

**SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS
MADE BY THE LEADER**

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Lawrence N Fisher 27 Howard Place, Carlisle, St Aidans
CA1 1HR

3. Portfolios and areas of responsibility

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

- Community Activities
- Health and Well Being
- Corporate Resources
- Strategy and Performance
- Finance and Resources
- Promoting Carlisle
- Economic Prosperity
- Infrastructure, Environment and Transport

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

4. Allocation of portfolios

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

Portfolio area	Responsible member
• Community Activities	• Judith Pattinson
• Health and Well Being	• Raynor Bloxham
• Corporate Resources	• Jacquelyne Geddes
• Strategy and Performance	• Lawrence Fisher
• Finance and Resources	• John Stevenson
• Promoting Carlisle	• Michael Mitchelson (Leader of the Council)
• Economic Prosperity	• Edward Firth
• Infrastructure, Environment and Transport	• Geoffrey Prest

4.2 In addition, the leader has appointed Councillor Edward Firth to be deputy leader of the Council to exercise the following powers and duties:

- Deputising for the leader in his absence.
- Chairing executive meetings in the absence of the leader.

SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS MADE BY THE LEADER

1. Preamble

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

2. Members of the executive

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

Name	Address	Wards
Michael R Mitchelson	Irthing Ghyll, Lanercost, Brampton, Cumbria, CA8 2HH	Brampton
Edward Firth	Clichy, 9 Showfield, Brampton, Cumbria, CA8 1NY	Stanwix Rural
John Stevenson	40 St James Road, Carlisle, CA2 5PD	Stanwix Urban
Geoffrey R Prest	Ashcroft, Station Road, Brampton, Cumbria, CA8 1EX	Lyne
Jacquelyne Geddes	13 Etterby Street, Stanwix, Carlisle, CA3 9JB	Stanwix Urban
Judith L Pattinson	Gelt Garth, Paving Brow, Brampton, Cumbria, CA8 1QT	Brampton
Raynor D Bloxham	Low Bowbank, Kirkhouse, Brampton, Cumbria, CA8 1JX	Longtown and Rockcliffe

- Acting as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the leader.
- Holding and leading on any portfolio which the leader may allocate. No deputies will be appointed in respect of portfolio holders and in their absence their duties and responsibilities will be undertaken by the leader and in his absence by the deputy leader or such other portfolio holder as the leader may nominate.

5. Duties and responsibilities of individual portfolio holders

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

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

- 5.13 To work closely with the relevant senior officers of the Council to help ensure the efficient management of the authority, to uphold high standards of performance and conduct and to enable officers to exercise any powers delegated to them.
- 5.14 To attend meetings of the relevant Overview and Scrutiny Committees as and when required.
6. **Joint arrangements and consultative arrangements**
- The following joint arrangements and consultative arrangements will operate in respect of executive functions:
- 6.1 All executive functions relating to the exercise of claimed rights under Section 42 of the Highways Act 1980 and functions relating to the enforcement of on street parking under agency arrangements with Cumbria County Council are delegated to the Joint Highways Sub-Committee of Cumbria's Carlisle Area Committee. The executive's representatives on the joint Highways Sub-Committee are currently all the eight members of the executive.
- 6.2 Functions in connection with the management of Carlisle Market are carried out by the Market Management Group established under arrangements made pursuant to the lease of the Market granted by the Council on 5 July 1991. The executive members nominated to the Market Management Group and authorised to make any decisions and carry out any executive functions pursuant to those arrangements are Councillors Edward Firth, Geoffrey Prest and Judith Pattinson.
- 6.3 Joint consultative arrangements have been established with the trades unions representing the Council's staff to enable an exchange of views on relevant matters affecting the workings of the Council and the interests of its staff. Councillor Jacquelyne Geddes and such other members of the executive as nominated by the leader from time to time are nominated to attend meetings of the joint consultative body on behalf of the executive and delegated to carry out such consultative functions.
- 6.4 In order to obtain a broad input of views into the Large Scale Voluntary Transfer process, a Housing Consultative Group will be established whose remit will be to act as a consultative body to engage with tenants and their representatives, other stakeholders and Councillors to enable them to provide their views and guidance to the executive on the housing stock transfer process. 7 non-executive members will be invited to attend nominated by their group leaders (4 Conservatives; 2 Labour and 1 Liberal

Democrat/Independent) together with 2 tenant representatives nominated by the Tenants' Advisory Group and 1 staff trade union representative. The executive will be represented by the portfolio holder having responsibility for housing matters and such other executive members as the leader considers appropriate. The Group will be consultative only with no decision making powers.

- 6.5 In order to obtain a broad input of views into the externalisation of leisuretime process following the best value review, a Leisure Consultative Group will be established whose remit will be to act as a consultative body to engage with other Councillors to enable them to provide their views and guidance to the executive on the implementation of the leisuretime externalisation process. 5 non-executive members will be invited to attend nominated by their group leaders (3 Conservatives; 1 Labour and 1 Liberal Democrat/Independent). The executive will be represented by the portfolio holder having responsibility for leisure matters and such other executive members as the leader considers appropriate. The Group will be consultative only with no decision making powers.

