

Council Constitution

Part 3a - Terms of Reference and Scheme of Delegation

Terms of Reference

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5. Speakers Panel (Employment Appeals)
6. Speakers Panel (Licensing)
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8. Health and Adult Social Care Scrutiny Panel
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18. Delegation to Executive Members
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 - a) Senior Leadership Team
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 - d) Director (Resources)
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 - f) Director (Adult's Services)
 - g) Director (Place)
 - h) Director (Children's Services)

Part 3a - Terms of Reference and Scheme of Delegation

1. GENERAL PROVISIONS

1. The Council has a Scheme of Delegation which comprises delegation to:-
 1. Executive Cabinet
 2. Speakers Panels
 3. Scrutiny Panels
 4. Overview Panel
 5. Audit Panel
 6. Health and Wellbeing Board
 7. Strategic Planning and Capital Monitoring Panel
 8. Greater Manchester Pension Fund Management Panel
 9. Executive Members
 10. Officers
2. Any matters referred to Panels shall be subject to confirmation by the Council unless it is specifically delegated to the Panel under these Terms of Reference or Standing Orders.
3. Where a decision cannot be taken by the Council or Panel because of time constraints, the Executive Leader, the Deputy Leader, the appropriate Executive Member, a Member of any Opposition Group and the Chair of the relevant Panel (if appropriate) constituted as the URGENT MATTERS PANEL are authorised to deal with the matter at a meeting to which they have been summoned to attend.
4. All Executive decisions (other than urgent matters) shall be subject to the Council's Call-In Procedure and cannot be implemented until the expiry of the five-day call-in period.

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2. EXECUTIVE CABINET

1. The Cabinet shall comprise an Executive Leader and up to nine Executive Members with portfolios. The role of Cabinet shall be:-
 - a) to translate and implement the wishes of the community into action and to provide a focus for community leadership in the Borough;
 - b) to represent the Council and its community interests in discussions/dealings with the external, voluntary, business and public sectors.
 - c) to ensure the effective delivery of its programme.
 - d) to make recommendations as required, with regard to the Council's vision, policies, resources and priorities.
 - e) to draw up the annual budget, including capital plans, for submission to the Council.
 - f) together with Members of the Opposition Groups based on political proportionality, to interview and appoint the Chief Executive.
2. The Executive Cabinet shall have delegated powers to determine all matters (other than those which are reserved for approval by the Council or the Speakers Panels or delegated to Officers) provided such matters are in accordance with the Council's approved budget and policy framework, and any Key Decisions are included in the Council's Forward Plan.
3. All such other matters shall be the subject of approval by the Council (or the Urgent Matters Panel).
4. There shall be up to nine Assistant Executive Members who shall work for the Cabinet on appropriate projects and tasks to be allocated. They are not Members of the Executive Cabinet.

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3. BOARD

1. Membership

The Board shall comprise the Members of the Executive Cabinet and the Chair of Council Business together with the Chief Executive and the Senior Leadership Team.

2. Terms of Reference

The Board has no decision-making powers but shall be used as a forum to provide for:-

- a) the exchange of views between the Executive Management of the Council and the Executive Cabinet;
- b) to be innovative in the pursuit of community leadership and the local delivery of services by the Council and its strategic partners.

Part 3a - Terms of Reference and Scheme of Delegation

4. SPEAKERS PANEL (PLANNING)

1. Membership

The Membership shall be comprised of up to 14 Members but for other appeals shall be a lesser number and convened as and when necessary.

2. Chairs

One Chair and one Deputy Chair shall be appointed from the Controlling Group.

3 Quorum

The quorum of the Speakers Panel (Planning) shall be three Members.

4 Terms of Reference

The Speakers Panel (Planning), appointed by the Council, and comprised of all its Members, shall have **delegated powers** to deal with the following:-

a) Planning

Within the framework of Council Policy, and having regard to the Development Plan, Local Development Documents, other planning guidance and development briefs approved by the Council, and other than those items which are within the terms of reference of the Strategic Planning and Capital Monitoring Panel the Speakers Panel (Planning) shall:-

- (i) consider planning applications 'called in' by councillors but not contrary to the Development Plan policy;
- (ii) consider planning applications made on behalf of members or their immediate families, or by senior officers;
- (iii) consider planning applications made by (or on behalf of) the Council, except those of a minor or routine nature, as long as they are determined in accordance with the adopted policies of the Council;
- (iv) consider any other planning applications that raise important issues which the Director or Head of Service considers should be determined by the Panel
- (v) consider and determine applications for permission required under legislation relating to control of advertisements, tree and building preservation and conservation, hazardous substances consent, and Building Regulations, and to authorise the making of Orders and Agreements and the issue of Notices in connection with building control, trees and listed buildings. All significant applications which would depart from Green Belt policy shall be referred to Strategic Planning and Capital Monitoring Panel for determination. 'Significant' will be defined by Chair and Deputy of the Panel and the Head of Service for Planning, or in default of their agreement, by the Executive Leader and Chief Executive;
- (vi) authorise in association with the granting of planning permission, the closure, diversion, creation or alteration of public highways and the making of Traffic Regulation Orders;
- (vii) exercise, in association with the granting of planning permission, and whenever appropriate the Council's statutory powers, with specific regard to the making up of private streets to enable development to take place, at the expense of the developer, or the frontagers unless determined otherwise by the Full Council.

A Panel of Members drawn from the Membership of the Speakers Panel shall have delegated power to deal with the following:-

b) **Housing**

To determine requests from residents affected by Inspection Programmes to be included in a Renewal Area that the Council purchases their properties in advance of any Clearance Area, such determination to be within budgetary constraints and criteria agreed by the Cabinet;

c) **Education Services**

- (i) The determination of appeals against the decisions of the Director (Children's Services) relating to educational visits in this country and abroad or where hazardous activities are involved;
- (ii) the determination of appeals against the decision of the Director (Children's Services) to refuse an application for discretionary award to a student in further and higher education;
- (iii) the determination of appeals against the decision of the Director (Children's Services) in respect of the level of financial assistance to be made to students in further and higher education.

d) **Highways Matters**

The determination of Orders relating to strategic matters which are the subject of objections received during the public consultation process.

e) **Adult Services**

- (i) Together with the Executive Member with responsibility for Adult Social Care to hear and determine representations made under the Registered Homes Act 1984.
- (ii) To hear and determine appeals against a decision of the Director (Adults Services) to withhold access to files.

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5 SPEAKERS PANEL (EMPLOYMENT APPEALS)

1. Members

The Speakers Panel (Employment Appeals) shall be comprised of a maximum of six members.

2. Quorum

The quorum shall be three members.

3. Terms of Reference

The Speakers Panel (Employment Appeals) shall have delegated powers within the framework of the council policy as follows:

- a) Non-teaching staff.
To determine appeals relating to dismissal by any employee of the Council (other than the Chief Executive whose right of appeal shall be to the Council);
- b) Teaching Staff
To determine:-
 - a) appeals by teaching staff, not subject to the Local Management of schools against decisions of the Director (Children's Services) in respect of dismissal.
 - b) appeals by Headteachers, not subject to the Local Management of Schools, against disciplinary action by the Director (Children's Services).

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6. SPEAKERS PANEL (LICENSING)

1. Membership

The Membership shall be comprised of a maximum of 15 Members.

2. Chair

One Chair from the Controlling Group and one Deputy from the Controlling Group.

3. Quorum

The quorum of Speakers Panel (Licensing) shall be three Members.

4. Terms of Reference

The Speakers Panel (Licensing) shall have delegated powers within the framework of Council Policy to deal with the following:-

- a) issue, refuse, vary, suspend, revoke, make standard conditions and/or make specific conditions, with regard to all licences other than those which are the responsibility of the Speakers Panel (Liquor Licensing) and registrations and permits where the Director of Place has determined not to exercise her/his delegated powers;
- b) vary licensing fees of individual applications;
- c) on the application of an aggrieved party, to review any decision of the Director of Place acting in conjunction with the Proper Officer for the registration of births, deaths and marriages etc., in accordance with the Marriage Act 1949 (as amended by the Marriage Act 1994) and the Marriages (Approved Premises) Regulations 1995.

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7. SPEAKERS PANEL (LIQUOR LICENSING)

1. Membership

The Membership shall be comprised of at least 10 and no more than 15 Members.

2. Chairs

The Speakers Panel (Liquor Licensing) will have one Chair and one Deputy.

3. Quorum

The quorum of Speakers Panel (Liquor Licensing) shall be three Members.

4. Terms of Reference

The Speakers Panel (Liquor Licensing) shall have delegated powers within the framework of Council Policy and pursuant to schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as set out in the Licensing Act 2003 (as amended), to deal with the following:-

- a) to determine, vary, review and transfer Premises Licences;
- b) to review a Premises Licence following a Closure Order issued by the police and the exercise of powers by a Magistrates' Court;
- c) to vary the details of an individual specified in a Premises Licence as the designated Premises Supervisor;
- d) to determine applications for, and renewal of, Personal Licences;
- e) to determine, vary and review Club Premises Certificates;
- f) to determine a Provisional Statement;
- g) the conversion of existing Licences and Club Registration Certificates during the period of transition;
- h) the grant of Personal Licences to the holder of an existing Justices' Licence during the period of transition;
- i) the cancellation of an Interim Authority Notice following a police objection;
- j) to review individual Personal Licences when convictions come to light after the grant or renewal of a Personal Licence;
- k) to issue Counter Notices following a police objection to a Temporary Event Notice;
- l) to determine Licences relating to the provision of pavement cafes within the Borough;
- m) to determine applications for premises licences for the following activities: bingo; betting; adult gaming centres; family entertainment centres; casinos; horse racing and dog tracks;
- n) to determine permits for: gaming machines in alcohol licensed premises; gaminé machines for members clubs; other gaming activities in members clubs; category D machines in unlicensed family entertainment centres; and prize gaming; and
- o) to register and issue: small society lotteries; occasional and temporary use notices; and provisional statements.

