



Mr Mark Cooper
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9 November, 2017

Sent by email: mark.cooper@lgbce.org.uk

Dear Mr Cooper

Electoral Review: Carlisle City Council

I write with reference to the above and, as promised and in accordance with the timetable, I enclose the Council's submission on the appropriate number of Members together with the relevant appendices:

- Appendix 1 – The Leader's Scheme of Delegation
- Appendix 2 – Scrutiny Panel Remits
- Appendix 3 – Council Scheme of Delegation
- Appendix 4 – Member Role Descriptors

At its Meeting on 7 November 2017, the Council resolved that the number of Councillors deemed by the Council to enable it to deliver its functions in the most convenient and effective manner was 45 (forty-five) and it agreed the Submission sent herewith.

Please acknowledge safe receipt.

Yours sincerely



Mark Lambert

Corporate Director of Governance and Regulatory Services

**2017/18 ELECTORAL REVIEW
OF
CARLISLE CITY COUNCIL
SUBMISSION ON COUNCIL SIZE**

SECTION A

Proposal: That the Council reduce in size to 45 Members

1) Introduction

- a) This submission sets out the Council's response to the Local Government Boundary Commission's (LGBCE) invitation to put forward recommendations on Council size. The review has been triggered as eight of the Council's current wards have an electoral variance of more than 10% from the average.

- b) The Council's submission was considered and approved by Full Council at its Meeting held on 7 November 2017. **The recommendation is that the Council size should decrease from 52 Members to 45 (forty-five).**

2) The Council's Submission

- a) This submission has been developed by:
 - i) Briefings given by the LGBCE to the Leader and Chief Executive, Group Leaders, the whole Council and to Council Officers involved in the process;
 - ii) Consideration of current and projected electorate figures for Carlisle City Council; and
 - iii) A Member Questionnaire to gather information on the role of Councillor in the Carlisle area.

- b) This Section A of the submission sets out the Council's justification for the recommendation put forward to change to a Member size of 45. It should be read in conjunction with Section B.

c) Section B has been drafted in accordance with the LGBCE guidance and best practice. In determining the 'optimum' Council size, focus has been upon the key elements from the guidance of:

- Governance arrangements;
- Scrutiny functions;
- Representational role of Councillors in the local community;
- The future.

d) The LGBCE guidance makes it clear that they will always seek to propose a Council size which is appropriate for the individual characteristics of the local authority in question, whether that will involve an increase, decrease or no change to the existing arrangements. The said guidance further indicates that the Commission will seek to put the Council's proposal in context and to do this it will utilise the nearest neighbours model prepared and published by the Chartered Institute of Public Finance and Accountancy (CiPFA). The 15 nearest neighbours, identified by CiPFA, are shown in the following table. Also shown are the various Councils' electorate, number of Councillors and ratio of electors to councillors.

Council	Number of Councillors	Electorate	Electors per Councillor
Bassetlaw	48	85,620	1,783
Newcastle under Lyme	60	93,081	1,551
Wyre Forest	33	77,758	2,356
Amber Valley	45	94,275	2,095
Mansfield	36 + [Executive Mayor]	77,624	2,156 [2,097]
High Peak	43	71,760	1,668
Erewash	47	87,000	1,851
Cannock Chase	41	74,567	1,818
East Staffordshire	39	84,139	2,157
Newark & Sherwood	39	86,374 ¹	2,214
Chesterfield	48	79,360	1,653
Chorley	47	84,180	1,791
South Kesteven	56	109,198	1,949

¹ LGBC Review 2014

Worcester	35	76,697	2,191
Copeland	51 + [Mayor]	54,500	1,068 [1,048]
Carlisle	52 45	80,473	1,547 1,788

- e) The information shows that, using the 15 nearest neighbours, the average ratio of councillor to member of the electorate is 1 councillor:1,886 registered voter. Carlisle's current ratio with 52 Members is 1 councillor:1,547 registered voters.
- f) Since the last review of the size of the City Council, the Authority no longer directly provides leisure services, it has transferred its housing stock to a Registered Social Landlord, it has ceased to exercise its highways claimed rights and it has set up the Tullie House Museum & Art Gallery Trust. Officer numbers have reduced from 759 in 2010 to 458 now.
- g) The Council has to take into account all of the factors stated at paragraph (c) above and needs to have sufficient numbers to properly conduct its business. The Council committee structure requires 95 committee seats to be filled by Councillors (plus 68 substitute Members). There would be 99 seats if the Executive had its maximum of 9 Members. In addition, the Authority appoints to 43 outside bodies and this involves 36 Councillors taking up 74 appointments.
- h) The City Council's current electorate is 80,473 and, based on 45 Members, this would give a ratio of 1:1,788. Whilst the Strong Leader model which the Council utilise does not operate quite this simply, this figure gives an approximate figure of two committee places per member and approximately 1.5 substitute places per Member. It is submitted that this is not unreasonable.
- i) Of course, we are also required to look to the future and predict increases in the electorate in a realistic and sensible manner. An analysis has been carried out of the most likely development areas as identified by our Local Plan. This shows a potential increase in registered voters to 89,630 in 2023. This would increase the ratio of Members (using 45) to electors to 1:1,991. In addition, beyond the period

we are currently required to look at, the Council is also committed to the St. Cuthbert's Garden Village Project which is designed to substantially grow Carlisle.

3) Background Context

a) Geography, Rurality and Size of District.

The District of Carlisle covers an area of approx. 1,042 sq km (400 sq miles). The City of Carlisle forms the principal urban area and lies within the south-western part of the district. The remainder of the district is predominantly rural in nature, with the exception of Longtown to the north (3,000 population), Brampton to the east (4,000 population) and Dalston to the south (2,500 population). There are a large number of villages of all sizes scattered throughout the district. The wards to the north and east of the City cover large rural upland and forested areas with sparse populations and multiple parishes. The wards to the south and west of the City are much smaller, and the geography here is lowland agriculture and coastal plain. Whilst there are good road and railway connections in the District, including the M6, A 69, A595 and the West Coast Main line, together with the Carlisle/Settle, Newcastle and Cumbria Coastal line, there is a perception of remoteness. Across the district current levels of broadband access vary significantly. Parts of the City have access to fibre optic cable, and whilst some rural parts of the district have much slower speeds, the pattern is changing as fibre broadband is rolled out across the county.

The Council adopted its Local Plan in November 2016 and this means that it has been able to develop a planned, strategic approach to housing and economic development growth across the District.

b) Small businesses

Carlisle acts as a significant employment base and the main professional centre for Cumbria as well as the wider area including south west Scotland. Carlisle is an important centre for agricultural services and lies at the heart of a large rural livestock market. Within the rural area, Brampton and Longtown, and to a lesser extent Dalston, act as local employment hubs. All three settlements have industrial estates which provide employment opportunities for local people. Tourism, arts culture and leisure sectors are all vitally important to the economy

of the district, and support many small rural businesses. Many of these businesses are successful and wish to grow and expand their premises, which can sometimes cause tensions with surrounding communities. This can generate increased consultation with communities through the planning process, and councillors could receive relatively more queries in this area.

c) Community Engagement

Since the adoption of the Council's Local Plan in November 2016, there has been an increase in interest from local communities wishing to undertake a Neighbourhood Development Plan. Dalston Parish Council has nearly completed their plan, which is anticipated to go to a referendum in February 2018. Wetheral Parish Council, with a ward population of approx. 4,000, and a number of larger villages within their area, is about to initiate their Neighbourhood Development Plan. This will likely see an increase in member involvement with their local communities. Other parishes in the area, including Cummersdale have expressed an interest in the process.

4) Local Government Association Peer Review Findings (2014 & 2017)

- a) As concluded by the 2014 Peer Review, Members and officers share a strong sense of place and understanding of the opportunities and challenges facing Carlisle – its rich heritage, good transport links and proximity to the Scottish border and many places of historic interest and natural beauty.
- b) In September 2014, the LGA concluded a Peer Review of Carlisle City Council and the following are some of the key points about the Council which were highlighted in their report:
- The council's leadership, members and officers demonstrate a good understanding of the opportunities and challenges presented to the district and the strength of the Carlisle 'offer'.
 - Private sector partners reported that relationships with the council were now much stronger and staff are seen to be business friendly.
 - Partners felt that there is scope for the council's Leader and Chief Executive to be even more proactive in the region and beyond, acting as standard bearers for Carlisle.

- The council is part of the 'Borderlands Initiative' intended to improve joint working among councils on either side of the border, crossed by many people to work, shop and enjoy their leisure time.
- Partners welcomed initiatives to promote the district such as The Carlisle Story and the Ambassadors' group, but noted that the latter will benefit from renewed focus.
- A challenging but important aspect of developing the Carlisle 'offer' is the improvement of several key public services which are not under the control of the City Council.
- Carlisle's financial position is strengthened because it enjoys a significant asset base.
- Members should be engaged in developing expectations and understanding of the new ways in which the council needs to work given the reduced level of resources.
- Partners enjoy good relationships with the council, but can find decision making slow at Carlisle, a not unusual frustration with the public sector.
- [The Reviewers] heard of a number of examples of effective scrutiny, particularly through the use of Task and Finish groups. We were also given examples of cross-party working groups which were considered helpful, such as that on the Local Plan.

c) LGA Cultural Services Peer Challenge, February 2017, concluded that the Council has a clear vision for culture as a driver for economic development and wellbeing. [It] has all the right ingredients for success and a strong narrative about the Council's offer, progress and investment so far. [The Council is] delivering and commissioning some excellent services and have the right foundations in place for partnership working. A summary of feedback:

- [The Council] are delivering and commissioning some excellent services and have the right foundations in place for partnership working.
- The Carlisle Plan provides a clear overarching vision for Carlisle and states a very clear priority of utilising sport and culture to improve health and wellbeing.
- The contribution [its] services are making to economic development and place shaping is evident.

- It was evident that [the Council has] a clear vision in the Carlisle Plan and a shared ambition with [its] partners to use culture to raise profile and pride in the place.
- There are real opportunities to collaborate with partners for added value. [The Council] will need to put in place appropriate governance to provide political and managerial oversight of the priorities [it] agree[s] with partners.
- Throughout our visit [the Council] demonstrated that as a Council, [it] understood the importance of continuing to invest in culture and heritage while challenging [its] in-house and commissioned services to reduce costs, improve effectiveness and increase income generation in order to meet [its] budget pressures.
- [The Council] have utilised [its] relatively small cultural team, wider corporate resources and partnership relationships to excellent effect to maximise [its] cultural offer and assets.
- There is significant opportunity for [the Council] to develop its offer to visitors and residents through better coordination and more creative approaches to marketing, for example, increased use of social media as well as joint promotion and programming.

SECTION B

JUSTIFICATION FOR THE COUNCIL'S RECOMMENDATION TO REDUCE A COUNCIL TO 45 COUNCILLORS

PART ONE: Governance and Decision Making

1. Leadership

1.1. The Council operates a Strong Leader model, which is the current format under the executive arrangements introduced in 2001, therefore, much of the Council's decision making is now carried out by the Executive, with the Overview and Scrutiny Panels holding it to account. In addition, the Council has an Audit Committee which audits the Council's financial processes and also has a range of other responsibilities that support governance.

1.2. The Executive is permitted to have between two and nine Members (not including the Leader); the current Executive consists of the Leader and five Executive Members (Portfolio Holders). There is a minimum of thirteen formal meetings of the Executive together with a number of informal meetings during the municipal year. In addition, the Executive Members also have 'Away Days' during the year, both on their own and also with the Senior Management Team, to consider strategic issues.

1.3. The five Portfolios, in addition to the Leader's responsibilities, are:

- a. Communities, Health & Wellbeing
- b. Culture, Heritage & Leisure
- c. Economy, Enterprise & Housing
- d. Environment & Transport
- e. Finance, Governance & Resources

1.4. In addition, the Portfolio Holder for Finance, Governance & Resources is the Deputy Leader of the Council.

1.5. The Leader has set out in his Scheme of Delegation the remits of the Portfolio Holders together with the delegations to relevant officers. The current Scheme is Appendix 1 to the submission. The majority of decisions are taken in accordance with the said Scheme of Delegation but the Executive has taken the following numbers of decisions:

Year (to 31 March)	Decisions	No. of those which were key decisions
2015	158	42
2016	141	30
2017 (to-date)	98	32

1.6. Any decision deemed a key decision, i.e. spending or saving in excess of £70,000 or significant in terms of affecting communities in two or more wards, must be taken by the Executive.

1.7. In addition to the Executive itself, the Leader and Portfolio Holders serve on 31 decision making partnerships, sub-regional, regional or national bodies. Examples include Cumbria Leadership Board, Cumbria Pensions Forum, Carlisle Partnership Executive, District Councils' Network Assembly, North West Regional Housing Forum, Local Government Association – Urban Commission and Cumbria Public Health Alliance.

1.8. The Leader and Portfolio Holders give strategic direction to the Council and are required to keep in touch with operational matters by regular briefings with the relevant Chief Officers within their remit. In addition, there are regular 'Joint Management Team' meetings held throughout the year at which the Members of the Executive and the Senior Management Team discuss matters of relevance to the Council.

- 1.9. The Council does not have a formal position as regards Members' full-time vs part-time status but the reality is that the Leader commits up to approximately 55 hours per week to Council activities and the Portfolio Holders range between 22 and 30 hours per week.
- 1.10. Operational Management of the Council rests with the Town Clerk & Chief Executive and his appointed Chief Officers:
- a. Deputy Chief Executive
 - b. Chief Finance Officer
 - c. Corporate Director of Economic Development
 - d. Corporate Director of Governance & Regulatory Services
- 1.11. The Executive delegations to the said Officers (which are in addition to the Council delegations) are set out in the Leader's Scheme of Delegation (Appendix 1).
- 1.12. The Overview and Scrutiny arrangements were reviewed as recently as this year when the Panels had their remits reviewed and refreshed (Appendix 2). The Council operates three Overview and Scrutiny Committees (called Panels in Carlisle) each having eight members and a combined total of 20 substitutes (covering the three Panels). The Committees meet on average 8 times per year and the Members are also involved in detailed, ad hoc, task and finish groups. More detail is provided on scrutiny matters in the relevant section of this Submission. It should be noted that the Executive Members are not able to take positions on the Scrutiny Panels.
- 1.13. The Council also has an Audit Committee which has a membership of seven. This Committee meets on average 5 times a year with the option to call other ad hoc meetings to deal with matters of urgency falling within its remit.
- 1.14. The Standards Committee, which has seven Members, meets when necessary but on average this equates to approximately one or two meetings per year.

1.15. The Council's housing stock was outsourced under a Large Scale Voluntary Transfer to [now] Riverside in 2002 and its leisure services outsourced to [now] GLL Leisure in the same year. The Council's museum and art gallery service has also been transferred to Tullie House Museum & Art Gallery Trust. As a result, the commissioning and monitoring of these services involves a few, key Councillors rather than being conducted through a Committee (these are the councillors involved in both the Executive and Scrutiny Panels). The Council also transferred responsibilities for Highways matters to the County Council in 2013.

1.16. The Council's officer core has reduced from 759 in 2010 to 458 in 2017.

1.17. The Council's current size and operating model is as follows:

52 Members Currently

Committee	Membership	Annual Meetings
Executive	Leader + between 2 and 9 Portfolio Holders (currently 1 + 5).	13 (4 weekly cycle)
Regulatory Panel	12 Members	9 (5 weekly cycle)
Licensing Panel	12 Members	4 (quarterly)
Development Control	12 Members	11 in 16/17 (5 weekly cycle) (6 weekly cycle from 18/19)
Business & Transformation Scrutiny Panel	8 Members	8 (6 weekly cycle)
Economic Growth Scrutiny Panel	8 Members	8 (6 weekly cycle)
Health & Wellbeing Scrutiny Panel	8 Members	8 (6 weekly cycle)
Standards Committee	7 Members	Ad hoc (1 in 16/17)
Employment Panel	6 Members	Ad hoc (3 in 16/17)

Audit Committee	7 Members	5 (Quarterly plus one special)
Appeals Panels (3)	9 Members (3 each)	Ad hoc (9 in 16/17)
Total (Current)	95 current committee places. 99 if max. number of Executive Members.	79 Meetings (66 calendar meetings plus 13 ad hoc)

2. Regulatory

2.1. In accordance with good practice, many responsibilities in relation to the Council's regulatory functions, mainly licensing, planning and building control, are carried out via a Council Scheme of Delegation to Officers ('Responsibility for Functions') which is attached as Appendix 3. This document also covers Council's delegations to its Committees.

2.2. The number of Members involved are shown in the table at 1.17 above but it should be noted that, in the achievement of efficient working practices, the 12 members of the Regulatory Panel are the same Members as participate in the Licensing Committee. The law requires that the Council has a separate and distinct Licensing Committee for the functions it delivers.

2.3. Membership of the Committees is established each year at the Annual Council meeting, together with named substitutes for the different Committees (there are 68 nominated substitutes in total). Council also approves a Civic Calendar which establishes when its Committees meet. The table at 1.17 shows the number of times each year that the Committees meet. Committees have an excellent level of attendance and we have never had a meeting that has not been quorate.

2.4. In the previous two municipal years, the Regulatory Panels have made the following numbers of decisions:

Committee	15/16 decisions	16/17 decisions
Development Control Committee	93	120

Licensing Committee	23	26
Regulatory Panel	46	48

2.5. The Council is not aware of any proposed changes to legislation or local or national policy which will influence the workload of the Council or the size of the Council but there may be an increase in the workload of the Development Control Committee as the Council participates in and drives forward the “St Cuthbert’s Garden Village” which will include a large amount of development in the Carlisle area.

3. Demands on Time

3.1. The Councillors’ role descriptions are set out in the Council’s Constitution (extracted and shown at Appendix 4). Members undertake roles in relation to the Council, their wards and external bodies.

3.2. Members receive formal training relevant to their activities. All new Members receive training in relation to the Constitution, the Code of Conduct, the Council Procedure Rules and Health & Safety.

3.3. Members of the different Committees are required to undertake training relevant to the particular committee’s remit. Training is given in relation to the differing committees’ functions of audit, financial accounts, code of conduct, development control, licensing and regulation. In addition, members receive relevant training in respect of matters due to be considered by the Employment Panel and any of the three Appeal Panels. Many of these functions are quasi-judicial and committee members are required to undertake training before participating in meetings.

3.4. On average, Members have found that the time spent on Council business is what they expected, of course, some have found that they do more hours and some fewer than they initially thought the demand would be. For the purposes of this submission 59% of Members completed a questionnaire which showed that the average number of hours which they each spent on Council related matters

was approximately 66 hours per month. This figure is broken down into the following hours per month averages:

Function	Av. Monthly Hours
Formal Council Meetings	14.7
Outside Bodies	8.7
Constituent Matters	22.3
Community Interest Matters	9.1
Other (travelling/training etc)	11.4
Total per month (average)	66.2

3.5. The time spent stated by Councillors ranged from 17 to 240 hours per month.

3.6. In relation to formal Council demands on Members' time, the current situation is as follows:

Number of Committees Cllrs sit on.	Number of Councillors (The number includes as substitute Members)
1	7
2	9
3	17
4	11
5	5
6	3

3.7. The Council appoints Members to many different outside bodies which range from Areas of Outstanding Natural Beauty boards, Community Centre Management Boards to Museum and Art Gallery Trusts. 74 appointments are made and these are fulfilled by 36 Councillors. The workload varies but using the responses shown above, Members spend, on average, 8.7 hours per month in relation to these appointments.

3.8. The Council has always been able to attract and retain elected Members; there has not been an uncontested election in the ordinary course of events. There has not been an occasion when the Council has been unable to discharge its functions due to a lack of councillors.

3.9. Councillors each control a small-scale community fund and this initiative empowers Members to improve the quality of the local environment in their Wards. Each Member is allocated £1,000 per year. Ward Members may pool resources within a Ward if they wish.

3.10. The nature of projects includes minor physical works, grants to other organisations, contributory funding or community events which meet the criteria. Projects must be for the public good and no individual can benefit except where an individual belongs to a class of persons that benefit generally. The allocation of funding can provide a very responsive resolution to local problems. The budget allocation is for one-off items of expenditure and any projects which have ongoing revenue implications cannot be approved, e.g. grit or litter bins.

3.11. Members complete an appropriate form which is then submitted to an officer. Providing the proposed grant meets the aforementioned criteria, the payment is then processed.

3.12. In terms of future workloads, Members have indicated that there may be an increase due to housing, homelessness and poverty issues. In Carlisle, the progression of the significant St Cuthbert's Garden Village scheme is likely to increase to the workload of Councillors due to the Council playing a significant role in the project.

