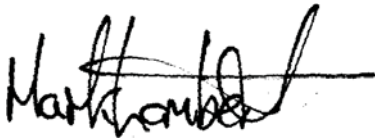


COUNCIL

SUMMONS

To the Mayor and Members of Carlisle City Council

You are summoned to attend the Annual Meeting of Carlisle City Council which will be held on Monday 20 May 2013 at 11.00 am in the Council Chamber, Civic Centre, Carlisle CA3 8QG



Director of Governance

AGENDA

1. The Mayor will invite the Chaplain to say prayers.
2. The Director of Governance will open the meeting by calling the roll.
3. To elect the Mayor of the City and the Deputy Mayor for the ensuing Municipal Year in accordance with the following procedure.
 - (a) The Mayor will invite nominations and seconding for the Election of the Mayor for the ensuing municipal year, following which Election the newly elected Mayor, accompanied by the Retiring Mayor, and the Town Clerk and Chief Executive, will retire from the Chamber. (Guests are asked to be upstanding as the party retires from the Chamber).

- (b)** The newly elected Mayor and the Town Clerk and Chief Executive will return, with the new Mayor having assumed the Mayoral Robes, Chain and Badge of Office.

The Mayor will take the Mayoral Seat with the Retiring Mayor occupying the seat at the end of the Mayoral Bench, leaving the Deputy Mayor's seat on the right of the Mayor vacant.

- (c)** The Mayor will:

- (i)** make the Declaration of Acceptance of Office as Mayor;
- (ii)** subscribe to the Ancient Mayoral Oath of the City.

- (d)** The Retiring Mayoress will invest the new Mayoress/Consort with the Mayoress's/Consort's Badge.

- (e)** The Mayor will invite nominations and seconding for the Election of a Member of the Council as Deputy Mayor for the ensuing municipal year. Following an Election, the Deputy Mayor will occupy a seat on the Mayoral Bench; and the Deputy Mayoress/Consort will occupy a seat next to the newly elected Mayoress/Consort.

- (f)**
 - (i)** The Mayor will invest the Deputy Mayor with the Robe and Badge of Office and the Deputy Mayor will make the Declaration of Acceptance of Office as Deputy Mayor.

- (ii)** The Mayoress/Consort will invest the Deputy Mayoress/Consort with the Deputy Mayoress's/Consort's Chain and Badge.

- (g)** The Mayor will return thanks for the honour conferred by his/her election.

- (h)** The Mayor will invite the proposing and seconding of a motion of thanks to the Retiring Mayor.

- (i)** The Retiring Mayor will return thanks.

- (j)** The Mayor will invest the Retiring Mayor, and the Mayoress/Consort will invest the retiring Mayoress with replicas of the Mayoral Badges.

- (k)** Flowers will be presented to the Retiring Mayoress, the newly elected Mayor/Mayoress/Consort and the newly elected Deputy Mayor/Mayoress/Consort.

4. Announcements

- (a) To receive any announcements from the Mayor.
- (b) To receive any announcements from the Town Clerk and Chief Executive.

5. Appointment of Committees and Panels; and Council's Scheme of Delegation

The Council will consider the following motions:

- (i) "That the Report of the Director of Governance – Appointment of Committees and Panels 2013/2014 – be received and approved, and that the allocation of seats on, and the appointment of Members to the Committees and Panels of the Council, as set out in that report and the Schedules attached thereto, be approved".

(Copy Report GD.21/13 herewith)

(Schedule showing nominations from the Labour Group enclosed; Conservative Group; Independent Group; and Liberal Democrat Group nominations to follow as soon as possible)

- (ii) "That the Council's Scheme of Delegation for the Municipal Year 2013/14 as attached be received and approved".

(Copy Report GD.20/13 enclosing the Council's Scheme of Delegation herewith)

6. Appointment of Chairmen and Vice Chairmen

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

- (i) Resources Overview and Scrutiny Panel
- (ii) Community Overview and Scrutiny Panel
- (iii) Environment and Economy Overview and Scrutiny Panel
- (iv) Licensing Committee

7. Leader's Scheme of Delegation – Professor Councillor J D Hendry (appointed as Leader until the Annual Meeting of the Council in 2016 (or until the end of his term of office as a Member, whichever is the shorter)

To receive and note the Leader's Scheme of Delegation for 2013/14.
(Copy Leader's Scheme of Delegation to be tabled at Council)

8. Schedule of Meetings 2013/14

To note the Schedule of Ordinary Meetings of the City Council and Committees/Panels for the Municipal Year 2013/14. (The programme of meetings for 2013/14 was approved by the City Council at its meeting on 5 February 2013) (Copy Report GD.19/13 herewith)

9. Appointments

The Mayor will invite agreement from Council to the following appointments:

- (a) The Superintendent of the North Territorial Policing Area of the Cumbria Police Authority as Bailiff for the City.
- (b) Mr J L Thompson and Mr P Donnelly as joint Mayor's Sergeant.
- (c) Messrs C Lindsley and A Todd as Sword and Mace Bearers.

- 10.** The Mayor will close the meeting and guests will be asked to rise while the Mayoral party leaves the Chamber.

CARLISLE CITY COUNCIL

Report to:- THE COUNCIL MEETING

Date of Meeting:- 20 May 2013

Agenda Item No:-

5.(i)

Public

**Title:- APPOINTMENT OF COMMITTEES AND PANELS -
2013/2014**

Report of:- DIRECTOR OF GOVERNANCE

Report reference:- GD.21/13

Summary:-

The Report informs Members of the allocation of seats on Committees and Panels for the Municipal Year 2013/14 and the nominations of the political groups to those seats. The allocations remain unaltered from last year due to the fact that none of the City Council seats were subject to an election in May 2013.

Recommendation:-

That the report of the Director of Governance – Appointment of Committees and Panels 2013/14 – be received and approved, and that the allocation of seats on and the appointment of Members to the various Committees and Panels of the Council as set out in the Report and Schedules attached be approved.

