

Constitution Committee

Agenda

Date:	Thursday, 26th March, 2015
Time:	2.00 pm
Venue:	Committee Suite 1, 2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous meeting** (Pages 1 - 8)

To approve the minutes of the meeting held on 29th January 2015.

5. **The Council's Decision-Making and Governance Arrangements** (Pages 9 - 42)

To consider a report which addresses a range of decision-making and governance issues and which seeks a recommendation from the Constitution Committee to Council about proposed constitutional changes.

THERE ARE NO PART 2 REPORTS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Constitution Committee**
held on Thursday, 29th January, 2015 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Martin (Chairman)
Councillor D Marren (Vice-Chairman)

Councillors P Groves, S Hogben (for Cllr Flude), W Livesley, D Newton,
G M Walton (for Cllr Menlove) and P Whiteley

Officers

Brian Reed, Head of Governance and Democratic Services
Iolanda Puzio, Legal Services and Deputy Monitoring Officer
Lindsey Parton, Registration Service and Business Manager
Tracey Bettaney, Principal Manager, Regulatory Services and Health
Paul Mountford, Democratic Services Officer

Apologies

Councillors C Andrew, G Baxendale, D Flude, S Jones, R Menlove, B Murphy,
M Sherratt and G Wait

52 DECLARATIONS OF INTEREST

There were no declarations of interest.

53 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

54 MINUTES OF PREVIOUS MEETING**RESOLVED**

That the minutes of the meeting held on 19th November 2014 be approved
as a correct record subject to an amendment to Minute 50 to include the
following additional resolution:

“that job descriptions should be developed to cover the wider roles of
elected members, commencing with Chairs of Committees and Vice
Chairs.”

55 MACCLESFIELD COMMUNITY GOVERNANCE REVIEW - FINAL OUTCOME

The Committee considered a report on the final outcome of the Macclesfield Community Governance Review.

Council at its meeting held on 11th December 2014 had approved the recommendations for the final outcome of the Macclesfield Community Governance Review and had granted delegated powers to the Constitution Committee to determine the final outcome of the Review, including all necessary powers to make the Re-Organisation Order.

The public and anyone with an interest in the review had been invited to make comment on the Council's recommendations by Thursday 15th January 2015. Responses received were considered by the Community Governance Review Sub-Committee on 16th January 2015 and were attached at Appendix 1 to the report. Having taken the representations received into account, the Sub-Committee had recommended to the Constitution Committee that Council's recommendation for the final outcome of the review be endorsed.

In accordance with the wishes of the last meeting of the Sub-Committee and those of Council, a meeting of the Macclesfield Local Service Delivery Committee was held 8th January to discuss which assets might be transferred from Cheshire East to the proposed Macclesfield Parish Council, having regard to officer and legal advice. The Minutes of that meeting were attached at Appendix 2 to the report. The Committee's views were considered by the Community Governance Review Sub-Committee on 16th January 2015 and the Sub-Committee's minutes were circulated at the meeting as Appendix 3 to the report. The Sub-Committee had also agreed a draft budget for the new parish council, which was set out at Appendix 4, together with the draft re-organisation order which was set out at Appendix 5. The order had included details of the land and property to be transferred to the new council. The recommendations of the Sub-Committee were set out in the minutes of the Sub-Committee's meeting.

Following determination of the final outcome of the Community Governance Review by the Committee, arrangements would be made to publish the decision and to notify statutory bodies as required by the Local Government Public Involvement in Health Act 2007.

The work of the Community Governance Review Sub Committee would continue over the coming weeks, in terms of making transitional arrangements, including the convening of the Annual Parish meeting, which must be held within 14 days of the Councillors taking office.

The Chairman informed the Committee that Councillor L Brown had submitted her comments in writing as she was unable to attend the meeting. In relation to the draft budget for the new parish council, Councillor Brown expressed concern that the grants allocation had

increased from £15,000 to 80,000. She also expressed surprise that a contingency fund of £100,000 had been included as her recollection was that the Macclesfield Local Service Delivery Committee had opposed the inclusion of a contingency fund.

In response, Councillor D Marren, Chairman of the Community Governance Review Sub-Committee, commented that Nantwich and Congleton Town Councils each had a grants budget of about £80,000, and that those towns were considerably smaller than Macclesfield. It was also prudent to have a contingency fund within the budget to allow for unforeseen expenses. There would be no obligation on the new council to spend the money.