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8. HEALTH AND ADULT SOCIAL CARE SCRUTINY PANEL

1. To review and scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's or health sector's functions relating to health and wellbeing. This will include scrutiny of Tameside Health and Wellbeing Board, Social Care, Tameside Integrated Care Foundation Trust, Tameside Strategic Partnership Board, Greater Manchester Integrated Care Board (Tameside Locality), including public health function, key health service inspection results, and general health and wellbeing issues. Also, in accordance with the Health and Social Care Act 2001 and the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, the NHS Trust functions relating to Tameside.
2. The Council's scrutiny responsibilities in relation to the Pennine Care Mental Health NHS Trust will be undertaken by a Joint Committee set up under part 7 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, with Bury, Oldham, Rochdale and Stockport Metropolitan Borough Councils.
3. To make requests or recommendations to the Overview Panel in accordance with the discharge of any Executive functions in accordance with the Council's Call-In Procedure.
4. To consider any matter affecting the area or its inhabitants relating to Health and Wellbeing.
5. Within the Panel's terms of reference to exercise the right to call in for reconsideration executive decisions made but not yet implemented by the Executive or Panel.
6. Within the Panel's terms of reference to examine whether the Council is meeting its objectives set through the budget and policies and if this is not the case to suggest ways in which the Council may achieve this.
7. The Scrutiny Panel will receive decisions and relevant papers from the Executive. The Panel will have the right to question Executive Members and the Senior Management Team on the implementation of decisions, policies and the budget.
8. In the event of any dispute howsoever arising as to whether the Scrutiny Panel has authority to consider any matter, such dispute shall be referred to the Monitoring Officer who shall at her/his absolute discretion, either:-
 - a) provide a decision on the matter; or
 - b) refer the matter to the Overview Panel for a decision.
9. The Scrutiny Panel shall not consider any matter relating to standards or behaviour, conduct, ethics or probity, directly or indirectly involving any Member or Officer of the Council. Any such matters shall, without debate, be immediately referred to the Monitoring Officer (and in the case of financial matters, also the Director of Resources who shall on receipt of such information, seek further information as the Monitoring Officer or her/his nominee considers necessary, to prepare a full report for consideration by the Standards Committee and thereafter the Monitoring Officer, or her/his nominee, shall submit a report for consideration, without delay, to the Standards Committee.
10. To present to Overview Panel the final report of all Scrutiny Reviews with the appropriate Executive Member being given the opportunity to make a formal response to the report.
11. To monitor and evaluate progress of recommendations of Scrutiny Reports, as appropriate.

12. To carry out an internal evaluation of the impact of individual Services Reviews within the remit of the Panel.
13. Scrutiny Panels cannot consider any matters that are the responsibility of the Speakers Panels nor scrutinise any of their decisions.
14. The Greater Manchester Joint Health Scrutiny Committee to undertake scrutiny functions in respect of the Greater Manchester Integrated Care Board , NHS North West, the North West Ambulance Trust, Christies Hospital, Greater Manchester Workforce Federation and Specialist Children's Services provided by the Central Manchester and Manchester Children's University Hospitals NHS Trust.
15. Regional and Sub-Regional Joint Scrutiny Committees to undertake the scrutiny function in respect of NHS consultations taking place on a regional or sub-regional basis that is not coterminous with Greater Manchester.

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9. PLACE AND EXTERNAL RELATIONS SCRUTINY PANEL

1. To review and scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's Executive functions relating to the Economy and Communities sectors. Including the Scrutiny of technical, economic and environmental matters such as utilities, refuse collection and planning; issues relating to sustainable communities; crime and disorder issues; the economy, and technical matters.
2. That in accordance with Section 19 of Part 3 of the Police and Justice Act 2006, this Scrutiny Panel be designated as the Council's 'Crime and Disorder Committee' with power to:
 - a) review and scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions;
 - b) to make reports or recommendations to the Council with respect to the discharge of these functions.
3. To make requests or recommendations to the Overview Panel in connection with the discharge of any Executive functions in accordance with the Council's Call-In Procedure.
4. To consider any matter affecting the area or its inhabitants relating to the Economy and Communities section.
5. Scrutiny of corporate services and policies, resource planning and human resources.
6. To exercise the right to call in for reconsideration decisions made but not yet implemented by the Executive.
7. To examine whether the Council is meeting its objectives set through the budget and policies and if this is not the case to suggest ways in which the Council may achieve this.
8. The Scrutiny Panel will receive decisions and relevant papers from the Executive Cabinet. The Panel will have the right to question Executive Members and Senior Managers on the implementation of decisions, policies and the budget.
9. In the event of any dispute howsoever, arising as to whether the Scrutiny Panel has authority to consider any matter, such dispute shall be referred to the Monitoring Officer who shall at his/her absolute discretion either:-
 - a) provide a decision on the matter; or
 - b) refer the matter to the Overview Panel for a decision.
10. The Scrutiny Panel shall not consider any matter relating to standards of behaviour, conduct, ethics or probity, directly or indirectly involving any Member or Officer of the Council. Any such matter(s) shall, without debate, be immediately referred to Monitoring Officer (and in the case of financial matters, also the Director of Resources who shall on receipt of such information, seek further information as the Monitoring Officer, or her/his nominee considers necessary, to prepare a full report for consideration by the Standards Committee and thereafter the Monitoring Officer or her/his nominee, shall submit a report for consideration, without delay, to the Standards Committee.
11. To present to the Overview Panel the final report of all Scrutiny Reviews with the appropriate Executive Member being given the opportunity to make a formal response to the report.

12. To monitor and evaluate progress of recommendations of Scrutiny Reports, as appropriate.
13. To carry out an internal evaluation of the impact of individual Service Reviews within the remit of the Panel.
14. Scrutiny Panels cannot consider any matters that are the responsibility of the Speakers Panels nor scrutinise any of their decisions.

10. CHILDREN'S SERVICES SCRUTINY PANEL

The Panel will be the main mechanism by which Scrutiny members will scrutinise and monitor the planning and performance of the Council's services to children and young people and the Council's Corporate Parenting role, including but not limited to the following key areas

- Children's Services Improvement
 - Early years and childcare
 - All aspects of education including schools and academies, school improvement, school/college transport, training and apprenticeships, behaviour and attendance, further education
 - Special Educational Needs and Disabilities Improvement
 - Transition Services
 - Health Services for Children and Young People – including Mental Health Services
 - Positive activities for young people
 - Safeguarding and child protection (including exploitation)
 - Corporate Parenting
 - Looked After Children and Care Leavers
 - Fostering and adoption
 - Supported accommodation and lodgings
 - Supported employment for young people
 - Youth Services
 - Youth Offending Service
 - Youth unemployment, NEETs
 - Family Support
16. To review and scrutinise those matters relating to the Children Act 2004 and "Every Child Matters".
17. To review and scrutinise the decisions made or actions taken in connection with any of the Council's Executive functions relating to educational matters, general children's health, looked after children, the Youth Service and Youth Offending Services.
18. To make requests or recommendations to the Overview Panel in accordance with the discharge of any Executive functions in accordance with the Council's Call-In Procedure.
19. Within the Panel's terms of reference to exercise the right to call in for reconsideration executive decisions made but not yet implemented by the Executive or Panel.
20. Within the Panel's terms of reference to examine whether the Council is meeting its objectives set through the budget and policies and if this is not the case to suggest ways in which the Council may achieve this.
21. The Scrutiny Panel will receive decisions and relevant papers from the Executive. The Panel will have the right to question Executive Members and the Senior Management Team on the implementation of decisions, policies and the budget.
22. In the event of any dispute howsoever arising as to whether the Scrutiny Panel has authority to consider any matter, such dispute shall be referred to the Monitoring Officer who shall at her/his absolute discretion, either:-
- a) provide a decision on the matter; or
 - b) refer the matter to the Overview Panel for a decision.

23. The Scrutiny Panel shall not consider any matter relating to standards or behaviour, conduct, ethics or probity, directly or indirectly involving any Member or Officer of the Council. Any such matters shall, without debate, be immediately referred to the Monitoring Officer) (and in the case of financial matters, also the Director of Resources who shall on receipt of such information, seek further information as the Monitoring Officer or her/his nominee considers necessary, to prepare a full report for consideration by the Standards Committee and thereafter the Monitoring Officer, or her/his nominee, shall submit a report for consideration, without delay, to the Standards Committee.
24. To present to Overview Panel the final report of all Scrutiny Reviews with the appropriate Executive Member being given the opportunity to make a formal response to the report.
25. To monitor and evaluate progress of recommendations of Scrutiny Reports, as appropriate.
26. To carry out an internal evaluation of the impact of individual Services Reviews within the remit of the Panel.
27. Scrutiny Panels cannot consider any matters that are the responsibility of the Speakers Panels nor scrutinise any of their decisions.