Contact Officer: Mark Lambert

Ext: 7019

APPOINTMENT OF COMMITTEES AND PANELS 2012/2013

SUMMARY OF REPORT

1. It is necessary for the Council at the Annual Meeting to review the allocation of the seats on Council Committees and Panels so that they reflect pro-rata the strengths of the political groups on the Council and comply with the provisions of the Local Government and Housing Act 1989. As there were no City Council elections in May this year there has, therefore, been no change in the political balance of the Council and the allocation of seats to the groups is the same as the position following the Council Bye Elections in Municipal Year 2012/13.
2. I have therefore calculated the seats to be allocated to the political Groups and have informed them accordingly. The method of allocation is set out in Appendix 1. Schedules showing the Groups' nominations for appointments to Committees/Panels for the Municipal year 2013/2014 in respect of the seats allocated to them will be circulated shortly.
3. The Committees and Panels will be appointed by the full Council at the Annual Meeting. Council will appoint the Chairs of the Overview & Scrutiny Panels and the Licensing Committee pursuant to Minute C.104/09.
4. It is RECOMMENDED that the Report of the Director of Governance – Appointment of Committees and Panels 2013/2014 (GD21.13) – be received and approved, and that the allocation of seats on and the appointment of Members to the various Committees and Panels as set out in the Report and Schedules attached be approved.

Appendix 1

1. METHOD OF ALLOCATION OF SEATS

1.1 The rules governing the allocation of seats on Committees and Panels to Political Groups are set out in the Local Government and Housing Act 1989 and regulations made thereunder. The Executive is exempt from the application of those rules and does not have to be politically balanced. The Licensing Committee is also exempt from the rules on political balance, although the Department of Culture, Media & Sport do recommend that it should be balanced as far as possible and the Council therefore decided (Minute C.246/04(b)) that it should be comprised of the same members as form the Regulatory Panel. The political balance rules strictly therefore only apply to the Committees and Panels shown in the Appendix attached.

The rules governing the allocation are relatively complex and are:

- (i) That not all the seats are allocated to the same Political Group.
- (ii) That the majority of the seats on each Committee go to the Political Group with the majority on the full Council.
- (iii) Subject to the above two principles, that the total number of the Committee seats allocated to each Group bears the same proportion to the proportion of the Group on the full Council.
- (iv) Subject to the above three principles, the number of seats on each Committee allocated to each Political Group bears the same proportion to the proportion of the Group on the full Council.

It is important to note in understanding the allocations shown in the Appendix that the above principles must be applied in the sequential order set out above. For example, the principle in paragraph (iii) above of ensuring that the Groups are allocated their total aggregate entitlement must be complied with before the number of seats on each Committee is balanced in accordance with principle (iv).

1.2 The duty is to apply the above principles so far as reasonably practicable. This is met by rounding down fractional entitlements of less than a half and rounding up entitlements of a half or more. If there are competing fractions then the higher fraction will “win”. If this leads to a bigger entitlement than there are seats available

on a Committee then fractions have to be rounded down to make entitlements fit available seats.

2. CALCULATION OF THE GROUPS' ENTITLEMENT ON COMMITTEES AND PANELS

- 2.1 There are in total 77 seats to be allocated by the Council on the Regulatory Panel, the Development Control Committee, the Overview and Scrutiny Committees, the Employment Panel, the Audit Committee, the Standards Committee and the Appeals Panels. The Conservative Group has 20 Members, Labour 28, the Liberal Democrats 2 and the Independent Group have 2 Members. As can be seen from the calculations in the Appendix attached, when working out the total aggregate allocation to each Political Group relative to their strengths on the Council, the Conservatives should receive 30 seats, Labour 41 seats, the Liberal Democrats and Independent Group get 3 seats each.
- 2.2 When the seats are allocated on each Committee on a straight allocation following the rounding up/rounding down principles set out above, none of the political Group numbers need any further adjustment to bring each group to its aggregate entitlement.
- 2.3 The calculations have been undertaken on the basis of the current membership of the Council, i.e. 52 Members.

APPENDIX 1

CALCULATION OF AGGREGATE ENTITLEMENT TO SEATS

1. The political balance on the full Council is:-

20 Conservatives; 28 Labour; 2 Liberal Democrats and 2 Independent Members

2. There are 77 seats in total on those Committees and Panels which are subject to the proportionality rules giving aggregate entitlements to the groups as follows:

Conservative	$\frac{20}{52} \times 77 = 29.62$	30 rounded up
Labour	$\frac{28}{52} \times 77 = 41.46$	41 rounded down
Liberal Democrat	$\frac{2}{52} \times 77 = 2.96$	3 rounded up
Independent	$\frac{2}{52} \times 77 = 2.96$	3 rounded up

ALLOCATION OF SEATS ON COMMITTEES AND PANELS

	CONSERVATIVES	LABOUR	LIBERAL DEMOCRATS	INDEPENDENT
Regulatory Panel (12)	(4.62) 5	(6.46) 6	(0.46) 1	(0.46) 0
Development Control (12)	(4.62) 5	(6.46) 6	(0.46) 0	(0.46) 1
Community Overview and Scrutiny Panel (8)	(3.08) 3	(4.31) 4	(0.31) 1	(0.31) 0
Resources Overview and Scrutiny Panel (8)	(3.08) 3	(4.31) 4	(0.31) 0	(0.31) 1
Environment and Economy Overview and Scrutiny Panel (8)	(3.08) 3	(4.31) 4	(0.31) 0	(0.31) 1
Employment Panel (6)	(2.31) 2	(3.23) 4	(0.23) 0	(0.23) 0
Audit Committee (7)	(2.69) 3	(3.77) 4	(0.27) 0	(0.27) 0
Standards Committee (7)	(2.69) 3	(3.77) 4	(0.27) 0	(0.27) 0
Appeals Panel 1 (3)	(1.15) 1	(1.62) 2	(0.12) 0	(0.12) 0
Appeals Panel 2 (3)	(1.15) 1	(1.62) 2	(0.12) 0	(0.12) 0
Appeals Panel 3 (3)	(1.15) 1	(1.62) 1	(0.12) 1	(0.12) 0
TOTAL	<u>30</u>	<u>41</u>	<u>3</u>	<u>3</u>

(77 seats in all)

COMMITTEES AND PANELS (TO BE APPOINTED BY COUNCIL)

COMMITTEES AND PANELS (TO BE APPOINTED BY COUNCIL) 2013/14

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Regulatory Panel (12)	1 Craig 2 Layden 3 Morton 4 Parsons 5 Vasey	1 Bell 2 Cape 3 Franklin 4 Scarborough 5 Stevenson 6 Warwick	1 Allison	
	Sub: Bowman S Sub: Collier Sub: Nedved	Sub: Forrester Sub: Stothard Sub: Wilson	Sub: Luckley	

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Committee (12)	1 Craig 2 Layden 3 Morton 4 Parsons 5 Vasey	1 Bell 2 Cape 3 Franklin 4 Scarborough 5 Stevenson 6 Warwick	1 Allison	
	Sub: Bowman S Sub: Collier Sub: Nedved	Sub: Forrester Sub: Stothard Sub: Wilson	Sub: Luckley	

The Council on 15 December 2004 under Minute C.246/04(b) resolved to establish a Licensing Committee to undertake the Licensing functions referred to in the Licensing Act 2003 with the same Members and substitutes as the Regulatory Panel.