The Committee proceeded to consider the matter, taking into consideration the outcome of the final round of public and stakeholder consultation, the views of the Macclesfield Local Service Delivery Committee and the recommendations of the Community Governance Review Sub-Committee.

RESOLVED

That

1. in the interests of effective and convenient local government and having taken into account the representations received and the views of the Macclesfield Local Service Delivery Committee, a single parish council be created for the whole of the unparished area of Macclesfield in accordance with the following:
 - i) that a new parish be constituted for the unparished area of Macclesfield;
 - ii) that the name of the new parish shall be the Parish of Macclesfield;
 - iii) that the parish shall have a parish council named Macclesfield Parish Council;
 - iv) that the parish council shall not have an alternative style (defined as Neighbourhood, Community or Village), but the Parish Council be advised to consider its designation as a Town Council;
 - v) that the parish shall be divided into 7 wards, the boundaries of such wards to be co-terminous with the current Borough ward boundaries (but excluding Polling District 4BFR which is already parished); and shall have the same number of Councillors as for the Borough wards as follows:

Broken Cross and Upton	-	2 Councillors
Macclesfield Central	-	2 Councillors
Macclesfield East	-	1 Councillor
Macclesfield Hurdsfield	-	1 Councillor
Macclesfield South (excluding polling district 4BFR)	-	2 Councillors
Macclesfield Tytherington	-	2 Councillors
Macclesfield West and Ivy	-	2 Councillors

- vi) that elections of all parish councillors for the Parish of Macclesfield be held on 7 May 2015; and
 - vii) that the term of office of every parish councillor elected on 7 May 2015 for the Parish of Macclesfield shall be four years, and thereafter coincide with the ordinary day of election of parish councillors every four years.
2. the budget sum of £575,640 be included in the Re-Organisation Order for the Parish Council's first year of operation, leading to a precept of £32.98 being raised per band D property;
 3. the budget comprise of the following net Operational costs (in addition to Administrative costs of £137,580 and Management and support costs of 15% of gross operating expenditure, excluding CCTV):

§ Allotments	£10,000
§ Weston Community Centre	£20,000
§ Public Conveniences	£50,000
§ Town Centre Management	£59,000
§ Christmas Lights	£45,000
§ Street Furniture	£1,270
§ Floral Displays	£10,000
§ CCTV	£31,450
§ Grants	£80,000
§ Contingency	£100,000
 4. the following assets be included in the Re-Organisation Order for transfer on the dates indicated:

§ Allotments	1 April 2015
§ Weston Community Centre	1 October 2015
§ Public Conveniences	1 October 2015

5. the wording of the draft Re-Organisation Order be approved as submitted, and that the Head of Governance and Democratic Services be authorised to make any minor or consequential amendments to the Order, in consultation with the Chairman of the Committee, prior to the legal seal being affixed; and to take such other steps as may be necessary in order to give effect to the wishes of the Committee.

56 CALENDAR OF MEETINGS FOR 2015-16

The Committee considered the draft calendar of meetings for Cheshire East Council for 2015-16.

In considering the draft calendar, Members expressed concern that meetings of the Northern and Southern Planning Committees often went on into the evening. It was suggested that the meetings would benefit from starting at 10.00 am, with a lunch break at 1.00 pm as required.

RESOLVED

That the draft Calendar of Public Meetings for Cheshire East Council 2015 - 2016 as attached to the report be recommended to Council for approval, subject to the following amendment:

that meetings of the Northern and Southern Planning Committees commence at 10.00 am, with a break for lunch at 1.00 pm as required.

57 ANTISOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

The Committee considered a report summarising the key implications of the Anti-Social Behaviour, Crime and Policing Act 2014.

The report proposed amendments to the officer scheme of delegation to enable enforcement powers under the Act to be exercised. The amendments were set out in Appendix 2 to the report.

RESOLVED

That

1. that the update on the Anti-social Behaviour, Crime and Policing Act 2014 as set out in the report be noted; and
2. the proposed changes to the Council's Scheme of Officer Delegation as set out in Appendix 2 to the report be recommended to Council for approval subject to Council being provided with a list of the specific actions that officers would be able to take under the delegation.

58 MEMBERS INDEPENDENT REMUNERATION PANEL

The Committee considered proposed arrangements for the new Members Allowances Independent Remuneration Panel.

It was felt that no more than three members needed to be appointed to the Panel and that the term of office should be four years from the date of appointment. At least one member of the Panel should have experience of the workings of local government. Members also felt that the Chairman of the Panel should have experience of chairing an Independent Remuneration Panel and that this should be referred to in the recruitment advert.

