts (Section 96(1))
- Recording of disclosures of interests made under Section 94 and of notices under Section 96(1)
- Supply of documents to the press (Section 100B(7)(c)); written summary of exempt proceedings (Section 100C(2); compilation of list of and inspection of background papers (Section 100D(1)(a); and exclusion of document containing exempt information (Section 100F(2))
- Appearance of Council in legal proceedings (Section 223 (1))
- Deposit of documents (Section 225)
- Certification of photographic copies of documents (Section 229)
- Authentication of documents (Section 234(1) and (2))
- Certification of Byelaws (Section 238)
- Certification of resolutions (Schedule 14 para 25(7))
- Receipt of notice of disclosable pecuniary interests under the Localism Act 2011

Legal Services

9.6 The Head of Legal Services and Monitoring Officer is authorised to settle actual or potential uninsured claims or Local Government Ombudsman cases across all functions of the Authority as follows:-

- authorise settlement of up to £5000 (which after settlement shall be reported to Cabinet)
- Authorise settlement above £5000 and below £50,000 in consultation with the Portfolio Holder and the Chief Operating Officer, (which after settlement shall be reported to Cabinet)
- Claims in excess of £50,000 require Cabinet approval

9.7 The Head of Legal Services and Monitoring Officer shall be authorised to:-

- To prosecute, defend, make application, serve any notice or appear on behalf of the Authority in any Court, Tribunal or hearing on any criminal, civil or other matter (including appeals).

- Institute legal proceedings for any offences under any local Byelaws or Orders in force within the Authority's area
- Lodge objections to any proposal affecting Authority's interests.
- Determine applications for the display of the crest or logo of the Authority.
- Take all action including the completion of agreements, the service of notices, giving of directions, obtaining or issuing orders, authorising the execution of powers of entry, and the institution and defence of legal proceedings necessary or desirable to protect and advance the interests of or discharge the roles, functions and responsibilities of the Authority.
- To make discretionary payments under Land Compensation Act 1973 on the recommendation of the District Valuer
- In accordance with the Authority's approved policy to monitor the integrity of the operation of the Regulation of Investigatory Powers Act 2000 as follows:
 - § Ensuring compliance with all relevant legislation and with the Codes of Practice.
 - § Engagement with the Inspectors from the Office of the Surveillance Commissioner when they conduct their inspections, and, where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.
 - § Monitoring authorisations and conducting a quarterly review of applications, authorisations and refusals, and reviewing renewals and cancellations.
- Make Orders for the Temporary Closure of Highways and Regulation of Traffic.
- To attest the affixing of the Council's seal to all documents approved for sealing.
- To authorise appropriate Officers to administer formal cautions in respect of criminal offences.
- To determine whether a particular claim for payment under the Members Allowances Scheme is appropriate

9.8 The Head of Legal Services and Monitoring Officer is empowered to authorise appropriately qualified employees or persons acting on behalf of the Council:

- To appear in, and conduct legal proceedings in, any Court or Tribunal on behalf of the Authority;
- To prove debts owed to the Authority in bankruptcy and liquidation proceedings.

9.9 The Head of Legal Services and Monitoring Officer is authorised to:

- Make minor and consequential amendments to the constitution on account of drafting anomalies and authorised revisions, correcting any errors or omissions or otherwise giving effect to the intentions of the Council and shall subsequently notify the Chairman of the Constitution Committee.

Proper Officer

9.10 The Head of Legal Services and Monitoring Officer shall be the Proper Officer of the Council for the purposes of the Local Government Act 1972, the Local Government Act 2000 and for all other statutory purposes unless such designation is given by the Council to any other Officer.

APPENDIX

In respect of public rights of way (paragraph 3.33)
Highways Act 1980 sections 31A; 115A to 115K; 118ZA; 118C; 119ZA;119C; 121B; 130; 130A; 130B; 135; 135B; 149; Schedule 12A
Wildlife and Countryside Act 1981 sections: 53B; 57A; 56
Road Traffic Regulation Act 1988: Section 33
In respect of regulatory functions (trading standards and environmental health) (paragraph 7.23)
Accommodation Agencies Act 1953
Administration of Justice Acts 1970 and 1985
Agriculture Acts 1947 and 1970
Agriculture(Miscellaneous Provisions) Act 1968
Agriculture(Safety, Health and Welfare Provisions) Act 1956
Agriculture Produce Acts 1928 and 1931
Agriculture Produce (Grading and Marketing) Act 1928
Animal Boarding Establishments Acts 1963 and 1970
Animal Health Acts 1971/1981 and 2002
Animal Health and Welfare Act 1984
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Breeding of Dogs Act 1973/91
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Burials Act 1857
Cancer Act 1939
Caravan Sites Act 1968
Caravan Sites and Control of Development Act 1960
Cheques Act 1992
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act 1985
Companies (Consolidation (Consequential Provisions) Act 1985
Consumer Credit Act 1974
Consumer Protection Act 1974
Contracts (Rights of Third Parties) Act 1999
Control of Pollution (Amendment) Act 1989
Control of Pollution Act 1974
Copyright Designs and Patents Act 1988
County Courts Act 1984
Courts and Legal Services Act 1990
Crime and Disorder Act 1998
Criminal Attempts Act 1981
Criminal Damage Act 1971Criminal Justice Acts 1982/1988/1991/1993