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Development Control Committee (12)	1 Bloxham 2 Craig 3 Earp 4 Parsons 5 Prest	1 Bradley 2 McDevitt 3 Riddle 4 Scarborough 5 Warwick 6 Whalen		1 Graham
	Sub: Bowman S Sub: Layden Sub: Nedved	Sub: Bowditch Sub: Franklin Sub: Patrick		Sub: Betton

Government Guidance suggests that the Executive Member with responsibility for the Local Plan should be on the Development Control Committee although he/she should not normally be the Chairman

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Community Overview and Scrutiny Panel (8)	1 Ellis 2 Prest 3 Vasey	1 Bradley 2 Scarborough 3 Sherriff 4 Stevenson	1 Luckley	
	Sub: Bainbridge Sub: Lishman Sub: Mallinson E	Sub: Forrester Sub: Whalen Sub: Wilson	Sub: Allison	

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Resources Overview and Scrutiny Panel (8)	1 Bowman S 2 Craig 3 Layden	1 Atkinson K 2 Bradley 3 McDevitt 4 Watson		1 Betton
	Sub: Clarke Sub: Mallinson J Sub: Prest	Sub: Forrester Sub: Patrick Sub: Sherriff		Sub: Graham

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Environment & Economy Overview and Scrutiny Panel (8)	1 Bainbridge 2 Bowman M 3 Nedved	1 Bowditch 2 McDevitt 3 Watson 4 Whalen		1 Graham
	Sub: Lishman Sub: Mallinson E Sub: Vasey	Sub: Atkinson P Sub: Harid Sub: Sherriff		Sub: Betton

Executive Members cannot be members of Overview and Scrutiny Panels

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Employment Panel (6)	1 Mallinson J 2 Mitchelson	1 Atkinson P 2 Glover 3 Hendry 4 Weber		
	Sub: Bloxham Sub: Geddes	Sub: Sherriff Sub: Stothard Sub: Watson		

One Executive Member must be a member of the Employment Panel

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Audit Committee (7)	1 Earp 2 Mallinson E 3 Nedved	1 Atkinson K 2 Atkinson P 3 Bowditch 4 Patrick		
	Sub: Bowman S Sub: Craig Sub: Parsons	Sub: Boaden Sub: Franklin Sub: Whalen		

**No member of the Executive and no Chair of Overview and Scrutiny
Panels will be eligible to be a Member of the Audit Committee**

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Appeals Panel No 1 (3)	1 Geddes Sub: Vasey	1 Atkinson K 2 Harid Sub: Patrick Sub: Wilson		

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Appeals Panel No 2 (3)	1 Bloxham Sub: Ellis	1 Bell 2 Stothard Sub: Atkinson P Sub: Stevenson		

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Appeals Panel No 3 (3)	1 Collier Sub: Mitchelson	1 Boaden Sub: Sherriff	1 Luckley Sub: Allison	

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Standards Committee (7)	1 Bowman M 2 Craig 3 Parsons	1 Boaden 2 Bradley 3 McDevitt 4 Stothard		
	Sub: Geddes Sub: Mallinson J Sub: Nedved	Sub: Atkinson P Sub: Warwick Sub: Wilson		

COMMITTEES / GROUPS NOT APPOINTED BY COUNCIL

The following Sub-Committees are appointed by the Licensing Committee:

It is suggested that each Member of the Licensing Committee is appointed as a Member and a substitute on one of the Licensing Sub-Committees. These groupings will enable all Members of the Licensing Committee to have a role as both a Member and a substitute on one of the Licensing Sub-Committees.

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 1 (3)	1 Morton	1 Bell	1 Allison	
	Sub: Layden	Sub: Cape Sub: Warwick		

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 2 (3)	1 Layden 2 Vasey	1 Franklin		
	Sub: Morton Sub: Craig	Sub: Scarborough		

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 3 (3)	1 Parsons	1 Cape 2 Stevenson		
	Sub: Vasey	Sub: Bell	Sub: Allison	

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 4 (3)	1 Craig	1 Scarborough 2 Warwick		
	Sub: Parsons	Sub: Franklin Sub: Stevenson		

**COMMITTEES / GROUPS NOT APPOINTED BY COUNCIL – APPOINTMENTS MADE
BY THE LEADER OR BY OTHER COMMITTEES/GROUPS**

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Executive		1 2 3 4 5 6		

Appointments made by the Leader

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Joint Consultative Group				

Appointments made by the Leader (1)

	CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Market Management Group				

Appointments made by the Leader (3)

CARLISLE CITY COUNCIL

**Report to:- THE MAYOR AND MEMBERS OF
THE ANNUAL COUNCIL MEETING**

Date of Meeting:- 20 MAY 2013

Agenda Item No:-

5(ii)

Public

Title:- COUNCIL SCHEME OF DELEGATION 2013/14

Report of:- DIRECTOR OF GOVERNANCE

Report reference:- GD.20/13

Summary:-

As required under the City Council's Procedure Rules, the Council's Scheme of Delegation for the Municipal Year 2013/14 is attached.

Recommendation:-

That the Council's Scheme of Delegation for 2013/14, as attached, be received and approved.

Contact Officer: Mark Lambert

Ext: 7019

1. BACKGROUND

1.1 The Council has a large number of powers to exercise and to do so it operates a scheme of delegation to committees and officers. Throughout the year, if there are any significant changes, for example last year's change to the Code of Conduct, these are brought before Members in an individual Report.

1.2 In addition to the above, the Council's procedure rules¹ require that Members receive and approve the Scheme of Delegation at their Annual Meeting. This opportunity is used for general housekeeping changes such as changes in job titles, legislation or nominated proper officers. For ease of reference, the amendments in the Scheme of Delegation before Members are as follows:

The Council's Scheme of Delegation

Amendment	Comment
Article Four of the Constitution: Addition of 'Localisation of Council Tax Support Scheme' to the definition of Budget.	This means that the Localisation of Council Tax Support Scheme is part of the Council's 'Budget' and is a matter reserved to Full Council. Executive recommendation Report reference - CD39.12/Council Report CD07.13, Min ref C.18/13
Responsibility for Functions, Section 2B – Powers delegated to the Director of Economic Development: Para 1.15 – Job Titles updated – Development Control powers delegated to "Development Manager" and "Principal Planning Officer (Development Control)"	This updates the previous job titles of "Head of Planning and Housing Services" and "Development Control Manager".