Part 3a - Terms of Reference and Scheme of Delegation

11. STRATEGIC PLANNING AND CAPITAL MONITORING PANEL

1. Terms of Reference

The Strategic Planning and Capital Project Monitoring Panel shall have **delegated powers** to deal with the following:-

(i) Capital Project Monitoring

1. To be kept aware of the latest developments regarding the Council's capital programme;
2. To identify where intervention in schemes may be required to ensure best outcomes are achieved;
3. To receive regular monitoring reports on specific capital schemes;
4. To request attendance from budget holders (service managers and project managers) and Executive Members to explain variations;
5. To request that specifications for capital projects are brought to the group for scrutiny;
6. To recommend areas for further consideration; and
7. To make recommendations to Executive Cabinet and Council as to Capital projects and Capital expenditure

(ii) Planning

Within the framework of Council Policy, and having regard to the Development Plan, Local Development Documents, other planning guidance and development briefs approved by the Council, the Panel shall exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 (as amended). Most of these functions are delegated to the Speakers (Planning) committee and then onwards to the Director or Head of Planning but the following are reserved to the Strategic Planning and Capital Project Monitoring Panel

1. applications for Large Scale Major Development, defined from time to time by Department for Communities and Local Government. Currently this includes
 - o residential developments of 200 dwellings or more, or 4 ha or more;
 - o 10,000 square metres or more, or 2 ha or more of retail, commercial or industrial or other floorspace.
2. Smaller scale major applications contrary to Development Plan Policy;
3. All significant applications which would depart from Green Belt policy shall be referred to the Strategic Planning and Capital Monitoring Panel for determination. 'Significant' will be defined by the Executive Leader and Chief Executive or their nominees;
4. Planning applications for major minerals (mining/quarrying) development;
5. Planning applications for waste disposal development;
6. applications requiring Environmental Impact Assessments
7. applications involving a significant departure from policy which Planning Committee is minded to approve;
8. determination of Highway orders relating to strategic matters, which are the subject of objections received during the public consultation process.
9. applications referred from Planning Committee; or
10. any other matters which have strategic implications by reason of their scale, nature or location.
11. Any other applications that raise important issues which the Director or Head of Planning considers should be determined by the Panel; or
12. any other matters referred up to it at the discretion of the Director or Head of Planning.

- (iii) The Executive Leader in consultation with the Chair of Council's Speakers Panel (Planning) and the Director of Place can at their absolute discretion refer such matters as would ordinarily fall within the delegation and scope of Strategic Planning and Capital Monitoring Panel to Speakers Panel (Planning) where considered expedient to do so.

Part 3a - Terms of Reference and Scheme of Delegation

12. OVERVIEW PANEL

1. Role

- (i) The Overview Panel shall act as a mechanism to allow for a dialogue between the Executive and Scrutiny to provide a constant rolling review (but not scrutiny) of Council activities and will have responsibility to overview the Council's Improvement Programme and budget.
- (ii) The Panel will also provide for agenda planning for future scrutiny programmes and provide important links for policy review and future policy development
- (iii) The Panel will also co-ordinate the scrutiny processes including co-ordination of scrutiny reviews involving more than one Scrutiny Panel.
- (iv) Receipt and consideration of final reports from Scrutiny Panels;
- (v) To provide a facility for the main Opposition Spokespersons to be invited to attend meetings of the Panel (with speaking rights) in respect of items relating to their brief.

2 Call In Panel

The non-Executive Members of the Overview Panel (i.e. the Chair and Deputy Chair of the Overview Panel, the Chairs of the Scrutiny Panels, the Chair of Council Business, two Front Line Members and Opposition Members, subject to the political balance rules) shall be responsible for giving consideration to call in or decisions outside the budget or policy framework, in accordance with the procedures set out in Part 4(f) of the Constitution.

3 Scrutiny Dispute Resolution

To determine (following any dispute as to the authority of a Scrutiny Panel to consider a specific matter, and there the Monitoring Officer has exercised her/his absolute discretion in referring the dispute to this Panel whether the Scrutiny Panel referred to has authority to consider such matter.

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13 AUDIT PANEL

1. Role

- (i) To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and to oversee the financial reporting process.
- (ii) To undertake the functions of an Audit Committee in accordance with the CIPFA Statement on Audit Committees in Local Authorities.
- (iii) The Panel shall have a membership of seven Members.
- (iv) The Panel shall be chaired by the Chair of the Overview Panel.

2 Terms of Reference

- (i) To review the arrangements for internal control (both financial and non-financial);
- (ii) Consider the Annual Audit Letter from The Council's External Auditors;
- (iii) Approve (but not direct) both external and internal audit's strategy, annual plans and monitor performance;
- (iv) Review summary internal audit reports and the main issues arising and seek assurance that management action has been taken where necessary;
- (v) Receive the annual report and Head of Internal Audit opinion on the Council's corporate governance, risk management and internal control arrangements.
- (vi) Consider the reports of other regulators and inspectors;
- (vii) Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors;
- (viii) Be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it; and
- (ix) To review existing and proposed arrangements, recommend changes and receive assurance that the systems of corporate governance are operating effectively and in accordance with best practice.
- (x) Review and approval of the annual Statement of Accounts, including the Annual Governance Statement and related matters. Approval of accounting policies and consideration of whether there are any concerns arising from the financial statements or external audit that need to be brought to the attention of Council.
- (xi) Receive and consider the external auditor's report and opinion on the financial statements.
- (xii) Monitor action taken in response to any matters raised in the external auditor's report.
- (xiii) Monitor action taken in response to any matters raised in the Annual Governance Statement.
- (xiv) To approve the audited statement of accounts.

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14. GREATER MANCHESTER PENSION FUND

1. In accordance with the decision of the Association of Greater Manchester Authorities on 19th December 1986, the Council established a Committee to which are delegated the functions vested in the Council by virtue of the Order made by the Secretary of State for the Environment pursuant to Section 67 of the Local Government Act 1985.
2. The Committee, called the Pension Fund Management Panel, shall comprise up to 23 Members, of which up to 13 Members shall be Tameside Councillors, one will be a representative of the Ministry of Justice and nine will be councillors co-opted by Tameside on the recommendation of the remaining nine Districts acting through the Association of Greater Manchester Authorities.
3. Substitutes will not be appointed.
4. Every member of the Panel has one vote. A trustee member may not vote on behalf of another trustee member if they are unable to attend. The Chair has a casting vote.
5. The Chair will review the tenure of any representative who fails to regularly attend Panel meetings.
6. The Panel shall appoint a Pension Fund Advisory Panel comprising of up to 18 members of which up to 10 will be elected Members, appointed by each of the District Councils, up to six will be employee representatives; provided that any such employee representative shall not be an employee of the administering authority whose employment responsibilities involve any aspect of administration of the Greater Manchester Pension Fund and up to two will be independent observers.
7. The Pension Fund Advisory Panel will support the Pension Fund Management Panel to undertake its duties, and will do so in line with any terms of reference in place.

f) Scheme of Delegation to Officers

The Pension Fund Management Panel has approved a Scheme of Delegation to the Director of Pensions in respect of (a) administrative matters; (b) Investment Matters and (c) Property investments (set out in part 19(b) of the Constitution).

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15. EDUCATION ATTAINMENT IMPROVEMENT BOARD

1. Membership

The Membership shall be comprised of:

- The Executive Member (Education, Achievement and Equalities)
- The Executive Member for Children's Services
- 5 x Frontline Councillors
- 1 x secondary head teacher (plus nominated substitute)
- 1 x primary head teacher (plus nominated substitute)
- 1 x member of Tameside Governors' Forum
- 1 x representative of Teachers' Consultative Committee

2. Chair

The Board will be chaired by the Executive Member (Education, Achievement and Equalities) who has delegated portfolio for dealing with schools.

3. Quorum

The quorum shall be three Members.

2. Terms of Reference

The Education Attainment Improvement Board, appointed by the Council, and comprised of all its Members, shall have responsibility via the Executive Member (Education, Achievement and Equalities) for ensuring that there is a co-ordinated approach ensuring the best possible progression for children and young people through the education system and on to higher education, training or employment. More specifically, it will discharge this remit by:-

- Shaping and testing educational policy and delivering the Council's priorities and the Community Strategy at a Borough and Greater Manchester level;
- Ensuring young people have the required skills to engage successfully in the new labour markets and through continuing improvements in attainment, achievement and attendance increase the numbers entering and succeeding in further and higher education, training and employment;
- Maximising economic growth and reducing dependency on public services through public sector reform, including reforming the early years and education and skills systems;
- Ensuring that academies and free schools that become established in the borough operate in a way that fully delivers the vision for our young people;
- Transforming the quality and effectiveness of school governance and leadership as a key lever of improvement;
- Supporting the Tameside family of schools to manage the national frameworks of curriculum, external inspection, changing standards and funding reform and determine their own governance arrangements in partnership with the Council;
- Addressing the on-going increased demand for school places driven by the growing and diverse Manchester population.

The Board will do this by:

- Providing a vision and direction for education in the Borough;
- Monitoring the performance of schools and other providers aimed at raising standards;

- Using the outcomes of inspections of data from all forms of assessment to keep under review the quality of education being delivered and facilitate access to improvement, support and attainment;
- Supporting integrated working for vulnerable children and young people to deliver a more holistic approach to supporting their educational attainment and progress including looked after children, pupils with special educational needs and those attending pupil referral units;
- To ensure the speedy admission and fair distribution of pupils with agreed additional needs through the fair access protocol and place planning.

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16. HEALTH AND WELLBEING BOARD

1 Terms of Reference

- (i) To encourage for the purpose of advancing the health and wellbeing of people in Tameside, persons who arrange for the provision of any health or school care services in Tameside to work in an integrated manner.
- (ii) To provide such advice, assistance or other support as appropriate for the purpose of encouraging partnership arrangements under section 75 of the National Health Service Act 2006 between the Council and NHS bodies in connection with the provision of health and social care services.
- (iii) To encourage persons who arrange for the provision of health-related services (i.e., services which are not health or social care services but which may have an effect on the health of individuals) to work closely with the Board and with persons providing health and social care services.
- (iv) To exercise the functions of the Council and its partners in preparing a joint strategic needs assessment under section 116 of the Local Government and Public Involvement in Health Act 2007 and a joint health and wellbeing strategy under section 116A of the Act.
- (v) To give the Council the opinion of the Board on whether the Council is discharging its duty to have regard to the joint strategic needs assessment and joint health and wellbeing strategy in discharging the Council's functions.
- (vi) To exercise such other Council functions which as delegated to the Board by the Council or the Leader.
- (vii) To appoint such sub-committees or joint sub-committees as the Board considers appropriate.
- (viii) To receive from the Greater Manchester Integrated Care Board a joint forward plan setting out how it proposes to exercise its functions including steps the integrated care partnership proposes to take to implement the joint local health and wellbeing strategy to which it is required to have regard under section 116B(1) of the Local Government and Public Involvement in Health Act 2007, and an annual report explaining how the integrated care partnership has discharged its functions in the previous financial year.

