

CARLISLE CITY COUNCIL

Report to:- THE MAYOR AND MEMBERS OF THE COUNCIL

Date of Meeting:- 20 MAY 2002

Agenda Item No:-

6(ii)

Public	Operational	Delegated: Yes
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Accompanying Comments and Statements		
		Required
		Included
Environmental Impact Statement:		No
Corporate Management Team Comments:		No
City Treasurers Comments:		No
City Solicitor & Secretary Comments:		Yes
Head of Personnel Services Comments:		No

Title:- APPROVAL OF THE COUNCIL'S SCHEME OF
DELEGATION 2002/2003

Report of:- CITY SOLICITOR AND SECRETARY

Report reference:- TC.89/02

Summary:-

The report presents the Council's Scheme of Delegation for approval as required under the Council Procedure Rules set out in the Constitution.

Recommendation:-

It is recommended that the Council approves the attached Scheme of Delegation for 2002/2003.

Contact Officer: John Egan

Ext: 7004

JOHN EGAN
CITY SOLICITOR AND SECRETARY

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

Part 3

Responsibility for Functions

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 Part 3 for details.
2. Any function under a local Act in respect of a licensing, consent, permission or registration function (including development control functions)	Licensing and Regulatory Panel or (in respect of any development control functions) Development Control Committee	8 and 12 members of the authority respectively	City Solicitor and Secretary in respect of the grant (but not refusal) of such licenses, consents, permissions or registrations (other than in respect of development control functions) and the commencement of any enforcement proceedings. The Director of Environment and Development and the Head of Planning Services in respect of licences, consents, permissions or registrations in respect of any development control functions.

Function	Decision making body	Membership	Delegation of functions
3. The determination of an appeal against any decision made by or on behalf of the authority including (but without limitation) appeals in respect of matters relating to disciplinary and employment, licensing, housing scheme of allocation, grant applications, homelessness determinations, excess charge notices, housing and Council tax benefits and determining complaints under the Council's complaints procedure.	Appeals Panels (3)	3 members on each Panel	-
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. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under Section 5 (best value reviews) of the Local Government Act 1999	Overview and scrutiny committees (3)	8 members of the authority on each Overview and Scrutiny Committee	Overview and scrutiny Committees carry out best value reviews in areas allocated to them by the Overview and scrutiny management committee and make recommendations to the executive and the Council

Function	Decision making body	Membership	Delegation of functions
6. 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 Director of Environment and Development and the Head of Environmental Services. See the leader's scheme of delegation in Part 3 for details
7. 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	Licensing and Regulatory Panel	8 members of the authority	The Director of Environment and Development and the Head of Environmental 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
8. 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.	The executive	The leader and between 2 and 9 other members of the authority appointed by the leader	The Director of Environment and Development and the Head of Environmental Services See the leader's scheme of delegation in Part 3 for details

Function	Decision making body	Membership	Delegation of functions
9. 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	Licensing and Regulatory Panel	8 members of the authority	The Director of Environment and Development and the Head of Environmental 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
10. The service of an abatement notice in respect of a statutory nuisance	Licensing and Regulatory Panel	8 members of the authority	The Director of Environment and Development and the Head of Environmental Services in respect of the service of such notices and the City Solicitor and Secretary in respect of the commencement of enforcement proceedings
11. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	The executive	The leader and between 2 and 9 other members of the authority appointed by the leader	-

Function	Decision making body	Membership	Delegation of functions
12. 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	The Licensing and Regulatory Panel	8 members of the authority	The Director of Environment and Development and the Head of Environmental Services in respect of the grant (but not refusal) of such licence, approval, consent, permission or registration and the service of any statutory notice and the commencement of enforcement proceedings
13. 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.	The executive	The leader and between 2 and 9 other members of the authority appointed by the leader	<p>The Director of Environment and Development and the Head of Environmental Services</p> <p>See the leader's scheme of delegation in Part 3 for details</p>

Function	Decision making body	Membership	Delegation of functions
14. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Development Control Committee and (in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders only) the executive	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	The relevant Chief Officer in respect of service of such notices in their relevant areas of responsibility and the City Solicitor and Secretary in respect of both the service of such notices and subsequent enforcement action for non-compliance
15. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	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 Licensing and Regulatory Panel in connection with each of their respective functions	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 8 members in respect of the Licensing Panel	The relevant Chief Officer in respect of service of such notices in their relevant areas of responsibility and the City Solicitor and Secretary in respect of both the service of such notices and subsequent enforcement action for non-compliance
16. The making of agreements for the execution of highways works (to the extent that the authority has power to do so)	Development Control Committee	12 members of the authority	City Solicitor and Secretary on instruction from Director of Environment and Development