¹ Council Procedure Rule 1.1(ix).

<p>Responsibility for Functions, Section 2B – Powers delegated to the Director of Resources:</p> <p>Para 7.1- Additional Power inserted – “The National Non-Domestic Rates Return 1 including the Net Rate Yield for National Non-Domestic Rates referred to in the Local Government Finance Act 1988, as amended by the Local Government Finance Act 2012 and National Non-Domestic Rating (Rates Retention) Regulations 2013.”</p>	<p>Delegates power to the Director of Resources to calculate and determine the statutorily required National Non-Domestic Rates Return.</p>
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Recommendation:-

That the Council’s Scheme of Delegation for 2013/14, as attached, be received and approved.

2. IMPLICATIONS

- Chief Executive – None

- Resources – None

- Governance – The Scheme of Delegation provides the authority for Members and Staff to carry out and undertake the Council’s powers and duties.

- Local Environment – None.

Article 4 - The Full Council

(Extract)

4.01 Meanings

(a) **Policy Framework.** The policy framework means the following plans and strategies:-

- Crime & Disorder Reduction Strategy
- Licensing Authority Policy Statement
- Plans and alterations which together comprise the Development Plan
- Sustainable Community Strategy
- Agenda 21
- Corporate Plan
- Food Law Enforcement Service Plan
- The Strategy and Plan which together comprise the Housing Investment Programme
- Discretionary Rate Relief Policy
- Economic Development
- Homelessness

NB: Legislation may require other policies, plans and strategies to be approved or adopted by the full Council.

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. For the avoidance of doubt the Budget includes the Council's Medium Term Financial Plan (including the Corporate Charging Policy); **the Localisation of Council Tax Support Scheme**; Capital Strategy; Asset Management Plan and Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy (one document).

(c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

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 Director of 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 Director of 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 Director of 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 Director of 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 Director of 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 Director of 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 Director of Local Environment in respect of the service of such notices and the Director of 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 Director of 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 Director of Governance in respect of 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 Director of 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 Director in respect of the service of such notices in their relevant areas of responsibility and in addition the Director of 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 Director in respect of service of such notices in their relevant areas of responsibility and in addition the Director of 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 Director of Governance on instruction from either of the 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	<p>Planning and Conservation Functions relating to town and country planning and development control as specified in Schedule 1 to the Functions Regulations²</p> <p>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</p> <p>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.</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 Directors of Economic Development and Governance

² Local Authorities (Functions and Responsibilities) (England) Regulations 2000/SI2853

Committee	Membership	Functions	Delegation of functions
Regulatory Panel	12 members of the authority	<p>Taxi, gaming, food, miscellaneous licensing and registration functions and health and safety functions (other than Licensing Act 2003 functions)</p> <p>Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations (other than Licensing Act 2003 functions and functions under the Gambling Act 2005 designated to be the responsibility of the Licensing Committee by virtue of the implementation of relevant legislation) together with power to make closing orders with respect to take-away food shops and all other licensing functions for which the Council may be responsible. For the avoidance of doubt, this includes power in respect of any approval, consent, licence, permission or registration for which the Panel is responsible :-</p> <ul style="list-style-type: none"> • to set the amount of any charge to be made unless prescribed by Central Government • to impose any condition, limitation or other restriction or other terms • to determine whether and in what manner to enforce any failure to comply with the same • to amend, vary modify or revoke the same or any condition, limitation or term thereof <p>Health and Safety</p> <p>Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.</p>	See Section 2B for details of the delegation of licensing and registration functions to each of the Directors of Governance, Local Environment and Economic Development

Committee	Membership	Functions	Delegation of functions
Licensing Committee	12 members of the authority	<p>Functions relating to smoke free premises, places and vehicles within the meaning of Part 1 of the Health Act 2006 and ancillary Regulations to the extent that those functions are exercised other than in the Council's capacity as employer.</p> <p>Common Land and Town or Village Greens</p> <p>To the extent that such powers are vested in the Council, functions relating to the registration of common land and town or village greens; power to apply for an enforcement order against unlawful works on common land; power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference and power to initiate proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.</p> <p>Functions under the Licensing Act 2003</p> <p>All functions relating to licensing and registration set out in the Licensing Act 2003 and any amendments thereof or regulations made thereunder insofar as they are not specifically designated in the Act as being the function of the Council or some other body.</p> <p>Functions under the Gambling Act 2005: Following the implementation of relevant legislation, all functions relating to licensing and registration as set out in the Gambling Act 2005 and any amendments thereof or regulations made thereunder insofar as they are not specifically designated in the said Act as being the function of the Council or some other body. For the avoidance of doubt this includes setting the amount of any charge to be made.</p>	<p>The Licensing Committee will establish sub-committees of 3 members each and operate a scheme of delegation in accordance with Schedule 1 to this Section 2A.</p> <p>The Licensing Committee will establish sub-committees of 3 members each and operate a scheme of delegation in accordance with Schedule 2 to this Section 2A.</p>

Committee	Membership	Functions	Delegation of functions
Standards Committee	7 members of the authority other than the Leader, up to 3 Parish Council Members (co-opted but non-voting) and Independent Person (advisory, non Member and non-voting)	<p><u>Note:</u> For the avoidance of doubt, the Licensing Committee will be empowered (as far as it is legally able to do so) to form such sub-committees as it thinks fit to deal with any matter which the Committee itself is empowered to deal with.</p> <p>The 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</p> <p>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</p>	<p>See Section 2B for details of the delegation of Licensing Act 2003 and Gambling Act 2005 functions to the Director of Governance and the Licensing Manager</p> <p>See Section 2B for the Delegation of Standards Committee functions to the Director of Governance.</p>

Committee	Membership	Functions	Delegation of functions
		<p>Other functions</p> <ul style="list-style-type: none"> • All functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000 or any amendment or re-enactment thereof . These are more fully set out in Article 9 of the Constitution where the role and function of the Committee are described. • Advising the Council on the adoption or revision of any relevant supporting protocols relating to standards of conduct by members, monitoring the operation of such protocols and providing training for members on them, and determining any allegations of a breach of such protocols by members in accordance with procedures adopted by the Committee • Granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members Code of Conduct • Dealing with reports from case tribunals or interim case tribunals and the Monitoring Officer • Granting exemptions for politically restricted posts <p>Parish Council functions</p> <p>To carry out all the above functions in respect of Parish Councils and their members for which the City Council is responsible under any relevant provision of, or regulations made under the Local Government Act 2000 or any amendment or re-enactment thereof</p>	