2. Membership

The Health & Wellbeing Board is to consist of:

- At least one councillor of the local authority
- The Director of Adult Social Care
- The Director of Children's Services
- The Director of Public Health
- A representative of the local Healthwatch organisation
- A representative of the Greater Manchester Integrated Care Board
- Such other persons, or representatives of such other persons, as the local authority thinks appropriate

Part 3a - Terms of Reference and Scheme of Delegation

17. ASSET MANAGEMENT PANEL

1. Terms of Reference

- 1.1 To advise the First Deputy (Finance, Resources and Transformation) as the Executive Member with decision-making powers.
- 1.2 The remit of the Asset Management Panel is to provide strategic oversight across organisational boundaries to support the optimal use of the property estate within Tameside.
- 1.3 Decisions that require oversight and input from Asset Management Panel include, but are not limited to, the following:-
 - Disposals subject to S.123 requirements of the Local Government Act 1972 (i.e. freehold disposal and leasehold disposals over 7-years)
 - Lease renewals (of more than 7-years)
 - Routes to market
 - Consideration of offers following marketing
 - Community Asset Transfers
 - Strategic asset reviews, including reviews of the Corporate Landlord Estate
 - Disposals at less than best value as set out in Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003
 - Items referred to Panel by the following
 - ❖ Director of Place
 - ❖ Chief Executive
 - ❖ Internal or external Audit
 - ❖ S151 officer
 - ❖ Monitoring officer
- 1.4 It is not the remit of Asset Management Panel to consider items that are regarded as “business as usual” or where no discretionary means are available to the Council to influence the decision, for example where it is statutory or legal obligation of the Council to adhere to the transaction. In such instances these decisions will be dealt with via the authority delegated to the Director of Place as set out in the Council Constitution Part 3a (f) – Terms of Reference and Scheme of Delegation, and having proper regard for the Financial Regulations, Procedures and Guidance. Examples of decisions not to be considered by Asset Management Panel include (but not limited to):-
 - Lease agreements (where the term 7-years or less providing not at an undervalue)
 - Assignments of leases
 - Rent reviews unless proposed to be at less than market value
 - Licenses, Tenancies at Will etc., where no legal interest is conveyed to a third party
 - disposals of residential freehold reversions in accordance with the Council’s policy,
- 1.4 The Director of Place has discretion to refer any item to the Asset Management Panel for due consideration if it is felt appropriate and in the broader interests of the Council to do so.

2. Decision Making

- 2.1 Following consideration and input from Asset Management Panel, formal authority for the decision will be sought in accordance with the Council’s Constitution having regard for the Financial Regulations, Procedures and Guidance; and relevant prevailing policy documents such as the Council’s Disposal Policy, Community Asset Transfer Policy and the policy

relating to the disposal of freehold reversionary interests and will therefore be an executive decision signed by the Chair of the Panel, or a recommendation to Cabinet.

2.2 Minutes of the meeting and decisions made by the Executive, following Asset Management Panel, will be reported to Board and Executive Cabinet.

3. Membership

3.1 Membership of Asset Management Panel will include the following, although authorised deputies may be permitted if agreed by the Chair:-

- First Deputy - Finance, Resources & Transformation (Chair)
- Executive Member – Inclusive Growth, Business & Employment
- Deputy Executive Leader – Children & Families
- Leader of the Opposition

3.2 Officers in attendance to include:-

- Chief Executive
- Director of Place
- Assistant Director - Strategic Property
- Assistant Director – Finance
- Head of Legal
- Democratic Services Officer

3.3 Other attendees may be invited to discuss specific individual agenda items as and when appropriate.

3.4 All attendees are expected to allocate to this meeting a high level of priority and 100% attendance is assumed. However, authorised deputies will be acceptable if agreed in advance by the Chair.

4. Frequency Of Meetings and Secretariat

4.1 The frequency of meetings shall be on a monthly basis and a formal agenda and associated papers will be circulated by Democratic Services to all attendees preferably 5 working days in advance of the meeting.

Part 3a - Terms of Reference and Scheme of Delegation

18. DELEGATION TO EXECUTIVE MEMBERS

1. In accordance with the framework of overall Council policy and resources allocated for that purpose, individual Executive Members shall have delegated powers to determine all such matters relating to those activities set out in their Warrant of Office subject to the following conditions:-
 - a) to seek the advice of the Monitoring Officer (or her/his nominee) and the Section 151 Officer (or his/her nominee) and such other Officers as the Executive Member shall consider necessary to fully inform the decision-making process;
 - b) such decisions to be recorded in a Decision Notice, which shall be open to public inspection in accordance with the provisions of the Local Government Act 2000;
 - c) any general or specific legislation reserved to the Full Council or power delegated to a Speakers Panel or Officers.
2. Where further guidance is required on the execution of delegated powers the matter shall be referred to the Head of the Paid Service and the Executive Leader for resolution. If they are of the opinion it is a matter of policy it shall be referred to the appropriate decision making body.
3. Where the decision is a Key Decision, but is not included in the Council's Forward Plan, then the Chair of the appropriate Scrutiny Panel shall be notified in advance of the decision being taken.
4. Where a decision, which is not part of the Council's existing policy and budget framework, needs to be taken as a matter of urgency the approval of the Chair of the appropriate Scrutiny Panel (or the Chair of Council Business in their absence) will be required prior to the decision being taken by the Urgent Matters Panel – such decision to be reported to the next meeting of the Council.

Part 3a - Terms of Reference and Scheme of Delegation

19. DELEGATION TO OFFICERS

A. ALL OFFICERS OF THE SENIOR LEADERSHIP TEAM

The following delegations apply to all Senior Leadership Team which includes all officers above the level of Assistant Director.

1. In accordance with the Council's Constitution, the management and administration of the services for which they are responsible and the incurring of expenditure for such purposes within approved estimates and in accordance with Procurement Standing Orders and Financial Regulations. This shall include authorising the Officers of the Senior Leadership Team to take such action as is necessary, within approved budgets, procedures and business plans, to implement the decisions and policies of the Council, and ensure the timely progress of Service Reviews within their remit.
 2. To dispose of surplus or obsolete stock and equipment at the best prices obtainable in accordance with the procedures agreed with the Director of Resources (per Financial Regulations 13.2 and 13.3, Part 4(b)).
 3. To serve requisitions for information as to the ownership of property under the various statutory provisions where necessary.
 4. To sign and serve documents and notices on behalf of the Council.
 5. To authorise staff possessing such qualifications as may be required by law or in accordance with the Council's policy, and in accordance with the Scheme of Authorisation made in accordance with Regulation of Investigatory Powers Act 2000 to carry out surveillance, to take samples, carry out inspections, enter premises, form opinions and generally perform the functions of a duly authorised Officer of the Council (however described) under the statutory codes relating to Public Health, Mental Health, Children and Young Persons, Social Services, Housing, Education, Town Planning, Rating, Licensing, Trading Standards and Consumer Services, Highways, Building Control, Shops, Food Safety, Health and Safety at Work, and under the provisions of the Greater Manchester Act 1981, to issue any necessary Certificates of Authority. In relation to any powers delegated to the Chief Executive which require to be dealt with by a Solicitor of the Supreme Court, his/her power shall in turn be delegated to the Borough Solicitor (Assistant Director (Legal Services)) as necessary. Surveillance shall be authorised in advance of any such activity being undertaken by the relevant Officer.
 6. To apply for planning permission for proposed development to be carried out by the Council or on land owned by the Council.
 7. The appointment and operational management of all categories of staff, for whom they are responsible.
 8. The authorisation of attendance or secondment of employees on courses or seminars etc., within the approved Training Plan.
 9. The authorisation of carrying forward of annual leave from one year to the next where less than three days.
 10. To determine an increase in fees and charges above the increases approved by the Council in the annual budget.
 11. To make employing Authority determinations as required under the Local Government Pension Scheme Regulations 1997 (as amended), in respect of employees and ex-employees. This will include deciding benefits due following the cessation of an employment (including deaths in Membership), and determinations in respect of deferred Members.
- In Consultation with:-**
12. To take disciplinary action, including dismissal, in relation to staff for whom they are responsible (or other staff), with the consent of the Assistant Director (People and Workforce Development) in accordance with the Council's Disciplinary Procedure. Dismissal hearings cannot be delegated below the level of the Assistant Director, although the dismissing Officer

- need not come from the same service (as the employee who is the subject of the disciplinary proceedings) and can be any Member of the Senior Management Team.
13. To write off bad debts and incorrect charges to a limit of £5,000 in any one case, following consultation with the Director of Resources and appropriate Executive Members for all other amounts.
 14. To transfer revenue budget that is within the expenditure limit between service units within their area of responsibility, having informed the Director of Resources before actioning this. The transfer of capital programme provision between schemes requires the approval of the Director of Resources.
 15. To amend the numbers, duties and grades of posts within their responsibility; to change vacant or new posts, within Council policies, priorities and budgets. Such changes to be subject to the prior approval of the Assistant Director (People and Workforce Development), Director of Resources and where such approval is not forthcoming the matter shall be referred to the Chief Executive. This does not cover the re-grading of existing post holders which shall be referred to the Assistant Director (People and Workforce Development).
 16. To accept a quotation or tender which is other than the best value price or to waive procurement standing orders, subject to presenting a written report to the appropriate Executive Member, the Director of Resources and Monitoring Officer.
 17. In consultation with the Deputy Executive Leader, to approve the attendance of Members and Officers at conferences/seminars, which are not included in the Standing List of Conferences.
 18. Only the Chief Executive, Borough Solicitor (Assistant Director (Legal Services)) and Director of Place can formally authorise action under RIPA 2000 (as amended) in accordance with the Council's Policy and Procedure and the relevant SMT Officer should be aware of any authorisations being requested in their service area.
 19. To enter into compromise agreements with employees within their area or in another area (in the absence of that particular Senior Management) subject to approval of Director of Resources and Assistant Director (People and Workforce Development).