It was suggested that the appointment of the Panel Members, and the appointment of the Chairman of the Panel be made by the Constitution Committee upon the recommendation of the Head of Governance and Democratic Services.

A recent review of the operation of the Independent Remuneration Panel had concluded that there was no necessity for a report of the Panel to be produced on an annual basis and that instead, consideration could be given to making future provision for the Members Allowances Scheme to be adjusted on an annual basis, by reference to an index. Where the only change made to a scheme in any year was that effected by an annual adjustment, the scheme would not be deemed to be amended and would not need to be reviewed and agreed by full Council. An index could be applied for a period of up to four years. This option would need to be considered by the Independent Remuneration Panel.

RESOLVED

That

1. a Members Allowances Independent Remuneration Panel be established to consist of 3 Members, with a four year term of office;
2. the Council seek to recruit at least one Panel member with experience of the workings of local government (such as a former local government officer, a person with past experience of being a panel member for another authority, or an individual with particular expertise), with expressions of interest also to be sought from the private and voluntary sector;
3. the recruitment advert should include a requirement that the chairman of the panel should have experience of chairing an independent remuneration panel;
4. appointment of the Panel Members be made by the Constitution Committee (upon the recommendation of the Head of Governance and Democratic Services);

5. the Chairman of the Panel be appointed by the Constitution Committee;
6. the Council establish a robust, streamlined and transparent process for the operation of the Members Allowances Independent Remuneration Panel;
7. the Panel be asked to give consideration to making future provision for the Members Allowances Scheme to be adjusted on an annual basis, by reference to an index which could be applied for a period of up to four years;
8. Panel members be recompensed for expenses, as per past practice; and
9. an allowance be paid to the Chairman of the Panel (on the basis that work load is expected to be no more than 3-4 days, within the four year term of office) at an appropriate rate, to be determined by the Head of Governance and Democratic Services, based upon that paid by comparator local authorities.

The meeting commenced at 2.00 pm and concluded at 3.08 pm

Councillor A Martin (Chairman)

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CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 26th March 2015

Report of: Head of Legal Services and Monitoring Officer

Subject/Title: The Council's Decision-Making and Governance Arrangements

1.0 Report Summary

1.1 This report addresses a range of decision-making and governance issues and seeks a recommendation from the Constitution Committee to Council about proposed constitutional changes.

1.2 The report seeks to amend the terms of reference of the Staffing Committee to properly reflect the split between executive and non-executive functions within the Council's constitution. It also seeks to add greater flexibility to the powers of the Chief Executive to make staffing and other decisions in a fast changing environment. In addition this report seeks to reflect the current management structure within the Council, make minor alterations to the constitution for consideration by the Council and sets out a work programme for a comprehensive overhaul of the constitution document.

2.0 Recommendations

2.1 That the terms of reference of the Staffing Committee be recommended to the Council for amendment in the constitution as set out in Appendix 1 of the report.

2.2 That the powers of the Head of Paid Service in relation to staffing and other matters be recommended to the Council for amendment in the constitution as set out in Appendix 1 of the report

2.3 That the Council be recommended to instruct the Head of Legal Services to make the changes in the constitution set out in Appendix 1 of this report

2.4 That the Council be recommended to instruct the Head of Legal Services to make any minor corrections, amendments or contextual changes resulting from the above.

2.5 That the work programme set out at Appendix 2 be adopted by the Committee for the year 2015-16.

3.0 Reasons for Recommendations

3.1 The recommendations of this report are made in order to ensure that the Council's decision-making and governance arrangements in relation to staffing are flexible enough to meet the needs of a modern, fast changing Council and properly reflect the split between executive and non-executive functions in the Constitution.

3.2 An opportunity has also been taken to tidy up certain aspects of the constitution of the Council. However, the constitution has now been in place for six years and is due a comprehensive overhaul to ensure that it reflects the needs of the Council today. Therefore, it is proposed that there should be a work programme overseen by the Committee to review the whole of the constitution within the next 12 months.

4.0 Wards Affected

4.1 Not directly applicable.

5.0 Local Ward Members

5.1 Not directly applicable.

6.0 Policy Implications

6.1 Much of the content of this report relates to proposed changes to the Council's decision-making and other governance arrangements. If such changes are recommended to and accepted by Council, the Council's Constitution will need to be amended accordingly.

