

ANNUAL COUNCIL MEETING

MONDAY 23 MAY 2011 AT 11.00 AM

PRESENT: The Mayor (Mrs Styth), Councillors Allison, Atkinson, Bainbridge, Bell, Betton, Bloxham, Boaden, Bowditch, Mrs Bowman, Bowman (S), Mrs Bradley, Cape, Mrs Clarke, Clarke (M), Collier, Craig, Earp, Ellis, Mrs Farmer, Ms Franklin, Mrs Geddes, Glover, Graham, Harid, Hendry, Layden, Lishman, Mrs Luckley, Mrs Mallinson, Mallinson (J), McDevitt, Mitchelson, Morton, Nedved, Mrs Parsons, Ms Patrick, Mrs Prest, Ms Quilter, Mrs Riddle, Mrs Robson, Mrs Rutherford, Scarborough, Stothard, Tootle, Mrs Vasey, Mrs Warwick, Watson, Weber, Weedall, Whalen and Wilson.

C.81/11 APOLOGY FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Mrs Southward.

C.82/11 ELECTION OF MAYOR

It was proposed by Councillor Mrs Parsons and seconded by Councillor Mrs Geddes that Councillor Earp be elected Mayor of the City of Carlisle for the ensuing Municipal Year.

RESOLVED – That Councillor Earp be, and is hereby elected, Mayor of the City of Carlisle for the Municipal Year 2011/12.

The Mayor having been installed in the Chair, made his Declaration of Acceptance of Office and subscribed to the Ancient Mayoral Oath of the City.

The Mayor thanked the Council for the honour conferred on him.

C.83/11 ELECTION OF DEPUTY MAYOR

It was moved by Councillor Atkinson and seconded by Councillor Cape that Councillor Wilson be appointed as Deputy Mayor of the City of Carlisle for the Municipal Year 2011/12.

RESOLVED that, in pursuance of Section 5 of the Local Government Act 1972, Councillor Wilson be appointed Deputy Mayor of the City of Carlisle for the Municipal Year 2011/12.

The Deputy Mayor then made his Declaration of Acceptance of Office.

C.84/11 THANKS TO THE RETIRING MAYOR

On the motion of Councillor Hendry seconded by Councillor Glover and supported by Councillors Mitchelson and Allison, it was:

RESOLVED – That the thanks of the Council be extended to the retiring Mayor, Mrs Styth, for the service which she had rendered to the City as Mayor during the Municipal Year 2010/11.

The retiring Mayor then expressed her thanks to the Council and all those who had given her assistance and support during her term of office.

C.85/11 FORMER COUNCILLOR MRS STYTH

The Council placed on record its sincere appreciation of the services rendered as a Councillor of the City by Mrs Styth over a period of 20 years. The Mayor presented Mrs Styth with an Illuminated Address as a token of the Council's appreciation.

C.86/11 ANNOUNCEMENTS

The Mayor made reference to the good and extremely worthwhile work undertaken by the Mayor's Charity Committee over the past year. He extended an invitation to any Members of the City Council who may wish to sit on the Committee during the forthcoming civic year.

There were no announcements from the Town Clerk and Chief Executive.

C.87/11 APPOINTMENT OF THE LEADER OF THE COUNCIL

Pursuant to Article 7.03 of the Council's Constitution, Councillor Mallinson (J) moved and Councillor Bloxham seconded that Councillor Mitchelson be appointed as Leader of Carlisle City Council until the Annual Meeting of the Council in 2015 (or until the end of his term of office as a Member, whichever is the shorter).

Councillor Glover moved and Councillor Mrs Riddle seconded that Councillor Hendry be appointed as Leader of Carlisle City Council until the Annual Meeting of the Council in 2015 (or until the end of his term of office as a Member, whichever is the shorter).

Following voting thereon, it was:

RESOLVED – That Councillor Mitchelson be appointed as Leader of Carlisle City Council until the Annual Meeting of the Council in 2015 (or until the end of his term of office as a Member, whichever is the shorter).