PART TWO: Scrutiny Functions

4. Scrutiny

4.1. The Council operates three scrutiny Panels: Economic Growth, Health and Wellbeing and Business and Transformation. The Panels are aligned with the sub-groups of the Senior Management Team and meet on a 6-weekly cycle. Each Panel has 8 Members and 6 (one panel) or 7 (two panels) substitutes. An

informal group of the Scrutiny Chairs oversees the work of the Panels and helps determine the overall focus and direction of scrutiny work.

- 4.2. The scrutiny arrangements have been reviewed in the recent past, with Council deciding that it wished to retain the same number of Panels (as described above) but renaming them and re-profiling their remits (Appendix 2). The Scrutiny Chairs Group have indicated that they are open to a further review in the future should it become the view that the number of panels may be reduced.
- 4.3. The average length of the agenda of the Panels varies considerably but sometimes meetings do last longer than 3 hours. However, more detailed work-planning is now being undertaken with a view to more effectively utilising available scrutiny time. The aforementioned work planning, seeks to improve the impact of the work of the scrutiny panels on the Authority; the Panels will scrutinise fewer matters but in greater detail and make clear and meaningful resolutions. The Council has not found that it has had too many active projects for scrutiny to function effectively.
- 4.4. Scrutiny Members and the Panels are asked to determine their own work programmes, in particular, via a planning session involving senior officers and executive Members at the beginning of the Civic Year. Each item is usually timetabled for a specific meeting although there is usually some flexibility about this.
- 4.5. In 2017/18, each Panel was provided with a list of key policy areas that managers within the organisation had identified as areas that they would be working on in the next 12 months. In this way, the Panels are able to ask for early involvement in specific areas of policy development.
- 4.6. Between formal meetings, the Chairs of the Panels are expected to play an ongoing role in planning future meetings and helping refine the work programme. The other Members are not routinely expected, other than necessary pre-reading before Meetings, to carry out work between the formal meetings. Sometimes

special meetings and workshops are scheduled in addition to the formal meetings.

4.7. Historically, the Panels have conducted very successful Task and Finish Group work, which has been carried out between formal meetings. However, the amount of this type of work has declined, partly as a result of Members not selecting to carry out scrutiny work in this way.

4.8. Some Members carry out their own, detailed research in preparation for Panel meetings whilst others utilise the reports and support that are provided by Council officers.

PART THREE: Representational Role of Councillors

5. Councillors' Representational Role

5.1. Each Councillor tailors their activities in their own manner, however, questionnaire responses indicated the Members use one or a combination of the following methods of ward representation: local school governor, ward surgeries, newsletter, facebook/social media, face-to-face with constituents, ward walks, ward campaigns, leafleting, responding to casework, pro-active response to forthcoming events, community/voluntary group meetings/projects, attending Parish Council meetings, reading around subjects to gain understanding, telephone, email, referral letters, media contact, volunteering.

5.2. In terms of dealing with casework and the level of Member involvement, Councillors have indicated that how they deal with matters depends on the complexity of the issue. One or a combination of the following methods are utilised: passing on information to officers (though keeping an oversight), follow up responses, keep in touch with residents, reporting complaints, more personal involvement/in-depth approach, contact other agencies.

5.3. In terms of what support Councillors receive in discharging their duties in relation to casework and representational work in their Ward, from the questionnaire responses, it is clear that, when applicable, members receive support from their fellow ward members. In terms of officer support, this is available from the

general officer core of the Council but, specifically, every member has access to one of two Member Support Officer (MSO), employed by the Council to assist councillors with their City Council activity. Each MSO supports approximately 50% of the Councillors.

5.4. The representational role of councillors has not changed since the last LGBCE review of the City Council; members still fulfil the same function in terms of representing their communities. Within the Council itself, the Council has transitioned to a Strong Leader and Executive model. As explained earlier, the Council no longer directly delivers housing, highways, leisure or museum services, which it did at the time of the previous review. There is a greater emphasis on councillor development than previously, driven forward by a member learning and development group.

5.5. In terms of mechanisms for councillors to interact with young people, those not on the electoral register or minority groups or their representative bodies, the Council is involved with many external partners through its commitment to this way of working. In relation to engagement with young people, the Council operates a Youth Council and in terms of minority groups, the Authority is an active participant in the Carlisle Equality & Diversity Partnership. One of the Executive Members is the Portfolio Holder for Communities, Health & Wellbeing and has responsibility for these areas of activity.

PART FOUR: The Future

6. Localism and Policy Development

6.1. The localism agenda is a continuation of the shift from the public to the third sector. The uptake of the Community Right to Bid across the district has been supported by councillors. There is also interest from councillors on working with local communities on community asset transfers. We are yet to experience a Community Right to Challenge.

6.2. The scope of council business is shifting from services to contracts, Tullie House Trust and the Leisure Contract being the most notable. More recently the contracting out of the asset management of Kingstown Industrial Estate with

Chancery Gate (an asset management company). This changes the role of councillors, who are accustomed to talking directly to the service manager to a new relationship where they are talking to the contract manager.

6.3. Directly related to this change in scope is the widening and deepening of partnership activities. This is once again a significant shift in representing a geographical ward to representing the whole district in a partnership that requires subject matter expertise. Partnerships such as the Health & Wellbeing Board and Cumbria LEP are good examples, especially as the Member involved is expected to potentially represent the City Council, pairings of districts or all districts.

6.4. The potential devolution deal for Cumbria is no longer on the agenda and no new powers are expected to be devolved to the district prior to Brexit.

6.5. There are no firm plans to devolve responsibilities and/or assets to community organisations but the Business & Transformation Scrutiny Panel will be looking at community asset transfer as part of their work programme for 2017/18.

6.6. Recently, the Council has taken on the following responsibilities as part of delivering its priorities in the Carlisle Plan:

- a Home Improvement Agency, Homelife, as part of delivering its priorities in the Carlisle Plan.
- Arts Centre, Old Fire Station

7. Service delivery

7.1. The major changes in service delivery that have changed councillors' workload are:

- Change from committee system in 2001 to Executive and overview & scrutiny panels
- Transfer of housing stock and completion of 15 years of the transfer agreement
- Contracting out of Leisure Services

- Transfer of Tullie House Museum & Art Gallery to a Trust
- Transfer of Highways Claimed Right (the City Council was responsible for highways maintenance within a certain area) to Cumbria County Council
- Taking Greenbox services in-house
- Transfer of Concessionary Fares to the County Council

7.2. In addition, a series of major emergencies have created significant challenges and increase councillor's workloads:

- Foot & Mouth 2001
- Flood 2005
- Desmond Flood Event 2015

7.3. The most significant areas of policy development that may significantly affect the role of elected Members in the future are:

- St Cuthbert's Garden Village - the plan for the growth of the City to the south with 10,000 new homes and related infrastructure.
- Borderlands Initiative - the Borderland Initiative which is developing into a major cross-border partnership. A Borderlands Growth Deal is promised on page 35 the Conservative Manifesto 2017. <https://s3.eu-west-2.amazonaws.com/manifesto2017/Manifesto2017.pdf>
- Future Flood Risk Management - as a statutory consultee and in their role as community leaders the plans in response to the Desmond Flood 2015 are being developed.

Carlisle City Council
7 November 2017

SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS
MADE BY THE LEADER of the CITY COUNCIL OF CARLISLE
Councillor Colin Glover

1. [Preamble](#)
2. [Members of the Executive](#)
3. [Portfolios and areas of responsibility](#)
4. [Allocation of Portfolios](#)
5. [Duties and responsibilities of Individual Portfolio Holders](#)
6. [Joint Arrangements and Consultative Arrangements](#)
7. [All Key Decisions to be by the Executive as a whole](#)
8. [Non key Decisions - Delegation to Portfolio Holders](#)
9. [Non key decisions - Delegations to officers](#)
10. [Decisions by the Leader](#)
11. [Chief Officers](#)
12. [Amendment of Scheme](#)

SCHEDULE 1

POLICY AREAS AND FUNCTIONS INCLUDED IN PORTFOLIOS

1. [Leaders Portfolio](#)
2. [Finance, Governance & Resources](#)
3. [Environment and Transport](#)

4. [Economy Enterprise and Housing](#)
5. [Communities, Health & Wellbeing](#)
6. [Culture, Heritage and Leisure](#)

SCHEDULE 2

EXECUTIVE FUNCTIONS DELEGATED TO CHIEF OFFICERS AND OTHER OFFICERS

1. [Conditions and Limitations](#)
2. [Powers Delegated to all Chief Officers](#)
 - Financial and Contractual
 - Staffing and Employee Relations
 - General Matters
3. [Powers Delegated to the Town Clerk and Chief Executive](#)
4. [Powers Delegated to the Deputy Chief Executive](#)
5. [Powers Delegated to the Corporate Director of Economic Development](#)
6. [Powers Delegated to the Corporate Director of Governance and Regulatory Services](#)
7. [Powers delegated to the Chief Finance Officer](#)

1 Preamble

- 1.1 Under Article 7 and the Executive Procedure Rules set out in this Constitution it is the responsibility of the leader to decide on the delegation of Executive functions and to maintain a written record of such delegations. The leader of the Council is Colin Glover whose electoral Ward is Currock.
- 1.2 This scheme of delegation has been prepared by the Leader in accordance with those provisions. The Executive is responsible for initiating and developing policy and taking decisions within the budget and policy framework in respect of all the functions of the local authority other than those which, whether by law or under this Constitution, cannot be the responsibility of the Executive. Such functions are referred to in this Scheme as "Executive functions".

2 Members of the Executive

The members appointed to the Executive by the leader are set out below.

Name	Address	Ward
Colin Glover	2a Montreal Street, Currock, Carlisle, CA2 4EE	Currock
Heather M Bradley	80 Blackwell Road, Currock, Carlisle, CA2 4DZ	Currock
Christopher J Southward	25A Wigton Road, Carlisle, CA2 7BB	Denton Holme

Leslie Tickner	236 Chesterholme, Sandsfield Park, Carlisle, Cumbria. CA2 7XY	Belle Vue
Anne Quilter	24 Melbourne Road, Carlisle, CA1 2DW	St Aidans
Lee B Sherriff	3 Trevor Street, Carlisle, CA1 2NH	Harraby

3 Portfolios and areas of responsibility

3.1 The following portfolios and areas of responsibility shall be allocated to members of the Executive:

- Leader's Portfolio
- Finance, Governance and Resources
- Economy, Enterprise & Housing
- Communities, Health & Wellbeing
- Environment and Transport
- Culture, Heritage and Leisure

3.2 A full description of the operational and policy areas and Executive functions included in each portfolio is set out in Schedule 1 attached to this Scheme. Any question arising as to whether a policy area or Executive function falls within a particular portfolio will be determined conclusively by the Leader.

4 Allocation of portfolios

4.1 The portfolios and areas of responsibility for Executive functions are allocated as follows:-

Portfolio area	Responsible member
Leader's Portfolio	Colin Glover (Leader of the Council)
Finance, Governance & Resources	Leslie Tickner
Environment & Transport	Christopher Southward
Economy, Enterprise & Housing	Heather Bradley
Communities, Health & Wellbeing	Lee Sherriff
Culture, Heritage and Leisure	Anne Quilter

4.2 In addition, the Leader has appointed Councillor Dr Leslie Tickner to be Deputy Leader of the Council to hold office until the end of the term of office of the Leader, subject to the power of the Leader to, if he thinks fit, remove the Deputy Leader from Office. The Deputy Leader to exercise the following powers and duties:

- If the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his place.
- Chairing Executive meetings in the absence of the Leader.
- Acting as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader.
- Holding, leading or assisting on any portfolio which the Leader may allocate.

No deputies will be appointed in respect of portfolio holders and in their absence their duties and responsibilities will be undertaken by the Leader and in his absence by the Deputy Leader or such other portfolio holder as the Leader may nominate.

If the Leader is unable to act, or the office of Leader is vacant, and the Deputy Leader is unable to act, or the office of Deputy Leader is vacant, the Executive must act in the Leader's place or must arrange for a member of the Executive to act in his place.

5 Duties and responsibilities of individual portfolio holders

The duties and responsibilities of individual portfolio holders are as follows:

- 5.1 To provide pro-active political leadership for the designated functions and services of the Council set out in the allocated portfolio.
- 5.2 To exercise any delegated powers and make decisions in respect of the relevant portfolio area to the extent authorised to do so by the Leader under this scheme of delegation.
- 5.3 To initiate and promote policies and programmes in respect of the allocated portfolio both within the Council and externally.
- 5.4 To present and consult on the Council's policies in respect of the allocated portfolio with the public, both directly and through appropriate media.
- 5.5 To engage actively and represent the Council in appropriate local, regional and national groupings involved with the service areas set out in the allocated portfolio.
- 5.6 To make recommendations about the implementation of policies within the allocated portfolio.
- 5.7 To report to the Executive and the Council on decisions made, actions taken and progress achieved within the allocated portfolio.
- 5.8 To consult with and report as required to the Executive, the Council and the relevant Overview & Scrutiny Panels in respect of the portfolio.
- 5.9 To commission and consider reports/briefs from appropriate officers as required for the efficient discharge of the portfolio holder's duties/responsibilities.
- 5.10 To keep abreast of national best practice/new initiatives in the areas covered by the portfolio to help ensure high local service standards and provision.
- 5.11 To consider and act on performance data and reports from the Executive and the relevant Overview & Scrutiny Panels.
- 5.12 To contribute to the corporate development of the Council's policies and objectives through active engagement of and participation in the Executive.

- 5.13 To work closely with the relevant senior officers of the Council to help ensure the efficient management of the authority, to uphold high standards of performance and conduct and to enable officers to exercise any powers delegated to them.
- 5.14 To attend meetings of the relevant Overview & Scrutiny Panels as and when required.
- 5.15 To take a strategic overview of and positively contribute to the Council's Transformation agenda.

6 Joint arrangements and consultative arrangements

The following joint arrangements and consultative arrangements will operate in respect of Executive functions:

- 6.1 Functions in connection with the management of Carlisle Market are carried out by the Market Management Group established under arrangements made pursuant to the lease of the Market granted by the Council on 5 July 1991. The Executive members nominated to the Market Management Group and authorised to make any decisions and carry out any Executive functions pursuant to those arrangements are the Leader, Councillor Heather Bradley and Councillor Dr Leslie Tickner.
- 6.2 Joint consultative arrangements have been established with the trades unions representing the Council's staff to enable an exchange of views on relevant matters affecting the workings of the Council and the interests of its staff. Councillor Dr Leslie Tickner and such other members of the Executive as nominated by the leader from time to time are nominated to attend meetings of the joint consultative body on behalf of the Executive and delegated to carry out such consultative functions.
- 6.3 A joint arrangement has been put in place with a range of public, private, community and voluntary sector stakeholders through the establishment of the Carlisle Partnership. The Carlisle Partnership brings together all the relevant stakeholders to improve the quality of life of Carlisle people and to play a key role in developing and overseeing the implementation of the Community Strategy. Membership of the Carlisle Partnership is set out in its approved Constitution and, from Carlisle City Council, includes the Leader

and Chief Executive, together with one elected Member from each of the political groups on the Council.

6.4 A Member Learning and Development Steering Group has been established whose remit is to consider and advise on the training needs of Members and particularly on:

- Member training priorities.
- The distribution of available resources.
- A set of core skills and knowledge required to undertake various member roles and responsibilities.
- The content and timing of an annual Member Training Programme.
- The content and timing of an Induction Programme for new Members.
- The level of “recommended attendance” for development activities.

The Group comprises of the Portfolio Holder for Finance, Governance and Resources together with one Member of each of the political groups nominated by those groups and will provide cross party feedback to the Executive to assist it in making any decisions for which the Executive is responsible in respect of Member training matters.

7 All key decisions to be made by the Executive as a whole

7.1 A key decision is defined in Regulations and in Article 13.03 of the Council's Constitution.

It is a decision which is likely:-

- to result in the incurring of expenditure which is, or the making of savings which are, significant having regard to the authority's budget for the service or functions in question (the Council has resolved that the figure of £70,000 will be considered significant for these purposes) or
- to be significant in terms of its effect on communities living or working in an area comprising two or more wards in the authority's area.

- 7.2 In addition, decisions will be treated as key if they are likely to have a significant impact on communities in one ward, or if they are made by the Executive in the course of developing proposals to the full Council to amend the policy framework.
- 7.3 All key decisions will, except as mentioned below, be made by the Executive as a whole in accordance with the Executive Procedure Rules in Section 3 of the Constitution. No key decisions are delegated to any individual member of the Executive or any officer, except that:-
- (i) to the extent that they may be key decisions, Chief Officers will be authorised to award tenders in their areas of responsibility as provided for in paragraph 2.1 of Schedule 2 as long as the award is within budget and the lowest tender is accepted. Any decision to award other than to the lowest tenderer must be referred to the Executive unless this requirement is waived by the Executive or is taken under the urgency provisions set out in the Contracts Procedure Rules.
 - (ii) if a key decision is required to be taken urgently and there is insufficient time to call a meeting of the Executive without prejudicing the interests of the Council then the relevant portfolio holder may take the decision after first consulting, where practicable, with the Leader or Deputy Leader, and after complying with any relevant requirements set out in the Constitution.

8 Non-key decisions - delegations to portfolio holders

- 8.1 Each portfolio holder is authorised to take non-key decisions in connection with the allocation of grants falling within their relevant portfolio area up to a limit of £1,000 in respect of any individual grant, other than the allocation of individual private sector renovation grants, home repair grants, disabled facilities grants and reinstatement grants in respect of work to Airey type houses (which are delegated to the Corporate Director of Governance and Regulatory Services under this Scheme in consultation with the Communities & Housing Portfolio Holder) and access grants, Town Scheme grants and Local Government (Historic Buildings) Act 1962 grants (which are delegated to the Corporate Director of Economic Development under this Scheme). The allocation of grants in excess of £1,000 (other than those reserved to the Corporate Director of

Governance and Regulatory Services, referred to above) will be referred to the Executive for determination.

8.2 Each portfolio holder will also be authorised to take any non-key decision in respect of any matter falling within their relevant portfolio area as could be taken by a Chief Officer under Schedule 2, except for:

- The award of tenders
- Decisions in respect of day to day operational or management matters (and the leader will determine conclusively whether any decision falls into this category in the event of a disagreement between an officer and a portfolio holder) and
- Any decision which has, by law, to be taken by an officer

8.3 Any decisions made by portfolio holders pursuant to the delegated powers set out in paragraph 8.2 above shall be subject to:

- The portfolio holder complying with the same conditions and limitations set out in paragraph 1 of Schedule 2 as apply to the exercise of delegated powers by Chief Officers.
- The portfolio holder maintaining a close liaison with and consulting the appropriate Chief Officers and
- The portfolio holder complying with the legislative requirements relating to the recording of decisions made by Executive members.

9 Non key decisions - delegations to officers

- 9.1 Responsibility for decisions in respect of any Executive functions which are not key decisions (other than those in respect of grants delegated to portfolio holders under paragraph 8.1 above) is also delegated to the relevant Chief Officer and other officers as set out in Schedule 2 attached to this scheme, subject to complying with the Conditions and Limitations set out in Schedule 2.
- 9.2 The Executive acting as a whole may also take any non-key decisions which may be referred to it either by an officer or a portfolio holder.

10 Decisions by the Leader

- 10.1 For the avoidance of doubt, the Leader may also take any decision which under this Scheme of Delegation is capable of being taken by any portfolio holder or which he is, by law, entitled to take.

11 Chief Officers

- 11.1 The Chief Officers for the purposes of this Scheme of Delegation are:

- Town Clerk and Chief Executive (Head of Paid Service)
- Deputy Chief Executive
- Chief Finance Officer (Section 151 Officer) (The Chief Finance Officer is the statutory Chief Officer appointed pursuant to section 151 of the Local Government Act 1972 but not a 'Chief Officer' for the purposes of the City Council's internal staffing structure.)
- Corporate Director of Governance and Regulatory Services (Monitoring Officer)
- Corporate Director of Economic Development

For the avoidance of doubt, any reference within this Leader’s Scheme of Delegation to ‘Chief Officer’ or ‘Chief Officers’ includes the Chief Finance Officer.

12 Amendment of scheme

This Scheme of Delegation may be amended at any time by the Leader as provided for in the Executive Procedure Rules set out in Section 3 of this Constitution.