7.0 Financial Implications

7.1 Not directly applicable.

8.0 Legal Implications

8.1 Any legal implications are contained in the main body of this report. The report recommends that changes should be made to the Council's Constitution. In order for such change to take place, there must be a recommendation from the Constitution Committee to the Council.

9.0 Risk Management

9.1 Not directly applicable.

10.0 Background

10.1 This report addresses a range of decision-making and governance issues and seeks recommendations from the Constitution Committee to Council about proposed constitutional changes.

10.2 The report seeks to amend the terms of reference of the Staffing Committee to properly reflect the split between executive and non-executive functions within the Council's constitution. It also seeks to add greater flexibility to the powers of the Chief Executive to make decisions, including staffing decisions in a fast changing environment. In addition this report seeks to reflect the current management structure within the Council and make minor alterations to the constitution for consideration by the Council.

10.3 The details of the changes are set out in a track changed copy of extracts from the constitution so that members can see how the wording in Appendix 1 has changed from the current version of the constitution.

10.4 The constitution has been in place for six years and during that time it has been amended from time to time. However, it is due a comprehensive overhaul to ensure that it reflects the needs of the Council today. Therefore, it is proposed that there should be a work programme overseen by the Committee to review the whole of the constitution within the next 12 months. A proposed work programme is set out at Appendix 2.

11.0 Staffing Committee

11.1 It is proposed to amend the terms of reference of the Staffing Committee to make it responsible for the recruitment and selection of permanent members of the Corporate Leadership Board with the power to make temporary appointments vesting in the Chief Executive.

11.2 It is also proposed that the Committee will have the responsibility for approving all human resources policies applicable to Council staff, including pay and grading structures (except those that must be approved in law by the Council), and employees' terms and conditions. It would also approve policies on how the Council exercises its functions under pension schemes; make recommendations to Council about the annual Pay Policy Statement and any amendments to it; make recommendations to the Council about decisions affecting the remuneration of any new post whose remuneration is or is proposed to be or would become £100,000 p.a. or more and in relation to proposed severance packages with a value of £100,000 or more.

11.3 These proposals are in accordance with the spirit of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

12.0 Powers of the Chief Executive

12.1 The proposal is that the constitution is amended to make it clear that the Chief Executive is responsible for running all the services of the Council unless specific powers, duties and functions are delegated to a member decision-making body or a Cabinet member. The proposed delegations make it clear that the Chief Executive can exercise the powers and responsibilities of any Chief Officer.

12.2 It is also intended to provide the Chief Executive with the powers to approve the pay, terms and conditions of service and training of any employee except where that

approval would be contrary to the provisions of the annual Senior Officer Pay Policy Statement (which is reserved by law to the full Council) or contrary to the employment policies of the Council. It is proposed that he will also have the power to determine the number, grade, title and nature of temporary staff employed by the Council including Chief Officers.

13.0 *Scheme of Delegation to Officers*

13.1 In order to avoid confusion with departmental schemes of delegation provided by Executive Directors and Chief Officers it is proposed that the scheme of delegation within the constitution is known as the Scheme of Delegation to Senior Officers.

13.2 In order to ensure that there is no gap between the Council getting new statutory functions and the Council making a formal decision about how they should be exercised it is proposed that paragraph 1.33 of the officer scheme of delegation is amended to provide that whenever new legislation relevant or related to the functions exercised by a Chief Officer is introduced that officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the Council, Cabinet, a committee or the Chief Executive decides whom to allocate responsibility for the new legislation to.

13.3 It is a requirement that certain statutory officers should report to the Chief Executive. Therefore it is proposed that paragraph 3.2 is amended to reflect this by making it clear that although the Executive Director of Strategic Commissioning is responsible for the day to day management of the Director of Children's Services, Director of Adult Social Care and Director of Public Health these posts will have direct access to the Chief Executive.

13.4 In addition, the functions of the Director of Economic Growth and Prosperity have been moved and given their own place in the senior officer scheme of delegation under the title "Executive Director of Economic Growth and Prosperity."

13.5 The regulatory functions set out at pages 157 to 160 and 170 to 174 of the constitution are currently shown in the Constitution as being with the Director of Public Health. In reality they currently sit with the Head of Communities. Therefore, they need to be transferred in the Constitution from the Director of Public Health to the Executive Director of Strategic Commissioning who will then delegate them further to the Head of Communities.

14.0 *Council Procedure Rules*

14.1 Currently the Council has no process set out in the constitution which prevents motions getting onto the Council agenda which are irrelevant to the business or functions of the Council even though such motions cannot be considered. In addition, there are no grounds and no method for excluding motions which are improper because, for example, they are vexatious, defamatory or offensive. It is proposed that such a provision is introduced with the Head of Legal Services carrying out a check and deciding if motions are inappropriate.