Part 3a - Terms of Reference and Scheme of Delegation

B. CHIEF EXECUTIVE

As Head of Paid Service:

1. To re-arrange dates and times of meetings, previously approved at the Annual Meeting of the Council, following consultation with the Leader of the Council and the Chair of the body concerned; such action being necessary in the interests of the efficient running of the Council.
2. All matters relating to staffing, employment, terms and conditions and industrial relations for the Council's workforce, save those matters specified elsewhere and appeals matters handled by the Speakers Panel (Employment Appeals).
3. In conjunction with the Assistant Director (People and Workforce Development) and the Director (Children's Services), to operate a system of appeals for all staffing matters in respect of teaching staff not subject to the Local Management of Schools.
4. Together with two Members of the Senior Leadership Team to act as the Investigatory Committee in respect of investigatory matters relating to the Senior Leadership Team except in relation to the three Statutory Officers: Chief Executive, Section 151 Officer and Monitoring Officer.
5. Together with the Executive Leader and Deputy Executive Leader, to act as the Investigating Committee in respect of disciplinary matters relating to Officers of the Senior Leadership Team.
6. To act on the Council's behalf and to commit the Council to such course of action as may be considered appropriate in order to respond to an event of chemical or biological terrorism or similar incident requiring concerted action.
7. In conjunction with the Director of Place to grant, refuse, revoke, renew, make conditions and administer the procedure relating to the use of premises as a venue for civil marriages under the appropriate Sections of the Marriage Act 1949 (as amended by the Marriage Act 1994), and the Marriages (Approved Premises) Regulations 1995.
8. The granting of appropriate increments in career grades and examination success schemes subject to the joint consent of the Director of Resources and Assistant Director (People and Workforce Development).
9. The granting of leave of absence without pay for periods not exceeding three months and special leave with pay on compassionate grounds.
10. In consultation with the Director of Resources the granting of awards to employees under the Long Service Award scheme.
11. The determination of car allowances in accordance with the criteria adopted by the Council in consultation with the Director of Resources.
12. The determination of ex-gratia payments in respect of damage to, or loss of, employees' personal property up to £200 and, in consultation with the appropriate Executive Member, for all other amounts.
13. To determine applications for extensions of sick pay subject to the agreement of the Director of Resources.
14. To determine applications for re-grading of existing occupied posts following evaluation and in consultation with the Director of Resources of applications for early retirement from employees, and all applications involving voluntary redundancy, and payment in lieu of notice, if appropriate, in accordance with the Council's agreed scheme, and the annual submission of a monitoring report to the Board, with regard to early retirement, ill health retirement and voluntary redundancies.
15. To approve changes in grading and other conditions for existing postholders
16. The administration of any schemes for awards to employees making suggestions which could affect economies and improve efficiency, etc.

As Director of Pensions

Pensions

All references below relate to matters prescribed by the:

- Local Government Pension Scheme Regulations 2013
- Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014, plus earlier Regulations to the extent that they remain in force.

a. Administrative Matters

To deal with the following benefits and contributions matters in relation to the Greater Manchester Pension Fund.

1. The making of admission agreements with relevant bodies.
2. The determination of the final pay period for deceased members, where the member could have elected for an earlier period to count but died before so electing.
3. Making elections on behalf of deceased members for Certificates of Protection of pension benefits.
4. The exercise of discretion regarding the payment of death grants in respect of deceased scheme members in accordance with the guidelines approved by the Pension Fund Management Panel.
5. The exercise of discretion in respect of breaks in education or training for the purposes of deciding if a person can be regarded as a child.
6. The exercise of discretion in the apportioning of a children's pension between more than one eligible child.
7. The exercise of discretion in the payment of the whole or part of a children's pension to a person other than an eligible child.
8. The commutation of certain small pension benefits within the statutory limits to single lump sum payments to discharge future liability for payments.
9. The commutation of pensions in exceptional circumstances of ill health.
10. The determination of whether a person wishing to purchase certain additional pension benefits has undergone a medical examination to the satisfaction of the administering authority.
11. Obtaining revisions to a rates and adjustments certificate (e.g., when it appears that liabilities are arising more than those previously assumed).
12. The determination of intervals for the payment of employee and employer pension contributions to the Fund.
13. Charging interest to employers or other administering authorities on late payments due to the Fund.
14. The determination of intervals for payment to the Fund of rechargeable pensions and pensions increase.
15. The determination of the amount of any benefit that may be payable to a person out the Fund.

16. The determination of various matters in relation to new contributors including what previous service may be considered.
17. The approval of medical practitioners to be used by Fund employers in making decisions on entitlement to ill-health retirement.
18. The payment of and terms of acceptance of transfer values.
19. The exercise of discretion on the extension of statutory time limits in respect of various applications made by employees and beneficiaries as provided in the regulations.
20. The waiving on compassionate grounds of overpayments of pension benefits.
21. The making and revision of a Pension Administration Strategy after consulting employers.
22. To make decisions regarding the payment of benefits in respect of members who are incapable of managing their own affairs through mental disorder or otherwise, in accordance with the guidelines approved by the Pension Fund Management Panel.
23. To decide whether to offer voluntary scheme pays facility to members who have an annual allowance tax charge and, if so, to decide the circumstances upon which it would do so.
24. To determine the amount of an exit credit payable to a scheme employer who ceases to participate in the scheme in accordance with the guidance approved by the Pension Fund Management Panel.

b. Investment Matters

25. In accordance with the policy guidelines and, subject to such consultations as the Director of Pensions may deem appropriate, the allocation of all monies accruing to the Pension Fund which are not required for payment of benefits for investment in the following categories of investment: -
 - a) fixed interest securities managed by the Fund Managers;
 - b) UK equities managed by the Fund Managers;
 - c) overseas equities and bonds managed by the Fund Managers;
 - d) local investment in the acquisition and development of property as part of the Property Venture Fund;
 - e) UK and overseas unquoted investments via venture capital funds and other local arrangements;
 - f) acquisition of land and premises and the development of such land and improvements, refurbishment and modernisation of such premises;
 - g) indirect pooled property investments;
 - h) Infrastructure funds;
 - i) Investments that meet the criteria of the Special Opportunities Portfolio;
 - j) designated index linked fund;
 - k) other monies to be invested other than in categories (a) - (j) above.
26. In accordance with the policy guidelines and advice given by the Pension Fund Advisory Panel and the Pension Fund Management Panel and, in relation to land and premises in accordance with the terms recommended by the Assistant Director for Local Investments and Property or the Specialist Advisor, the investing of money allocated in accordance with the above for investment in categories 25 (d) to (j) above.

27. The placing on short term deposit until the Pension Fund Advisory Panel and the Pension Fund Management Panel have given consideration to the placing in long terms investments of any money which has not been allocated to and invested in categories 25 (a) to (i) above.
28. In accordance with policy guidelines given by the Pension Fund Management Panel, arranging the realisation of ongoing management of any specie distributions received in connection with holdings of UK and overseas unquoted investments, including the opening of accounts with any financial institution in order to facilitate the exercise of this power.
29. Subject to having consulted at least one of the professional advisors to the Pension Fund Advisory Panel and the Pension Fund Management Panel the handling of urgent matters arising in the management of the Pension Fund between meetings of the Pension Fund Advisory Panel/Pension Fund Management Panel and which fall within the predetermined strategy laid down by those Panels.
30. The incurring of due diligence expenditure in relation to prospective fund investments that fall within the approved investment strategy.

c. Property Investments

31. Responsibility for the management of the Pension Fund property portfolio in accordance with the policy guidelines of the Pension Fund Management Panel and the Pension Fund Advisory Panel, and subject to Procurement Standing Orders and Financial Regulations of the Authority, comprising:-
 - a) the negotiation and acceptance of terms for the acquisition, development and redevelopment and disposal of land and buildings;
 - b) the acquisition and disposal of incidental property vehicles;
 - c) the negotiation and acceptance of terms for the granting, renewing, reviewing, varying or assignment of leases, underleases, tenancies, licences and any other interest in Fund property;
 - d) the preparation and implementation of schemes of works of modernisation, improvement, maintenance and repair to Fund property together with the invitation and acceptance of tenders and the authorisation of expenditure on such works;
 - e) the appointment and supervision of managing agents and professional advisors necessary for the effective management of the Pension Fund Property Portfolio, within budget provision;
 - f) the collection of all rents, the setting of management and collection of service charges, insurance premiums and any other monies arising out of the Pension Fund Property Portfolio, together with the approval of any in-house systems established to achieve this;
 - g) the placing of insurance cover for Fund property to such value and for such risks as shall be considered appropriate.

Part 3a - Terms of Reference and Scheme of Delegation

C. DIRECTOR (GOVERNANCE)

Assistant Director (Legal Services) – Borough Solicitor

1. To institute and defend legal proceedings.
2. To settle disputes and litigious actions.
3. To apply for warrants to enter property.
4. To execute documents under Seal and to authorise the Head of Legal Services, Chief Executive, Head of Pension Fund (Legal) to do the same.
5. To authorise the appearance of non-admitted legal staff in the Magistrates Court in accordance with the provisions of Section 223 of the Local Government Act 1972.
6. In consultation with the Head of Planning to determine applications under Sections 191 and 192 of the Town and Country Planning Act 1990 for lawful development certificates.
7. To pay compensation approved by the District Valuer for Discontinuance and Revocation Orders provided such compensation is within the estimate previously approved.
8. To issue Enforcement Notices, Stop Notices and Temporary Stop Notices and take further enforcement action, following consultation with the Head of Planning.
9. To apply for injunctions, in appropriate cases, where there are any breaches of planning control, Tree Preservation Orders or Listed Building and Conservation legislation, and to give any undertakings as to damages in such cases.
10. To issue Breach of Condition Notices in consultation with the Head of Planning.
11. After consultation with appropriate officers, to enter into Agreements and Bonds with developers in accordance with planning and highways legislation.
12. In consultation with the appropriate Executive Member to authorise an appropriate Officer of the Senior Leadership Team to enter into negotiations for the supply of goods, materials or services, or the execution of work subject to the provisions contained in Paragraph C3.2 of Procurement Standing Orders.
13. In consultation with the appropriate Executive Member, the making of all relevant Compulsory Purchase Orders, and declaration of Clearance Areas.
14. To administer cautions on behalf of the Council and to authorise other appropriate Officers at his/her discretion to administer cautions on behalf of the Council.
15. To allow any exemptions to Procurement Standing Orders. following consideration of a written report, in consultation with the appropriate Executive Member.
16. To issue a Certificate of Opinion in connection with the Local Government and Housing Act 1989 – Politically Restricted Post.