SCHEDULE 1

POLICY AREAS AND EXECUTIVE FUNCTIONS INCLUDED IN PORTFOLIOS

1. LEADER'S PORTFOLIO:

- Carlisle Partnership – including Community Plan
- Children's and Young People's Agenda/Partnership
- Civic Relationships
- Council Communication
- Emergency Planning
- Events
- Mayoral/Civic
- Overall Strategy/Policy
- Press and Public Relations
- Schools Engagement
- Strategic Partnerships
- Sub- Regional/Regional/National relationships
- Town Twinning
- Young People's Activities
- Youth Council Links

2. FINANCE, GOVERNANCE & RESOURCES

- Accountancy and Strategic Finance
- Asset Management Plan
- Best Value

- Budget Framework
- Building Maintenance & Support Services
- Capital Strategy
- Corporate Management
- Corporate Planning
- Corporate Plan and Performance Management
- Corporate Support Services
- Data Protection
- Data Security
- Democratic Services
- Freedom of Information
- Health and Safety (Staff)
- Human Resources
- Income Management
- ICT
- Insurance
- Internal Audit
- Investment Strategy
- Land Charges
- Legal Services
- Licensing & Regulatory
- Medium Term Financial Plan
- Member Services
- Organisational Development (Staff and Members)

- Payments
- Payroll
- Policy & Performance Management
- Procurement
- Property/Estates & Facilities Management
- Property (Strategic) – (Joint responsibility with Economy, Enterprise & Housing Portfolio Holder)
- Regulation of Investigatory Procedures Act Policy
- Revenues and Benefits
- Risk Management
- Service Standards
- Shared Services Monitoring
- Sundry Debtors
- Transformation Programme
- Treasury Management
- Treasury Management Strategy Statement
- Workforce Development Strategies

3. ENVIRONMENT AND TRANSPORT:

- Allotments
- Bereavement Services
- Car Parking and Civil Enforcement
- CCTV
- Crematoria & Cemeteries

- Dog Wardens
- Environment Agenda
- Environmental Protection & Enforcement
- Food Standards
- Fleet Operations
- Greenspaces
- Health and Safety (External)
- Highways Maintenance
- Highways Partnership
- Land Drainage
- Movement Strategy
- Parks
- Pest Control
- Play Areas (Development)
- Public Conveniences
- Public Health Complaints
- Recycling
- Refuse Collection
- Relationships with Environment Agency/DEFRA
- Street Cleaning
- Footway Lighting
- Streetscene
- Waste Management

4. ECONOMY, ENTERPRISE & HOUSING

- Building Control
- Business Support and Sector Development
- City Centre Management
- Conservation
- Development Control
- Economic Development and Strategy
- Empty Property Schemes (in particular, whether the Council should or should not participate in Schemes – including those pursuant to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or similar).
- External Funding
- Homelessness/Hostels/Homeless Prevention
- Housing Client and Enabling
- Housing Conditions
- Housing Management
- Housing Partnerships
- Housing Strategy and Support
- Inward Investment
- Local Plans
- Planning Policies
- Private Sector Housing including Enforcement
- Private Sector relationships including Cumbria Chamber

- Property (Strategic) (Joint responsibility with Governance & Resources Portfolio Holder)
- Rural/Urban Policy
- Strategic Transport & Infrastructure
- Supported Housing Services

5. Communities, Health & Wellbeing

- Advice Agencies
- Cash Collection
- CDRP (Safer Communities)
- Community Centres/Associations
- Community Consultation
- Community Development
- Community Participation and Volunteering
- Community Safety/Crime & Disorder
- Consultation Strategy
- Corporate Complaints
- Crime and Disorder
- Customer Contact Services
- Disabled Access
- Disabled Facilities Grants
- Equality and Diversity Policy
- Health Improvement
- Health/Wellbeing Partnerships

- Neighbourhoods and Rural Support
- Play Areas (Operational)
- Shopmobility

6. Culture, Heritage & Leisure

- Culture & Arts Development
- Cultural Strategy
- Fair Trade
- Grants for Leisure
- Historic Carlisle
- Sport & Leisure
- Tourism Action Plan
- Tourism Management and Development
- Tullie House Trust

SCHEDULE 2

EXECUTIVE FUNCTIONS DELEGATED TO CHIEF OFFICERS

AND OTHER OFFICERS

1. CONDITIONS AND LIMITATIONS

- 1.1. These delegations relate to Executive functions and shall be in addition to and not in derogation from any powers and duties delegated to Chief Officers or any other officer in the Council's Financial and Contracts Procedure Rules, or in some other part of the Constitution. They do not authorise a Chief Officer or any other officer to exercise any powers or functions which are reserved to some other part of the local authority whether by law or under this Constitution.
- 1.2. Each Chief Officer is authorised to discharge the Executive functions, act on behalf of and exercise the powers of the Executive in relation to the matters specified in this Scheme, subject to the following conditions and limitations:
 - a) Chief Officers are prohibited from exercising any Executive function or taking any decision which is a key decision (other than in respect of the award of tenders authorised under paragraph 2.1 of this Schedule 2) which must (except as provided for in this Scheme) be taken by the Executive as a whole.
 - b) Any exercise of such delegated powers by a Chief Officer shall be in accordance with the following:
 - i. The plans, strategies and policies forming the policy framework approved or adopted by the Council.
 - ii. The budget approved by the Council.
 - iii. The Financial and Contracts Procedure Rules of the Council.
 - iv. The Council's Codes of Practice and Conditions of Employment.
 - v. Any legal constraints relating to the exercise of such powers.
 - c) Chief Officers must first take, where appropriate, financial, legal, valuation and personnel advice.

- d) Chief Officers must maintain a close liaison with and consult the appropriate Executive Portfolio Holder(s) in the exercise of delegated powers and comply with any other constraints set out in this Scheme.
- e) Any matter shall be referred to the Executive for decision if the relevant Executive Portfolio Holder or the Leader so requests or if in the opinion of the relevant Chief Officer it should be referred.
- f) Where Chief Officers consider that a decision which they have taken under delegated authority is significant then that decision and the reasons for taking it must be recorded in writing as soon as reasonably practicable after taking the decision. All such decisions shall be reported to the Executive.
- g) Any Chief Officer to whom powers are delegated under this Scheme, if he/she considers it necessary, is authorised to arrange for any matter or power delegated to him/her under this Scheme to be exercised in addition by another officer or officers (whether employed by the City Council or another organisation) of suitable qualification, seniority, experience and competence, subject to the same limitations to which the Chief Officer is subject under this Scheme. The Chief Officer shall notify the relevant Portfolio Holder and the Town Clerk and Chief Executive of any such arrangements so made but shall, notwithstanding any such arrangements, remain responsible for decisions taken in the exercise of such powers.
- h) The Town Clerk and Chief Executive is also authorised to exercise any power or function which is delegated to a Chief Officer under this Scheme and the Deputy Chief Executive is also authorised to exercise any power or function delegated to the Town Clerk and Chief Executive, subject always in each of the above cases to any statutory or other limitation which would prevent them from exercising such power or function. In the event of any vacancy arising in respect of any Chief Officer post, the Town Clerk and Chief Executive shall also be authorised to arrange for any matter or power delegated to the Chief Officer under this Scheme to be exercised by another officer or officers of suitable qualification, seniority, experience and competence, subject to the same limitations to which the Chief Officer is subject under this Scheme.

2. POWERS DELEGATED TO ALL CHIEF OFFICERS

FINANCIAL AND CONTRACTUAL

- 2.1. To issue orders and accept tenders for goods, services or works or the acquisition of assets of whatever kind within their areas of responsibility, provided compliance is made with all the relevant Contracts Procedure Rules and Financial Procedure Rules of the Council; the expenditure can be met within the budget previously approved by the Council or is within any scheme of virement which may be from time to time approved by the Council and the lowest tender is accepted. Any decision to award other than to the lowest tenderer must be referred to the Executive unless this requirement is waived by the Executive or is taken under the urgency provisions set out in the Contracts Procedure Rules.
- 2.2. To undertake virement in budgets for which they are responsible in accordance with the principles set out in the Financial Procedure Rules or otherwise approved by the Council from time to time.
- 2.3. In accordance with guidance issued by the Chief Finance Officer to sell surplus vehicles, stores, plant, furniture and equipment for the best price obtainable, and to “write off” any such vehicles, stores, plant, furniture and equipment which have become unfit for use and of no value.

STAFFING AND EMPLOYEE RELATIONS

- 2.4. To the extent that such matters are Executive functions and not the responsibility of the Council, some other body or the head of paid service under the Council's Constitution, to be responsible for all matters relating to the effective management of all personnel within their respective service areas of responsibility. In particular, for their deployment, direction, assessment and development in accordance with the Council's policies and procedures and to exercise discipline of employees in accordance with the Council's agreed disciplinary procedures. (Note: Responsibility for the appointment of staff below Chief Officer level is a matter for the head of paid service or his/her nominee.)
- 2.5. Without prejudice to the generality of paragraph 2.4, to be responsible for authorising the following:-
 - a) Exceptional leave of absence in accordance with the Council's policies.

- b) Attendance by staff at training courses in accordance with the Council's staff training scheme or at conferences and external meetings.

2.6. In consultation with the Town Clerk and Chief Executive to implement reorganisations within their service areas of responsibility and to vary the establishment for which they are responsible within approved salaries and wages budgets.

GENERAL MATTERS

- 2.7. To authorise officers within their service areas of responsibility by name as being empowered to demand and gain access to land or premises in fulfilment of the Council's powers and duties, always providing such access can be lawfully demanded on behalf of the Council and that such matters are Executive functions.
- 2.8. To apply for planning permissions under the provisions of the Town & Country Planning (General Regulations) 1992 or any statutory amendment or re-enactment thereof.
- 2.9. To serve requisitions for information in connection with the exercise of the Council's statutory powers in their areas of responsibility, including requisitions under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or any statutory amendment or re-enactment thereof, but only to the extent that these are Executive functions under the Constitution.
- 2.10. To authorise (after consultation with the Corporate Director of Governance and Regulatory Services) the institution or defence of legal proceedings in connection with any Executive function within the Chief Officer's area of responsibility.
- 2.11. To authorise (after consultation with the Corporate Director of Governance and Regulatory Services) the institution of legal proceedings for the recovery of any monies due to the Council and for the possession of any property to which the Council may be entitled and in respect of any property, rights or other interests of the Council within the Chief Officer's area of responsibility.
- 2.12. To authorise the service of any notice, order or other document or proceedings in connection with any Executive function falling within the Chief Officer's area of responsibility.

- 2.13. To authorise the carrying out of work in default or non-compliance with any statutory provision, bye-laws, notice, permission, order, authorisation, or consent, which is of a kind falling within the Chief Officer's area of responsibility and to exercise the Council's statutory power to recover expenses incurred.
- 2.14. To attend or be represented at meetings of their professional bodies and at officer meetings held for the discussion and furtherance of matters which relate to any Executive function or activities.
- 2.15. To the Corporate Director of Governance and Regulatory Services, the Chief Finance Officer and the Deputy Chief Executive or their respective nominees (acting collectively) to hear and determine any further representations and complaints made by any person following the initial response given by the Council to that person after the issue of a parking contravention notice (other than representations which must be determined by an independent adjudicator) and to waive the notice if in their view it would be appropriate to do so in accordance with any guidelines adopted by the Council.

3. POWERS DELEGATED TO THE TOWN CLERK & CHIEF EXECUTIVE

3.1. EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 3.7 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to

- a) all Personnel and Human Resource Management matter for which the Council is responsible, including training for elected Members;
- b) oversight of the contractual arrangements for the management and provision of the Council's computing and information technology support through the Shared Services Agreement with Allerdale Borough Council.
- c) The collection of revenues and the administration of benefits.
- d) Customer Services, Reception and Communications
- e) The management and use of all resources and personnel utilised in all of the relevant areas mentioned in paragraphs (a) to (d) above.
- f) To take any action on behalf of the Council as may lawfully be taken in any case of emergency, including decisions relating to emergency expenditure under the Council's Contracts or Financial Procedure Rules.
- g) To be authorised to exercise any power or function delegated to any Chief Officer or other Officer under this Scheme in the event of such Chief Officer/Officer being absent or unable to carry out his/her duties or responsibilities or for any reason where the Town Clerk and Chief Executive believes it is in the Council's interests to do so, subject always to any statutory or other limitation which would prevent the Town Clerk and Chief Executive from exercising such power or functions.
- h) In respect of the powers available to the Police under Part 4 of the Anti-Social Behaviour Act 2003 (or any statutory amendment or re-enactment thereof) to authorise the use of dispersal powers, the Town Clerk and Chief Executive or his appointed Deputy, acting on behalf of the Council, are authorised to:
 - (i) consent or object in any particular case to the proposed use of such authorisation powers under the Act; and,

- (ii) respond to consultation regarding the proposed withdrawal of an authorisation, subject (where practicable) to prior consultation with the Group Leaders and the Chairman of the Community Overview and Scrutiny Panel.
- i) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

Without prejudice to the generality of paragraph 3.1 above, this delegation shall include the following matters:

3.2 INFORMATION TECHNOLOGY AND PROCUREMENT MATTERS

- a) Oversight and monitoring of the contractual arrangements for the management and provision of the Council's Computing and Information Technology support services through the Shared Services Agreement between the Council and Allerdale Borough Council.
- b) E-government functions of the Council.
- c) Telephony services including all relevant equipment.
- d) Mail processing.
- e) Reprographics.
- f) The management and storage and distribution of information within the Authority.
- g) To be responsible for the Council's central IT procurement functions.

3.3 PERSONNEL AND HUMAN RESOURCE MATTERS

- a) To take all operational decisions in respect of all personnel, assets and resources utilised in the Personnel Services and Payroll sections of the Directorate.
- b) To declare posts to be redundant and to serve or secure the service of any notices and take any other steps which might be necessary to implement such redundancies.

- c) To be responsible for all matters relating to the training of Elected Members.
- d) To approve the attendance of Members at courses and conferences whether inside or outside the United Kingdom, provided that budgetary provision is available.
- e) To be responsible for all matters related to Organisational Development.

3.4. REVENUES AND BENEFITS MATTERS

- a) To administer the law relating to the administration, collection and recovery of the Council Tax and National Non-Domestic Rate (NNDR).
- b) To discharge all payments on behalf of the City Council subject to compliance with the relevant Financial and Contracts Procedure Rules.
- c) To initiate and (where appropriate) conduct proceedings in the appropriate Courts for the recovery of National Non-Domestic Rates, Community Charge, Council Tax and any indebtedness to the Council and also to take any necessary action under the Housing Benefit Counter Fraud Regulations, including the giving of formal cautions.
- d)
 - (i) To make awards under the Discretionary Housing Payments Scheme where:
 - (a) There is a shortfall between the amount of Housing or Council Tax Benefit awarded and eligible rent or Council Tax liability; and
 - (b) The claimant or a member of their family will suffer exceptional hardship if a discretionary payment is not made
 - (ii) To vary award amounts and periods if the Government-determined cash limit is in danger of being exceeded.
- e) To approve, but not refuse, applications for Discretionary Rate Relief in accordance with the Council's adopted Discretionary Rate Relief Policy subject to any applying organisation's compliance with the criteria set out in the Local Government Finance Act 1988 (Sections 47 and 48). Further, to approve, but not refuse, applications for discretionary relief under the discretionary relief powers contained in Section 44A of the Local Government Finance Act 1988; and to approve all valid applications for mandatory rate relief in accordance with relevant legislation and regulations.

3.5. CUSTOMER SERVICES AND RECEPTION FACILITIES

- a) The management, operation and supervision of the Council's customer services and central reception facilities.

3.6. COMMUNICATIONS

- a) The management, operation and supervision of the Council's communications operation
- b) The approval or refusal of any application by a person, firm or organisation to advertise by any medium hosted or produced by the Council.

3.7. LIMITATIONS ON DELEGATION

- a) The above delegation shall be subject to all the conditions and limitations set out in paragraph 1 of this Schedule.

4. POWERS DELEGATED TO THE DEPUTY CHIEF EXECUTIVE

4.1. EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 4.10 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to the following areas, including the management and use of all resources and personnel utilised in those areas:

- a) Recycling, waste collection and management and street cleansing.
- b) Highways, Streetscene, car parking and sewerage and drainage matters whether in respect of functions vested in the Council or under any agency agreement which are Executive functions, other than those which are designated as Council functions under the Constitution and reserved to the Development Control Committee.
- c) The management and maintenance of Green Spaces and CCTV facilities owned and operated by the Council.
- d) The management and use of resources and personnel held and employed by the Council for sports, leisure, recreation, artistic or cultural purposes and the supervision of services in these areas operated by external agencies on behalf of the Council (including the Tullie House Museum & Art Gallery and any Leisure Contract entered into by the Council).
- e) Community development and support, community safety and community agencies.
- f) The Carlisle Partnership, the Crime and Disorder Partnership and support to neighbourhoods and rural areas, including any community consultation undertaken by the Council.
- g) City Centre Management
- h) Tourism
- i) To deal with all of the Council's powers and duties, pursuant to Chapter 3 of the Localism Act 2011 and relevant regulations, concerning Assets of Community Value, in accordance with the scheme of delegation (as amended from time to time) approved by report reference PC15/14.
- j) The management and use of all resources and personnel in all of the relevant areas mentioned in paragraphs 4.1 (a) to 4.1 (i) above.

- k) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

Without prejudice to the generality of paragraph 4.1 above, this delegation shall include responsibility for:

4.2 CULTURE AND LEISURE SERVICE

- a) All parks, amenity areas and children's play areas.
- b) All sport and recreation development activities.
- c) Museums, Art Galleries and arts development functions including Tullie House.
- d) Management of the contract and supervision of services operated under contract at the Sands Centre, Pools, Stonyholme Golf Course, Swifts Golf Course, Sheepmount, Bitts Park Recreation area and St James Park.
- e) The preparation of plans, strategies, policies and budgets in the above areas for consideration by the Executive and approval by the Council.
- f) In consultation with the relevant Portfolio Holder, to fix and vary charges at Talkin Tarn within the Business Plan, with the exception of car parking charges which will be reviewed annually as part of the corporate process.

4.3. COMMUNITY DEVELOPMENT SUPPORT AND COMMUNITY SAFETY

- a) To take all operational decisions in connection with the Council's community development and support and community safety initiatives and programmes, including matters relating to children, young people and anti-poverty initiatives, crime and disorder and including decisions in respect of all personnel, assets and resources used for such purposes.
- b) To be responsible for overseeing the Council's relationship with and the disbursement of grants to Community Centres, Rural Areas, Parish Councils and Village Halls.

- c) To be responsible for authorising the payment of grants under the Council's Small Scale Community Projects scheme.

4.4. COMMUNITY AGENCIES

- a) To be responsible for administering grants to and overseeing the Council's relationships with the Citizens Advice Bureau and the Law Centre and other community groups and associations.

4.5. RECYCLING AND WASTE MANAGEMENT

- a) The collection, recycling and disposal of household, trade and other refuse and waste including the cleansing of streets and open spaces
- b) The removal of abandoned vehicles, fly-tipping and other refuse.
- c) Litter control and enforcement.

4.6. HIGHWAYS, DRAINAGE AND RELATED MATTERS

- a) All matters relating to highway maintenance, footpaths and bridleways and parking whether in respect of functions vested in the Council or exercisable by the Council under any agency agreement.
- b) All sewerage and land drainage functions including the adoption of sewers and the design, construction and maintenance of such sewers and ancillary works as may be the responsibility of the Council.
- c) Traffic management including, in consultation with the Corporate Director of Governance and Regulatory Services, the making of statutory orders in respect of traffic regulation, road closures, footpath diversions and similar matters and responding to consultations on such orders made by other bodies in so far as the Council is empowered to exercise such functions.
- d) Following consultation with the Corporate Director of Governance and Regulatory Services, the taking of any action, including the serving of any Notice or making of any Order under the enactments relating to public transport, highways, road traffic, car parks and related highway matters in so far as the Council is empowered to exercise such functions.

- e) The provision, management and operation of car parks (including the making of statutory orders) and the management and operation of all matters relating to decriminalised parking and its enforcement, including making determinations on representations received from any person following the issue of a penalty charge notice. For the avoidance of doubt, such determinations may also be made by the Car Park Manager.
- f) approve variations to the charges for car parking permits and car parking ticket charges set out in Report SD27.16, relevant appendices and addendum, to a maximum 20% variation either upwards or downwards. The decision to so vary is delegated to the Deputy Chief Executive, following consultation with the Portfolio Holder for Environment and Transport and the Chief Finance Officer, with such a decision being recorded in an Officer Decision Notice. The power to vary is to be used where it is considered appropriate to either maintain revenue from and/or maintain demand for a car park. The ability to vary charges may be applied from time to time to one or more car park(s).
- g) The maintenance and lighting of footways and highways.
- h) Matters relating to gas, electricity, water, telephone, and any other statutory undertakers or utilities with which the Council is empowered to deal.
- i) The management and use of all pedestrianised areas including determining applications for permits for vehicular access to such areas.