C.88/11 APPOINTMENT OF COMMITTEES AND PANELS; AND THE COUNCIL'S SCHEME OF DELEGATION

Following consideration of the report of the Assistant Director (Governance) (GD.36/11) and the Council's Scheme of Delegation for 2011/12, it was moved by Councillor Mitchelson and seconded by Councillor Mallinson (J) that:

- (i) The report be received and approved, and the allocation of seats on and appointment of Members to Committees and Panels as set out therein be approved, subject to a number of amendments in respect of the Conservative Group nominations to Committees
- (ii) That the Council's Scheme of Delegation for 2011/12, as amended, be approved.

RESOLVED:

- (i) That the report of the Assistant Director (Governance) (GD.36/11 – Appointment of Committees and Panels - 2011/12) be received and approved and the allocation of seats on, and the appointment of Members to, the Committees and Panels of the Council, as amended and set out below, be approved:

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Regulatory Panel (12)	1 Layden 2 Morton 3 Parsons 4 Robson 5 Vasey	1 Bell 2 Cape 3 Franklin 4 Warwick 5 Whalen 6 Wilson	1 Tootle	
	Sub: Bowman S Sub: Craig Sub: Nedved	Sub: Patrick Sub: Scarborough Sub: Stothard	Sub: Farmer	
Licensing Committee (12)	1 Layden 2 Morton 3 Parsons 4 Robson 5 Vasey	1 Bell 2 Cape 3 Franklin 4 Warwick 5 Whalen 6 Wilson	1 Tootle	
	Sub: Bowman S Sub: Craig Sub: Nedved	Sub: Patrick Sub: Scarborough Sub: Stothard	Sub: Farmer	

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Development Control Committee (12)	1 Bloxham 2 Clarke M 3 Craig 4 Morton 5 Parsons	1 Cape 2 McDevitt 3 Riddle 4 Rutherford 5 Scarborough 6 Warwick	1 Farmer	
	Sub: Bowman S Sub: Layden Sub: Nedved	Sub: Boaden Sub: Stothard Sub: Whalen	Sub: Luckley	

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Community Overview and Scrutiny Panel (8)	1 Nedved 2 Parsons 3 Prest	1 Bradley 2 Glover 3 McDevitt 4 Scarborough	1 Luckley	
	Sub: Bainbridge Sub: Bowman S Sub: Layden	Sub: Hendry Sub: Quilter Sub: Riddle	Sub: Farmer	

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Resources Overview and Scrutiny Panel (8)	1 Bainbridge 2 Bowman S 3 Layden	1 Bowditch 2 Hendry 3 Watson 4 Whalen	1 Allison	
	Sub: Clarke N Sub: Craig Sub: Prest	Sub: Boaden Sub: Bradley Sub: Franklin	Sub: Farmer	

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Environment & Economy Overview and Scrutiny Panel (8)	1 Craig 2 Robson 3 Vasey	1 Bowditch 2 McDevitt 3 Rutherford 4 Watson	1 Farmer	
	Sub: Bowman S Sub: Clarke M Sub: Nedved	Sub: Harid Sub: Hendry Sub: Patrick	Sub: Allison	

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Employment Panel (6)	1 Bloxham 2 Mallinson J 3 Mitchelson Sub: Bowman M Sub: Ellis Sub: Geddes	1 Atkinson 2 Boaden 3 Glover Sub: Hendry Sub: Stothard Sub: Weber		
	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Audit Committee (7)	1 Lishman 2 Mallinson E 3 Nedved Sub: Bowman S Sub: Craig Sub: Parsons	1 Boaden 2 Franklin 3 Patrick Sub: Bowditch Sub: Whalen Sub: Wilson		1 Betton Sub: Graham
	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Appeals Panel No 1 (3)	1 Collier 2 Lishman Sub: Prest Sub: Robson			1 Graham Sub: Betton
	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Appeals Panel No 2 (3)	1 Layden 2 Nedved Sub: Parsons Sub: Vasey	1 Harid Sub: Rutherford		
	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Appeals Panel No 3 (3)	1 Prest Sub: Bowman S	1 Weedall Sub: Boaden		1 Graham Sub: Betton