Assistant Director (People and Workforce Development)

17. To co-ordinate the authorities marketing campaigns.
18. To deal with matters relating to the development of the Customer Contract and care strategy.
19. To deal with matters relating to the Council's Media, Marketing and Communications Strategies.
20. Human resource matters shall be subject to the overall direction of the Chief Executive.
21. The administration and implementation, in consultation with the Senior Leadership Team, of the Council's organisational, employee development and human resource plans.
22. The interpretation and application of pay scales and conditions of service for all employees, except employees in schools with delegated budgets and teaching staff employed by the Local Education Authority.
23. To approve applications, in consultation with the appropriate Officer of the Senior Leadership Team, for extensions of service.
24. To deal with matters relating to the development of the Community Strategy and Corporate Plan.

25. The provision of policy and research support as part of the policy development and corporate strategic planning processes.
26. To take necessary action to implement the Equality Framework for Local Government.
27. To determine, in accordance with the Council's approved policy, applications for car loans (including applications from new employees for the Transfer to this Authority of car loans approved by a previous authority).
28. To implement all national pay awards and local schemes of conditions of services.
29. To authorise the payment of additional sums in respect of pensions arising from the upgrading of non-contributing service in accordance with the policy of the Council.

Part 3a - Terms of Reference and Scheme of Delegation

D. DIRECTOR OF RESOURCES

1. Responsibility for delivery of the National Anti-Fraud Network which provides data and intelligence services to Local Authorities pursuant to Section 113 Local Government Act 1972.
2. Power is delegated to the Assistant Director (Finance) in consultation with the Senior Leadership Team, to arrange for the automatic adjustment of fees and charges in the event of changes in the level of Value Added Tax.
3. To approve supplementary votes not exceeding £50,000.
4. To approve the transfer of votes:-
 - a) Revenue – transfer of votes not exceeding £100,000 for any single transfer between Services and any transfer involving capital financing costs and other demand led votes;
 - b) Capital – amendments to the approved Capital Programme provided the projects have been approved by the Council.
5. To approve schemes involving no additional costs – the approval of the necessary votes (income and expenditure) - provided the proposals have been approved by the Council.
6. The authority to grant small loans (up to and including £20,000) and small grants (up to and including £1,000) to organisations and similar bodies, where the Senior Leadership Team do not already have this delegated power.
7. To administer a loans pool for all outstanding debt, including the management of the Council and Former Greater Manchester Council debt and cash investment activity, in accordance with the Council's policy and, subject to such direction as the Council may periodically issue, to determine the terms of borrowing money as authorised by legislation and the Council
8. To borrow money as required in order to satisfy (i) above and to vary such loans as necessary.
9. To authorise and carry out the investments of surplus funds in accordance with current legislation and vary such investments as necessary;
10. To approve, and where appropriate, to co-ordinate all finance or operating leases made for a period greater than one year, and to have oversight and monitoring of contracts for the leasing of all vehicles and plant.
11. To manage the monies held within the Council's Bank Account (apart from those under the Local Management of Schools Scheme) and to ensure that money is available to meet financial commitments and that surplus cash is utilised to its optimum
12. Determine and administer the Members Allowance Scheme made pursuant to the Local Government Act 2000.
13. Responsibility for delivery of the National Anti-Fraud Network which provides data and intelligence services to Local Authorities pursuant to Section 113 Local Government Act 1972.
14. To determine the Council's approach to information security

Exchequer Services

15. The assessment of applications for Housing Benefit and Council Tax Support in accordance with statutory requirements and the approved schemes.
16. To make, under Section 107 of the Local Government Act 1972, proposals for, and to determine and make amendments to, the Schedule of instalments payable to the relevant presenting authorities and Council itself with regard to the collection Fund (England) Regulations 1989.
17. The determination of appeals against empty rate assessments and of applications for relief from rates.
18. The power to serve notice in accordance with the Non-Domestic Rating (Alteration of lists and Appeals) Regulations 2005, and Council Tax (alteration of Lists and Appeals) (England) Regulations 2009 when such action is required to preserve the Authority's position on non-domestic rating and Council Tax valuation matters.
19. To grant relief from non-domestic rates, and council tax on the grounds of hardship and housing benefit in accordance with relevant legislation.

20. To issue council tax and business rates demand notices in accordance with legislation and to issue invoices for goods and services provided.
21. To award reliefs/exemptions and discounts in respect of Business Rates and Council Tax in accordance with legislation
22. To award Discretionary Housing Payments in accordance with Legislation and discretionary Council Tax Section 13A payments under legislation and policy.
23. To issue completion notices in respect of Council Tax and Business Rates in accordance with legislation
24. To review decisions regarding Housing Benefit /Council Tax Support awards and Council Tax liability in accordance with legislation and to preserve the Authority's position in relation to Housing Benefit Tribunal hearings.

Part 3a - Terms of Reference and Scheme of Delegation

E. DIRECTOR OF PUBLIC HEALTH

1. To be responsible for the effective use of the public health grant;
2. Delivery of the Council's duties as to the improvement of public health, health protection and taking appropriate steps to improve the health of the people in the authority's area; including:
 - (a) providing information and advice;
 - (b) providing services or facilities designed to promote healthy living (whether by helping individuals to address behaviour that is detrimental to health or in any other way);
 - (c) providing services or facilities for the prevention, diagnosis or treatment of illness.
3. Discharge of the statutory responsibilities of the Director of Public Health under section 73A(1) of the National Health Service Act 2006.
4. Principal adviser on public health matters.
5. Discharge any of the Secretary of State's public health protection or health improvement functions that s/he delegates to Tameside MBC, either by arrangement or under regulations, including those services mandated by regulations made under section 6C of the Health and the National Health Service Act 2006.
6. Responsibility for the management of the Council's public health services with professional responsibility and accountability for their effectiveness, availability and value for money.
7. Provision of expert, objective advice on public health matters to the Council and the Public; to include the Council's public health response as the responsible authority under the Licensing Act 2003.
8. Ensure plans are in place to protect the health of the local population from threats to health and prevent, as far as possible, threats to health arising.
9. Discharge the Council's functions in relation to dental public health.
10. Planning for, or responding to, emergencies involving a risk to public health
11. Discharge any functions of the Council in relation to joint working and work with a range of partners to foster improved health and well-being.
12. Commission mandatory public health services on behalf of the Secretary of State and other prevention and health improvement services that meet the needs of the Council's citizens; address the public health outcomes framework and tackle local priorities as set out in the Health and Well Being Strategy.
13. Contribute to and influence the work of partners and in particular NHS Commissioners to ensure a holistic approach across the public sector.
14. Be an active member of the Health and Well Being Board, advising and contributing to the Joint Strategic Needs Assessment.
15. Prepare the Annual Report on the health of the Council's citizens.
16. Responsibility for any of the Secretary of State's public health protection or health improvement functions that are delegated to the Council, either by arrangement or under regulations.
17. Discharge any functions imposed on Tameside MBC in relation to joint working with the prison service under section 249 of the National Health Service Act 2006.
18. To ensure that an effective Health and Wellbeing Board operates as a Committee of Tameside Council and fully meets statutory requirements of section 194 of the Health and Social Care Act 2012 and partnership aspirations.

Part 3a - Terms of Reference and Scheme of Delegation

F. DIRECTOR (ADULT'S SERVICES)

1. The investigation of cases, and in consultation with the Borough Solicitor (Assistant Director (Legal Services)), the commencement of proceedings, appearances before a Court as appropriate, the making of applications and representations and the imposition of requirements in relation to any of the matters referred to the Executive Member responsible for Adult Social Care, Homelessness & Inclusivity for information.
2. To take any action which is calculated to facilitate or is conducive or incidental to the discharge of Adult Services functions and to comply with requirements imposed by legislation.
3. To award Social Care contracts in consultation with the Executive Member responsible for Adult Social Care, Homelessness & Inclusivity, appropriate Assistant Executive Member and one Opposition Group Member subject to ensure compliance with Procurement Standing Orders.
4. To deal with complaints under the NHS and Community Care Act 1990 subject to a report of the proceedings of any of the Complaints Review Panel being submitted to the Executive Member responsible for Adult Social Care, Homelessness & Inclusivity for information.
5. The assessment and, if necessary, admission of persons to accommodation under the control of the Executive Member responsible for Adult Social Care, Homelessness & Inclusivity for information (including their transfer as appropriate to other accommodation), the management of such accommodation, the recovery of charges therefore and the adjustment of liability with any other local authority liable to provide the accommodation.
6. The making of arrangements with, or contributions to, non-statutory organisations and other local authorities providing residential or temporary accommodation.
7. The burial or cremation of the dead where no suitable arrangements have been made.
8. The administration of services for the welfare of sight and hearing impaired people, with mental health problems, people with disabilities, older people and carers including, in particular, the recovery (in consultation with the Director of Resources and Borough Solicitor (Assistant Director (Legal Services)) of such charges as may be determined from time to time by the Executive Member responsible for Adult Social Care, Homelessness & Inclusivity.
9. The making of arrangements for the temporary protection of property for persons admitted to hospital, etc.
10. The power to make application (in consultation with the Borough Solicitor (Assistant Director (Legal Services)) and to act as deputy for persons who, by reasons of mental health problems, are incapable of managing their own affairs.
11. The receipt into the Guardianship of the local authority of such people with mental health problems for whom this may be appropriate.
12. To administer the operation of an approved list of Residential Care and Nursing Homes and Home Support Providers to satisfy the Council's obligations under the NHS and Community Care Act 1990, in relation to the purchasing and contracting of residential care under that legislation.
13. To add or delete from the Adult Services approved list of independent/private housing suppliers for the provision of accommodation for people with learning disabilities and the approved list of home care providers.
14. To negotiate the supply of appropriate accommodation with suppliers on the approved list referred to in paragraph 13 above in accordance with Procurement Standing Orders.
15. To determine individual charges for each placement by another local authority for residential and day care services, based upon the facilities used and the actual costs of the services provided.
16. The discharge of the Council's functions relating to the discharge of patients under section 23 of the Mental Health Act 2003.