4.7. GREEN SPACES

- a) In consultation with the Portfolio Holder for Environment and Transport to determine and amend the charges set by the Council for the use of its parks and green spaces.
- b) To authorise the grant by the Council of periodic tenancies for up to one year of individual allotments and other matters relating to their use and occupation. Such authorisation is to include signing on behalf of the Council, agreements for the grant, surrender or variation of such tenancies.

4.8. INTEGRATED COMMERCIAL AND TECHNICAL SERVICES FUNCTIONS

- a) Provision of integrated commercial and technical services
- b) Direct services, including:
- c) Waste services (street cleaning and refuse collections)

- d) Grounds and parks maintenance
- e) Highways and lighting maintenance
- f) Parking and wardens
- g) CCTV
- h) Park wardens
- i) Playground maintenance
- j) Transportation and highway related issues
- k) Car parking
- l) To exercise the Council's functions and powers relating to penalty notices for graffiti and fly posting and the removal of graffiti set out in Sections 43 to 52 of the Anti-Social Behaviour Act 2003 or any statutory amendment or re-enactment thereof
- m) To exercise the Council's functions and powers relating to the issuing of orders, warnings and notices under the Anti- Social Behaviour, Crime and Policing Act 2014 or any statutory amendment or re-enactment thereof

4.9. CEMETERIES AND CREMATORIA

- a) All matters relating to the management and operation of cemeteries and crematoria.

4.10. LIMITATIONS ON DELEGATION

The above delegation shall be subject to the following limitations:

- a) All the conditions and limitations set out in paragraph 1 of this Schedule.
- b) The referral to the Executive for confirmation of any order, notice or other similar instrument where the relevant Portfolio Holder so requests or where any objection is received from any person or body to the proposed order, notice or instrument.

5 POWERS DELEGATED TO THE CORPORATE DIRECTOR OF ECONOMIC DEVELOPMENT

5.1 EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 5.5 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to

- a) those powers and duties of the Council as local planning authority and in respect of building control matters which are Executive functions (other than those which are designated as Council functions under the Constitution and reserved to the Development Control Committee);
- b) strategic oversight and direction of the Council's economic development Property Portfolio (as opposed to operational management);
- c) economic development matters including, business support, rural policy, City Centre Management;
- e) all matters in relation to the Council's Housing Strategy;
- f) the management and use of all resources and personnel in all of the relevant areas mentioned in paragraphs 5.1 (a) to 5.1 (e) above.
- g) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

Without prejudice to the generality of paragraph 5.1, this delegation shall include responsibility for:

5.2 DEVELOPMENT AND BUILDING CONTROL MATTERS

- a) To deal with all Building Regulation applications and related matters (including the service of notices and authorising the institution of legal proceedings in consultation with the Corporate Director of Governance and Regulatory Services)

and to adjust the staffing levels of the Building Control Section to cater for significant increases or decreases in the workload and fee income of the Section.

- b) To approve within budget provision conservation grant applications and amendments.
- c) To approve within budget provision Local Government (Historic Buildings) Act 1962 grant applications and amendments.
- d) To approve within budget provision work on agreed enhancement schemes.
- e) To be the Council's representative and to take decisions on behalf of the Council under the Safety of Sports Grounds Act 1975, other than in respect of those matters which are reserved to the Regulatory Panel under the Constitution.
- f) To approve or reject applications for Access Grants.
- g) To vary the Council's agreed scheme of charges in respect of Building Control fees by plus or minus 10% should this be necessary to maintain cost recovery and income levels.
- h) To negotiate individual charges for Building Control fees commensurate with the principles of cost recovery in cases where work might otherwise be lost to an Approved Inspector.
- i) Administering the Environment Grants Budget scheme for countryside enhancement, subject to the award of grants being reserved to the portfolio holder or the Executive as provided for in this scheme.
- j) The preparation of Local Plans and amendments thereto and supplementary planning guidance for submission to the Executive and approval by the Council.
- k) The preparation of plans, strategies, policies and budgets in all the areas referred to above for consideration by the Executive and approval by the Council.
- l) The enclosure of dangerous places; the regulation of demolition work; matters in respect of dangerous and/or dilapidated buildings and other structures; neglected sites and injurious weeds and fire prevention and safety precautions matters.
- m) To exercise the Council's functions and powers relating to high hedges set out in Part 8 of the Anti-Social Behaviour Act 2003 or any statutory amendment or re-enactment thereof.

- n) To exercise the Council's functions and powers relating to penalty notices for graffiti and fly posting and the removal of graffiti set out in Sections 43 to 52 of the Anti-Social Behaviour Act 2003 or any statutory amendment or re-enactment thereof.
- o) To exercise the Council's functions and powers relating to the issuing of orders, warnings and notices under the Anti- Social Behaviour, Crime and Policing Act 2014 or any statutory amendment or re-enactment thereof
- p) To exercise the Council's powers in connection with the naming and numbering of streets.
- q) To exercise the Council's powers in connection with community protection notices pursuant to the Anti-social Behaviour Act, sections 43 to 58.
- r) **All the powers and duties set out in paragraphs 5.2 (a) to 5.2 (p) inclusive above relating to Development and Building Control matters may also be exercised by the Development Manager.**

5.3. ECONOMIC DEVELOPMENT MATTERS

- a) To take all operational decisions in respect of all personnel, assets and resources used for economic development purposes.
- b) To authorise expenditure and take any other action in connection with the Council's economic development policies and functions including seeking external funding for initiatives wherever appropriate.

5.4. FUNCTIONS AS STRATEGIC HOUSING AUTHORITY

The preparation of plans, strategies, policies and budgets in respect of the Council's strategic housing functions for consideration by the Executive and approval by the Council and monitoring the subsequent implementation of those policies.

5.5. LIMITATIONS ON DELEGATION

The above delegation shall be subject to the following limitations:

- a) All the conditions and limitations set out in paragraph 1 of this Schedule.

6. POWERS DELEGATED TO THE CORPORATE DIRECTOR OF GOVERNANCE AND REGULATORY SERVICES

6.1. EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 6.8 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to the following areas, including the management and use of all resources and personnel utilised in those areas.

- a) The provision of legal, committee, overview and scrutiny and associated democratic services in support of the corporate governance of the Council, including support for the Council's obligations regarding standards and Code of Conduct functions.
- b) Civic and Mayoral functions.
- c) Electoral registration functions and the proper conduct and arrangement of all elections for which the authority is responsible.
- d) The maintenance and operation of the local land charges register and local searches functions.
- e) Functions in respect of all licensing matters, but only to the extent that they are functions of the Executive and not the Council under the Constitution and reserved to the Licensing Committee and the Regulatory Panel.
- f) All matters relating to town twinning.
- g) Matters relating to the provision of support services to Members.
- h) Health and safety functions in relation to the Council's own employees.
- i) Administration of Freedom of Information and Data Protection related matters.
- j) Public and Private Sector Housing standards, hostels and homelessness responsibilities
- k) Environmental health
- j) Responsibility for the proper management of all the general Property and Facilities used by the Council in connection with the carrying out of its functions;

- k) To take all operational decisions in connection with the management and operation of the Benefits Advice Service, including decisions in respect of all personnel and resources used in connection with the Service.
- l) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

Without prejudice to the generality of paragraph 6.1 above, this delegation shall include responsibility:

6.2. GENERAL MATTERS

- a) To take any action which may be required in connection with or for the protection of the Council's position as Market Authority, including decisions relating to the Council's Market Charter Rights and its powers as Market Authority under the Food Act 1984 or any similar legislation.
- b) To institute or defend proceedings for any offence or for any civil remedy within the powers and duties of the Council.
- c) Pursuant to section 223 of the Local Government Act 1972 to authorise any Member or Officer of the Council to prosecute or defend on behalf of the Council in proceedings before a Magistrates' Court and be entitled to prosecute or defend or to appear in any such proceedings and conduct any such proceedings.
- d) To utilise on behalf of the Council the powers contained in Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Lost and Uncollected Property).
- e) To deal with lettings of Civic Centre accommodation to outside bodies and organisations within criteria for charging determined by the Executive from time to time and to approve applications for the use of the Civic Centre foyer.
- f) To be responsible for all functions in respect of Local Land Charges and Searches and Enquiries and to implement any statutory increases in fees relating to Local Searches and Enquiries and to vary any supplement payable to the Cumbria County Council as and when the County increases its fees.

- g) To be responsible for all matters relating to Town Twinning and Civic and Mayoral activities.
- h) To issue and sign any certificate which may be required to be issued by the Council under the Local Government (Contracts) Act 1997 and any regulations made thereunder.
- i) To fulfil all the duties of the Council under Section 2 of the Local Government and Housing Act 1989 relating to the preparation, maintenance, deposit and modification of the list of politically restricted posts in the Council.
- j) To issue undertakings to Building Societies to restrict the amount of repayment of improvement grants.
- k) To take all necessary action (in conjunction with the Chief Finance Officer and any other relevant Directors) to fulfil the Council's responsibilities under the "Right to Buy" legislation in relation to the Housing Stock formerly owned by the Council and in relation to the Transfer Contract between the Council and Carlisle Housing Association (now Riverside).
- l) Responsibility for the proper management of all land and property owned by the Council.
- m) To initiate, defend or participate in any legal proceedings in respect of any matter relating to the functions of the Executive (including the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Executive, any Portfolio Holder or any person exercising delegated powers under this Scheme or in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect the Council's interests.
- n) To initiate, defend or participate in any legal proceedings in respect of any matter relating to the functions of the Executive/Council pursuant to the Anti-social Behaviour, Crime and Policing Act 2014.
- o) To cooperate with the Chief Officer of Police in any review of a criminal behaviour order pursuant to the Anti-social Behaviour, Crime and Policing Act 2014.

- p) To exercise any powers and duties which the Executive may have in relation to matters relating to electoral registration or elections, except always those matters reserved to the Council under the Constitution.
- q) In accordance with Chapter 3 of the Localism Act 2011 and relevant regulations, power to review, consider and determine decisions to list land or property as Assets of Community Value.
- r) The provision of environmental and public health services to and the protection of the health, safety and environment of the residents of the City of Carlisle which are Executive functions, other than those which are designated as Council functions under the Constitution and reserved to the Licensing Committee or the Regulatory Panel.

6.3. DELEGATION OF POWERS RELATING TO THE SCRAP METAL DEALERS ACT 2013

- a) Powers and responsibilities pursuant to the Scrap Metal Dealers Act 2013 are delegated to the Portfolio Holder of Finance, Governance & Resources, the Corporate Director of Governance and Regulatory Services and the Licensing Manager as follows:
 - i. power to determine (including the imposition of conditions) all types of applications regarding Site Licences and Collectors' Licences (where no objection is made) to each of the Licensing Manager and the Corporate Director of Governance and Regulatory Services;
 - ii. power to determine (including the imposition of conditions) all types of applications regarding Site Licences and Collector's Licences (where an objection is made) to the Portfolio Holder for Finance, Governance and Resources and the Corporate Director of Governance and Regulatory Services acting together.
 - iii. power to otherwise refuse or revoke Site Licences and Collectors' Licences to the Portfolio Holder for Finance, Governance and Resources and the Corporate Director of Governance and Regulatory Services acting together;

- iv. power to institute, defend or participate in any action or legal proceedings in respect of any matter relating to the 2013 Act (including but not limited to the service of any notice or order, the exercise of any power of entry or inspection; the commencement of a prosecution for any offence under the 2013 Act or the defence of any appeal against a decision of the Council made under the 2013 Act) in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect or progress the Council's interests, to the Corporate Director of Governance and Regulatory Services.

6.4. LAND AND PROPERTY MANAGEMENT MATTERS

- a) To act as the Council's Corporate Property Officer and commissioner of all property and related facilities management services.
- b) Continuously to review all the Council's holdings of land, buildings and property to ensure their efficient and effective use and to report thereon to the Executive from time to time.
- c) To be responsible, in conjunction with any managing agents appointed by the Council, and in accordance with any Council policies, for all land and property asset management matters in respect of all land, buildings and property held by the Council. Without prejudice to the generality of the foregoing, this will include responsibility for all land and property management matters in respect of the Lanes, the Market, the Council's Enterprise Centres (including power to allow organisations not operating for profit to occupy space at the Centres free of charge), the Council's small workshops and all the Council's industrial estates, subject in the case of the Market to the management arrangements made pursuant to the headlease granted by the Council on 5 July 1991.
- d) Without prejudice to the generality of the management powers in paragraph 6.4 (a) above:
 - i. To authorise the grant of all leases, assignments, sub-lettings, change of use and other matters relating to the use and occupation of the land, buildings and property referred to in paragraph 6.4 (a) above.

- ii. In respect of the land, buildings and property mentioned in paragraph 6.4 (a) above, to authorise any action to be taken for the recovery of any rent or other monies due to the Council, or for the recovery of possession of any of the said premises, or for the enforcement of any covenant or obligation or other matter against any tenant or other person, or for the protection of the Council's interest in the said premises.
- e) To grant permission for the waiver of restrictive covenants and the grant of easements and rights of way on behalf of the Council.
- f) To ensure all land and property is disposed of in accordance with Section 123 of the Local Government Act 1972 or any amendment or re-enactment thereof.
- g) To be responsible for the management of the Council's land and property assets and the delivery of the Council's Asset Management Plan.

All the powers and duties set out in paragraphs 6.4(a) to 6.4(g) inclusive above relating to Land and Property Management matters may also be exercised by the Building & Estates Services Manager or the Strategic Asset Investment Services Manager.

6.5. BUILDINGS and FACILITIES MANAGEMENT

To take all operational decisions in respect of the management and maintenance of all the authority's buildings and facilities, including integrated commercial and technical services functions relating to building cleaning, building maintenance and projects and professional consultancy purchasing and transport services.

All the powers and duties set out in paragraph 6.5 above relating to Buildings and Facilities Management matters may also be exercised by the Building & Estates Services Manager or the Strategic Asset Investment Services Manager.

6.6. PUBLIC HEALTH & SAFETY MATTERS

Without prejudice to the generality of paragraph 6.1 above, this delegation shall include responsibility for:

All functions where the Council has a statutory responsibility or duty or power under public health, environmental or related legislation of whatever nature which are Executive functions,

other than those functions reserved to the Council or some other body under the Constitution.

Without prejudice to the generality of the foregoing delegation, this includes:-

- a) The provision and maintenance of public conveniences.
- b) Pest Control.
- c) Ensuring the safety and wholesomeness of food and drink intended for human consumption, including the inspection of meat and other food; the inspection, and control of premises and/or stalls used for the storage and sale of food; and the control of food safety and hygiene for which the Council has responsibility.
- d) The promotion and development of recycling facilities including where appropriate joint schemes with the voluntary organisations or private sector.
- e) The cleansing of verminous persons and premises including powers and regulations made under the Public Health (Control of Disease) Act 1984.
- f) The cleaning of highways and footways.
- g) The prevention and control of the spread of infectious disease.
- h) To take all action within the Council's authority to ensure animal welfare.
- i) Securing the cleaning, repair and maintenance of drains and private sewers and cesspools, and the inspection and control of drainage systems to premises.
- j) The maintenance of a pure water supply.
- k) The control of the use of rag, flock and other filling materials.
- l) Contaminated land.
- m) Control of pollution and management of air quality.
- n) Control of caravan sites in accordance with the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968, and the Mobile Homes Act 1983.
- o) Statutory nuisance.
- p) To deal with all the Council's powers and duties under the following legislation or any statutory amendment or re-enactment thereof (including the execution of works in default of compliance with statutory notices):

i.	Section 17, 34 and 74 of the Public Health Act 1961;
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ii.	Sections 45, 50, 83, 84 and 85 of the Public Health Act 1936;
iii.	Public Health (Control of Disease) Act 1984
iv.	Section 15 of the Clean Air Act 1993 - chimney height approvals in consultation with the Chief Building Control Officer;
v.	Section 4 of the Prevention of Damage by Pests Act 1949;
vi.	The Food Safety Act 1990;
vii.	Control of Pollution Act 1974 - Sections 60, 61, 66, 69 and 93 and the Control of Pollution (Amendment) Act 1989 (as amended);
viii.	Local Government (Miscellaneous Provisions) Acts 1976 and 1982;
ix.	Refuse Disposal (Amenity) Act 1978 - Sections 3 and 6;
x.	Building Act 1984 - Sections 59, 64, 72, 76 and 84;
xi.	Section 77 of the Criminal Justice and Public Order Act 1994;
xii.	The Environmental Protection Act 1990 (as amended) including: <ul style="list-style-type: none"> a) Sections 13 and 14 - Service of Enforcement and Prohibition Notices. b) Section 59 and 59A - Service of Notice to remove Controlled Waste. c) Section 149 - Officer responsible for dealing with stray dogs.
xiii.	Clean Neighbourhoods and Environment Act 2005
xiv.	Pollution Prevention and Control Act 1999
xv.	Refuse Disposal Amenity Act 1978
xvi.	Dangerous Dogs Act 1991.
xvii.	Animal Boarding Establishments Act 1963
xviii.	Breeding of Dogs Act 1973
xix.	Pet Animals Act 1951

xx.	Dangerous Wild Animals Act 1976
xxi.	Zoo Licensing Act 1981
xxii.	Water Industry Act 1991.
xxiii.	Cumbria Act 1982
xxiv.	Sunday Trading Act 1994.
xxv.	The Noise Act 1996 (as amended by Section 42 of the Anti-Social Behaviour Act 2003).
xxvi.	Sections 43 to 52 of the Anti-Social Behaviour Act 2003.
xxvii.	Caravan Sites and Development Act 1960
xxviii.	Caravan Sites Act 1968
xxix.	Mobile Homes Act 2013
xxx.	To authorise persons to enter premises under any enactment or power for which the Deputy Chief Executive is responsible.
xxxi.	In consultation with the Corporate Director of Governance and Regulatory Services to institute proceedings under Articles 2 and 3 of the Control of Dogs Order 1992, Section 13, 73 and 75 of the Animal Health Act 1981 and Section 3 of the Dogs (Fouling of Land) Act 1996.
xxxii.	European Union Regulations 178/2002; 852/2004; 853/2004; 854/2004 and 882/2004
xxxiii.	The Food Hygiene (England) Regulations 2013
xxxiv.	The Official Feed and Food Controls (England) Regulations 2006, and declarations made thereunder.
xxxv.	Any Orders or Regulations made under or relating to the Food Safety Act 1990, as amended or having effect by virtue of the European Communities Act 1972.
xxxvi.	Sunbeds (Regulation) Act 2010

xxvii.	The Health Protection (Local Authority Powers) Regulations 2010
xxviii.	<p>The Anti-social Behaviour, Crime and Policing Act 2014 including:</p> <p>a) Community Protection Notices, sections 43 to 58 (for the avoidance of doubt this includes the power to authorise employees of the Council and to designate a person pursuant to section 53(1)(c) of the Act. (This includes the power to institute legal proceedings, in consultation with the Corporate Director of Governance and Regulatory Services, for non-compliance with such Notices).</p> <p>b) Closure Notices, sections 76 to 93.</p>

Note All the powers and duties set out in this section 6.6 relating to Public Health and Safety matters may also be exercised by the Regulatory Services Manager

6.7. PUBLIC AND PRIVATE SECTOR HOUSING STANDARDS

- a) To administer the Council's statutory functions in relation to the enforcement of all public health, housing and other legislation relating to securing proper standards and conditions in private and public sector housing.
- b) To serve any statutory and other notices; make any Order; instigate any prosecutions and take whatever other steps are necessary in connection with the functions mentioned in 6.7(a).
- c)
 - (i) To approve and make payment of individual Private Sector Renovation Grants, Disabled Facilities Grants and Home Repair Grants.
 - (ii) To exercise (in consultation with the relevant Portfolio Holder) the powers available to the Council under the Housing Grants, Construction and Regeneration Act 1996, the Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 and any other relevant powers available to the authority to reclaim any money paid in respect of Disabled Facilities Grant. **NOTE** the powers in this paragraph may also be exercised by the Housing Manager.
- d) To approve reinstatement grants in respect of work to Airey type houses.