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Standards Committee (6)	1 Bowman S 2 Craig 3 Prest	1 Boaden 2 Harid 3 McDevitt		
	Sub: Lishman Sub: Nedved Sub: Parsons	Sub: Riddle Sub: Stothard Sub: Weber		
+				
3 Parish Councillors: Councillor Nicholson (Term of office expires May 2011); Councillor Little (Term of office expires May 2011); Councillor Dodd (Term of office expires May 2014) Sub: Councillor Scorer (Term of office expires May 2011)				
+				
3 Independent Members: Dr Peter Tiplady (up until 18 September 2013) (C) Mr Alan Fraser (up until 15 July 2012) Revd John Libby (up until 13 January 2013)				

- (ii) That the Council's Scheme of Delegation for the Municipal Year 2011/12, as attached to Report GD.35/11 (amended) and as set out in the Appendix to these Minutes, be approved.

C.89/11 APPOINTMENT OF CHAIRMEN AND VICE CHAIRMEN

Pursuant to Minute C.104/09, the Mayor invited the nomination and seconding for the appointment of Chairmen and Vice Chairmen in respect of the following Panels/Committee:

Resources Overview and Scrutiny Panel

On a motion of Councillor Mitchelson seconded by Councillor Mallinson (J), it was:

RESOLVED – (i) That Councillor Layden be appointed as Chairman of the Resources Overview and Scrutiny Panel for the 2011/12 Municipal Year.

(ii) That Councillor Allison be appointed as Vice Chairman of the Resources Overview and Scrutiny Panel for the 2011/12 Municipal Year.

Community Overview and Scrutiny Panel

On a motion of Councillor Mitchelson seconded by Councillor Mallinson (J), it was:

RESOLVED – (i) That Councillor Mrs Luckley be appointed as Chairman of the Community Overview and Scrutiny Panel for the 2011/12 Municipal Year.

(ii) That Councillor Glover be appointed as Vice Chairman of the Community Overview and Scrutiny Panel for the 2011/12 Municipal Year.

Environment and Economy Overview and Scrutiny Panel

On a motion of Councillor Mitchelson seconded by Councillor Mallinson (J), it was:

RESOLVED – (i) That Councillor Mrs Rutherford be appointed as Chairman of the Environment and Economy Overview and Scrutiny Panel for the 2011/12 Municipal Year.

(ii) That Councillor Craig be appointed as Vice Chairman of the Environment and Economy Overview and Scrutiny Panel for the 2011/12 Municipal Year.

Licensing Committee

Councillor Mitchelson moved and Councillor Mallinson (J) seconded that Councillor Morton be appointed as Chairman of the Licensing Committee for the 2011/12 Municipal Year.

Councillor Mitchelson moved and Councillor Mallinson (J) seconded that Councillor Mrs Parsons be appointed as Vice Chairman of the Licensing Committee for the 2011/12 Municipal Year.

Councillor Warwick moved and Councillor Cape seconded that Councillor Bell be appointed as Chairman of the Licensing Committee for the 2011/12 Municipal Year.

Following voting on the appointment of Chairman of the Licensing Committee, it was:

RESOLVED – (i) That Councillor Morton be appointed as Chairman of the Licensing Committee for the 2011/12 Municipal Year.

(ii) That Councillor Mrs Parsons be appointed as Vice Chairman of the Licensing Committee for the 2011/12 Municipal Year.

C.90/11 SCHEME OF DELEGATION

The Leader of the Council announced that he had prepared a Scheme of Delegation for 2011/12 and would lodge a copy with the Town Clerk and Chief Executive. The Leader added that a copy of the Scheme would be circulated to all Members for their information.

RESOLVED – That the report be noted.

C.91/11 SCHEDULE OF MEETINGS 2011/12

The Leader reported that the schedule of ordinary meetings of the City Council and Committees for the Municipal Year 2011/12 (a copy of which had been circulated) had previously been approved by the City Council at its meeting on 11 January 2011.

RESOLVED – That the schedule of ordinary meetings of the City Council and Committees for the Municipal Year 2011/12, as appended to Report GD.37/11, be noted and agreed.