Function	Decision making body	Membership	Delegation of functions
17.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	The executive in connection with functions which are the responsibility of the executive and the Council in all other cases	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	-
18.The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	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.	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	-

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 Regulations</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 for details of the delegation of town and country planning and development control functions and functions relating to trees, hedgerows and highways to the Director of Environment and Development and Head of Planning Services and the City Solicitor and Secretary

Licensing and Regulatory Panel	8 members of the authority	<p>Taxi, gaming, entertainment, food and miscellaneous licensing</p> <p>Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations 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 Committee is responsible:-</p> <ul style="list-style-type: none"> • to set the amount of any charge to be made • 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>	See Section 2B for details of the delegation of licensing and registration functions to the City Solicitor and Secretary, the Director of Environment and Development and the Head of Environmental Services
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Committee	Membership	Functions	Delegation of functions
Standards Committee	5 members of the authority other than the leader, 1 Parish Council Member and 2 Independent Members	<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.</p> <p>To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance from the Standards Board and recommendations of case tribunals under section 80 of the Local Government Act 2000</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"> • Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000 • 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 • Overview of internal and external audit, complaints handling and Ombudsman investigations and whistle blowing policy 	-

Committee	Membership	Functions	Delegation of functions
		<p>Parish Council functions</p> <ul style="list-style-type: none"> To carry out all the above functions in respect of Parish Councils and their members for which the City Council is responsible in accordance with Section 55 of the Local Government Act 2000. 	
Employment Panel	6 members of the authority including one member of the executive	<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>	

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 Director of Environment and Development

- 1.1 In 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 eg the Cumbria and Lake District Joint Structure Plan, the Carlisle Urban Area Local Plan or the Carlisle Rural Area Local 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 a written consultation or the erection of a site notice, the proposal or application generates written comment from neighbours or other interested parties which is pertinent to the planning issues raised by the proposal or application but is contrary to the prospective decision.
 - (vii) Where any Member notifies the Director 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 Director in 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 of the Environment 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) Minor alterations in the siting of development
 - (iv) Minor modifications to plans
 - (v) Provision of vehicle access
 - (vi) Construction and finish of boundary walls and fences
 - (vii) Construction and 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)
- 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 ie 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); and Sections 35, 36A and 36B of the Planning (Hazardous Substances) Act 1990 (Hazardous Substances).
- 1.9 In consultation with the City Solicitor and Secretary to make and, in the absence of any objections, to confirm Tree Preservation Orders.

- 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 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 City Solicitor and Secretary in respect of any proposal to institute court proceedings.

Note: The above powers may also be exercised by the Head of Planning Services or the person from time to time holding the equivalent post in the Council's establishment.

2. Town and Country Planning and Development Control, trees and hedgerows and highways use and regulation matters delegated to the City Solicitor and Secretary

- 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 City Solicitor and Secretary considers that such action is necessary to protect the Council's interests.

3. **Taxi, Gaming, Entertainment, Food, Miscellaneous Licensing and Health and Safety functions delegated to the City Solicitor and Secretary and the Director of Environment and Development**
- 3.1 **Powers delegated to the City Solicitor and Secretary**
- (i) To grant or renew (but not refuse) any licence, registration, permission or consent for which the Licensing and Regulatory Panel is responsible other than those delegated in Paragraph 3.2 below to the Director of Environment and Development.
- (ii) 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 Licensing and Regulatory Panel.
- (iii) 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 Licensing and Regulatory Panel or any officer acting under delegated powers or in any case where the City Solicitor and Secretary considers that such action is necessary to protect the Council's interests.
- 3.2 **Powers delegated to the Director of Environment and Development**
- 3.2.1 To grant or renew (but not refuse) any licence, registration, permission or consent in respect of the following powers:-
- Power to issue licences authorising the use of land as a caravan site ("site licences")
 - Power to license the use of moveable dwellings and camping sites
 - Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis
 - Power to register and license premises for the preparation of food
 - Power to issue, amend or replace safety certificates (whether general or special) for sports grounds
 - Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds
 - Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business