- e) To grant requests for extension of the time limits for improvement grants.
- f) Taking all steps to ensure the fulfilment of the Council's statutory duties as housing authority.
- g) Authorising expenditure on the use and allocation of all financial resources relating to housing functions within approved budget provision.
- h) Administering the Council's Scheme of Allocation.
- i) In respect of hostel and associated accommodation:
 - (i) Collecting rents, service charges and other monies due to the Council
 - (ii) Enforcing tenancy conditions and preventing illegal occupation
 - (iii) Authorising the service of any statutory, legal or other notice and any other statutory or legal action in connection with the same
 - (iv) Authorising proceedings for possession and for the eviction of any persons.
- j) Making all necessary determinations and taking any other action which is required to be taken by the Council in order to fulfil its duties and responsibilities relating to homelessness under Part VII of the Housing Act 1996 and any other relevant legislation.
- k) Authorising any action to be taken to enforce legislation relating to the protection of tenants from unlawful eviction or harassment by private landlords.
- l) In respect of hostel and associated accommodation, accepting rent guarantees from Social Services and direct payment of rent from the Department of Work and Pensions.
- m) Increasing rents at hostels automatically when Department of Work and Pensions allowances are increased.
- n) Dealing with matters relating to the management and letting of the Council's hostel and associated accommodation including granting tenancies and licences for its use.
- o) Exercising any nomination rights which the Council may have in connection with Housing Association or similar properties.
- p) Monitoring the delivery of the promises given to ex-Council tenants by Carlisle Housing Association (now Riverside Carlisle Ltd) under the terms of the Transfer Agreement with the City Council.
- q) Dealing with all matters relating to the Council's relationship with tenants groups and other outside organisations.

- r) The control of caravan sites including powers under the Caravan Sites Act 1968, the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983.
- s) The cleansing of verminous persons and premises including powers under the Public Health (Control of Disease) Act 1984.
- t) The prevention and control of the spread of infectious disease.
- u) Statutory Nuisance.
- v) To deal with the Council's powers and duties under the following legislation or any statutory amendment or re-enactment thereof (including the execution of works in default in compliance with statutory notices):
 1. Sections 17, 34 and 74 of the Public Health Act 1961.
 2. Sections 45, 50, 83, 84 and 85 of the Public Health Act 1936.
 3. Section 4 of the Prevention of Damage by Pests Act 1949.
 4. Local Government (Miscellaneous Provisions Acts 1976 and 1982.
 5. Sections 59, 64, 72, 76 and 84 of the Building Act 1984.
 6. Section 77 of the Criminal Justice and Public Order Act 1994.
 7. The Environmental Protection Act 1990 (as amended) including:
 - a. Sections 13 and 14 – service of Enforcement and Prohibition Notices.
 - b. Sections 59 and 59a – service of Notice to remove controlled waste.
 8. Sections 43 to 52 of the Anti Social Behaviour Act 2003.
 9. The Housing Acts 1985 and 2004 and the Local Government and Housing Act 1989.
 10. Clean Neighbourhoods and Environment Act 2005.
 11. Control of Pollution Act 1974
 12. Environment Act 1995.
 13. Health & Safety at Work Act 1974.
 14. Noise and Statutory Nuisances Act 1993.
 15. Police and Criminal Evidence Act 1984
 16. Anti-social Behaviour, Crime and Policing Act 2014 including:
 - a. Community Protection Notices, sections 43 to 58;

17. The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.)(England) Order 2014

18. To authorise persons to enter premises under any enactment or power for which the Corporate Director of Governance and Regulatory Services is responsible.

6.8. LIMITATIONS ON DELEGATION

The above delegation shall be subject to the following limitations:

- a) All the conditions and limitations set out in paragraph 6.1 of this Schedule.
- b) The referral to the Executive of any matter relating to the freehold sale of land or the grant of a lease for a term exceeding 125 years.

7. POWERS DELEGATED TO THE CHIEF FINANCE OFFICER

7.1 EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 7.3 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to the proper management, regulation and control of all the Council's financial affairs, including the management and use of all resources and personnel utilised in the relevant areas.

Without prejudice to the generality of paragraph 7.1 above, this delegation shall include the following matters:

7.2 GENERAL FINANCIAL MATTERS

- a) The proper management, regulation and control of the Council's financial affairs, including ensuring that appropriate risk management procedures are in place.
- b) To approve, maintain and develop financial information systems and frameworks, review and propose amendments to the Council's Financial Procedure Rules for submission to the Executive for consideration and for approval by the Council.
- c) To make safe and efficient arrangements to secure the payment of monies payable by the Council.
- d) To regulate and control the internal audit of the affairs of the Council and its Officers and to send a copy of any audit report to the Town Clerk and Chief Executive in addition to the Executive the Audit Committee and the Resources Overview and Scrutiny Panel where considered necessary.
- e) To continuously review the Council's various capital investment programmes with regard to the progress of their implementation; the revenue implications both of programmes and of individual projects within such programmes; and their accordance with the contribution to the Council's wider objectives and to advise the Executive upon the allocation of investment resources between the programmes and projects.
- f) At his/her discretion, to write off bad debts without limit and to report any write-offs to the Executive and the Resources Overview and Scrutiny Panel on a quarterly basis.

- g) To operate such powers as may be conferred on him/her or on the Executive by the Council's Financial and Contracts Procedure Rules.
- h) To arrange the local Authority's borrowings and loan repayments (including the issue of any loan instruments) as and when required by the various methods statutorily available to the Council, having regard to the Prudential Code for Capital Finance in Local Authorities or to any other Codes of Practice agreed by the Local Authority Associations or Her Majesty's Treasury and in accordance with the Council's Annual Treasury Management Strategy Statement and subject to a report to the Executive in relation to such activities including relevant prudential indicators not less than four times in each financial year.
- i) To determine, monitor and review the criteria against which any investment shall be made by the City Council having regard to the Council's Annual Investment Strategy and subject to a report to the Executive in relation to such activities not less than four times in each financial year.
- j) To determine, monitor and review the criteria against which any investment fund shall be managed by Fund Managers appointed by the City Council for that purpose and to report thereon annually to the Executive.
- k) To determine the Council's banking arrangements, including terms and signatory arrangements, from year to year with the Council's bankers appointed for that purpose, subject to the arrangements being subjected to appropriate tendering not less frequently than five years, or such other period as may be agreed by the Executive.
- l) To make safe and efficient arrangements to secure the receipt and collection of all monies paid or due to the Council.
- m) To sign any documents on behalf of the Council in respect Council Tax and National Non-Domestic Rates as the Billing Authority.
- n) To estimate any surplus or deficit on the Collection Fund and to notify the County Council, Police Authority and DCLG of their relevant share of any surplus or deficit.
- o) To set the Collection Fund precept/business rate retention scheme (BRRS) payment dates.

- p) To deal with all aspects of insurance including acceptance of tenders relating thereto and the settlement of any claims not dealt with by Officers.
- q) To determine the Council's insurance arrangements, including terms, from year to year, with the Council's Insurers appointed for that purpose, subject to the arrangements being subjected to appropriate tendering not less frequently than five years or such other term as may be agreed by the Executive.
- r) To declare the Local Authority Mortgage Rate or Local Authority Interest Rate in accordance with the relevant statutory provisions in force from time to time.
- s) To co-ordinate the preparation of estimates and budgets by departments and to report thereon to the Executive to enable the Executive to make appropriate budget recommendations to the Council.
- t) To sign cheques and other instruments of payment on behalf of the City Council.
- u) To negotiate and accept leasing terms in respect of any assets approved within the Council's Capital Programme and for which budget provision has been made.
- v) To make decisions on whether to finance those items of vehicles and equipment due for renewal each year by use of capital reserves or, if considered appropriate, by way of an operational lease, all replacements being subject to the relevant Chief Officer being able to justify each vehicle or item of plant to be renewed.
- w) To suspend the operation of Contract Procedure Rule number 10 insofar as it relates to the assignment of leases on any vehicles/plant financed by way of an operational or finance lease.
- x) In accordance with Chapter 3 of the Localism Act 2011 and relevant regulations, following consultation with the Portfolio Holder for Finance, Governance and Resources, to consider and determine applications for compensation in relation to the listing of Assets of Community Value where the said compensation does not exceed £35,000. Compensation for amounts exceeding £35,000 to be determined by the Executive.
- y) To implement (insofar as it may be an Executive function) national salary and wage awards and changes in subsistence and travelling allowances for officers subject to reporting to the Executive subsequently on the cost and any budget implications.

- z) To implement changes in Members' subsistence and travelling allowances recommended as part of any national scheme and to report thereon to the Executive.
- aa) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

7.3. LIMITATIONS ON DELEGATION

The above delegation shall be subject to the following limitations:

- a) All the conditions and limitations set out in paragraph 7.1 of this Schedule.

Councillor Colin Glover

Signed:

Leader of Carlisle City Council

Dated: 15 May 2017

Scrutiny Panel Remits

Table 1

Terms of reference for Overview and Scrutiny Committees

1. HEALTH AND WELLBEING SCRUTINY PANEL

1.1 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Community Activities and in particular, but not limited to:

The relationship of the Council with its citizens; the corporate plan objectives of supporting diverse communities and reducing crime and the fear of crime; community involvement; neighbourhood working; regeneration and social inclusion, including Government, Equality, Neighbourhood Renewal/Regeneration, Consultation, Area Based Plans, Crime and Disorder.

1.2 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Health and Wellbeing and in particular, but not limited to:

The development of personal, environmental and physical wellbeing of local people and the Council's key objectives to promote healthy lifestyles; the wellbeing and fulfilment of personal potential; Cultural Strategy, Environmental Protection/Health Policy and Bereavement Policy.

1.3 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Culture and Recreation including, but not limited to:

The development of cultural activity; the objective within the Carlisle Vision to promote healthy life styles; the wellbeing and fulfilment of personal potential; and Cultural Strategy.

1.4 To act as the Council's crime and disorder committee and to fulfil all the functions and responsibilities and have all the powers of a Crime and Disorder Committee under the provisions of section 19 of the Police and Justice Act 2006 and any relevant regulations or guidance.

Health and Wellbeing Scrutiny Panel Remit

- Advice Agencies
- Allotments

- Bereavement Services
- Careline
- Carlisle and Eden CSP
- Carlisle Partnership – Including Community Plan
- CCTV
- CDRP (Safer Communities)
- Children’s and Young People’s Agenda/Partnership
- Civic Relationships
- Communicable diseases
- Community Centres/Associations
- Community Cohesion, Engagement and Communication
- Community Consultation
- Community Development
- Community Participation and Volunteering
- Community Safety
- Council Communication
- Countryside
- Crematoria
- Crime and Disorder
- Cultural Strategy
- Culture and Arts Development
- Disabled Access
- Disabled Facilities Grants
- Dog Wardens
- Emergency Planning
- Environment Agenda
- Environmental Health
- Environmental Protection
- Events
- Fair Trade
- Food Standards
- Grants for Leisure
- Greenspaces
- Health and Safety (External)
- Health and Wellbeing Board
- Health development
- Health Improvement
- Health/Wellbeing Partnerships
- Healthy City Steering Group
- Homeless/Hostels/Homeless Prevention
- Housing Client and Enabling
- Housing Conditions
- Housing Management
- Housing Support and Advice (not delivery)
- Land Drainage (operational)
- Leisure and Cultural Partnerships/Contracts including Green Spaces
- Neighbourhood Services, waste & recycling
- Neighbourhoods and Rural Support
- Outdoor recreation
- Parks

- Pest Control
- Play Areas (Development)
- Play Areas (Operational)
- Pools
- Private Sector Housing including Enforcement
- Public Conveniences
- Public Health Alliance
- Public Health Complaints
- Recycling
- Refuse Collection
- Schools Engagement
- Shopmobility
- Sport and Leisure
- Sports development
- Strategic Partnerships
- Street Cleaning
- Street Lighting
- Streetscene
- Supported Housing Services
- Tullie House Trust
- Young People's Activities
- Youth Council Links

2. BUSINESS AND TRANSFORMATION SCRUTINY PANEL

2.1 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Corporate Resources and in particular, but not limited to:

The management, organisation and performance of the Authority relating to the Council's corporate objective of being perceived as relevant and of value to the local community and region; Council strategies including Communications.

2.2 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Finance and in particular, but not limited to:

The policies relating to and the management of the Council's financial resources both internal and external. It relates to the Council's corporate objective to spend the community's money wisely and Council's strategies including the Asset Management Plan and Financial Strategies.

2.3 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Best Value and in particular, but not limited to:

The policy and implementation of the Council's response to Best Value legislation. It relates to the Council's corporate objectives to achieve "Best Value" Services and includes Best Value Performance Plan, Programme of Fundamental Performance Reviews and the Council's Policies on performance management.

Business and Transformation Scrutiny Panel Remit

- Accountancy and Strategic Finance
- Agile Working Plans/Handhelds
- Asset Management Plan
- Budget Development and Management
- Budget Framework
- Building Maintenance & Support Services
- Capital Strategy
- Car parking (income)
- Cash Collection
- Commercial Strategy
- Consultation Strategy
- Corporate Complaints
- Corporate Management
- Corporate Plan and Performance Management
- Corporate Planning Development – Corporate Plan. Service Planning
- Corporate Reporting/Systems Development/Open Data and Public Communication

- Corporate Support Services
- Customer care
- Customer Contact Services
- Customer Training
- Data Capture and Ownership
- Data Management and Information Training
- Data Protection
- Data Security
- Democratic Services
- Efficiency Plans
- Electoral Registration
- Equality and Diversity Policy
- Ethical Standards Policy
- Financial Monitoring and Performance Management
- Freedom of Information
- Health and Safety (Staff)
- Human Resources
- ICT
- Implementation of wider D&IS Strategy – Cloud Migration, Delivery
- Income Generation from Existing Services
- Income Management
- Insurance
- Internal Audit
- Investment Strategy
- IT Systems Development
- Regulation of Investigatory Powers
- Keepers/Civic Suite
- Land Charges
- Legal Services
- Licensing and Regulatory
- Marketing Strategy
- Mayoral/Civic
- Medium Term Financial Plan
- Member services and committee administration
- Member training and development
- Organisation Development – Culture, Competencies and Skill Development
- Organisational Development (Staff and Members)
- Overall Strategy/Policy
- Payments
- Payroll
- Performance Management Framework and Reporting Standards, Systems
- Performance Management Reporting (finance)
- Policy and Performance Management
- Potential New Ventures
- Press and Public Relations
- Procurement
- Property / Estates and Facilities Management
- Renewed Asset Business Plans
- Reports for Members/Public
- Revenues and Benefits
- Risk Management

- Service Delivery Innovation Activities
- Service Reviews
- Service Standards
- Shared Service Monitoring
- Smarter Services Delivery
- Strategic Financial Planning Group
- Sundry Debtors
- Systems and Process Training
- Technology Training
- Training Plan
- Transformation Programme
- Treasury Management
- Treasury Management Strategy Statement
- Web, Phone, Face 2 Face Customers Service Development
- Workforce Development Strategies

3. ECONOMIC GROWTH SCRUTINY PANEL

3.1 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Economic Development and Regeneration and in particular, but not limited to:

The City Vision objective of promoting the economic wellbeing of the area, Economic Development and related Marketing and Promotion, Tourism and External Relations.

3.2 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Infrastructure Environment and Transport and in particular, but not limited to:

The infrastructure and transport of the area and its sustainability; the promotion and improvement of the environment in a sustainable way; the Transport Plan; Waste Management; Local Plan and Sustainability (Local Agenda 21).

Economic Growth Panel Remit

- Building Control
- Business Support and Sector Development
- Business Support Services
- Car Parking (visitor economy)
- Carlisle Economic Partnerships
- City Centre Management
- Civic Pride Policy
- Conservation
- Development Control
- Economic Development and Strategy
- Empty Property Schemes
- Enterprise Centre
- Events
- External Funding
- External Liaison with Education and Skills Providers
- Highways Partnership
- Historic Carlisle
- Housing Delivery (market, starter, affordable)
- Housing Partnerships
- Housing Strategy and Support
- Infrastructure Development
- Inward Investment
- Land Drainage
- LEP
- Local Plans
- Movement Strategy
- Planning Policies
- Planning Policy
- Private Sector relationships in Cumbria Chamber
- Promoting the Place – Carlisle Story
- Property (Strategic)
- Regeneration Projects
- Relationships with Environment Agencies/DEFRA
- Rural/Urban Policy
- Strategic Transport and Infrastructure
- Sub Regional/Regional/National Relationships
- Tourism Action Plan
- Tourism Development
- Tourism Management and Development
- Town Twinning

Carlisle City Council

Members' Role Descriptors

To help Councillors have a clearer idea of what is involved in the various Councillor roles, the Council has designed a set of Role Descriptors for all of the main Councillor functions. These are not strict 'role descriptions' but are created to guide and inform.

Role descriptors exist for the following roles and a copy of each one is provided for your information:

- Core Councillor
- Council Leader
- Deputy Leader
- Group Leader
- Portfolio Holder/Executive Member
- Mayor
- Overview and Scrutiny Chairperson
- Overview and Scrutiny Member
- Committee Chairperson
- Committee Member
- Audit Committee Chair
- Regulatory Panel and Licensing Committee or Sub-Committee Chairman.

1. CORE COUNCILLOR - ROLE DESCRIPTOR

Council Duties

- To represent their electors and the people of Carlisle by acting as effective advocates, campaigners and representatives.
- To promote the economic, social and environmental well-being of their electorate and the City as a whole, and to act in accordance with the highest standards of probity in public life, seeking to serve the community without personal gain.
- To attend Full Council, its committees as necessary and contribute effectively.
- To undertake other official duties or act as representatives of the City Council on outside bodies to which they have been appointed.
- To participate in setting a budget and the forming of the Council's policy.
- To monitor performance against targets in all areas of the Council's direct and indirect activity.
- To co-operate with other agencies to the benefit of people.
- To promote and represent the City Council in the local community.
- To liaise with other levels of government, agencies or bodies which influence the well-being of the City and local area.
- To Chair Committees, Panels, Working Groups and other meetings as required.
- To undertake appropriate development necessary to carry out their role(s) or designated responsibilities.

Community duties

- To promote the economic, social and environmental well-being of the community.
- To find ways of effectively and regularly communicating with their constituents.
- To be an advocate with whom constituents can raise issues of importance or personal concern.
- To explore new ways of being accountable to the constituents.
- To actively campaign for measures that will secure strong, safer communities.
- To help access funding from different sources for the benefit of the community.
- To liaise with other levels of government, agencies or bodies which influence the well-being of their constituency.

2. LEADER – ROLE DESCRIPTOR

Key duties

- To represent the City at local, regional and national levels, acting as ambassador and leading the development of key strategic partnerships with local communities, outside agencies and key stakeholders to deliver the Council's corporate objectives and provide quality services to residents.
- To provide clear political leadership for the Council, relating to all Members, citizens, staff and stakeholders.
- To act as the Council spokesperson on all key corporate issues, consistent with the overall policy and budgetary framework agreed by the Council.
- To lead the development of local and regional policies which fulfil the Council's corporate policy objectives as stated in the Best Value Performance Plan.
- To lead on the Council's effective decision-making processes and supporting administration.
- To lead the budget making processes of the Council, closely linked to performance management.
- To lead the Council's public participation activities, encouraging local people to take part in the Authority's decision making processes.
- To lead on all regional affairs.
- To Chair all Executive meetings.

The above activities are in addition to the responsibilities set out in the Core Councillor, Group Leader and Portfolio Holder Role Descriptors.

3. DEPUTY LEADER - ROLE DESCRIPTOR

Key duties

- To deputise for the Leader of the Council in his/her absence.
- To chair Executive meetings in the absence of the Leader of the Council.
- To act as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader.
- To hold and lead on any Portfolio which the Council may allocate.
- To undertake specified delegated/designated Leader duties.

The above activities are in addition to the responsibilities set out in the Core Councillor and Executive/Portfolio Holder Role Descriptors.

4. GROUP LEADER - ROLE DESCRIPTOR

Key duties

- To provide clear political leadership for the party represented absence.
- When in opposite, to provide credible checks and balances, challenges and alternatives to the ruling party.
- To canvas a range of views within the party in the formulation of policy.
- To integrate and represent party policy at a local level.
- To co-operate with other groups where appropriate, particularly in matters of a non-party political nature.
- To chair and/or attend meetings where appointed to a representative role within the council.
- To liaise with other local and regional representatives of the party.
- To monitor the performance of the council against its budget, policy and performance plan.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

5. PORTFOLIO-HOLDER/EXECUTIVE MEMBER - ROLE DESCRIPTOR

Executive duties

- To work at meeting the Council's corporate objectives, as set out in the Best Value Performance Plan.
- To encourage performance improvement in all services, consistent with Best Value principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews, together with all Best Value Review Action Plans.
- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Authority's decision-making processes. Overseeing the publication of consultation papers on key issues and appropriate public consultation.
- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.
- To consult with Overview and Scrutiny Committees on matters relating to the development and formulation of policy.
- To consult with Area Committees and local Ward Members about policy developments or service initiatives which have a specific relevance to their areas.
- Support positive relationships and practices through co-operative working with Officers and unions.
- To oversee the investigation of and responses to all Local Authority Ombudsman reports, including any findings of maladministration.
- To commission research, studies or the collection of information relating to policy issues or service delivery.