Committee	Membership	Functions	Delegation of functions
Employment Panel	6 members of the authority including at least one member of the Executive	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 a 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
- Director of Resources (Section 151 Finance Officer)
- Director of 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	
Making Representations as Responsible Authority as defined in the legislation.			Director of Governance

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

- (vii) Where any Member notifies the Director of Economic Development in writing within 21 days of the despatch of the weekly list of planning applications that he or she wishes the application to be referred to the Development Control Committee for determination.
 - (viii) Where the Director of 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 Director of 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 Director of 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 Director of 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 Development Manager and the Principal Planning Officer (Development Management).
2. **Town and Country Planning and Development Control, trees and hedgerows and highways use and regulation matters delegated to the Director of 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 Director of 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 Director of Governance, the Director of Local Environment and the Director of Economic Development and the Licensing Manager.**
- 3.1 **Powers delegated to each of the Director of 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 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 Director of Governance considers that such action is necessary to protect the Council's interests.
- 3.2 **Powers delegated to the Director of 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 Director of 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 Director of Economic Development**

- To represent the Council on the Safety Advisory Group which makes recommendations to Cumbria County Council in respect of the issue, amendment

or replacement of safety certificates (whether general or special) for sports grounds and the issue, cancellation, amendment or replacement of safety certificates for regulated stands at sports grounds

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

4.1 Powers delegated to each of the Director of 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.
- 4.1.10 To make representations as a Responsible Authority, where appropriate, in response to applications (Director of Governance only).

4.2 Powers delegated to each of the Director of 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 Director of 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 Director of 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 Director of Governance shall also be empowered to exercise any of the functions referred to in paragraph 5.1 above.

6. **Delegation of Powers to the Director of Governance (as Monitoring Officer) relating to Standards Committee matters.**

- 6.1 In relation to complaints in respect of the Code of Conduct, the Director of Governance will be empowered to:
 - i. in consultation with the Independent Person and Chair of the Standards Committee, determine whether any complaint received merits formal investigation;
 - ii. if necessary, appoint an Investigating Officer to investigate such a complaint;
 - iii. in consultation with the Independent Person and Chair of the Standards Committee, upon receipt of any Investigating Officer's report, determine, if he is satisfied that the report is sufficient, that no further action is necessary.
- 6.2 In relation to requests for Dispensations pursuant to section 33 of the Localism Act 2011 the Council delegate to the Monitoring Officer, in consultation with the Independent Person and Chairman of Standards Committee, the power to grant dispensations up to a maximum of 4 years in the following circumstances with an appeal to the Standards Committee:

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

7. Calculation and Determination of Council Tax Base Matters Delegated to the Director of Resources

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

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

8. Appointment and Management of Officers

8.1 Under the Officer Employment Procedure Rules in 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.

- 8.2 Under the Officer Employment Procedure Rules, responsibility for taking disciplinary action against officers (including dismissals) is the responsibility of the head of the authority's paid service or his/her nominee. Annexed to the Officer Employment Procedure Rules is a protocol prepared by the head of paid service delegating to chief officers responsibility for taking disciplinary action against and for the dismissal of officers within their relevant areas of responsibility and setting out arrangements to be followed in connection with such matters.
- 8.3 Any question arising in respect of the alleged misconduct of a chief officer shall, under the Officer Employment Procedure Rules, also be dealt with by the head of paid service.
- 8.4 In so far as they are the functions of the Council and not the executive and are not the responsibility of the head of paid service under the Officer Employment Procedure Rules, the Council delegates to chief officers responsibility for all matters relating to the effective management of all officers within their respective areas of responsibility. In particular, for their terms and conditions, deployment, direction, assessment, development and severance in accordance with the Council's plans, strategies, employment policies and conditions of service. Without prejudice or limitation to the generality of the above, this delegation includes responsibility for authorising:
- 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 Director of Resources, to serve or secure the service of any notices and take any other steps which might be necessary to implement such redundancies
- 8.5 The Director of 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.
9. **General provisions relating to the exercise of delegated powers by Officers**
- 9.1 Any exercise of any function delegated to an officer by the Council shall be in accordance with the following:
- 9.1.1 The plans, strategies and policies approved or adopted by the Council.
- 9.1.2 The budget approved by the Council.
- 9.1.3 The Contracts Procedure Rules and Financial Procedure Rules of the Council.
- 9.1.4 The Council's Codes of Practice and Conditions of Employment.
- 9.1.5 Any legal constraints relating to the exercise of such powers.
- 9.1.6 Taking, where necessary, any appropriate financial, legal, valuation and personnel advice.
- 9.1.7 Maintaining a close liaison with the appropriate chairman of a committee, sub-committee, panel or working group.
10. Unless otherwise stated, any officer to whom powers have been delegated may, if he/she considers it necessary, arrange for any matter delegated to him/her to be exercised by another officer of suitable seniority.
11. In the event of any vacancy arising in respect of any Chief Officer post, the Town Clerk and Chief Executive shall be authorised to arrange for any matter or power delegated to the Chief Officer under this Constitution to be exercised by another officer or officers of suitable qualification, seniority, experience and competence, subject to the same limitations (if any) to which the Chief Officer is subject under this Constitution.

2C DESIGNATION OF "PROPER OFFICERS"

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

Section of the Local Government Act 1972 And Proper Officer's Functions	Proper Officer	Alternative Proper Officer
83 (1) to (4) Witness and receipt of Declarations of Acceptance of Office	Town Clerk and Chief Executive	Director of Governance
84 Receipt of Declaration of Resignation of Office	Town Clerk and Chief Executive	Director of Governance
88 (2) Convening of meeting of Council to fill casual vacancy in the office of Chairman	Town Clerk and Chief Executive	Director of Governance
89 (1) (b) Receipt of notice of casual vacancy from two local government electors	Town Clerk and Chief Executive	Director of Governance
96 (1) Receipt of notices of pecuniary interest	Director of 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)	Director of Governance	Town Clerk and Chief Executive
115 (b) Receipt of money due from officers	Director of Resources	Deputy Section 151 Officer
146 (1) (a) and (b) Declarations and service with regard to securities	Director of Resources	Deputy Section 151