14.2 The current rule about motions being referred to other decision making bodies for a decision provides for a motion to be referred unless the Mayor considers it “conducive to the despatch of business” for it to be dealt with at the Council meeting. Therefore, the default position is that a motion stands referred unless it is appropriate to deal with it there and then. This mechanism prevents the agenda of the Council from being dominated by items which ought properly to be dealt with by another arm of the Council. Nevertheless, a convention has arisen whereby the proposer and seconder of the motion often make speeches even though there will be no debate on the issue. It is suggested that members may want to review this current convention and consider introducing an amendment to the rules of debate to limit this occurring. The suggested amendments to the Council’s procedure rules set out at Appendix 1 achieve this.

15.0 Access to Information

15.1 The background papers relating to this report can be inspected by contacting the report writer:

Name: Anita Bradley, Head Legal Services and Monitoring Officer
Designation: Head of Legal Services and Monitoring Officer
Tel No: 01270 685850
Email: anita.bradley@cheshireeast.gov.uk

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PART 3

RESPONSIBILITY FOR FUNCTIONS

STAFFING COMMITTEE

8 Members

Statement of Purpose

- 1 The Staffing Committee is a key component of Cheshire East's corporate governance. It provides an independent and high level focus on ~~the~~ Human Resources, Organisational Development and Health & Safety matters affecting ~~the~~ Council.
- 2 The purpose of the Staffing Committee is
 - (a) to provide independent assurance to the members of the adequacy of the HR service and staffing related matters,;
 - (b) to appoint Chief Officers
 - (c) to approve "in year" salary or other benefit increases to the Head of Paid Service.

Functions of the Committee

Recruitment and Selection

- 3 To undertake ~~the~~ recruitment and selection for the appointment of all ~~permanent~~ members of the Corporate Leadership Board and formulating recommendations to the Council regarding the appointment and dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
- 4 To approve the designation of an officer to act as Monitoring Officer and Chief Finance Officer, in accordance with legislation and the appropriate procedures set out in the Staff Employment Procedure Rules.

HR Policies

- 5.1 To approve all human resources policies including pay and grading structures (except those that must be approved in law by the council), employees' terms and conditions of employment, including changes to those terms and conditions and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and any other relevant pension scheme.
- 5.2. ~~To have the opportunity to review the Council's HR Policies and Procedures as required and to make recommendations to the Portfolio Holder. It is noted that the authority to approve HR Policies remains with the Executive~~
To make recommendations to Council in relation to the annual Pay Policy Statement and any amendments to such statement.
- 5.3 To make recommendations to Council in relation to decisions affecting the remuneration of any new post whose remuneration is or is proposed to be or would become £100,000 p.a. or more.
- 5.4 To make decisions in relation to proposed severance packages with a value of £100,000 or more.

Appeals

- 6 For a Staffing Appeals Sub Committee to consider appeals from Staff in the following circumstances:
 - Appeals against dismissal
 - Appeals against grievance
 - Appeals against policy (but only the first appeal where the appeals are based on the same issues/circumstances)
 - Group appeals covering more than one Department
 - Appeals which have initially been heard by the Chief Executive, e.g. appeals raised by members of the Senior Management Team
 - Exceptionally where both sides agree referral to Members is appropriate

Corporate Leadership Board Appraisal Board

- 7 To establish and oversee an Appraisal Board for all members of the Corporate Leadership Board.

Organisational HR Performance

- 8 To receive ~~regular updates on HR and Health & Safety performance information measures, as detailed below, on a quarterly basis~~ in order to assess the effectiveness of current Human Resources, Organisational Development and Health & Safety ~~policies and practices arrangements.~~

- ~~Headcount Data~~
- ~~Sickness Absence~~
- ~~Turnover~~
- ~~HR Casework (including disciplinary, grievance and capability)~~
- ~~Health and Safety Accidents Records~~
- ~~Health and Safety Training~~

SCHEME OF DELEGATION TO SENIOR OFFICERS
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1.0 INTRODUCTION

- 1.10 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 the powers of any -Chief Officer and delegate it elsewhere for a temporary period.

STAFFING

- 1.22 The Chief Executive in consultation with the Leader is authorised to consider major staffing and organisational reviews.