Portfolio holding duties

- To provide pro-active political leadership for the designated function/service of the Council set out in the allocated Portfolio.
- To initiate and promote policies and programmes in the allocated Portfolio within the Council and externally.
- To present and consult on the Council's policies in the allocated Portfolio with the public, directly and through appropriate media.
- To engage actively and represent the Council in appropriate local, regional and national groupings involved with the service areas set out in the allocated Portfolio.
- To make recommendations about the implementation of policies within the allocated Portfolio.

- To report to the Council on decisions made, actions taken and progress achieved within the allocated Portfolio.
- To consult with and report as required to the Executive Committee and the Overview and Scrutiny Committee of the Portfolio.
- To commission and consider reports from appropriate Officers as required for the efficient discharge of the Portfolio Holder's duties/responsibilities.
- To keep abreast of national best practice/new initiatives in the areas covered by the Portfolio to help ensure high local service standards and provision.
- To consider and act on performance data and reports from the Executive Committee and the Scrutiny Committee.
- To contribute to the corporate development of the Council's policies and objectives through active engagement of the Executive Committee.
- To work closely with relevant Senior Officers of the Council to support the efficient management of the authority and to uphold high standards of performance and conduct in enabling Officers to exercise any powers delegated to them.
- To attend meetings of the Overview and Scrutiny Committee as and when required.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

6. MAYOR – ROLE DESCRIPTOR

Key duties

- As the city's first citizen, the main role of the Mayor is to act as the non-political, Civic and Ceremonial Head of the city.
- To Chair meetings of the Full Council.
- To maintain the historical and ceremonial traditions of the Office of Mayor.
- To promote the Council locally, nationally and internationally.
- To promote, liaise and link with private and voluntary sector organisations in the city.
- To participate in and help initiate activities which enhance the economic, social, cultural and environmental well-being of the city and its residents.
- To act as patron/president to local organisations.
- To act as host to official visitors to the city.
- To attend annual civic events and local community activities.
- To represent the city at ceremonial events.
- To act as the city's representative on other occasions determined by Council.
- To carry out all duties in a manner appropriate to the status and tradition of the Office.

The Deputy Mayor will on occasions, also perform this role.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

7. OVERVIEW & SCRUTINY CHAIRMEN - ROLE DESCRIPTOR

Key duties

- To undertake the functions of a Councillor whilst also leading and co-ordinating the relevant scrutiny activities of the Council to ensure that transparency and accountability are of priority.
- To Chair a Scrutiny Panel.
- To work with the Vice-Chair and Overview and Scrutiny Manager to co-ordinate the activities and the work programme of the Scrutiny Panel.
- To foster and maintain a disciplined approach by the Members involved in Scrutiny having regard to high standards of behaviour and ethics.
- To monitor the Council's decision-making processes, ensuring that such decisions are consistent with Council policy.
- To scrutinise the activities of the Executive.
- To invite Members of the Executive, Officers and others to attend meetings of the Scrutiny Panel to answer questions.
- To own and present the reports of the Scrutiny Panel to the relevant bodies with the Council.
- To organise Committee Members input into the Council's Best Value processes and to advise the Council on its approach to Best Value.
- To act as a focus for liaison between the Council and communities and partners in the scrutiny function.

Deputy Chairmen will on occasions, also perform this role.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

8. OVERVIEW & SCRUTINY PANEL MEMBER - ROLE DESCRIPTOR

Key duties

- To scrutinise Executive decisions, to assess how these contribute to effective service delivery and help to achieve the Council's Corporate Plan/Best Value Performance Plan and whether they are in accordance with the agreed budgetary and policy framework.
- To review individual policies and projects to evaluate their effectiveness and success and consult with all relevant stakeholders in this process.
- To monitor how the Council is meeting its agreed corporate objectives, as set out in the Corporate Plan/Best Value Performance Plan.
- To facilitate and encourage participation in the Council's activities by effectively engaging local residents, businesses, outside agencies and other key stakeholders in the panel's work as appropriate.
- To check that the Council continues to improve performance in all services within the policy and budgetary framework agreed by the Council and recommend areas for improvement and change.
- To undertake Best Value reviews of the Council's services and make recommendations which positively contribute to improving service delivery.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

9. COMMITTEE CHAIRMEN - ROLE DESCRIPTOR

Key duties

- To enable the smooth and orderly conduct of business within the Standing Orders and Terms of Reference of the Council.
- To ensure an orderly debate or deliberation of the business in hand.
- To report on the workings of the Committee, Sub-Committee, Panel or Working Group to the full Council and to present, where appropriate, recommendations to the Council.
- To ensure that there is proper consideration of any item.
- To bring, where appropriate, the views of co-opted Members (if any) to the attention of Council.
- To liaise with Officers in formulating Agenda and to attend any meetings with Officers to discuss matters relevant to the business of the Committee, Sub-Committee, Panel or Working Group.
- Where appropriate, to liaise with other interested parties in establishing co-opted membership, and topics for consideration.
- Where applicable, to liaise with other tiers of local government and to contribute to any other joint working arrangement.
- Where applicable, to lead such site visits that may assist Members arriving at a considered decision.
- To attend training necessary and appropriate to the role and to remain fully updated on relevant changes in legislation and Government practice.

Deputy Chairmen will on occasions, also perform this role.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

10. COMMITTEE MEMBER - ROLE DESCRIPTOR

Key duties

- To participate in service committee discussions.
- To give proper consideration to items before and during meetings.
- To offer opinions based upon an understanding of the legal requirements of the subject discussed.
- To inform the committee of constituent opinion.
- To take into consideration a range of views and issues when reaching a decision.
- To conduct oneself with dignity and decorum when offering views at variance from other Members.
- To undertake appropriate site visits.
- To undertake specific training including updates in the law pertaining to the work of the committee.

The above activities are in addition to the responsibilities set out in the Core Councillor Role Descriptor.

Carlisle City Council

Part 2

Introduction to the Skills and Knowledge Requirements for the Various Member Roles

A set of skills and knowledge requirements which correspond to the Member Role Descriptors have also been created.

These should be viewed not as hard and fast list of prerequisites but as a suggestion of the sorts of skills and knowledge likely to be required.

There has not been a direct linking of skills against each element of the Role Descriptor but instead a focus on the key requirements.

It was felt that it was more useful to provide an essential condensed version rather than an exhaustive list.

1. Core Councillor - Skills and Knowledge

This may be considered in conjunction with any other roles that the Councillor may take on within the council.

Knowledge

- Council Constitution
- Standing Orders
- Council policies
- Council services
- Who to contact to pursue enquiries
- Relevant legislation
- Ethics, standards and legal responsibilities
- Community groups within the ward
- Social and economic initiatives affecting the council

Skills

- Running a surgery
- Working with groups
- Relationship building, developing trust
- Diplomacy and influencing
- Public speaking
- Dealing with the media
- Contributing to meetings
- Pursuing case work resulting from ward consultations
- Personal organisational skills
- Analysing information
- Basic computer literacy

2. Council Leader - Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role and Group Leader and Portfolio Holder

Knowledge

- Broad local and national political issues
- Economic and regeneration initiatives and opportunities
- Strategic planning
- Social and business aspirations and concerns within the city and rural environs
- Thorough understanding of political, budgeting and legal processes within the Council

Skills

- A high level of media and personal presentation skills
- Chairing meetings
- Analysing considerable and varied complex information
- Decision making
- Leadership and the ability to gain support
- Relationship building, particularly with key players inside and outside of the council
- Strategy development
- Personal planning, prioritisation and delegation
- Highly developed negotiation and influencing skills
- The ability to act as a role model as the figurehead of the council

3. Deputy Leader - Skills and Knowledge

The skills and knowledge for this role need to cover all of the areas outlined in the Core Councillor role, portfolio holder and the leader role but in the latter not to the same depth.

Additionally, the Deputy needs to be skilled in:

- Flexibility and responsiveness
- Interpreting and enacting the views and actions of the Leader
- If agreed, developing specific skills in designated, delegated Leader responsibilities

4. Group Leaders - Skills and Knowledge

To be viewed in conjunction with the Core Councillor role. Reference to aspects of the Council Leader Skills and Knowledge may also be helpful.

Knowledge

- A thorough understanding of political, budgetary and legal processes within the Council
- A detailed knowledge of party rules
- An awareness of and the ability to interpret party politics at national and local levels

Skills

- Ability to manage and co-ordinate varying views within the party
- Influencing, negotiating and mediation skills
- Presenting arguments and alternatives persuasively
- Chairing meetings
- Decision making
- Leadership and team-building
- Managing complex information

5. Portfolio Holder/Executive Member – Skills and Knowledge

Knowledge

- Excellent practical knowledge of the Constitution, Council policies and procedures
- A good working knowledge of the issues and legal requirements of the services for which the Portfolio Holder has responsibility.

- An understanding of the lines of authority as they relate to individual responsibility
- An understanding of CPA, Best Value and Performance Indicators, particularly relating to areas of responsibility

Skills

- The ability to take a broad, objective overview for the areas for which they have responsibility
- Excellent communication skills and the ability to engage with people individually and collectively
- The ability to contribute to wider strategic discussions and decisions
- The ability to chair meetings where appropriate and maximise their effectiveness
- Well developed analytical skills and the ability to evaluate services against a range of quality standards
- Good relationship building skills in working with officers, other parties and agencies

6. Mayor – Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role

Knowledge

- Thorough understanding of Standing Orders and Council Chamber procedures
- Knowledge of Mayoral protocols and appropriate behaviours in a variety of public situations
- Appropriate forms of address for public and religious dignitaries
- A credible knowledge of local and civic history

Skills

- Excellent media skills
- Well developed personal presentation
- Conversational skills and the ability to engage quickly and effectively with a wide variety of people
- The ability to deliver prepared speeches and where necessary ad-hoc speeches
- Commanding respect and order in Full Council meetings
- Chairing meetings
- To be able to be diplomatic and professional at all times

These requirements are likely to be also expected of the Deputy Mayor

7. Overview and Scrutiny Chairmen – Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role

Knowledge

- Thorough understanding of the purpose and process of Overview and Scrutiny and how this relates to Executive decisions
- An understanding of the parameters of the powers of Overview and Scrutiny
- A knowledge of analytical and evaluation processes
- A knowledge of the particular type of chairing required for an Overview and Scrutiny meeting
- A knowledge of CPA, Best Value and performance management criteria

Skills

- How to prepare for an overview and scrutiny meeting

- Chairing skills which encourage participation
- The ability to analyse and evaluate detailed and complex information
- Team building along cross party lines
- The ability to offer direction and process skills to Overview and Scrutiny members
- The encouragement of creative approaches to evaluation
- Policy development

These requirements are also likely to be expected of Deputy Chairmen

8. Overview and Scrutiny Member – Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role. Reference to the Skills and Knowledge requirements for Overview and Scrutiny Chairmen will also prove useful.

All of the skills and knowledge for Overview and Scrutiny Chairmen will be applicable except those relating directly to Chairing Skills. Additionally, Overview and Scrutiny Members will need to be able to:

- Apply a range of thinking, analysing and decision making techniques
- Be able to articulate conclusions based on sound reasoning
- Be prepared to operate from a primarily objective rather than partly political perspective

9. Committee Chairmen – Skills and Knowledge

Knowledge

- A detailed understanding of the role of the committee and how this relates to Council wide decision making processes
- Specific knowledge of the law as it applies to the particular committee – e.g. Development Control, Licensing, Audit etc. (furthermore, it may be that the chair possesses a higher level of knowledge in this area, in order to be able to guide and inform Members)
- Knowledge of the Constitution, Council policies and correct decision making procedures to be adopted by the Committee
- A knowledge of analytical and evaluation processes
- A knowledge of how to prepare for and chair a committee meeting
- An understanding of CPA, best value, value for money and Performance Indicators

Skills

- Chairing and meeting skills including encouragement, management and summarising
- Managing time and the agenda within a meeting
- The ability to analyse and evaluate information against a range of quality standards and measurements
- The ability to differentiate between subjective and objective judgements
- Relationship building, particularly with other committee members and reporting Officers

10. Committee Member – Skills and Knowledge

To be viewed in conjunction with Core Councillor Role. Reference to Committee Chairmen will also be useful.

All of the skills and knowledge requirements for Committee Chairmen will be relevant except those relating specifically to Chairing Skills.

- Prepare appropriately for meetings
- Absorb, digest and interpret sometimes complex and detailed information
- Articulate views based on sound judgement and objective interpretation
- Respond to community interests and opinions

Carlisle City Council

Part 3

Members Learning and Development Programme (MLDP)

A Suggested Scale of Developmental Commitment

The Members Learning and Development Steering Group has agreed the following five levels of engagement with the MLDP

1. REQUIRED

For any Member with a quasi-judicial role where a lack of legal knowledge could make the council vulnerable to legal challenge

- Any relevant specialist training pertaining to e.g. planning, finance, employment appeals and licensing law

2. EXPECTED

For Executive Members, Overview and Scrutiny Members and Committee Representatives

- Training relating to CPA, Best Value and Overview and Scrutiny requirements
- Equality training for people involved in Recruitment and Selection

For the Leader, Deputy Leader, Mayor and Deputy Mayor

- Media training
- Thorough understanding of Standing Orders and council protocols

For all Councillors

- Induction training
- Personal risk and awareness of Health and Safety

3. STRONGLY RECOMMENDED

For all Chairmen and Deputy Chairmen

- Charing skills

For all Councillors

- Equality awareness
- Ethics, standards and personal legal liabilities
- Standing orders
- Budgetary processes

4. RECOMMENDED

For all Councillors

- Legislative updates – particular in planning and licensing
- C.P.A and Best Value understanding
- Surgery Skills
- Working with community groups
- Contributing in meetings

5. SUGGESTED

For all Councillors

Depending upon current knowledge and skill and experience, some may not be deemed necessary.

- Understanding of council services and policies
- Personal organisation, work life balance
- Managing conflict
- Negotiation and influencing skills
- Personal presentation
- Using information technology

CARLISLE CITY COUNCIL

RESPONSIBILITY FOR FUNCTIONS

This document delegates the Council's powers to its Committees and Officers. It also appoints specified persons to its Proper Officer functions.

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DESIGNATION OF "PROPER OFFICERS"

1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

References in this Constitution to "the Functions Regulations" means the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)

Function	Decision making body	Membership	Delegation of functions
1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Functions Regulations, or other than a licensing, consent, permission or registration function (including development control functions)	The Executive	The Leader and between 2 and 9 other members of the authority, appointed by the Leader	See the Leader's Scheme of Delegation in Section 2(b) for details
2. Any function under a local Act in respect of a licensing, consent, permission or registration function (including development control functions)	Regulatory Panel or (in respect of any development control functions) Development Control Committee	12 members of the authority respectively	The Corporate Director of Governance and Regulatory Services in respect of the grant (but not refusal) of such licenses, consents, permissions or registrations (other than in respect of development control functions) and in respect of the commencement of any enforcement proceedings relating to such matters. The Corporate Director of Economic Development in respect of licences, consents, permissions or registrations in respect of any development control functions
3. The determination of an appeal against any decision made by or on behalf of the authority including	Appeals Panels (3)	3 members on each Panel	

(but without limitation) appeals in respect of matters relating to disciplinary and employment, licensing, grant applications, homelessness determinations and determining complaints under the Council's complaints procedure.			
4. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	The Council	52 members of the authority	-
5. Any function relating to contaminated land (other than a function involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of a person or the enforcement of any of the above)	The Executive	The Leader and between 2 and 9 other members of the authority appointed by the Leader	The Corporate Director of Governance and Regulatory Services See the Leader's Scheme of Delegation in Section 2(b) for details
6. Any function relating to contaminated land involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above	Regulatory Panel	12 members of the authority	The Corporate Director of Governance and Regulatory Services in respect of the grant (but not refusal) of such licence, approval, consent, permission or registration and the service of any notice and commencement of any enforcement proceedings

<p>7. The discharge of any function relating to the control of pollution or the management of air quality other than a function involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above.</p>	<p>The Executive</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the Leader</p>	<p>The Corporate Director of Governance and Regulatory Services. See the Leader's Scheme of Delegation in Section 2(b) for details</p>
<p>8. The discharge of any function relating to the control of pollution or the management of air quality involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above</p>	<p>Regulatory Panel</p>	<p>12 members of the authority</p>	<p>The Corporate Director of Governance and Regulatory Services in respect of the grant (but not refusal) of such licence, approval, consent, permission or registration and the service of any notice and the commencement of enforcement proceedings</p>
<p>9. The service of an abatement notice in respect of a statutory nuisance</p>	<p>Regulatory Panel</p>	<p>12 members of the authority</p>	<p>The Corporate Director of Governance and Regulatory Services in respect of both the service of such notices and the commencement of enforcement proceedings (and see 3.2.2)</p>

<p>10.The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area</p>	<p>The Executive</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the Leader</p>	
<p>11.The inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above</p>	<p>Regulatory Panel</p>	<p>12 members of the authority</p>	<p>The Corporate Director of Governance and Regulatory Services in respect of:</p> <ul style="list-style-type: none"> i. the grant (but not refusal) of such licence, approval, consent, permission or registration and the service of any statutory notice ii. the commencement of enforcement proceedings
<p>12.Matters relating to the inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance other than matters involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above</p>	<p>The Executive</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the Leader</p>	<p>The Corporate Director of Governance and Regulatory Services</p> <p>See the Leader's Scheme of Delegation in Section 2(b) for details</p>

<p>13.The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land</p>	<p>Development Control Committee and (in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders only) the Executive</p>	<p>12 members of the Development Control Committee and the Leader and between 2 and 9 other members of the authority appointed by the Leader in respect of the Executive</p>	<p>The relevant Director in respect of the service of such notices in their relevant areas of responsibility and in addition the Corporate Director of Governance and Regulatory Services in respect of both the service of any such notices and subsequent enforcement action for non-compliance</p>
<p>14.The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976</p>	<p>The Executive (in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders only) and the Development Control Committee and the Regulatory Panel in connection with each of their respective functions</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the leader in respect of the executive, 12 members in respect of the Development Control Committee and 12 members in respect of the Regulatory Panel</p>	<p>The relevant Director in respect of service of such notices in their relevant areas of responsibility and in addition the Corporate Director of Governance and Regulatory Services in respect of both the service of any such notices and subsequent enforcement action for non-compliance</p>
<p>15.The making of agreements for the execution of highways works (to the extent that the authority has power to do so)</p>	<p>Development Control Committee</p>	<p>12 members of the authority</p>	<p>The Corporate Director of Governance and Regulatory Services on instruction from any relevant Chief Officer</p>
<p>16.The appointment or revocation of the appointment of any individual to any office (other than an office in which he/she is employed by the authority) or to any body (other than the authority or a joint committee of two or more authorities) or to any committee or sub-committee of such a body</p>	<p>The Executive in connection with functions which are the responsibility of the executive and the Council in all other cases</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the Leader in respect of the Executive and 52 members of the authority in respect of the Council</p>	

<p>17.The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities</p>	<p>The Executive, except to the extent that the staff are being placed at the disposal of the other authority in relation to the discharge of functions which are not the responsibility of the executive, where the function will be the responsibility of the Council</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the Leader in respect of the executive and 52 members of the authority in respect of the Council</p>	
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2A. RESPONSIBILITY FOR COUNCIL FUNCTIONS

Committee	Membership	Functions	Delegation of functions
Development Control Committee	12 members of the authority	<p>Planning and Conservation</p> <p>Functions relating to town and country planning and development control as specified in Schedule 1 to the Functions Regulations¹</p> <p>Trees and hedgerows</p> <p>The exercise of powers relating to the preservation of trees and the protection of important hedgerows as specified in Schedule 1 of the Functions Regulations</p> <p>Highways use and regulation</p> <p>The exercise of powers relating to the regulation of the use of highways and public rights of way (including the making of limestone pavement orders) as set out in Schedule 1 to the Functions Regulations in so far as the Council has power to do so.</p> <p>For the avoidance of doubt, the above powers and functions include power in respect of any approval, consent or other matter for which the Committee is responsible:</p> <ul style="list-style-type: none"> • to impose any condition, limitation or other restriction or other terms. • to determine whether and in what manner to enforce any failure to comply with the same. • to amend, vary, modify or revoke the same or any condition, limitation or term thereof. 	See Section 2B of this document for details of the delegation of town and country planning and development control functions and functions relating to trees, hedgerows and highways to the Corporate Directors of Economic Development and Governance & Regulatory Services.