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

Section of the Local Government Act 1972 And Proper Officer's Functions	Proper Officer	Alternative Proper Officer
	the Director of Governance in the absence of such authority	
234 Officer authorised to sign forms of notice to give effect to planning applications	Director of 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	Director of Governance	Town Clerk and Chief Executive
238 Certification of byelaws	Director of Governance	Town Clerk and Chief Executive
Schedule 12, Para 4 (2) (b) Signature of summonses to Council Meetings	Director of 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	Director of Governance	Town Clerk and Chief Executive
Schedule 14 Para 25 (7) Certifying resolutions applying or disapplying provisions of Public Health Acts 1875-1961	Director of 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	Director of Governance	Town Clerk and Chief Executive
S.100B (5) Withholding of reports containing exempt information	Director of Governance	Town Clerk and Chief Executive
S.100B (7) (c) Supply of papers to press	Director of Governance	Town Clerk and Chief Executive
S.100C (2) Summaries of Minutes	Director of Governance	Town Clerk and Chief Executive
S.100D Inspection of background papers	Director of Governance	The Chief Officer, as appropriate
S.100F Members' right to papers	Director of 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	Director of Governance

3. Local Government Finance Act 1988

Section of the Local Government Finance Act	Proper Officer	Alternative Proper Officer
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1988 and Proper Officer's Functions		
Section 114 Duty to report etc	Director of 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	Director of Governance	Deputy Monitoring Officer as appointed by the Director of Governance
Section 19 and regulations made thereunder. Notices of Members' Interests	Director of 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	Director of 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	Director of Economic Development	Building Control Manager

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

Section of the National Assistance Act 1948, National Assistance (Amendment) Act 1951 and Public Health (Control of Infectious Diseases) Act 1984 and Proper Officer's Functions	Proper Officer	Alternative Proper Officer
Proper Officer functions including the issuing of any notice on behalf of the local authority under Regulation 9 and Schedule 3 and Schedule 4 of the Health Protection (Notification) Regulations 2010 and the making of applications under Section 47 of the National Assistance Act 1948.	Director of Public Health and Consultant/Specialist or Nurse Specialist in Health Protection – NHS Cumbria <ul style="list-style-type: none"> • Professor John Ashton 	Deputy Director of Public Health/Associate Director of Health Protection – NHS Cumbria <ul style="list-style-type: none"> • Dr Rebecca Wagstaff • Dr Nigel Calvert
Public Health (Control of Infectious Diseases) Act 1984 with power to take action in accordance with The Public Health Act 1936, sections 84 and 85; The Public Health Act 1961, section 37; The Public Health (Control of Diseases) Act 1984, sections 48, 61 and 62; The Health Protection (Notification) Regulations 2010, regulations 2 and 3; and, any other relevant legislation.	Consultant Level Staff from Cumbria and Lancashire Health Protection Unit, namely: <ul style="list-style-type: none"> • John Astbury 	Consultant Level Staff from Cumbria and Lancashire Health Protection Unit, namely: <ul style="list-style-type: none"> • Steven Gee • Sohail Ashraf • Kenneth Lamden • Kate Brierley • Jeff Scott • Such other person as notified in

		writing to the Director of Governance
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7. Local Government Act 2000 and Regulations made thereunder

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

8. Freedom of Information Act 2000	Proper Officer	Alternative Proper Officer
Section 36 – the “qualified person”	Monitoring Officer (Director of 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	Director of Governance	Town Clerk and Chief Executive
Section 606 Housing Act 1985 Representations and reports on unfit housing	Director of Local Environment	Director of Community Engagement
Section 321 (3) Highways Act 1980. Certifying copies of approved plans	Director of Economic Development	
Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990. Lists of protected buildings	Director of Economic Development	
Housing Grants Construction and Regeneration Act 1996.	Director of Community Engagement	Head of Communities,

Financial assistance towards improvement works		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.	<p>Director of Local Environment Director of Economic Development Director of 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)</p> <p>*The Director of Governance and the Legal Services Manager are, respectively, the RIPA Monitoring Officer and Deputy.</p>	
Service of Improvement and Prohibition Notices under the Health and Safety at Work etc Act 1974	Director of 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)	Director of Governance	
The Money Laundering Regulations 2007	Director of Resources	Director of Governance

Section 27 Food Safety Act 1990 – Appointment of Public Analyst, Food Examiner	Dr Andrew Smith BSc, PhD, MChemA, CSci, CChem, MRSC	
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Report to Council

Agenda
Item:

8

Meeting Date: 20 May 2013
 Portfolio: Cross Cutting
 Key Decision: Not Applicable:
 Within Policy and
 Budget Framework NO
 Public / Private Public

Title: DATES AND TIMES OF MEETINGS 2013/14
 Report of: DIRECTOR OF GOVERNANCE
 Report Number: GD.19/13

Purpose / Summary:

The attached report relating to the dates and times of meetings for 2013/14 was submitted to the Executive on 19 November 2012. The Executive recommended that the City Council agree the Schedule of dates and times of meetings in the 2013/14 Municipal Year as set out in the calendar attached as an Appendix. The Executive also noted the dates and times of meetings of the Executive as chosen by the Leader.

Recommendations:

- (1) That the dates and times of meetings in the Municipal Year 2013/14 be approved as set out in the attached Schedule.
- (2) That the dates and times of meetings of the Executive as chosen by the Leader be noted.
- (3) That the possible amendment of the Annual Council date in 2014 due to European elections be noted.

Tracking

Executive:	19 November 2012
Overview and Scrutiny:	Scrutiny Chairs Group
Council:	5 February 2013

1. BACKGROUND

- 1.1 The attached report relating to the dates and times of meetings for 2013/14 was submitted to the Executive on 19 November 2012 and agreed by Council on 5 February 2013.
- 1.2 Consideration is being given at a National level to move the date of the Local elections in 2014. City Council and Parish Council elections are scheduled to be held on 1 May 2014 and European elections are scheduled to be held on 5 June 2014. The present proposal is to hold a combined poll on Thursday 22 May 2014. Although the date of the election has not yet been confirmed it is considered likely that it will take place later than 1 May 2014 as currently scheduled.
- 1.3 If the above proposal is agreed it will be necessary to hold the Annual Meeting of the Council later than the third Monday in May. It will also impact on the period of time for which the Mayor and Deputy Mayor will hold office and the schedule of meetings in 2013/14 and 2014/15.
- 1.4 The Civic Calendar for 2014/15 will be prepared as usual and the new date for the Annual Council in 2014 along with any additional meetings required for the 2013/14 Calendar will be submitted to Council for approval together with any consequent recommendations in respect of the period of office for the Mayor and Deputy Mayor.

2. CONCLUSION AND REASON FOR RECOMMENDATION

- 2.1 That the dates and times of meetings in the Municipal Year 2013/14 be approved as set out in the attached Schedule.
- 2.2 That the dates and times of meetings of the Executive as chosen by the Leader be noted.
- 2.3 That the possible amendment of the Annual Council date in 2014 due to European elections be noted.
- 2.4 That the amended dates and times of meetings for the municipal year 2013/14 be agreed as required by Procedure Rule 1.1(ix).