- 1.22A Chief Officers are authorised to deal with the full range of employment and staff management issues, below Corporate Leadership Board 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 the regrading of posts or the grading of new posts~~
- ~~* Involves the changes to existing National or Local Agreements and policies~~
- ~~* Cannot be achieved within delegated powers in respect of budgets~~

~~This delegation will be exercised in accordance with paragraph 1.8 of the scheme of delegation to officers approved by Council on the 14th May 2014 which reads as:~~

~~“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, including consultation with Portfolio Holders. Appropriate advice must be taken where the matter involves professional or technical considerations that are not within the officer's sphere of competence."~~

~~Decisions in respect of matters identified as exceptions above are delegated to the Chief Operating Officer in consultation with the Head of Human Resources and Organisational Development for determination.~~

- 1.23 The Chief Executive and Chief Officers are authorised, subject to prior notification of the Head of Human Resources 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 the re-grading 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

~~Decisions in respect of matters identified as exceptions above are delegated to the Chief Operating Officer in consultation with the Head of Human Resources and Organisational Development for determination.~~

~~The delegations in paragraph 1.23 will be exercised in accordance with paragraph 1.8 of the scheme of delegation to senior officers.~~

- 1.24 ~~The Chief Executive and~~ Chief Officers are authorised 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.
- 1.33 Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. ~~Whenever new legislation relevant or related to the functions exercised by the Chief Officer is introduced that Officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the Council, Cabinet, a committee or the Chief Executive decides who to allocate responsibility for the new legislation to.~~

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 ~~about~~ 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 is empowered to operate ~~all the s~~Services of the ~~council~~Authority and except where powers, duties and functions are delegated ~~to a member decision-making body or Cabinet member elsewhere by the Council~~, to exercise all powers, duties and functions of the council, including ~~those delegated to other officers~~ but not limited to the following:
- 2.3 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 office 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)
- 2.4 To be the Authority's principal officer representative and to promote its good image and reputation
- 2.5 To undertake the communications, marketing and media functions of the authority and promote good public relations
- 2.6 To exercise the powers and responsibilities of any Chief Officer in his or her absence.
- 2.7 To lead and direct the strategic management of the Authority
- 2.8 To ensure the effective pursuit and achievement of the Authority's objectives
- 2.9 To ensure the Authority's activities are carried out with maximum effectiveness and efficiency
- 2.10 To discharge emergency planning and civil protection functions
- 2.11 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
- 2.12 To sign settlement agreements for employees/ex-employees, in consultation with the Leader of the Council and Chairman of the Staffing Committee
- 2.13 To approve the pay, terms and conditions of service and training of any employee except where an approval would be contrary to the provisions of the annual Senior Officer Pay Policy Statement which is reserved to the full Council or where an approval falls within the responsibilities of the Staffing Committee or would be contrary to the employment policies of the Council.
- 2.14 To determine the number, grade, title and nature of temporary staff, including Chief Officers, appointed by the Council.
- 2.15 To make decisions affecting the remuneration of any existing post whose remuneration is or is proposed to be or would become £100,000 p.a. or more In consultation with the Leader and Chairman of the Staffing Committee..

3.0 EXECUTIVE DIRECTOR OF STRATEGIC COMMISSIONING

- 3.1 To be responsible for commissioning services for and making ~~a~~ **decisions about** ~~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 day to day~~ management responsibility for ~~the~~ 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. ~~The Director of Children's Services, Director of Adult Social Care and Director of Public Health will have direct access to the Chief Executive~~

The following are functions which have been moved from the Director of Public Health to the Executive Director of Strategic Commissioning. There have been no changes to the wording. Only the numbering has changed

~~3.47~~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

~~3.48~~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

~~3.49~~7.12 To grant consent for the operation of a loudspeaker

~~3.50~~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

3.517.14 To undertake all functions under the Scrap Metal Dealers Act 2013 (as amended) and to take all enforcement action under the Act

3.527.15 To carry out all enforcement under the Health Act 2006 and regulations made under it

3.537.16 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)

3.547.17 To undertake all the Authority's functions in respect of animal health

3.557.18 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

3.567.19 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)

3.577.20 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.

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

3.597.22 To licence performances of hypnotism

3.607.23 To exercise licensing functions under the Licensing Act 2003 ('the 2003 Act') and the Gambling Act 2005 ('the 2005 Act') 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

3.617.24 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.

3.627.25 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.

3.637.26 To refer to the Head of Legal Services and Monitoring Officer all suspected offences under the legislation covered by these functions.