Criminal Justice and Police act 2001
Criminal justice and Public order Act 1994
Criminal law Act 1977
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Defective Premises Act 1972
Development of Tourism Act 1969
Dogs Act 1906
Dogs (Amendment) Act 1928
Dogs (Fouling of Land) Act 1996
Dogs (Protection of Livestock) Act 1953
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Estate Agents Act 1979
Environment Act 1995
Environment and Safety Information Act 1988
Environmental Damage (Prevention and Remediation) Regulations 2009
Environmental Protection Act 1990
European Communities Act 1972
Explosives Act 1875
Factories Act 1961
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Farriers (Registration) Act 1975
Fire Safety and Safety of Places of Sport Act 1987
Fireworks Act 2003
Food Act 1984
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Guard Dogs Act 1975
Home Safety Act 1961
Hallmarking Act 1973
Health and Safety at Work Act 1974
Housing Act 2004
Indictable offences Act 1848
Intoxicating Substances (Supply) Act 1985
Land Drainage Act 1991
Law of Property (Miscellaneous Provisions) Act 1989
Legislative and Regulatory Reform Act 2006
Licensing Act 2003
Litter Act 1983
Local Government (Miscellaneous Provisions) Act 1976 and 1982
Local Government Acts 1972 and 1987
Local Government and Housing Act 1989

Malicious Communications Act 1988
Medicines Act 1968
Misrepresentation Act 1967
Motor Cycle Noises Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Assistance Act 1948
National Lottery Act 1993
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Offices, Shops and Railway Premises Act 1963
Olympic Symbol etc (Protection) Act 1995
Opticians Act 1989
Offensive Weapons Act 1996
Patents Designs and Marks Act 1986
Performing Animal (Regulation) Act 1925
Pesticides (Fees and Enforcement) Act 1989
Pesticides Act 1998
Pet Animals (Amendment) Act 1983
Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Poisons Act 1972
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Prices Act 1974 and 1975
Private Security Industry Act 2001
Private Water Supply Regulations 1991
Proceeds of Crime Act 1995
Property Misdescriptions Act 1991
Prosecution of Offences Act 1985
Protection of Animals Act 1911
Protection Against Cruel Tethering Act 1988
Protection from Harassment Act 1997
Protection of Children (Tobacco) Act 1986
Public Health (Control of Diseases) Act 1984
Public Health (Infectious Disease) Regulations 1988
Public Health Acts 1936 and 1961
Refuse Disposal (Amenity) Act 1978
Registration Service Act 1953
Registered Designs Act 1949
Regulation of Investigatory Powers Act 2000
Rent Act 1965 and 1977
Riding Establishments Act 1964 and 1970
Rivers Prevention of Pollution Act 1961
Road Traffic Acts 1974/1988
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic regulation Act 1984
Road traffic offenders Act 1988

Safety of Sports Grounds Act 1975
Sale and Supply of Goods Act 1994
Sale of Goods (Amendment) Act 1994/1995
Sale of Goods Act 1979
Solicitors Act 1974
Sunday Trading Act 1994
Supply of Goods and Services Act 1982
Tattooing and Minors Act 1969
Telecommunications Act 1984
Theft Acts 1969 and 1978
Timeshare Act 1992
Tobacco Advertising and Promotions Act 2002
Torts (Interference with Goods) Act 1977
Town Police Clauses Act 1847 and 89
Trade Descriptions Act 1968
Trade Marks Act 1994
Trade Representations Act 1972
Traffic Management Act 2004
Unfair Contract Terms Act 1977
Unsolicited Goods and Services Act 1971
Unsolicited Goods and Services (Amendment) Act 1975
Vagrancy Act 1824
Veterinary Surgeons Act 1966
Vehicles (Crime) Act 2001
Video Recordings Act 1984
Water Act 1989
Water Industry Act 1991
Water Supply (Water Quality) Regulations 2000
Water Resources Act 1963
Weeds Act 1959
Weights and Measures Act 1976 and 1985
Wildlife and Countryside Act 1981
Zoo Licensing Act 1981