Part 3a - Terms of Reference and Scheme of Delegation

G. DIRECTOR OF PLACE

1. The purchase and acceptance of donations and loans of library materials and archival material of local interest, within the approved estimates.
2. The purchase of books, periodicals, records and similar material within the approved estimates.
3. The sale, donation or disposal of library stock no longer in use.
4. To determine the opening hours for public libraries within the Council.
5. To determine matters relating to the display of notices and posters on notice boards provided for public use in libraries.
6. To commission and make decisions in relation to matters of historical interest including archaeological matters.
7. The development and management of Customer Services and In Touch Tameside. The development and allocation of sport and Cultural facilities throughout the Borough.
8. The development of sport, heritage and cultural activities through all services including the determination of exhibition programmes.
9. To determine blue plaque applications in consultation with the Assistant Executive Member.
10. The reproduction of plans, pictures and museum and art specimens.
11. Seasonal arrangements for hours of opening and closure of museums and art galleries at holiday periods.
12. The allocation of sports facilities on parks and open spaces in consultation with Director of Public Health.
13. The letting and management of allotments.
14. To determine the opening hours of public parks under the ownership of the Council.
15. Maintenance and future applications in respect of Britain in Bloom.
16. Management and maintenance of play areas.
17. To determine applications to hold events in parks and open spaces.
18. to determine matters relating to the display of notices and posters in parks and open spaces
19. The serving and advertising of Notices, the granting of Privileges, Licences, Permits and Consents, relating to highways and public car parks within Council Policy.
20. To adopt highways on behalf of the Council.
21. To exercise the Council's powers and duties in relation to the safety of reservoirs.
22. To institute action in regard to dangerous excavations and dangerous trees on the highway.
23. The service of Notices and the executive of works under the appropriate sections of the Public Health Act 1961, the Building Act 1984, the Local Government (Miscellaneous Provisions) Acts 1976 and 1982, the Highways Act 1980, the New Roads and Street Works Act 1991, Housing Act 2004 and the Environmental Protection Act 1990.
24. To propose and advertise Orders under the provisions of the Road Traffic Regulation Act 1984 (as amended), following appropriate consultations and to make such Orders, where there are no objections, and to give Notices and make Orders under Section 14 of the 1984 Act and the Town Police Clauses Act 1847.
25. To determine requests for the erection of bollards to prevent ram raiding in accordance with Section 115(b) of the Highways Act 1980, providing there is no cost to the Council.
26. The removal, storage and disposal of abandoned vehicles under the refuse Disposal (Amenity) Act 1978.
27. To authorise Council enforcement officers (Who may be from any service area) to carry out enforcement powers in accordance with the Local Authorities (Function and responsibilities) England (Amendment No 2) Regulations 2006 and the Health Act 2006.
28. Management and letting of facilities management buildings in line with agreed protocols. This includes full responsibility for and control of servicing, maintenance, space management, cleaning and security.
29. The letting and use of Council land for fairgrounds and car boot sales and responsibility for public safety in connection with fairgrounds following consultation with the Executive Member

(Climate Emergency & Environmental Services) and appropriate Officers from the Senior Management Team.

30. Management and maintenance of public conveniences including the determination of opening hours.
31. To exercise the Council's powers under Section 10 of the Safety of Sports Grounds Act 1975, in respect of serious risks to spectators at sports grounds.
32. To determine matters relating to the display of notices and posters in parks and open spaces.
33. To approve the allocation of adopted local roads additional monies in consultation with the Executive Member (Climate Emergency & Environmental Services).
34. The grant or renewal of Licences relating to hackney carriages and private hire, and the refusal of such Licences where an application is made within 12 months of any suspension, revocation or refusal of such Licence in relation to the same applicant where circumstances remain unchanged, but otherwise not the refusal or revocation of such Licence.
35. The suspension of a hackney carriage or private hire driver's licence of any driver who appears to have falsely completed a Statutory Declaration or Driver's Application form, or where a driver fails a medical examination undertaken in accordance with the Council's licensing conditions, or where a serious breach of licensing conditions has occurred, such suspensions can be considered at the following ordinary meeting of the Speakers Panel (Licensing).
36. In consultation with the Chair of Speakers Panel (Licensing) or in his/her absence the Vice-Chair and the Borough Solicitor (Assistant Director (Legal Services), to suspend or revoke a Hackney Carriage or Private Hire Drivers Licence, of any driver who is in breach of the Council's Licensing Conditions, such decisions to be reported to the next meeting.
37. The issue of permits for minibuses and special events vehicles.
38. To submit following consultation with the Borough Solicitor (Assistant Director (Legal Services), objections in connection with applications relating to operators licenses where it appears that the grant or variation of such a licence would be prejudicial to the public interest on environmental, traffic or highway grounds.
39. The issue, renewal, variation and transfer of all individual licence applications in respect of those licences listed below in the absence of objections and subject to appropriate conditions:-

Betting and Gaming Permits including:-

Charitable Collection Permits including:-

Other Licences and Permits

1. Amusements with prizes
2. Small Lotteries
3. Pools Promoters
4. Betting Tracks
5. Gaming machines in alcohol licensed premises
6. Gaming machines for members clubs
7. Other gaming activities in members clubs
8. Category D machines in unlicensed family entertainment centres
9. Prize gaming
10. Premises licences for the following activities: bingo; betting; adult gaming centres; family entertainment centres; casinos; horse racing and dog tracks
11. Street Collections
12. House to House Collections
13. Highway Amenity Licences (Pavement Cafes)
14. Premises Licences
15. Personal Licences
16. Club Premises Certificates
17. Provisional Statements
18. Sports Stadia Licences
19. Indoor Sports Licences
20. Safety Certificates and Special Certificates pursuant to Fire Safety and Places of Sports Act 1987 Part III

21. Game Licences
 22. Street Trading
 23. Sex Establishment Licences in consultation with the Chair of Speakers Panel (Licensing)
 24. The relaxation of the requirements for not less than 28 days notice, of an application for the grant of premises, personal, sports stadia and indoor licence and club premises certificate in appropriate cases, subject to consultation with the Police and Fire and Rescue Authorities.
40. In conjunction with the Proper Officer for the registration of births, deaths and marriages etc., to grant, refuse, revoke, renew, make conditions and administer the procedure relating to the use of premises as a venue for civil marriages under the appropriate sections of the Marriage Act 1949 (as amended by the Marriage Act 1994), and the Marriages (Approved Premises) Regulations 1995.
 41. The service of Notices under the appropriate Sections of the Public Health Act 1936, the Public Health Act 1961, the Public Health (Recurring Nuisances) Act 1969, the Prevention of Damage by Pests Act 1949, the Control of Pollution Act 1974, Health and Safety at Work Act 1974, the Poisons Act 1972, the Building Act 1984, the Environmental Protection Act 1990, Food Safety Act 1990, the Environment Act 1995, the Noise and Statutory Nuisance Act 1993, Housing Act 2004, Animal Welfare Act 2006, Sunbeds (Regulation) Act 2010 and any other relevant legislation, and legislation relating to trading standards and consumer safety, and Notices requiring the provision of sanitary appliances at places of entertainment together with any designated Air Quality Management Areas designated under the Environment Act 1995.
 42. The issue or renewal of licences and registrations of, and for, persons, premises and vehicles in connection with second hand goods, scrap metal, riding establishments, rag flock, pet shops, food, animal breeding and boarding, hairdressers, barbers, ear piercing, motor salvage operators, acupuncture, tattooing, electrolysis, game dealers, dangerous wild animals, guard dogs, animal health, street trading, poisons, offensive trades, pleasure boats and boatmen, or any other licences or registration as may be issued by the Council from time to time
 43. To investigate and take enforcement action in accordance with Schedule 2 of the Sunday Trading Act 1994.
 44. Approvals and acceptances and the making of prescribed grants under the Clean Air Act 1993, where the requirements of grant have been complied with in all aspects, and the making of 100% grants where merited.
 45. The service of Notices and the issue of prior consents in connection with Sections 60 and 61 of the Control of Pollution Act 1974.
 46. The making of representations to the Environment Agency following consultation with the Chair and Deputy Chair of the Speakers Panel (Licensing) on any applications for Environmental Permits subject to Ward Members being informed of such applications.
 47. The compilation of a Register of Noise Levels in connection with Sections 60 and 61 of the Control of Pollution Act 1974, and the issue of consent for variance of recorded noise levels under Section 65 of that Act.
 48. The making of arrangements with the Health and Safety Executive under the Health and Safety (Enforcing Authority) Regulations 1998.
 49. To negotiate, vary and amend charges in respect of all areas of service provision falling within his/her remit within the maximum set by the Council.
 50. The removal, storage and disposal of other refuse under the Refuse Disposal (Amenity) Act 1978, the Control of Pollution Act 1974 and the Environmental Protection Act 1990, as appropriate.
 51. In accordance with arrangements agreed with the Borough Solicitor (Assistant Director (Legal Services)), the grant of exclusive rights of burial or the issue of other documents or grants and the keeping or records in connection with the management of cemeteries and the crematorium.
 52. To appoint a Public and Agricultural Analyst under the Food Safety Act 1990 Section and Agriculture Act 1970.