3.647.27 To amend the functions listed in the Appendix (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).

The following functions under deleted heading no.4 have been moved from the responsibilities of the Executive Director of Strategic Commissioning to the Executive Director of Economic Growth and Prosperity. There have been no changes to the substantive wording.

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 exercise the functions for which the Service 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~~
- ~~○ Strategic/Spatial planning~~
- ~~○ Rural Economy/Access~~
- ~~○ Sustainable Towns~~
- ~~○ Inward Investment and Funding~~
- ~~○ Local Enterprise Partnership~~
- ~~○ Enterprise~~
- ~~○ Development Control (major applications)~~
- ~~○ Corporate landlord~~
- ~~○ Development Management and Building Control~~
- ~~○ Commons~~

~~4.2 — Within the following areas, the Director of Economic Growth and Prosperity is empowered to operate the Service 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:~~

~~4.3 — To act as Proper Officer in respect of the Ordnance Survey under Section 191 of the Local Government Act 1972~~

- ~~4.4 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~~

Development Management and Building Control

- ~~4.5 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 under the Town and County Planning Act 1990, 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~~

- ~~4.6 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~~

- ~~4.7 To vary the Standard Fee Scales of the Local Government Association Model Scheme by up to plus or minus 10%~~

- ~~4.8 To exercise all powers and duties relating to Local Land Charges~~

- ~~4.9 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

- ~~4.10 To produce for Cabinet approval and implement the Corporate Asset Management Plan.~~

- ~~4.11 To make all delegated decisions in accordance with the Corporate Asset Management Plan~~

- ~~4.12 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~~

~~4.13 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.~~

~~4.14 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 or compensation is between £200,000 and £500,000~~

~~4.15 To take all actions under the Land Compensation Act 1973 including the payment of necessary compensation for claims~~

~~4.16 To publish notices under s123 Local Government Act 1972~~

~~4.17 To manage assets of community value scheme under the Localism Act 2011~~

~~4.18 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.~~

- ~~4.19 To take action with regard to Authority property rating issues, including the conduct of appeals.~~
- ~~4.20 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~~
- ~~4.21 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~~
- ~~4.22 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~~
- ~~4.23 To authorise and complete the transfer of freehold land at nil value for education purposes, where it is a statutory requirement to do so.~~
- ~~4.24 To authorise deeds of rectification with Housing Associations~~
- ~~4.25 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

- ~~4.26 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

- ~~4.27 To maintain the Register of Commons~~

Housing

- ~~4.28 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~~
- ~~4.29 To administer all housing strategies and policies.~~

- ~~4.30 To advise on housing and energy conservation matters, including administering a Housing Advice Service~~
- ~~4.31 To maintain the Housing Waiting List and to make nominations to Registered Providers of Social Housing in accordance with the Authority's Allocations Policy~~
- ~~4.32 To work with other housing providers to meet the housing needs of the Borough~~
- ~~4.33 To deal with all matters in respect of the Borough's Registered Providers of social housing~~
- ~~4.34 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~~
- ~~4.35 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.~~

The functions under heading no.7 have been moved directly to the Executive Director of Strategic Commissioning from the Director of Public Health. There have been no changes to the substantive wording.

~~In addition to the statutory role outlined above, the DPH has been given responsibility for Regulatory Services and Health~~

- ~~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~~

~~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~~

~~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 2013 (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 ('the 2003 Act') and the Gambling Act 2005 ('the 2005 Act') 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 (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).~~

The functions under the new heading no.4 are those of the Executive Director of Economic Growth and Prosperity

4.0 EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND PROSPERITY

4.1 The Executive 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 exercise the functions for which the Service 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
- Strategic/Spatial planning
- Rural Economy/Access

- Sustainable Towns
- Inward Investment and Funding
- Local Enterprise Partnership
- Enterprise
- Development Control (major applications)
- Corporate landlord
- Development Management and Building Control
- Commons

- 4.2 Within the following areas, the Executive Director of Economic Growth and Prosperity is empowered to operate the Service 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:
- 4.3 To act as Proper Officer in respect of the Ordnance Survey under Section 191 of the Local Government Act 1972
- 4.4 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

Development Management and Building Control

- 4.5 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 under the Town and County Planning Act 1990, 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

- 4.6 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
- 4.7 To vary the Standard Fee Scales of the Local Government Association Model Scheme by up to plus or minus 10%
- 4.8 To exercise all powers and duties relating to Local Land Charges

- 4.9 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

- 4.10 To produce for Cabinet approval and implement the Corporate Asset Management Plan.
- 4.11 To make all delegated decisions in accordance with the Corporate Asset Management Plan
- 4.12 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
- 4.13 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.