C.92/11 APPOINTMENTS

On a motion of Councillor Mitchelson, it was:

RESOLVED:

- (i) That the person holding, for the time being, the post of Chief Superintendent of the Northern Division of the Cumbria Police Authority be appointed as Bailiff for the City.
- (ii) That Mr J L Thompson and Mr P Donnelly be appointed as joint Mayor's Sergeants.
- (iii) That Messrs A Box and C Lindsley be appointed as Sword and Mace Bearers.

(The meeting ended at 12.10 pm)

Part 3

Responsibility for Functions

APPENDIX 1

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)	Regulatory Panel or (in respect of any development control functions) Development Control Committee	12 members of the authority respectively	The Assistant Director (Governance) 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 Assistant Director (Economic Development) 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, grant applications, homelessness determinations 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 (as amended).	Overview and Scrutiny Panels (3)	8 members of the authority on each Overview and Scrutiny Panel	Overview and Scrutiny Panels carry out best value reviews in their relevant service areas 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 Assistant Director (Local Environment) 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	Regulatory Panel	12 members of the authority	The Assistant Director (Local Environment) 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 Assistant Director (Local Environment). 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	Regulatory Panel	12 members of the authority	The Assistant Director (Local Environment) 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	Regulatory Panel	12 members of the authority	The Assistant Director (Local Environment) in respect of the service of such notices and the Assistant Director (Governance) 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	Regulatory Panel	12 members of the authority	The Assistant Director (Local Environment) 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	The Assistant Director (Local Environment) See the Leader's Scheme of Delegation in Part 3 for details

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 Assistant Director in respect of the service of such notices in their relevant areas of responsibility and in addition the Assistant Director (Governance) in respect of both the service of any 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 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 12 members in respect of the Regulatory Panel	The relevant Assistant Director in respect of service of such notices in their relevant areas of responsibility and in addition the Assistant Director (Governance) in respect of both the service of any 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	The Assistant Director (Governance) on instruction from either of the Assistant Directors of (Local Environment) or (Economic 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	-
19.Functions under Sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to Local Area Agreements	The Executive	The Leader and between 2 and 9 other members of the authority appointed by the Leader	

2A. RESPONSIBILITY FOR COUNCIL FUNCTIONS

Committee	Membership	Functions	Delegation of functions
Development Control Committee	12 members of the authority	Planning and Conservation Functions relating to town and country planning and development control as specified in Schedule 1 to the Functions Regulations Trees and hedgerows 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 Highways use and regulation 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. 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: • 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 Assistant Directors of (Economic Development) and (Governance)

Committee	Membership	Functions	Delegation of functions
Regulatory Panel	12 members of the authority	Taxi, gaming, food, miscellaneous licensing and registration functions and health and safety functions (other than Licensing Act 2003 functions) 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 :- • 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 Health and Safety 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.	See Section 2B for details of the delegation of licensing and registration functions to each of the Assistant Directors of (Governance) (Local Environment) and (Economic Development)

Committee	Membership	Functions	Delegation of functions
Licensing Committee	12 members of the authority	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. Common Land and Town or Village Greens 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. Functions under the Licensing Act 2003 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. 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.	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. 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.

Committee	Membership	Functions	Delegation of functions
Standards Committee	6 members of the authority other than the Leader, 3 Parish Council Members and 3 Independent Members	<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. The promotion and maintenance of high standards of conduct within the Council 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, guidance from the Standards Board and recommendations of case tribunals under Section 80 of the Local Government Act 2000 or any amendment or re-enactment thereof Assistance to members and co-opted members of the authority 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	See Section 2B for details of the delegation of Licensing Act 2003 and Gambling Act 2005 functions to the Assistant Director (Governance) and the Licensing Manager

Committee	Membership	Functions	Delegation of functions
		Other functions • 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 • 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 Parish Council functions 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	

Committee	Membership	Functions	Delegation of functions
Employment Panel	6 members of the authority including at least one member of the Executive	<u>Note</u> The Standards Committee shall be entitled to form either fixed or ad hoc sub-committees or enter into such other operating arrangements which it determines to be necessary to carry out its functions and responsibilities, consistent with any legislative requirements or guidance issued by the Standards Board for England or other relevant advisory body or Government department To short and interview candidates for Chief Officer posts and recommend appointments to the full Council 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.	
Audit Committee	7 members of the authority excluding members of the Executive and the Chairs of the Overview and Scrutiny Panels	To undertake all the functions of an Audit Committee in accordance with the Rules of Governance set out in the following pages.	Such functions as may be delegated under the Rules of Governance set out in the following pages.