¹ Local Authorities (Functions and Responsibilities) (England) Regulations 2000/SI2853

Regulatory Panel	12 members of the authority	<p>Taxi, gaming, food, miscellaneous licensing and registration functions and health and safety functions (other than Licensing Act 2003 functions)</p> <p>Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations (other than Licensing Act 2003 functions and functions under the Gambling Act 2005 designated to be the responsibility of the Licensing Committee by virtue of the implementation of relevant legislation) together with power to make closing orders with respect to take-away food shops and all other licensing functions for which the Council may be responsible. For the avoidance of doubt, this includes power in respect of any approval, consent, licence, permission or registration for which the Panel is responsible :-</p> <ul style="list-style-type: none"> • to set the amount of any charge to be made unless prescribed by Central Government • to impose any condition, limitation or other restriction or other terms • to determine whether and in what manner to enforce any failure to comply with the same • to amend, vary modify or revoke the same or any condition, limitation or term thereof <p>Health and Safety</p> <p>Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.</p> <p>Functions relating to smoke free premises, places and vehicles within the meaning of Part 1 of the Health Act 2006 and ancillary Regulations to the extent that those functions are exercised other than in the Council’s capacity as employer.</p>	See Section 2B of this document for details of the delegation of licensing and registration functions to each of the Corporate Directors of Governance and Regulatory Services and Economic Development
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		<p>Common Land and Town or Village Greens</p> <p>To the extent that such powers are vested in the Council, functions relating to the registration of common land and town or village greens; power to apply for an enforcement order against unlawful works on common land; power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference and power to initiate proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.</p>	
Licensing Committee	12 members of the authority	<p>Functions under the Licensing Act 2003</p> <p>All functions relating to licensing and registration set out in the Licensing Act 2003 and any amendments thereof or regulations made thereunder insofar as they are not specifically designated in the Act as being the function of the Council or some other body.</p> <p>Functions under the Gambling Act 2005: Following the implementation of relevant legislation, all functions relating to licensing and registration as set out in the Gambling Act 2005 and any amendments thereof or regulations made thereunder insofar as they are not specifically designated in the said Act as being the function of the Council or some other body. For the avoidance of doubt this includes setting the amount of any charge to be made.</p> <p><u>Note:</u> For the avoidance of doubt, the Licensing Committee will be empowered (as far as it is legally able to do so) to form such sub-committees as it thinks fit to deal with any matter which the Committee itself is empowered to deal with.</p>	<p>The Licensing Committee will establish sub-committees of 3 members each and operate a scheme of delegation in accordance with Schedule 1 to this Section 2A.</p> <p>The Licensing Committee will establish sub-committees of 3 members each and operate a scheme of delegation in accordance with Schedule 2 to this Section 2A.</p> <p>See Section 2B of this document for details of the delegation of Licensing Act 2003 and Gambling Act 2005 functions to the Corporate Director of</p>

			Governance and Regulatory Services and the Licensing Manager
Standards Committee	7 members of the authority other than the Leader, up to 3 Parish Council Members (co-opted but non-voting) and Independent Person (advisory, non-Member and non-voting)	<p>The promotion and maintenance of high standards of conduct within the Council</p> <p>To advise the Council on the adoption or revision of its Code of Conduct. To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, relevant guidance and recommendations of case tribunals under Section 80 of the Local Government Act 2000 or any amendment or re-enactment thereof</p> <p>Assistance to members and co-opted members of the authority</p> <p>To ensure that all members of the Council have access to training in all aspects of the Member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code</p> <p>Other functions</p> <ul style="list-style-type: none"> • All functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000 or any amendment or re-enactment thereof . These are more fully set out in Article 9 of the Constitution where the role and function of the Committee are described. • Advising the Council on the adoption or revision of any relevant supporting protocols relating to standards of conduct by members, monitoring the operation of such protocols and providing training for members on them, and determining any allegations of a breach of such protocols by members in accordance with procedures adopted by the Committee 	See Section 2B of this document for the Delegation of Standards Committee functions to the Corporate Director of Governance and Regulatory Services.

		<ul style="list-style-type: none"> • Granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members Code of Conduct • Dealing with reports from case tribunals or interim case tribunals and the Monitoring Officer • Granting exemptions for politically restricted posts <p>Parish Council functions</p> <p>To carry out all the above functions in respect of Parish Councils and their members for which the City Council is responsible under any relevant provision of, or regulations made under the Local Government Act 2000 or any amendment or re-enactment thereof</p>	
Employment Panel	<p>6 members of the authority including at least one member of the Executive</p> <p><u>Only</u> for dealing with the dismissal of relevant officers, two Independent Persons appointed pursuant to s28(7) of the Localism Act 2011, appointed by the Council to the Employment Panel.</p>	<p>To shortlist and interview candidates for Chief Officer posts and recommend appointments to the full Council</p> <p>To take decisions in connection with the appointment of staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal) but only to the extent that such matters have not been reserved to the Council, the Appeals Panels or delegated to any officer or other body under this Constitution.</p> <p>To be the committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purpose of advising the authority on matters relating to the dismissal of relevant officers of the Council pursuant to the Local Authorities (Standing Orders) (England) Regulations 2001.</p>	
Audit Committee	7 members of the authority	To undertake all the functions of an Audit Committee in accordance with the Rules	Such functions as may be delegated

	excluding members of the Executive and the Chairs of the Overview and Scrutiny Panels	of Governance set out in the following pages.	under the Rules of Governance set out in the following pages.
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AUDIT COMMITTEE
RULES OF GOVERNANCE

1. STATEMENT OF PURPOSE

- 1.1 The purpose of an Audit Committee is 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.

2. TERMS OF REFERENCE

2.1 Audit Activity

To consider the Designated Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

To consider summaries of specific internal audit reports as requested.

To consider reports dealing with the management and performance of the providers of internal audit services.

To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To liaise with Public Sector Audit Appointments Ltd over the appointment of the Council's external auditor.

To commission work from internal and external audit.

2.2 Regulatory Framework

To maintain an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Regulations and relevant Codes of Conduct.

To review any issue referred to it by the Town Clerk and Chief Executive or a Chief Officer, or any Council body.

To monitor the effective development and operation of risk management and corporate governance in the Council.

To monitor Council policies on “Raising Concerns at Work” and the anti-fraud and anti-corruption strategy and the Council’s complaints process.

To oversee the production of and approve the authority’s Annual Governance Statement.

To consider the Council’s arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

To consider the Council’s compliance with its own and other relevant published standards and controls.

2.3 Accounts

To consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.

To approve the Annual Statement of Accounts, income and expenditure and balance sheet. To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

To approve the Letter of Representation

3. ACCOUNTABILITY

3.1 The Audit Committee shall be a stand-alone Committee of the Council. All Audit Committee members shall act in the interests of the Council and not on behalf of any political party, constituency, ward, or interest group.

3.2 The Chair of the Audit Committee shall be appointed by the Committee. The Chair and the Committee shall ensure that relevant issues are promptly brought to the attention of the Executive, Overview and Scrutiny Panels and Regulatory Committees or the full Council.

3.3 The Chair of the Audit Committee shall present an Annual Report on the work of the Audit Committee to the full Council.

4. AUTHORITY AND ACCESS

4.1 The Audit Committee has a right to request relevant information from appropriate or relevant Members and Officers of the Council.

4.2 The Audit Committee shall not be able to transact the powers, functions and duties reserved to the full Council, the Executive, Overview and Scrutiny Panels and other Regulatory Committees.

- 4.3 The Audit Committee shall have access to in-house financial, legal and any other professional advice necessary to carry out its functions.
- 4.4 The Chair of the Audit Committee and the external and internal auditor shall meet as necessary and the Council's Designated Head of Internal Audit shall provide necessary services and support and assistance to the Audit Committee.
- 4.5 Any Member, Officer or member of the public who has any concern covered by the Terms of Reference of the Audit Committee may raise the matter with the Chair of the Committee who shall obtain, if necessary, relevant advice from the Council's Monitoring Officer or the Section 151, Chief Finance Officer before taking any action with regard to the same.

5. MEMBERSHIP

- 5.1 Audit Committee members shall be appointed by the Council and consist of 7 members in accordance with the rules governing political balance. No member of the Executive and no chair of the Overview and Scrutiny Panels shall be eligible to be a member of the Audit Committee.
- 5.2 The Audit Committee shall be provided with administrative support by the Governance & Regulatory Services Directorate and reports/decisions of the Audit Committee shall be recorded and published on CMIS in the usual way. Financial Services shall provide technical support to the Committee when required. As the decisions of the Audit Committee shall not be of an executive nature, the decisions shall not be the subject of a request for call-in. If any Member is concerned about any decision of the Audit Committee, s/he should raise the matter with the Chair of the Audit Committee, the Monitoring Officer and/or the Section 151 Finance Officer and/or ask an oral question of the Chair of the Audit Committee at the Council meeting in accordance with the relevant Council Procedure Rules.

6. ATTENDANCE

- 6.1 The Audit Committee shall meet on a regular basis as provided for in paragraph 7 below. Officers and others may attend all or part of the meeting at the invitation of the Committee. Attendees may include:
- The Leader or Deputy Leader
 - The Portfolio Holder for Finance
 - Portfolio Holders
 - Town Clerk and Chief Executive
 - Chief Finance Officer (Section 151)

- Corporate Director of Governance and Regulatory Services (Monitoring Officer)
- Designated Head of Internal Audit
- Other Chief Officers and Managers, as required

6.2 Subject to the relevant meeting complying with the Access to Information paragraphs for the exclusion of members of the public, the Audit Committee shall at least annually meet:

- (i) in private, with the external and internal auditors together; and/or
- (ii) in private, with the external auditor.

7. MEETINGS

7.1 The Audit Committee shall meet at least four times a year in accordance with the schedule of meetings agreed by the Council. The External Auditor or the Designated Head of Internal Audit may request a meeting if they consider it necessary and other special meetings may be called in accordance with the Council's Procedure Rules.

7.2 The members of the Audit Committee shall commit to receiving appropriate training and development necessary to fulfil their roles.

8. QUORUM

8.1 The quorum for any meeting shall be one quarter of the elected members of the Committee, subject to there being not less than two elected members present at any time.

9. WORK PROFILE OF THE AUDIT COMMITTEE

9.1 In furtherance of the Terms of Reference and not otherwise, the Audit Committee is likely to receive and advise upon the following areas of work:

- Whether there is an appropriate culture of risk management and related control throughout the Council;
- the Annual Governance Statement;
- the annual Statement of Accounts, including changes in and compliance with accounting policies and practices, major judgemental areas and significant adjustments resulting from the audit;

- significant changes required to Financial Procedure Rules and the Contracts Procedure Rules.
- the framework and processes for risk assessment, analysis and management within the Council;
- the effective co-ordination between internal and external audit;
- the budget needed to resource effective internal and external audit and other responsibilities of the Audit Committee; and
- generally, on how the Audit Committee could add value to the work and operation of the Council.

9.2 External Audit and Inspection Agencies

- To note the fees and terms of engagement of the external auditor.
- To review the planned programme of work with the external auditor.
- To consider the annual statutory audit and to advise the Executive on any response to any audit management letters, reports and investigations, including Value for Money studies and other inspection reports.
- To review whether agreed external or internal audit or inspection recommendations have been implemented by the Executive as timetabled.
- To discuss with the external auditor any problems, reservations or issues arising from the interim or final audit or other investigations.
- To review the external auditor's independence and objectivity and annually appraise the Executive on the effectiveness and value for money of the external audit service.

9.3 Corporate Governance Framework

- To review and advise the Executive on the embedding and maintenance of an effective system of corporate governance including internal control and risk management.
- To give an assurance to the Council that there is a sufficient and systematic review of the corporate governance, internal control and risk management arrangements within the Council.
- To review the Annual Governance Statement and make appropriate recommendations to the Council, the Executive, the Overview and Scrutiny Panels and Regulatory Committees.
- To ensure that any significant weaknesses identified are remedied.

- To commission, if necessary, any relevant investigations into matters of particular concern relating to internal control.
- To ensure that the impact of any alleged or fraudulent activity on the Council's framework of internal control is reviewed and, where necessary, to recommend changes to strengthen the control framework.
- To receive reports relating to those aspects of whistle blowing or alleged or actual fraudulent activity which relate to the Terms of Reference of the Audit Committee.

9.4 Internal Audit

To review and make recommendations to the Executive regarding:

- The effectiveness of internal audit;
- the internal audit function to ensure it is adequately resourced;
- the internal audit strategy, annual plan and to monitor delivery of the plan;
- any internal audit protocols and policies;
- significant audit findings, together with the response from managers to these reports;
- any difficulties encountered by internal audit including any restrictions on the scope of activities or access to required information;
- agreed internal audit recommendations to ensure they are implemented by management as timetabled; and
- the annual report from the Designated Head of Internal Audit.

9.5 Other

To consider and make recommendations to the Executive on:

- the selection and terms of appointment of other appropriate advisors and consultants;
- governance issues relating to the operation of the Audit Committee, and
- the proportionality, independence, and appropriateness of any of the Council's policies relating to any audit or governance matters;
- such other matters of an audit, financial or governance nature as fall within the terms of reference of the Committee or as may be referred by the Council.

SECTION 2A - SCHEDULE 1

LICENSING COMMITTEE DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a Police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate by way of minor variation procedure			All cases
Application to vary designated premises supervisor		If a Police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection	All other cases
Applications for interim authorities		If a Police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police objection to a temporary event notice		All cases	
Making Representations as Responsible Authority as defined in the legislation.			Corporate Director of Governance and Regulatory Services

SECTION 2A

SCHEDULE 2

EXTRACT FROM CARLISLE CITY COUNCIL STATEMENT OF GAMBLING POLICY

LICENSING COMMITTEE DELEGATION OF FUNCTIONS

Matters to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Final approval of three year licensing policy	X ²		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X (Licensing Committee)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

² **X – Indicates at the lowest level to which decisions can be delegated**

2B DELEGATION OF COUNCIL FUNCTIONS TO THE COUNCIL'S OFFICERS

1. Town and Country Planning and Development Control, trees and hedgerows and highways use and regulation matters delegated to the Corporate Director of Economic Development

- 1.1. Following consultation with the Chairman of the Development Control Committee to determine all planning applications and to make observations on all statutory and other notifications except:-
- i. Where the determination or observation would be contrary to the provisions of an approved development plan e.g. Regional Spatial Strategy, the Cumbria and Lake District Joint Structure Plan, the Carlisle District Local Plan or any successor plan.
 - ii. Where the determination or observation would be contrary to an approved City Council Planning Policy or to an approved City Council Supplementary Planning guidance.
 - iii. Where the determination or observation would be contrary to a previous decision of either the Development Control Committee or the Council.
 - iv. Where the determination or observation would be contrary to a recommendation of a Statutory Consultee.
 - v. Where the determination or observation rests upon issues which are not addressed by specific Council policies or guidance.
 - vi. Where, within 21 days of publication in the press or the despatch of written consultation or the erection of a site notice, the proposal or application generates written or verbal comments from more than three objections from separate households or other interested parties and which are contrary to the prospective decision, unless:
 - (a) The written or verbal comments do not refer to a material planning consideration.
 - (b) The objections relate to a matter where the Council relies on expert opinion from a statutory consultee, and that statutory consultee's views concur with the prospective decision on the application.
 - (c) The application is in respect of a reserved matters application or a renewal of a permission and the objections refer to the principle of that development rather than the details of the application and there have been no material alterations in terms of the policy background since the approval of the earlier application for the development.

- (d) The objections are in respect of a reserved matters application or renewal of a permission and relate to minor changes in detail or materials.
 - (e) The application is in all respects fully in accordance with the Development Plan and other Planning Policy Guidance.
 - vii. Where any Member notifies the Corporate Director of Economic Development in writing within 21 days of the despatch of the weekly list of planning applications that he or she wishes the application to be referred to the Development Control Committee for determination.
 - viii. Where the Corporate Director of Economic Development following consultation with the Chairman is of the view that the application or matter should be referred to the Development Control Committee for determination.
- 1.2. To refer to the Department for Communities and Local Government applications for listed building consent submitted by the City Council for alterations or additions to listed buildings owned by the City Council and for which the Secretary of State's consent would be required.
 - 1.3. To approve or disapprove any of the following matters when reserved or made the subject of conditions, in a Planning Consent:
 - i. Materials to be used externally on buildings
 - ii. Landscaping and tree planting proposals and tree replacements
 - iii. Finish of boundary walls and fences
 - iv. Finish of parking areas
 - 1.4. To determine applications submitted under Section 64 of the Town and Country Planning Act 1990 (whether planning permission is necessary) and to determine whether development that falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 requires an Environmental Impact Assessment.
 - 1.5. To determine applications for Certificates of Lawful Use or Development
 - 1.6. To exercise the powers and duties of the Council under Sections 211 to 214 of the Town and Country Planning Act 1990 in so far as they relate to responding to notifications of intention to fell trees in Conservation Areas in respect of garden trees and to compiling a register under Section 214 of the said Act.
 - 1.7. To approve or refuse works to trees including felling, pruning and requirements to replant in respect of trees subject to Tree Preservation Orders.
 - 1.8. To authorise in writing such person or persons as he deems fit in order to exercise the right of entry conferred by Section 324 of the Town and Country Planning Act

1990 i.e. to survey land for the purposes of development in connection with applications for planning permission etc. and the maintaining and servicing of orders or notices under the Act. Further to authorise in writing such person or persons as he deems fit in order that such person or persons may exercise the rights of entry for enforcement purposes set out in Sections 11 of the Planning and Compensation Act 1991 and 196A, 196B and 196C of the said 1990 Act (Planning Control); Section 23 of the said 1991 Act and Sections 214B, 214C and 214D of the said 1990 Act (Trees); and Section 25 and Schedule 3 of the said 1991 Act and Sections 88, 88A and 88B of the Planning (Listed Buildings and Conservation Areas) Act 1990; and Sections 35, 36A and 36B of the Planning (Hazardous Substances) Act 1990 (Hazardous Substances) and Section 95 of the Building Act 1984 and Sections 12 and 13 of the Hedgerow Regulations 1997 and Section 74 of the Anti-Social Behaviour Act 2003.

- 1.9. Following consultation with the Corporate Director of Governance and Regulatory Services, to make and, in the absence of any objections, to confirm Tree Preservation Orders. Where such Tree Preservation Orders supersede and/or replace a pre-existing Tree Preservation Order this delegation includes authority to revoke such pre-existing replaced and/or superseded Tree Preservation Orders. All Tree Preservation Orders (whether made, confirmed or revoked) are to be attested under seal/confirmed by either the Corporate Director of Governance and Regulatory Services, the Town Clerk and Chief Executive or some other person authorised by either of them..
- 1.10. To take any action which may be required to be taken by or on behalf of the Council pursuant to its duties and responsibilities under the Hedgerow Regulations 1997 made under the Environment Act 1995.
- 1.11. To act as Appointing Officer under Section 10(8) of the Party Wall Etc Act 1996.
- 1.12. To carry out such other functions relating to town and country planning and development control, trees and hedgerows and highways use and regulation as are set out in Schedule 1 to the Functions Regulations as may be delegated by the Development Control Committee from time to time.
- 1.13. To approve amendments to S.106 Agreements after prior consultation with the Corporate Director of Governance and Regulatory Services.
- 1.14. To authorise the service of any notice, order or other document or proceedings of whatever nature in respect of any matter relating to the functions of the Development Control Committee after consultation with the Corporate Director of Governance and Regulatory Services in respect of any proposal to institute Court proceedings.
- 1.15. For the avoidance of doubt, all the powers and duties referred to in paragraphs 1.1 to 1.14 inclusive of Part 2B set out above may also be exercised by the

Development Manager and the Principal Planning Officer (Development Management).

2. Town and Country Planning and Development Control, trees and hedgerows and highways use and regulation matters delegated to the Corporate Director of Governance and Regulatory Services

2.1. To institute, defend or participate in any legal proceedings in respect of any matter relating to the functions of the Development Control Committee (including the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Development Control Committee or any officer acting under delegated powers or in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect the Council's interests.

3. Taxi, Gaming, Food, Miscellaneous Licensing and registration functions and Health and Safety functions (other than functions under the Licensing Act 2003) delegated to each of the Corporate Director of Governance and Regulatory Services, the Corporate Director of Economic Development and the Licensing Manager.