- 4.14 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 or compensation is between £200,000 and £500,000
- 4.15 To take all actions under the Land Compensation Act 1973 including the payment of necessary compensation for claims
- 4.16 To publish notices under s123 Local Government Act 1972
- 4.17 To manage assets of community value scheme under the Localism Act 2011
- 4.18 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.
- 4.19 To take action with regard to Authority property rating issues, including the conduct of appeals.
- 4.20 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
- 4.21 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
- 4.22 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
- 4.23 To authorise and complete the transfer of freehold land at nil value for education purposes, where it is a statutory requirement to do so.
- 4.24 To authorise deeds of rectification with Housing Associations
- 4.25 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

4.26 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

4.27 To maintain the Register of Commons

Housing

4.28 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

4.29 To administer all housing strategies and policies.

4.30 To advise on housing and energy conservation matters, including administering a Housing Advice Service

4.31 To maintain the Housing Waiting List and to make nominations to Registered Providers of Social Housing in accordance with the Authority's Allocations Policy

4.32 To work with other housing providers to meet the housing needs of the Borough

4.33 To deal with all matters in respect of the Borough's Registered Providers of social housing

4.34 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

4.35 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.

PART 4

PROCEDURE RULES

PROCEDURE RULES RELATING TO THE COUNCIL: PROCEDURE RULE 12 - NOTICES OF MOTION

1 Procedure before the Meeting

Notice of every motion (other than a motion which under Procedure Rule 10 may be moved without notice) shall be given in writing, signed by the Member(s) of the Council giving the notice, and delivered, at least seven clear working days before the next meeting of the Council, to the Head of Legal Services or the Democratic and Registration Services Manager by whom it shall be dated, in the order in which it is received.

Members are permitted to submit Notices of Motion in email and electronic form.

The Head of Legal Services shall, if need be, give a ruling as to whether the Motion is relevant.

If the Head of Legal Services considers the motion, amendment or question to be vexatious, irrelevant, defamatory, frivolous, offensive or otherwise improper the Head of Legal Services will return it to the Member who submitted it along with an explanation in writing to the Member about why it will not be included on the agenda circulated for the meeting.

2 Motions to be set out in Summons

The agenda papers for every ordinary meeting of the Council will set out the full text of all motions of which notice has been duly given, unless the Member giving the notice has intimated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it. The motions will be listed in the papers according to the order in which they have been received.

No notice of motion which, in the opinion of the Mayor, deals with the same or a similar matter to one which had come before Council during the previous 6 months, shall be included on the Council agenda.

3 Withdrawal of Motion which is before the Council

A Notice of Motion will be regarded as withdrawn if :

prior to the Council meeting, an indication to this effect is given in writing to at least one of the above-named officers by the Member who submitted the Notice; or

at the Council meeting, oral notice to this effect is given by the Member who submitted the Notice; or

the Notice of Motion is not moved and seconded at the meeting of Council.

4 Procedure at the Meeting

When a Motion has been moved and seconded **the mover and seconder shall not be entitled to make a speech if the Mayor decides that** it shall stand referred without discussion to such of those bodies as the Mayor may determine, for determination. However, if the Mayor considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it is initially considered.

5 Procedure after the Meeting

Each motion will then be referred to the relevant decision-making body for determination, without the need for any reference back to Council except where:

arising from consideration of the motion, the Constitution Committee recommends to the Council a change to the Constitution; or

there is some other legal or Constitutional requirement for the matter to be referred back to Council.

Unless the chairman of the appropriate decision-making body agreed there were good reasons not to do so, notices of motion must be referred to that body within two meeting cycles, and that the proposer of the motion would be consulted before the chairman decided the matter.

APPENDIX 2

Proposed work programme 2015-16

Aspect of the constitution to be reviewed	Period of the review	Lead Officer responsibility
Procedure rules		
Finance Procedure Rules	01-04-15 to 30-06-15	Peter Bates
Council, Committee and Executive functions	01-04-15 to 30-06-15	Anita Bradley
Other procedure rules	01-07-15 to 30-09-15	Anita Bradley
Responsibility for functions		
Council, Executive and committees	01-10-15 to 31-12-15	Anita Bradley
Officers	01-01-16 to 31-03-16	Anita Bradley
Codes and Protocols	01-01-16 to 31-03-16	Anita Bradley

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