53. The operation and management of indoor and outdoor markets including:-
- (i) the letting of indoor and outdoor market stalls/spaces;
 - (ii) the general administration of markets throughout the Borough;
 - (iii) occasional sales events, including car boot sales, tabletop sales and fairs;
 - (iv) the cleanliness of market grounds and the taking of appropriate action against stall holders breaching these conditions.
54. To exercise the Council's powers under Section 10 of the Safety of Sports Grounds Act 1975, in respect of serious risks to spectators at sports grounds.
55. To exercise all powers granted to the Local Authority under the Anti-social Behaviour, Crime and Policing Act 2014
56. To determine planning, Listed Building, Conservation Area Consent and advertisement applications except where the application:-
- a) is a major development as defined in the Town and Country Planning (General Development Procedure) Order 1995;
 - b) is a departure from the Development Plan and is recommended for approval;
 - c) is by a Member or Officer of the Council;
 - d) is by an Officer of the Council employed in the Planning and Building Control Services or who has an involvement in the planning process;
 - e) is one where a Member considers that delegated powers should not be exercised by the Head of Planning, in which case the Member must notify the Head of Planning in writing, stating the reasons why s/he should not determine the application;
 - f) is a non-householder an application on which a Member, objector or applicant wishes to address the Speakers Panel (Planning). At least one week's notice of such an intention shall be provided in writing to the Head of Planning, who shall also invite a representative of any opposing point of view to the Panel. This does not apply to householder applications or applications for advertising consent.
57. To determine applications to fell, lop or prune individual trees or groups of trees, or hedgerows, and to approve applications to fell woodlands where they are subject to Tree Preservation Orders, and to impose conditions in granting approvals.
58. To determine all Building Regulations applications.
59. To arrange for the discharge of the Council's functions relating to local land charges.
60. To institute action in respect of dangerous, defective or unsightly places, buildings or structures and trees.
61. To institute any action necessary to secure unoccupied houses against unauthorised entry where there is a danger or potential danger.
62. To institute action and carry out work in default under the Building Act 1984, and the Fire Safety at Places of Sport Act 1987.
63. To exercise the Council's powers for control of demolition, in accordance with the provisions of Sections 80 and 81 of the Building Act 1984.
64. To determine whether prior approval is required under the Town and Country Planning Act 1990 in respect of agricultural buildings and development.
65. To serve Planning Contravention Notices where it appears that a contravention of planning control has taken place.
66. To determine whether prior approval is required for the demolition of a building, and to determine any consequent request for approval of the detailed proposals for demolition and restoration of the site.
67. To determine whether prior approval is required for the erection of radio masts or towers, radio equipment housing, call boxes or other telecommunications equipment.
68. To make provisional Tree Preservation Orders and to confirm them when they are unopposed.

69. The production and implementation of the Corporate Asset Management Plan for the Council's land and buildings in conjunction with services which manage buildings and land
70. To issue Breach of Condition Notices, Planning Enforcement Notices, Stop Notices and Temporary Stop Notices, in consultation with the Borough Solicitor.
71. To determine whether proposed variations to proposals and detailed matters after planning permission has been granted, require the submission of a fresh planning application.
72. To exercise the Council's powers under Section 70 (a) of the Town and Country Planning Act 1990, by declining to determine an application for planning permission for the development of any land where, within a period of two years, ending with the date on which the application is received, the Secretary of State has refused a similar application referred to him under Section 77, or has dismissed an appeal against the refusal of a similar application, and where, in the opinion of the Head of Planning, there has been no significant change since the refusal or dismissal in the Development Plan or in any other material considerations.
73. The consideration, approval and payment of grants in respect of Listed Buildings and Conservation Areas.
74. To review, monitor and where appropriate adopt the designation of Sites of Biological Importance and bring to the attention of the Speakers Panel (Planning) any revisions to such designations.
75. To approve, in consultation with the appropriate Executive Member, the Derelict Land Programme on an annual basis.
76. To determine the need for an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Land and Property

57. **All land and property matters to be considered by Asset Management Panel in accordance with its terms of reference (see section 17 above). Land and Property matters within the remit of the Asset Management Panel to be subject of decision by Executive Member (Finance, Resources and Transformation).**
 - (i) The negotiation and acceptance of terms for the granting, renewing, reviewing, varying or assignment of leases, underleases, tenancies, licences and any other interest in Council property.
 - (ii) The service of Notices to Quit.
 - (iii) In conjunction with the Borough Solicitor, to deal with all elements of the implementation of Compulsory Purchase Orders.
 - (iv) The acquisition of land and buildings within confirmed Compulsory Purchase Orders and also the purchase in advance of such compulsory acquisition where the authority has resolved to make a Compulsory Purchase Order providing the payments do not exceed the assessed entitlement to compensation.
 - (v) Discretionary advance payments of compensation in respect of purchases of land or premises where compensation is assessed as if there was a confirmed Compulsory Purchase Order.
 - (vi) The payment of statutory compensation arising out of decisions and activities of the Council, including payment of home loss and disturbance payments.
 - (vii) The acquisition of land or buildings.
 - (viii) The approval of the sale or exchange of land and buildings.
 - (ix) The approval of Surrender of Agreement made with the Council.
 - (x) To discharge the functions of the Council including any necessary advertisements in relation to the disposal/appropriation of land, in consultation with the Borough Solicitor in accordance with Section 122 and/or 123 of the Local Government Act 1972, and/or Section 232 of the Town and Country Planning Act 1990.
 - (xi) To make minor amendments to the Terms of Transactions in land and property already approved by the Council.
 - (xii) The acquisition of easements, licences, rights or leases.

- (xiii) The purchase of ground rent and chief rents secured on land held by the Council.
 - (xiv) The making of proposals for amendment of the Valuation List where it is considered an assessment of a Council owned hereditament to be incorrect or excessive.
 - (xv) The approval or alteration to demised premises or details of development on demised land subject to consultation with the Head of Planning where the Council's consent is so required under the provisions of a lease.
 - (xvi) The sale of acquired properties and mortgage repossessions.
 - (xvii) In circumstances where remedial work has been undertaken by the Council to the exposed gable of property, following the demolition of adjacent property, the sale, for a nominal consideration, of the land used for the construction of the new gable wall, to the adjacent Property owners.
58. To exercise the Council's powers in respect of high hedges as provided by the Anti-Social Behaviour Act 2003. To assess and approve applications for cultural events on Council land in consultation with the Director of Public Health
59. The developing of sports coaching in schools and the development of sport and physical activity in the Borough.
60. The development of sport and physical activity in the Borough.

Part 3a - Terms of Reference and Scheme of Delegation

H. DIRECTOR (CHILDREN'S SERVICES)

1. The appointment, in consultation with the Head Teacher, of members of the teaching staff not subject to the Local Management of Schools Regulations (other than Headteachers or Deputy Headteachers).
2. The administration and enforcement of legislation governing the employment of children and young persons in entertainment, part-time employment and street trading.
3. The assessment of, making and maintenance of statements of the special educational needs of children, and the approval and making of arrangements for special education and for home tuition or other provision for pupils.
4. In consultation with the Executive Member (Education, Achievement and Equalities), the appointment of Local Education Authority Governors.
5. To take the necessary action to ensure the safeguarding of children in all educational provision, whether pre-school day care, primary, secondary or residential schools, or out of school activities, youth work, play, childcare and family learning.
6. To take the necessary action to ensure all schools and educational services have policies and procedures for child protection and to ensure the Local Education Authority is a core Member of the Local Safeguarding Children Board and that maintained schools, staff and governors and other direct educational provision are fully integrated in and familiar with, child protection procedures.
7. To take the necessary action to ensure measures are in place to promote good attendance; to provide effective personal, social and health education; support for family learning; opportunities for personal and social development, and support for the voice of young people and children, with specific attention given to groups at risk of low achievement, including children in public care, with special needs, and particular ethnic groups; the attendance, behaviour and provision for pupils out of school, within the context of a general approach to educational inclusion.
8. The assessment and payment of mandatory awards to students in further and higher education.
9. The assessment and payment with approved schemes and discretionary awards to students in further and higher education.
10. The control of visits to and contact with children in the Children's homes, provided by the Council and the giving of all necessary consents in relation to the education, religious and cultural education, emigration, medical treatment (including operations), absence abroad on holiday, adoption of careers, marriage, termination of pregnancy in respect of children under the age of 16 and subject to Care Orders, and all other similar matters relating to children looked after by the Council.
11. The review of the welfare, health, education, conduct and progress of Children Looked After by the Council under the Children Act 1989.
12. The making of grants to children or their relatives, foster carers and prospective adoptive parents, according to the special needs involved to a maximum to be decided from time to time by the Council.
13. The giving of approval to residence at their homes of children subject to Care Orders to the local authority for trial periods, the giving of approval of the placement of children with the agreement of the child's family, the residence of children elsewhere on holiday and their placement in accommodation to meet their special needs (including authority to apply for Secure Accommodation Orders as necessary).
14. The investigation of cases, and in consultation with the Borough Solicitor (Assistant Director (Legal Services), the commencement of proceedings, appearances before a Court as appropriate, the making of applications and representations and the imposition of requirements in relation to any of the matters within the warrant of Executive Member (Education, Achievement and Equalities).

15. To take any action which is calculated to facilitate or is conducive or incidental to the discharge of functions in accordance with the Children Act 2004 and to comply with requirements imposed by legislation.
16. The making of arrangements with, or contributions to, non-statutory organisation and other local authorities providing residential or temporary accommodation to children or young people.
17. The administration of services for the welfare of sight and hearing impaired children/young people, with mental health problems, with disabilities, and carers including, in particular, the recovery (in consultation with the Director of Resources and the Borough Solicitor (Assistant Director (Legal Services) of such charges as may be determined from time to time by the Executive Member (Education, Achievement and Equalities).
18. The management of the youth service including the development and allocation of youth facilities and youth provision.