Contact Officer: Rachel Rooney

Ext: 7039

Appendices attached to report: Executive Report GD.09/13

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:

- Carlisle City Council's Constitution
- GD.05/13 – Dates and Times of Meetings 2013/14 from Council 8 January 2013.

CORPORATE IMPLICATIONS/RISKS:

Chief Executive –not applicable

Community Engagement – not applicable

Economic Development – not applicable

Governance - comments are incorporated in the report.

Local Environment – not applicable

Resources - Subject to the Council agreeing a schedule of meetings for Council, Overview and Scrutiny Committees and Regulatory Committees and the Leader arranging a schedule of meetings of the Executive which are broadly comparable with the schedule of meetings for the current Municipal Year, there are no additional staffing/resource requirements arising from this report.

The meetings necessary for the Budget process have been scheduled into the Calendar of Meetings.

The Council budget meeting is currently scheduled for 4 February 2014. As this is before 8 February any proposed amendments to the budget proposals on the night would act as a reference back to the Executive and would not be effective on the night.



Report to:

COUNCIL

Agenda
Item

Meeting Date: 5 February 2013

Portfolio: All

Key Decision: Not applicable

Within Policy and Budget Framework: ~~Yes~~/No

Public/Private*: Public

Title: **DATES AND TIMES OF MEETINGS 2013/14**

Report Number: GD.09/13

Report of: Director of Governance

PURPOSE/SUMMARY:

Report GD.05/13, containing the proposed municipal calendar for 2013/14 had been submitted to Council on 8 January 2013 for their approval.

Following consideration of the report Council agreed to defer the matter in order that further consideration could be given to the issues identified by Members.

Pursuant to minute excerpt C.18(v) and Portfolio Holder Decision PF.02/13 the date of the Annual Council was moved to 20 May 2013 and all meeting dates were moved as a result. The amended calendar for 2013/14 is attached.

RECOMMENDATIONS:

(1) That the dates and times of meetings in the Municipal Year 2013/14 be approved as set out in the attached Schedule.

(2) That the dates and times of meetings of the Executive as chosen by the Leader be noted.

TRACKING:

Executive:	19 November 2012
Overview and Scrutiny:	1 November 2012
Council:	8 January 2013 5 February 2013

1. BACKGROUND

1.1 Attached at Appendix A is a draft schedule of meeting dates for the City Council, the Executive, Overview and Scrutiny Panels and the Regulatory Committees for the 2013/14 Municipal Year.

1.2 The current frequency of meetings is as follows:-

City Council (ordinary meetings)	8 weekly;
Overview and Scrutiny Panels	6 weekly;
Executive (required to meet at least 13 times per year)	4 weekly;
Development Control Committee	6 weekly;
Regulatory Panel	5 weekly.
Licensing Committee	Quarterly

The Audit Committee will meet in July, September, January and April.

Meetings of the Standards Committee, Appeals Panel, Employment Panel, Licensing Sub-Committees, and other meetings are held as and when required and as such are not included in this schedule.

1.3 Dates and times for meetings of the Executive are at the discretion of the Leader and are currently every 4 weeks.

1.4 The report had been considered by Council at its meeting on 8 January 2013 (Minute Excerpt C.18/13(v) refers) and it was agreed that the matter be deferred in order that further consideration could be given to the issues identified by Members.

1.5 The Leader and Finance. Portfolio Holder gave consideration to the item and agreed that the date of Annual Council be moved to 20 May 2013 and all other meeting dates be moved to reflect this. The Leader prepared an Individual Portfolio Holder Decision Notice (PF.002/13) which approved the amendments to the Calendar and recommended the amendments to Council for their approval.

2. CONSULTATION

- 2.1 Consultations had taken place with the Licensing Section, Economic Development, Scrutiny and Resources on the scheduling of meetings. The Director of Resources comments on the arrangements for considering and processing the Budget and the views of Economic Development on the schedule of Development Control meetings have been incorporated in the schedule of meetings attached.

3. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 3.1 That the amended dates and times of meetings for the municipal year 2013/14 be agreed as required by Procedure Rule 1.1(ix).

Contact Officer: Rachel Rooney

Ext: 7039

Appendices attached to report: Draft Calendar of meetings

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:

- Carlisle City Council's Constitution
- GD.05/13 – Dates and Times of Meetings 2013/14 from Council 8 January 2013.

CORPORATE IMPLICATIONS/RISKS:

Chief Executive –not applicable

Community Engagement – not applicable

Economic Development – not applicable

Governance - comments are incorporated in the report.

Local Environment – not applicable

Resources - Subject to the Council agreeing a schedule of meetings for Council, Overview and Scrutiny Committees and Regulatory Committees and the Leader arranging a schedule of meetings of the Executive which are broadly comparable with the schedule of meetings for the current Municipal Year, there are no additional staffing/resource requirements arising from this report.

The meetings necessary for the Budget process have been scheduled into the Calendar of Meetings.

The Council budget meeting is currently scheduled for 4 February 2014. As this is before 8 February any proposed amendments to the budget proposals on the night would act as a reference back to the Executive and would not be effective on the night

**EXCERPT FROM THE MINUTES OF THE
CITY COUNCIL
HELD ON 8 JANUARY 2013**

**C.18/13 PROPOSALS FROM THE EXECUTIVE IN RELATION TO THE
COUNCIL'S BUDGET AND POLICY FRAMEWORK**

(v) EX.154/12 – Dates and Times of Meetings for 2013/14

Pursuant to Minute EX.154/12, consideration was given to a recommendation from the Executive that the City Council approve the schedule of dates and times of meetings in the 2013/14 municipal year as set out in the calendar attached as an Appendix to Report GD.05/13, and note the dates and times of meetings of the Executive as chosen by the Leader. A copy of Report GD.05/13 and the Minute Extract had been circulated.

Councillor Tickner moved the recommendations.

Discussion ensued, during which Members queried why the Annual Council meeting had been moved from 20 May 2013 (as agreed by Council on 10 January 2012 – Report GD.03/12); the frequency of City Council meetings; and why meetings of the Joint Management Team were not included within the calendar.

RESOLVED – That the matter be deferred in order that further consideration could be given to the issues identified by Members.