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 Audit Services Manager'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 the Audit Commission 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 financial Codes of Conduct and Behaviour.

To review any issue referred to it by the Town Clerk and Chief Executive or an Assistant Director, 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 the authority’s Annual Governance Statement and to recommend its adoption.

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 published standards and controls.

2.3 Accounts

To review the Annual Statement of Accounts and to make recommendations to Council in respect of the approval of the Statement of Accounts. Specifically, 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 consider the external auditor’s report to those charged with governance on issues arising from the audit of the accounts.

3. ACCOUNTABILITY

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

3.2 The Chairman of the Audit Committee will be appointed by the Committee. The Chairman and the Committee will 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 Chairman of the Audit Committee will 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 will 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 will have access to in-house financial, legal and any other professional advice necessary to carry out its functions.
- 4.4 The Chairman of the Audit Committee and the external and internal auditor will meet as necessary and the Council's Audit Services Manager will 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 Chairman of the Committee who will obtain, if necessary, relevant advice from the Council's Monitoring Officer or the Section 151 Finance Officer before taking any action with regard to the same.

5. MEMBERSHIP

- 5.1 Audit Committee members will 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 will be eligible to be a member of the Audit Committee.
- 5.2 The Audit Committee will be provided with administrative support by the Governance Directorate and reports/decisions of the Audit Committee will be recorded and published on CMIS in the usual way. The Resources Directorate will provide technical support to the Committee when required. As the decisions of the Audit Committee will not be of an executive nature, the decisions will 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 Chairman of the Audit Committee, the Monitoring Officer, the Section 151 Finance Officer and/or ask an oral question of the Chairman 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 will usually include:

- The Leader or Deputy Leader
- The Portfolio Holder for Finance
- Town Clerk and Chief Executive
- Assistant Director (Resources) (Section 151 Finance Officer)
- Assistant Director (Governance) (Monitoring Officer)
- Audit Services Manager
- Other Directors 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 will 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 will meet at least four times a year in accordance with the schedule of meetings agreed by the Council. The External Auditor or the Audit Services Manager 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 will commit to receiving appropriate training and development necessary to fulfil their roles.

8. QUORUM

8.1 The quorum for any meeting will 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 Audit Services Manager.

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	

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		
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	

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 Assistant Director (Economic 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 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 relates 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 Assistant Director (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 Assistant Director (Economic Development) 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 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 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) 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 In consultation with the Assistant Director (Governance) 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 approve amendments to S.106 Agreements after prior consultation with the Assistant Director (Governance).
- 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 Assistant Director (Governance) 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 Head of Planning and Housing Services and the Development Control Manager.
2. **Town and Country Planning and Development Control, trees and hedgerows and highways use and regulation matters delegated to the Assistant Director (Governance)**
 - 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 Assistant Director (Governance) 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 Assistant Director (Governance), the Assistant Director (Local Environment) and the Assistant Director (Economic Development) and the Licensing Manager.

3.1 Powers delegated to each of the Assistant Director (Governance) 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 paragraphs 3.2 and 3.3 below to the Assistant Directors of (Local Environment) and (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 Assistant Director (Governance) considers that such action is necessary to protect the Council's interests.

3.2 Powers delegated to the Assistant Director (Local Environment)

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 (after consultation with the Assistant Director (Governance) 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 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:-

- 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

- Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway, and related powers
- Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980
- Power to authorise stopping up or diversion of highway.

3.3 Powers delegated to Assistant Director (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 Assistant Director (Governance) and the Licensing Manager

4.1 Powers delegated to each of the Assistant Director (Governance) 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.