- Power to register animal trainers and exhibitors
- Power to license zoos
- Power to license dangerous wild animals
- Power to license knackers' yards
- Power to grant consent for the operation of a loudspeaker
- Power to approve meat product premises
- Power to approve premises for the production of minced meat or meat preparations
- Power to approve dairy establishments
- Power to approve egg product establishments
- Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods
- Power to approve fish products premises
- Power to approve dispatch or purification centres
- Power to register fishing vessels on board which shrimps or molluscs are cooked
- Power to approve factory vessels and fishery product establishments
- Power to register auction and wholesale markets
- Duty to keep register of food business premises
- Power to register food business premises

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

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

- Power to consent to construction of cellars etc under street
 - Power to consent to the making of openings into cellars etc under streets, and pavement lights and ventilators.
- 3.2.2 To exercise any function for which the Licensing and 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 (after consultation with the City Solicitor and Secretary in respect of any proposal to institute court proceedings) 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 Licensing and Regulatory Panel is responsible including, without prejudice to the generality of the foregoing, the service of any Improvement or Prohibition Notices and the institution of legal proceedings under the Health and Safety at Work Etc Act 1974.
 - (v) any of the matters referred to in paragraph 3.2.1 above.
- 3.2.3 Any power under paragraph 3.2 above which may be exerciseable by the Director of Environment and Development may also be exerciseable by the Head of Environmental Services, and all Environmental Health Officers employed by the Council shall be empowered to serve Improvement and Prohibition Notices 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.

4. Electoral Registration and Election Matters delegated to the Town Clerk and Chief Executive and City Solicitor and Secretary

- 4.1 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.
- 4.2 The City Solicitor and Secretary shall also be empowered to exercise any of the functions referred to in paragraph 4.1 above.

5. Appointment and Management of Officers

- 5.1 Under the Officer Employment Procedure Rules in Part 4 of this Constitution the appointment of all officers, other than chief officers, 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 departments and 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.
- 5.2 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 departments and areas of responsibility and setting out arrangements to be followed in connection with such matters.
- 5.3 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.

5.4 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 departments or 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:

- exceptional leave of absence in accordance with the Council's policies
- the designation of officers as "essential" or "casual" car users or entitlements to a leased car
- any special conditions of service whether for potential or existing officers
- attendance by officers at training courses in accordance with the Council's officer training schemes or at conferences and external meetings
- 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
- payment of installation charges and rental calls for staff for whom it is essential that they should have a telephone in their homes
- the implementation of reorganisations and changes within their departmental structures, establishments and areas of responsibility within approved budgets
- the declaration of posts to be redundant and, in consultation with the Head of Personnel Services, to serve or secure the service of any notices and take any other steps which might be necessary to implement such redundancies

5.4 The City Treasurer shall also be empowered to implement national salary and pay awards for officers in accordance with the decisions and recommendations of any national negotiating body relevant to such officers.

6. General provisions relating to the exercise of delegated powers by Officers

6.1 Any exercise of any function delegated to an officer by the Council shall be in accordance with the following:

6.1.1 The plans, strategies and policies approved or adopted by the Council.

6.1.2 The budget approved by the Council.

6.1.3 The Contracts Procedure Rules and Financial Procedure Rules of the Council.

- 6.1.4 The Council's Codes of Practice and Conditions of Employment.
- 6.1.5 Any legal constraints relating to the exercise of such powers.
- 6.1.6 Taking, where necessary, any appropriate financial, legal, valuation and personnel advice.
- 6.1.7 Maintaining a close liaison with the appropriate chairman of a committee, sub-committee, panel or working group.
- 6.2 Unless otherwise stated, a chief officer or any other 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.

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	City Solicitor and Secretary
84 Receipt of Declaration of Resignation of Office	Town Clerk and Chief Executive	City Solicitor and Secretary
88 (2) Convening of meeting of Council to fill casual vacancy in the office of Chairman	Town Clerk and Chief Executive	City Solicitor and Secretary
89 (1) (b) Receipt of notice of casual vacancy from two local government electors	Town Clerk and Chief Executive	City Solicitor and Secretary
96 (1) Receipt of notices of pecuniary interest	City Solicitor and Secretary	Town Clerk and Chief Executive
96 (2) Keeping record of disclosures of pecuniary interest under Section 94, and of notices under Section 96 (1)	City Solicitor and Secretary	Town Clerk and Chief Executive
115 (b) Receipt of money due from officers	City Treasurer	Head of Financial Services
146 (1) (a) and (b) Declarations and service with regard to securities	City Treasurer	Head of Financial Services
151 Responsibility for the proper administration of the Council's financial affairs	City Treasurer	Head of Financial Services