**EXCERPT FROM THE MINUTES OF THE
EXECUTIVE
HELD ON 19 NOVEMBER 2012**

EX.154/12 DATES AND TIMES OF MEETINGS FOR 2013/14
(Non Key Decision)

Portfolio All

Relevant Overview and Scrutiny Panel Community; Environment and
Economy; and Resources

Subject Matter

The Finance, Governance and Resources Portfolio Holder submitted report GD.59/12 on proposed dates and times of meetings of the City Council, the Executive, Overview and Scrutiny Panels and the Regulatory Committees for 2013/14 in order that a recommendation could be made to the City Council.

The Finance, Governance and Resources Portfolio Holder moved that the report go forward to the City Council in January 2013 for approval. The Leader seconded the recommendation.

Summary of options rejected None

DECISION

That the City Council be requested to agree the schedule of dates and times of meetings in the 2013/14 municipal year as set out in the calendar attached as an Appendix to Report GD.59/12.

Reasons for Decision

In order to recommend to the City Council a schedule of dates and times for meetings covering the 2013/14 Municipal Year as required by Procedure Rule 1.1(ix)

May 2013

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1	2 Cumbria County Council Elections	3	4	5
6 Bank Holiday	7	8	9	10	11	12
13	14	15	16	17	18	19
20 11.00am Annual Council	21	22	23	24	25	26
27 Bank Holiday	28	29 2.00pm Regulatory Panel 3.00pm Licensing Committee	30 10.00am Community Overview and Scrutiny Panel	31 4.00pm Executive		

June 2013

Mon	Tue	Wed	Thu	Fri	Sat	Sun
3	4	5	6	7	8	9
		9.45am Development Control Committee 10.00am Development Control Site Visits	10.00am Resources Overview and Scrutiny Panel	10.00am Development Control Committee		
10	11	12	13	14	15	16
			10.00am Environment & Economy Overview and Scrutiny Panel			
17	18	19	20	21	22	23
24	25	26	27	28	29	30

July 2013

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 4.00pm Executive	2	3 2.00pm Regulatory Panel	4 10.00am Scrutiny Chairs Group	5	6	7
8	9	10	11 10.00am Community Overview and Scrutiny Panel	12	13	14
15	16 6.45pm Council	17 10.00am Development Control Site Visits	18 10.00am Resources Overview and Scrutiny Panel	19 10.00am Development Control Committee	20	21
22 10.00am Audit Committee	23	24	25 10.00am Environment & Economy Overview and Scrutiny Panel	26	27	28
29	30	31				

August 2013

Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1	2	3	4
5 4.00pm Executive	6	7 2.00pm Regulatory Panel	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22 10.00am Community Overview and Scrutiny Panel	23	24	25
26 Bank Holiday	27	28 10.00am Development Control Site Visits	29 10.00am Resources Overview and Scrutiny Panel	30 10.00am Development Control Committee	31	

September 2013

Mon	Tue	Wed	Thu	Fri	Sat	Sun
						1
2 4.00pm Executive	3	4	5 10.00am Environment & Economy Overview and Scrutiny Panel	6	7	8
9	10 6.45pm Council	11 2.00pm Regulatory Panel	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26 10.00am Audit Committee	27	28	29
30 4.00pm Executive						

October 2013

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2	3 10.00am Community Overview and Scrutiny Panel	4	5	6
7	8	9 10.00am Development Control Site Visits	10 10.00am Resources Overview and Scrutiny Panel	11 10.00am Development Control Committee	12	13
14	15	16 2.00pm Regulatory Panel 3.00pm Licensing Committee	17 10.00am Environment & Economy Overview and Scrutiny Panel	18	19	20
21	22	23	24	25	26	27
28 4.00pm Executive	29	30	31			

November 2013

Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4	5 6.45pm Council	6	7 10.00am Scrutiny Chairs Group	8	9	10
11	12	13 10.00am Development Control Site Visits	14 10.00am Community Overview and Scrutiny Panel	15 10.00am Development Control Committee	16	17
18 4.00pm Executive	19	20 2.00pm Regulatory Panel	21 10.00am Environment & Economy Overview and Scrutiny Panel	22	23	24
25	26	27	28 10.00am Resources Overview and Scrutiny Panel	29	30	

December 2013

Mon	Tue	Wed	Thu	Fri	Sat	Sun
						1
2	3	4	5	6	7	8
9 4.00pm Special Executive	10	11	12	13	14	15
16 4.00pm Executive	17	18 10.00am Development Control Site Visits	19	20 10.00am Development Control Committee	21	22
23	24	25 Bank Holiday	26 Bank Holiday	27	28	29
30	31					

January 2014

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 Bank Holiday	2	3	4	5
6 10.00am Resources Overview and Scrutiny Panel	7 6.45pm Council	8 2.00pm Regulatory Panel 3.00pm Licensing Committee	9 10.00am Community Overview and Scrutiny Panel	10	11	12
13	14	15 4.00pm Executive	16 10.00am Environment & Economy Overview and Scrutiny Panel	17	18	19
20	21	22	23	24 10.00am Audit Committee	25	26
27	28	29 10.00am Development Control Site Visits	30	31 10.00am Development Control Committee		

February 2014

Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1	2
3	4 6.45pm Special Council	5	6 10.00am Scrutiny Chairs Group	7	8	9
10 4.00pm Executive	11	12 2.00pm Regulatory Panel	13 10.00am Community Overview and Scrutiny Panel	14	15	16
17	18	19	20 10.00am Resources Overview and Scrutiny Panel	21	22	23
24	25	26	27 10.00am Environment & Economy Overview and Scrutiny Panel	28		

March 2014

Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1	2
3	4 6.45pm Council	5 10.00am Development Control Site Visits	6	7 10.00am Development Control Committee	8	9
10 4.00pm Executive	11	12	13	14	15	16
17	18	19 2.00pm Regulatory Panel	20	21	22	23
24	25	26	27 10.00am Community Overview and Scrutiny Panel	28	29	30
31						

April 2014

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2	3 10.00am Resources Overview and Scrutiny Panel	4	5	6
7 4.00pm Executive	8	9 10.00am Development Control Site Visits	10 10.00am Environment & Economy Overview and Scrutiny Panel	11 10.00am Development Control Committee	12	13
14 10.00am Audit Committee	15	16	17	18 Bank Holiday	19	20
21 Bank Holiday	22	23 2.00pm Regulatory Panel 3.00pm Licensing Committee	24	25	26	27
28	29 6.45pm Council	30				

May 2014

Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1 City Council Elections	2	3	4
5 Bank Holiday	6	7	8	9	10	11
12	13	14	15	16	17	18
19 11.00am Annual Council	20	21	22	23	24	25
26 Bank Holiday	27	28	29	30	31	