4.2 Powers delegated to each of the Assistant Director (Governance) and the Licensing Manager under the Gambling Act 2005

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 Assistant Director (Governance) considers that such action is necessary to protect the Council's interests.

- 4.2.1 To determine applications for premises licences where no representations have been received or any representations made have been withdrawn.
- 4.2.2 To determine applications for a variation to a licence where no representations have been received or any representations made have been withdrawn.
- 4.2.3 To determine applications for the transfer of a licence where no representations have been received from the Commission.
- 4.2.4 To determine applications for a provisional statement where no representations have been received or any representations made have been withdrawn.
- 4.2.5 To determine applications for club gaming/club machine permits where no representations have been received or any representations made have been withdrawn.
- 4.2.6 To determine applications for other permits.
- 4.2.7 To cancel licensed premises gaming machine permits.
- 4.2.8 To consider any Temporary Use Notice.

5. Electoral Registration and Election Matters delegated to the Town Clerk and Chief Executive and the Assistant Director (Governance)

- 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 Assistant Director (Governance) shall also be empowered to exercise any of the functions referred to in paragraph 5.1 above.

6. **Calculation and Determination of Council Tax Base Matters Delegated to the Assistant Director (Resources)**

- 6.1 Pursuant to its powers under Section 101 of the Local Government Act 1972 and all other enabling powers, the Council delegates to the Assistant Director (Resources) all the powers and functions of the Council in respect of the calculation and determination of the 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.

7. **Appointment and Management of Officers**

- 7.1 Under the Officer Employment Procedure Rules in Part 4 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.
- 7.2 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.
- 7.3 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.

- 7.4 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:
- 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 service unit structures, establishments and areas of responsibility within approved budgets
 - the declaration of posts to be redundant and, in consultation with the Assistant Director (Resources), to serve or secure the service of any notices and take any other steps which might be necessary to implement such redundancies
- 7.5 The Assistant Director (Resources) 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.
8. **General provisions relating to the exercise of delegated powers by Officers**
- 8.1 Any exercise of any function delegated to an officer by the Council shall be in accordance with the following:
- 8.1.1 The plans, strategies and policies approved or adopted by the Council.

- 8.1.2 The budget approved by the Council.
- 8.1.3 The Contracts Procedure Rules and Financial Procedure Rules of the Council.
- 8.1.4 The Council's Codes of Practice and Conditions of Employment.
- 8.1.5 Any legal constraints relating to the exercise of such powers.
- 81.6 Taking, where necessary, any appropriate financial, legal, valuation and personnel advice.
- 81.7 Maintaining a close liaison with the appropriate chairman of a committee, sub-committee, panel or working group.
- 9. 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.
- 10. 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	Assistant Director (Governance)
84 Receipt of Declaration of Resignation of Office	Town Clerk and Chief Executive	Assistant Director (Governance)
88 (2) Convening of meeting of Council to fill casual vacancy in the office of Chairman	Town Clerk and Chief Executive	Assistant Director (Governance)
89 (1) (b) Receipt of notice of casual vacancy from two local government electors	Town Clerk and Chief Executive	Assistant Director (Governance)
96 (1) Receipt of notices of pecuniary interest	Assistant Director (Governance)	Town Clerk and Chief Executive
96 (2) Keeping record of disclosures of pecuniary interest under Section 94, and of notices under Section 96 (1)	Assistant Director (Governance)	Town Clerk and Chief Executive
115 (b) Receipt of money due from officers	Assistant Director (Resources)	Deputy Section 151 Officer
146 (1) (a) and (b) Declarations and service with regard to securities	Assistant Director (Resources)	Deputy Section 151 Officer

Section of the Local Government Act 1972 And Proper Officer's Functions	Proper Officer	Alternative Proper Officer
151 Responsibility for the proper administration of the Council's financial affairs	Assistant Director (Resources)	Deputy Section 114 Officer as appointed by Assistant Director (Resources)
191 Functions with respect to ordnance survey	Assistant Director (Economic Development)	Planning 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	Assistant Director (Governance)	Town Clerk and Chief Executive
212 (1) Local Register for Land Charges	Assistant Director (Governance)	Legal Services Manager
225 (1) Proper Officer function - deposit of documents	Assistant Director (Governance)	Town Clerk and Chief Executive
228 (3) Accounts of any Proper Officer to be open to inspection by any Member of the Authority	Assistant Director (Resources)	Section 114 Officer
229 (5) Certification of Photographic copies of Documents	Assistant Director (Governance)	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 Assistant Director (Governance) 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	Assistant Director (Economic Development)	Planning Manager and Principal Officers