3.1. Powers delegated to each of the Corporate Director of Governance and Regulatory Services and the Licensing Manager.

- 3.1.1 To grant or renew (but not refuse) any licence, registration, permission or consent for which the Regulatory Panel is responsible other than those delegated in paragraph 3.3 below to the Corporate Director of Economic Development
- 3.1.2 To suspend private hire and hackney carriage drivers and operators who contravene the conditions of licence or other relevant legislation until the next meeting of the Regulatory Panel. For the avoidance of doubt, the powers of suspension in this paragraph 3.1.2 may also be exercised by the Licensing Manager.
- 3.1.3 To institute, defend or participate in any action or legal proceedings in respect of any matter relating to the functions referred to in this paragraph 3 (including, where not delegated to any other officer, the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Regulatory Panel or any officer acting under delegated powers or in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect the Council's interests.

3.2 Powers delegated to the Corporate Director of Governance and Regulatory Services

- 3.2.1 To exercise any function for which the Regulatory Panel is responsible, including the service of any notice or order, the exercise of any powers of entry and the taking of any

other action or proceedings under any relevant legislation or otherwise Corporate Director of Governance and Regulatory Services in respect of matters relating to:

- i. contaminated land
- ii. the control of pollution or the management of air quality
- iii. the inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance including the service of any abatement notices.
- iv. functions relating to health and safety for which the Regulatory Panel is responsible including, without prejudice to the generality of the foregoing, the service of any Improvement or Prohibition Notices, the appointment of Inspectors and the institution of legal proceedings under the Health and Safety at Work Etc Act 1974.
- v. functions relating to smoke free premises, places and vehicles for which the Regulatory Panel is responsible, without prejudice to the generality of the foregoing, the power to enforce offences relating to the display of no-smoking signs; offences relating to smoking in smoke free places; offence of failing to prevent smoking in smoke-free places; and, power to transfer enforcement functions to another enforcement authority all such functions being pursuant to the Health Act 2006 and ancillary Regulations.

3.2.2 All Environmental Health Officers employed by the Council shall be empowered to serve Improvement and Prohibition Notices and to institute proceedings for an offence under the Health and Safety at Work Etc Act 1974 and notices in respect of Statutory Nuisance under the Environmental Protection Act 1990 or any other relevant legislation on having satisfied the Council as to their competence.

3.2.3 In so far as the Council may have such powers:-

- i. Power to grant a street works licence
- ii. Power to permit deposit of builder's skip on highway
- iii. Power to license planting, retention and maintenance of trees etc in part of highway
- iv. Power to authorise erection of stiles etc. on footpaths or bridleways
- v. Power to license works in relation to buildings etc. which obstruct the highway
- vi. Power to consent to temporary deposits or excavation in streets
- vii. Power to dispense with obligation to erect hoarding or fence
- viii. Power to restrict the placing of rails, beams etc. over highways
- ix. Power to consent to construction of cellars etc. under street

- x. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators
- xi. Power to grant permission for provision etc. of services, amenities, recreation and refreshment facilities on highway, and related powers
- xii. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980
- xiii. Power to authorise stopping up or diversion of highway.

3.3 Powers delegated to Corporate Director of Economic Development

To represent the Council on the Safety Advisory Group which makes recommendations to Cumbria County Council in respect of the issue, amendment or replacement of safety certificates (whether general or special) for sports grounds and the issue, cancellation, amendment or replacement of safety certificates for regulated stands at sports grounds

4 Functions under the Licensing Act 2003 and Gambling Act 2005 delegated to the Corporate Director of Governance and Regulatory Services and the Licensing Manager

4.1 Powers delegated to each of the Corporate Director of Governance and Regulatory Services and the Licensing Manager under the Licensing Act 2003

- 4.1.1 To determine applications for a personal licence where no Police objection is made.
- 4.1.2 To determine applications for a premises licence and a club premises certificate where no relevant representation is made.
- 4.1.3 To determine applications for a provisional statement where no relevant representation is made.
- 4.1.4 To determine applications to vary a premises licence or a club premises certificate where no relevant representation is made.
- 4.1.5 To determine applications to vary the designated premises supervisor in cases where there is no Police objection.
- 4.1.6 To determine all requests to be removed as a designated premises supervisor.
- 4.1.7 To determine applications for the transfer of a premises licence where no Police objection is made.
- 4.1.8 To determine applications for interim authorities where no Police objection is made.
- 4.1.9 To determine whether a complaint is irrelevant, frivolous, vexatious etc.
- 4.1.10 To make representations as a Responsible Authority, where appropriate, in response to applications (Corporate Director of Governance and Regulatory Services only).

4.2 Powers delegated to each of the Corporate Director of Governance and Regulatory Services and the Licensing Manager under the Gambling Act 2005

- 4.2.1 To institute, defend or participate in any action or legal proceedings in respect of any matter relating to the functions referred to in this paragraph 4 (including, where not delegated to any other officer, the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to the decisions of the Licensing Committee or any sub-committee or officer acting under delegated powers or in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect the Council's interests.
- 4.2.2 To determine applications for premises licences where no representations have been received or any representations made have been withdrawn.
- 4.2.3 To determine applications for a variation to a licence where no representations have been received or any representations made have been withdrawn.
- 4.2.4 To determine applications for the transfer of a licence where no representations have been received from the Commission.
- 4.2.5 To determine applications for a provisional statement where no representations have been received or any representations made have been withdrawn.
- 4.2.6 To determine applications for club gaming/club machine permits where no representations have been received or any representations made have been withdrawn.
- 4.2.7 To determine applications for other permits.
- 4.2.8 To cancel licensed premises gaming machine permits.
- 4.2.9 To consider any Temporary Use Notice.

5 Electoral Registration and Election Matters delegated to the Town Clerk and Chief Executive and the Corporate Director of Governance and Regulatory Services

- 5.1 All functions and powers relating to elections set out in Schedule 1 of the Functions Regulations and (to the extent that they are the functions of the Council and not the executive) all functions and powers relating to electoral registration other than those functions and powers reserved to the full Council under Article 4.02.
- 5.2 The Corporate Director of Governance and Regulatory Services shall also be empowered to exercise any of the functions referred to in paragraph 5.1 above.

6 Delegation of Powers to the Corporate Director of Governance and Regulatory Services (as Monitoring Officer) relating to Standards Committee matters.

- 6.1 In relation to complaints in respect of the Code of Conduct, the Corporate Director of Governance and Regulatory Services will be empowered to:

- i. following consultation with the Independent Person and Chair of the Standards Committee, determine whether any complaint received merits formal investigation;
- ii. if necessary, appoint an Investigating Officer to investigate such a complaint;
- iii. following consultation with the Independent Person and Chair of the Standards Committee, upon receipt of any Investigating Officer's report, determine, if he is satisfied that the report is sufficient, that no further action is necessary.

6.2 In relation to requests for Dispensations pursuant to section 33 of the Localism Act 2011 the Council delegate to the Monitoring Officer, following consultation with the Independent Person and Chairman of Standards Committee, the power to grant dispensations up to a maximum of 4 years in the following circumstances with an appeal to the Standards Committee:

- i. That he/she considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
- ii. That, without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
- iii. That, without a dispensation, no member of the Executive would be able to participate on this matter.

7 **Calculation and Determination of Council Tax Base Matters Delegated to the Chief Finance Officer**

7.1 Pursuant to its powers under Section 101 of the Local Government Act 1972 and all other enabling powers, the Council delegates responsibility to the Chief Finance Officer all the powers and functions of the Council in respect of the calculation and determination of the:

- i. Council Tax Base referred to in Section 67(2A) and all other relevant sections of the Local Government Finance Act 1992, as amended by Section 84 of the Local Government Act 2003;
- ii. The National Non-Domestic Rates Return 1 including the Net Rate Yield for National Non-Domestic Rates referred to in the Local Government Finance Act 1988, as amended by the Local Government Finance Act 2012 and National Non-Domestic Rating (Rates Retention) Regulations 2013.

8 **Appointment and Management of Officers**

- 8.1 Under the Officer Employment Procedure Rules in Section 6 of this Constitution, the appointment of all officers, other than chief officers as designated under Article 12, is the responsibility of the head of paid service or his/her nominee. Annexed to the Officer Employment Procedure Rules is a protocol prepared by the head of paid service delegating to chief officers responsibility for the appointment of officers within their relevant areas of responsibility and setting out the arrangements to be followed in connection with such appointments. Responsibility for shortlisting and interviewing chief officers is delegated to the Employment Panel with the Council confirming such appointments.
- 8.2 Under the Officer Employment Procedure Rules, responsibility for taking disciplinary action against officers (including dismissals) is the responsibility of the head of the authority's paid service or his/her nominee. Annexed to the Officer Employment Procedure Rules is a protocol prepared by the head of paid service delegating to chief officers responsibility for taking disciplinary action against and for the dismissal of officers within their relevant areas of responsibility and setting out arrangements to be followed in connection with such matters.
- 8.3 Any question arising in respect of the alleged misconduct of a chief officer shall, under the Officer Employment Procedure Rules, also be dealt with by the head of paid service.
- 8.4 In so far as they are the functions of the Council and not the executive and are not the responsibility of the head of paid service under the Officer Employment Procedure Rules, the Council delegates to chief officers responsibility for all matters relating to the effective management of all officers within their respective areas of responsibility. In particular, for their terms and conditions, deployment, direction, assessment, development and severance in accordance with the Council's plans, strategies, employment policies and conditions of service. Without prejudice or limitation to the generality of the above, this delegation includes responsibility for authorising:
- i. exceptional leave of absence in accordance with the Council's policies
 - ii. the designation of officers as "essential" or "casual" car users or entitlements to a leased car
 - iii. any special conditions of service whether for potential or existing officers
 - iv. attendance by officers at training courses in accordance with the Council's officer training schemes or at conferences and external meetings
 - v. incremental advancement to new entrants to the Council's service and to officers on lower grades beyond the minimum provision in recognition of special merit
 - vi. payment of installation charges and rental calls for staff for whom it is essential that they should have a telephone in their homes

- vii. the implementation of reorganisations and changes within their service unit structures, establishments and areas of responsibility within approved budgets
 - viii. the declaration of posts to be redundant and, following consultation with the Chief Finance Officer, to serve or secure the service of any notices and take any other steps which might be necessary to implement such redundancies
- 8.5 The Chief Finance Officer shall also be empowered to implement national salary and pay awards and changes in subsistence and travelling allowances for officers in accordance (where applicable) with the decisions and recommendations of any national negotiating body relevant to such officers.

9 General provisions relating to the exercise of delegated powers by Officers

- 9.1 Any exercise of any function delegated to an officer by the Council shall be in accordance with the following:
- 9.1.1 The plans, strategies and policies approved or adopted by the Council.
 - 9.1.2 The budget approved by the Council.
 - 9.1.3 The Contracts Procedure Rules and Financial Procedure Rules of the Council.
 - 9.1.4 The Council's Codes of Practice and Conditions of Employment.
 - 9.1.5 Any legal constraints relating to the exercise of such powers.
 - 9.1.6 Taking, where necessary, any appropriate financial, legal, valuation and personnel advice.
 - 9.1.7 Maintaining a close liaison with the appropriate chairman of a committee, sub-committee, panel or working group.
- 10 Unless otherwise stated, any officer to whom powers have been delegated may, if he/she considers it necessary, arrange for any matter delegated to him/her to be exercised by another officer of suitable seniority.
- 11 In the event of any vacancy arising in respect of any Chief Officer post, the Town Clerk and Chief Executive shall be authorised to arrange for any matter or power delegated to the Chief Officer under this Constitution to be exercised by another officer or officers of suitable qualification, seniority, experience and competence, subject to the same limitations (if any) to which the Chief Officer is subject under this Constitution.

2C DESIGNATION OF "PROPER OFFICERS"

The following are the Proper Officers of the Council under the enactments shown below.
The alternative Proper Officer is also authorised to act.

Section of the Local Government Act 1972 And Proper Officer's Functions	Proper Officer	Alternative Proper Officer
83 (1) to (4) Witness and receipt of Declarations of Acceptance of Office	Town Clerk and Chief Executive	Corporate Director of Governance and Regulatory Services
84 Receipt of Declaration of Resignation of Office	Town Clerk and Chief Executive	Corporate Director of Governance and Regulatory Services
88 (2) Convening of meeting of Council to fill casual vacancy in the office of Chairman	Town Clerk and Chief Executive	Corporate Director of Governance and Regulatory Services
89 (1) (b) Receipt of notice of casual vacancy from two local government electors	Town Clerk and Chief Executive	Corporate Director of Governance and Regulatory Services
115 (b) Receipt of money due from officers	Chief Finance Officer	Officer nominated as Deputy Chief Finance Officer by the Chief Finance Officer.
146 (1) (a) and (b) Declarations and service with regard to securities	Chief Finance Officer	Officer nominated as Deputy Chief Finance Officer by the Chief Finance Officer.
151 Responsibility for the proper administration of the Council's financial affairs	Chief Finance Officer	Officer nominated as Deputy Chief Finance Officer by the Chief Finance Officer.

Section of the Local Government Act 1972 And Proper Officer's Functions	Proper Officer	Alternative Proper Officer
191 Functions with respect to ordnance survey	Corporate Director of Economic Development	Development Manager
210 (6) and (7) Charity functions of holders of offices with existing authorities transferred to holders of equivalent offices with new authorities or, if there is no such office, to Proper Officer	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
212 (1) Local Register for Land Charges	Corporate Director of Governance and Regulatory Services	Legal Services Manager
225 (1) Proper Officer function - deposit of documents	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
228 (3) Accounts of any Proper Officer to be open to inspection by any Member of the Authority	Chief Finance Officer	Officer nominated as Deputy Chief Finance Officer by the Chief Finance Officer.
229 (5) Certification of Photographic copies of Documents	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
234 Authentication of Documents	Officer authorised in that connection by Standing Orders, by a general delegation or otherwise, or the Corporate Director of Governance and Regulatory Services in the absence of such authority	Town Clerk and Chief Executive
234 Officer authorised to sign forms of notice to give effect to planning applications	Corporate Director of Economic Development	Development Manager and Principal Planning Officers

Section of the Local Government Act 1972 And Proper Officer's Functions	Proper Officer	Alternative Proper Officer
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Section of the Local Government Act 1972 And Proper Officer's Functions	Proper Officer	Alternative Proper Officer
236 (9) To send copies of byelaws to Parish Council	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
238 Certification of byelaws	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
Schedule 12, Para 4 (2) (b) Signature of summonses to Council Meetings	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
Schedule 12, Para 4 (3) Receipt of notice regarding address to which summonses to meetings are to be sent	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
Schedule 14 Para 25 (7) Certifying resolutions applying or disapplying provisions of Public Health Acts 1875-1961	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive

Other "Proper Officer" designations are as follows:

**1. Local Government (Access to Information) Act 1985
amending the Local Government Act 1972**

Section of the Local Government (Access to Information) Act 1985 amending the Local Government Act 1972 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
S.100B (2) Circulation of papers and reports	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
S.100B (5) Withholding of reports containing exempt information	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
S.100B (7) (c) Supply of papers to press	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
S.100C (2) Summaries of Minutes	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
S.100D Inspection of background papers	Corporate Director of Governance and Regulatory Services	The Chief Officer, as appropriate
S.100F Members' right to papers	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive

**2. Representation of the People Acts
and Regulations made thereunder**

Representation of the People Acts and Regulations made thereunder and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Registration Officer, Returning Officer and Proper Officer functions	Town Clerk and Chief Executive	Corporate Director of Governance and Regulatory Services

3. Local Government Finance Act 1988

Section of the Local Government Finance Act 1988 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 114 Duty to report etc.	Chief Finance Officer	Officer nominated by the Chief Finance Officer pursuant to section 114, Local Government Finance Act 1988.

4. Local Government and Housing Act 1989

Section of the Local Government and Housing Act 1989 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 4 Head of Paid Service	Town Clerk and Chief Executive	
Section 5 Monitoring Officer	Corporate Director of Governance and Regulatory Services	Deputy Monitoring Officer as appointed by the Corporate Director of Governance and Regulatory Services
Section 19 and regulations made thereunder. Notices of Members' Interests	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive

Section 2 and Section 3 Preparation and deposit of politically restricted posts and issue of certificate in respect of politically restricted posts	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
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5. Party Wall Etc. Act 1996

Section of the Party Wall Etc. Act 1996 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Section 10(8) Appointing Officer	Corporate Director of Economic Development	Building Control Manager

6. National Assistance Act 1948, National Assistance (Amendment) Act 1951 and Public Health (Control of Infectious Diseases) Act 1984 and Regulations made thereunder

Section of the National Assistance Act 1948, National Assistance (Amendment) Act 1951 and Public Health (Control of Infectious Diseases) Act 1984 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Proper Officer functions including the issuing of any notice on behalf of the local authority under Regulation 9 and Schedule 3 and Schedule 4 of the Health Protection (Notification) Regulations 2010 and the making of applications under Section 47 of the National Assistance Act 1948.	Director of Public Health and Consultant/Specialist or Nurse Specialist in Health Protection – NHS Cumbria <ul style="list-style-type: none"> • Professor John Ashton 	Deputy Director of Public Health/Associate Director of Health Protection – NHS Cumbria <ul style="list-style-type: none"> • Dr Rebecca Wagstaff • Dr Nigel Calvert
Public Health Act 1936, sections 84 and 85; Milk and Dairies (General) Regulations	Consultant Level Staff from Cumbria and Lancashire Health Protection Unit (Public Health England), namely:	Consultant Level Staff from Cumbria and Lancashire Health

<p>1959, sections 18-20;</p> <p>Public Health Act 1961, section 37;</p> <p>Public Health (Control of Disease) Act 1984, sections 11, 18, 20, 21, 22, 35-36, 37, 38, 40, 42, 43, 48, 59 and 61-62;</p> <p>Health Protection (Infectious Disease) Regulations 2010, sections 2, 3 and 6;</p> <p>and, any other relevant legislation.</p>	<ul style="list-style-type: none"> • John Astbury 	<p>Protection Unit (Public Health England), namely:</p> <ul style="list-style-type: none"> • Mark McGivern • Grainne Nixon • Nicola Schinaia • Such other person as notified in writing to the Corporate Director of Governance and Regulatory Services
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7. Local Government Act 2000 and Regulations made thereunder

Local Government Act 2000 and Regulations made thereunder and Proper Officer functions	Proper Officer	Alternative Proper Officer
Proper Officer functions	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive

8. Freedom of Information Act 2000	Proper Officer	Alternative Proper Officer
Section 36 – the “qualified person”	Monitoring Officer (Corporate Director of Governance and Regulatory Services)	Town Clerk and Chief Executive (in the absence of the Monitoring Officer)
9. Miscellaneous	Proper Officer	Alternative Proper Officer
Section 41 Local Government (Miscellaneous Provisions) Act 1976 – Certifying true copies of minutes	Corporate Director of Governance and Regulatory Services	Town Clerk and Chief Executive
Section 606 Housing Act 1985 Representations and reports on unfit housing	Corporate Director of Governance and Regulatory Services	Environmental Health and Housing Manager
Section 321 (3) Highways Act 1980. Certifying copies of approved plans	Corporate Director of Economic Development	
Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990. Lists of protected buildings	Corporate Director of Economic Development	

Housing Grants Construction and Regeneration Act 1996. Financial assistance towards improvement works	Corporate Director of Governance and Regulatory Services	Environmental Health and Housing Manager
Officers authorised to issue authorisations to carry out directed surveillance or to use covert human intelligence sources under Part II of the Regulation of Investigatory Powers Act 2000.	<p>Corporate Director of Economic Development</p> <p>Chief Finance Officer</p> <p>RBS Manager</p> <p>Town Clerk and Chief Executive (including Juvenile or Vulnerable Person CHIS or the acquisition of confidential Information)</p> <p>*The Corporate Director of Governance and Regulatory Services and the Legal Services Manager are, respectively, the RIPA Monitoring Officer and Deputy RIPA Monitoring Officer.</p>	
Service of Improvement and Prohibition Notices under the Health and Safety at Work etc Act 1974	Corporate Director of Governance and Regulatory Services and all Environmental Health Officers having satisfied the Council as to their competence.	
Senior Information Risk Officer Data Protection Act 1998: HM Government Information Standards (requirement to provide dedicated oversight for Information Governance and Risk issues)	Town Clerk & Chief Executive	Corporate Director of Governance and Regulatory Services
Regulation of Investigatory Powers Act 2000, Chapter II Designated Person (Access and Disclosure of Communications Data)	Corporate Director of Governance and Regulatory Services	
The Money Laundering Regulations 2007	Chief Finance Officer	Corporate Director of Governance and Regulatory Services
Section 27 Food Safety Act 1990 – Appointment of Public Analyst, Food Examiner	Dr Andrew Smith BSc, PhD, MChemA, CSci, CChem, MRSC	

Anti-Social Behaviour, Crime and Policing Act 2014 – Section 104(3) Point of Contact	Community Development Officer	
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