Section of the Local Government Act 1972 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
191 Functions with respect to ordnance survey	Director of Environment and Development	Head of Planning Services
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	City Solicitor and Secretary	Town Clerk and Chief Executive
212 (1) Local Register for Land Charges	City Solicitor and Secretary	Head of Legal Services
225 (1) Proper Officer function - deposit of documents	City Solicitor and Secretary	Town Clerk and Chief Executive
228 (3) Accounts of any Proper Officer to be open to inspection by any Member of the Authority	City Treasurer	Head of Financial Services
229 (5) Certification of Photographic copies of Documents	City Solicitor and Secretary	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 City Solicitor and Secretary 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	Director of Environment and Development	Head of Planning Services
236 (9) To send copies of byelaws to Parish Council	City Solicitor and Secretary	Town Clerk and Chief Executive
238 Certification of byelaws	City Solicitor and Secretary	Town Clerk and Chief Executive
Schedule 12, Para 4 (2) (b) Signature of summonses to Council Meetings	City Solicitor and Secretary	Town Clerk and Chief Executive

Section of the Local Government Act 1972 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Schedule 12, Para 4 (3) Receipt of notice regarding address to which summonses to meetings are to be sent	City Solicitor and Secretary	Town Clerk and Chief Executive
Schedule 14 Para 25 (7) Certifying resolutions applying or disapplying provisions of Public Health Acts 1875-1961	City Solicitor and Secretary	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	City Solicitor and Secretary	Town Clerk and Chief Executive
S.100B (5) Withholding of reports containing exempt information	City Solicitor and Secretary	Town Clerk and Chief Executive
S.100B (7) (c) Supply of papers to press	City Solicitor and Secretary	Town Clerk and Chief Executive
S.100C (2) Summaries of Minutes	City Solicitor and Secretary	Town Clerk and Chief Executive
S.100D Inspection of background papers	City Solicitor and Secretary	The Chief Officer, as appropriate
S.100F Members' right to papers	City Solicitor and Secretary	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	City Solicitor and Secretary

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	City Treasurer	Head of Financial Services

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	City Treasurer
Section 5 Monitoring Officer	City Solicitor and Secretary	As appointed by City Solicitor and Secretary
Section 19 and regulations made thereunder. Notices of Members' Interests	City Solicitor and Secretary	Town Clerk and Chief Executive
Section 2 Deposit of politically restricted posts	City Solicitor and Secretary	Town Clerk and Chief Executive

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	Director of Environment and Development	Head of Planning Services

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

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	Director of Public Health and the Consultant in Communicable Disease Control	

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	City Solicitor and Secretary	Town Clerk and Chief Executive

8. Miscellaneous	Proper Officer	Alternative Proper Officer
Section 41 Local Government (Miscellaneous Provisions) Act 1976 - Certifying true copies of minutes	City Solicitor and Secretary	Town Clerk and Chief Executive
Section 606 Housing Act 1985 Representations and reports on unfit housing	Director of Environment and Development	Head of Environmental Services
Section 321 (3) Highways Act 1980. Certifying copies of approved plans	Director of Environment and Development	Head of Design
Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990. Lists of protected buildings	Director of Environment and Development	Head of Planning Services
Housing Grants Construction and Regeneration Act 1996. Financial assistance towards improvement works	Director of Environment and Development	Head of Environmental Services
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.	Director of Environment and Development Head of Environmental Services 3 Principal Environmental Health Officers Head of Planning Services Chief Development Control Officer General Manager - Carlisle Works Director of Housing Head of Tenancy Services Manager of Housing Management City Treasurer Head of Revenue Services Head of Financial Services Revenue Services Manager Principal Benefits Officer Audit Manager Town Clerk and Chief Executive City Solicitor and Secretary Head of Legal Services	

8. Miscellaneous	Proper Officer	Alternative Proper Officer
Service of Improvement and Prohibition Notices under the Health and Safety at Work etc Act 1974	Director of Environment and Development; Head of Environmental Services and All Environmental Health Officers	

3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- 3.1 The executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. The executive is responsible for initiating and developing policy and taking decisions within the budget and policy framework set by the Council for all functions, other than those which are specified as being the responsibility of the Council, the Development Control Committee, the Licensing and Regulatory Panel, the Standards Committee, the Employment Panel, the Overview and Scrutiny Committees and the Appeals Panels.
- 3.2 Under Article 7 of this Constitution, it is the responsibility of the leader to decide on the delegation of executive functions and to maintain a written record setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions. A copy of the written record of delegations of executive functions made by the leader is annexed and forms part of Part 3 of this Constitution.