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	Assistant Director (Governance)	Town Clerk and Chief Executive
238 Certification of byelaws	Assistant Director (Governance)	Town Clerk and Chief Executive
Schedule 12, Para 4 (2) (b) Signature of summonses to Council Meetings	Assistant Director (Governance)	Town Clerk and Chief Executive
Schedule 12, Para 4 (3) Receipt of notice regarding address to which summonses to meetings are to be sent	Assistant Director (Governance)	Town Clerk and Chief Executive
Schedule 14 Para 25 (7) Certifying resolutions applying or disapplying provisions of Public Health Acts 1875-1961	Assistant Director (Governance)	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	Assistant Director (Governance)	Town Clerk and Chief Executive
S.100B (5) Withholding of reports containing exempt information	Assistant Director (Governance)	Town Clerk and Chief Executive

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 (7) (c) Supply of papers to press	Assistant Director (Governance)	Town Clerk and Chief Executive
S.100C (2) Summaries of Minutes	Assistant Director (Governance)	Town Clerk and Chief Executive
S.100D Inspection of background papers	Assistant Director (Governance)	The Chief Officer, as appropriate
S.100F Members' right to papers	Assistant Director (Governance)	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	Assistant Director (Governance)

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	Assistant Director (Resources)	Deputy Section 114 Officer

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	Assistant Director (Governance)	Deputy Monitoring Officer as appointed by the Assistant Director (Governance)
Section 19 and regulations made thereunder. Notices of Members' Interests	Assistant Director (Governance)	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	Assistant Director (Governance)	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	Assistant Director (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 and functions for the purposes of the Milk and Dairies (General) Regulations 1959 including the issuing of notices on behalf of the authority as provided for by Part VII of those Regulations.	Director of Public Health and the Consultant/Specialist or Nurse Specialist in Health Protection	Deputy Director of Public Health/Associate Director of Health Protection – NHS Cumbria

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	Assistant Director (Governance)	Town Clerk and Chief Executive

8. Freedom of Information Act 2000	Proper Officer	Alternative Proper Officer
Section 36 – the “qualified person”	Monitoring Officer (Assistant Director (Governance))	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	Assistant Director (Governance)	Town Clerk and Chief Executive
Section 606 Housing Act 1985 Representations and reports on unfit housing	Assistant Director (Local Environment)	Assistant Director (Community Engagement)
Section 321 (3) Highways Act 1980. Certifying copies of approved plans	Assistant Director (Economic Development)	
Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990. Lists of protected buildings	Assistant Director (Economic Development)	
Housing Grants Construction and Regeneration Act 1996. Financial assistance towards improvement works	Assistant Director (Community Engagement)	Head of Communities, Housing and Health
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.	Assistant Director (Local Environment) Assistant Director (Economic Development) Assistant Director (Resources) RBS Shared Services Performance Manager RBS Shared Services Benefits Manager Town Clerk and Chief Executive (including Juvenile or Vulnerable Person CHIS or the acquisition of confidential Information) *The Assistant Director (Governance) and the Legal Services Manager are, respectively, the RIPA Monitoring Officer and Deputy.	
Service of Improvement and Prohibition Notices under the Health and Safety at Work etc Act 1974	Assistant Director (Local Environment) and all Environmental Health Officers having satisfied the Council as to their competence.	

9. Miscellaneous	Proper Officer	Alternative Proper Officer
Regulation of Investigatory Powers Act 2000, Chapter II Designated Person (Access and Disclosure of Communications Data)	Assistant Director (Governance)	
The Money Laundering Regulations 2003	Assistant Director (Resources)	Assistant Director (Governance)