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

- 7.1 A key decision is defined in Regulations and in Article 13.03 of the Council's Constitution. It is a decision which is likely:-
- to result in the incurring of expenditure which is, or the making of savings which are, significant having regard to the authority's budget for the service or functions in question (the Council has resolved that the figure of £30,000 will be considered significant for these purposes) or
 - to be significant in terms of its effect on communities living or working in an area comprising two or more wards in the authority's area.
- 7.2 In addition, decisions will be treated as key if they are likely to have a significant impact on communities in one ward, or if they are made by the executive in the course of developing proposals to the full Council to amend the policy framework.
- 7.3 All key decisions will be made by the executive as a whole in accordance with the Executive Procedure Rules in Part 4 of the Constitution. No key decisions are delegated to any individual member of the executive or any officer, except that, to the extent that they may be key decisions, Chief Officers will be authorised to award tenders in their areas of responsibility as provided for in paragraph 2.1 of Schedule 2 as long as the award is within budget and the lowest tender is accepted. Any decision to award other than to the lowest

tenderer must be referred to the executive unless this requirement is waived by the executive.

8. Non-key decisions - delegations to portfolio holders

8.1 Each portfolio holder is authorised to take non-key decisions in connection with the allocation of grants falling within their relevant portfolio area up to a limit of £1,000 in respect of any individual grant, other than the allocation of individual private sector renovation grants, disabled facilities grants, access grants, home repair grants, reinstatement grants in respect of work to Airey type houses, Town Scheme grants and Local Government (Historic Buildings) Act 1962 grants which are delegated to the Director of Environment and Development under this Scheme. The allocation of grants in excess of £1,000 (other than those reserved to the Director of Environment and Development referred to above) will be referred to the executive for determination.

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

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

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

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

9. Non key decisions - delegations to officers

9.1 Responsibility for decisions in respect of any executive functions which are not key decisions (other than those in respect of grants delegated to portfolio holders under paragraph 8.1 above) is also delegated to the relevant Chief

Officer as set out in Schedule 2 attached to this scheme, subject to complying with the Conditions and Limitations set out in Schedule 2.

- 9.2 The executive acting as a whole may also take any non key decisions which may be referred to it either by an officer or a portfolio holder.

10. Chief Officers

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

- Town Clerk and Chief Executive (Head of Paid Service)
- City Solicitor and Secretary (Monitoring Officer)
- City Treasurer (Chief Finance Officer)
- Director of Housing
- Director of Leisure and Community Development
- Director of Environment and Development

11. Amendment of scheme

This Scheme of Delegation may be amended at any time by the leader as provided for in the Executive Procedure Rules set out in Part 4 of this Constitution.

SCHEDULE 1

POLICY AREAS AND EXECUTIVE FUNCTIONS INCLUDED IN PORTFOLIOS

1. Community Activities Portfolio:

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

1.1 Policies Plans & Strategies:

- Crime & Disorder Strategy
- Community Involvement Strategy
- Valuing Diversity (Equality & Equity Policy)
- Democratic Renewal
- Regeneration Strategy (Community)
- Supporting Schools Policy (pre 16)
- Cultural Strategy

1.2 Operational/Service Areas:

- Community Consultation
- Shop Mobility/Disabled Access
- Advice Centres inc: BAC, LC, CAB etc
- Community Development
- Community Centres
- Grant Aid
- Young People
- Rural/Urban Policy
- Social Economic Development
- Community Safety
- Improving Democratic Involvement
- Events
- Young People's play activities & facilities
- Museums
- CCTV

2. Health & Well Being Portfolio:

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

2.1 Policies Plans & Strategies:

- Housing Strategy
- Health Promotion & Partnership
- Regeneration (Housing)
- Environmental Health Policies
- Environmental Protection Strategy
- Older People Strategy
- Sports Development/Recreation Strategy

2.2 Operational/Service Areas:

- Communicable Diseases
- Dog Wardens
- Environmental Protection
- Food Standards
- Health and Safety (Environmental Health)
- Housing Conditions
- Pest Control
- Public Conveniences
- Public Health Complaints
- Careline
- Cemeteries & Crematoria
- Health Development
- Housing Management
- Housing repairs and improvements
- Supported Housing Services
- Housing Client and Enabling
- Allotments
- Indoor Recreation
- Outdoor Recreation
- Pools
- Sports Development
- Regulation and Licensing (Environmental Health)

3. Corporate Resources Portfolio:

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

3.1 Plans & Strategies:

- Customer Care Policy
- Emergency Plan
- Human Resources Strategy
- Training Plan
- Member Training & Development Plan

3.2 Operational/Service Areas:

- Telephones and Telephonists
- Building Maintenance
- Corporate Complaints
- Emergency Planning
- Land Charges
- Legal
- Electoral Registration
- Member Services & Committee Admin
- Keepers/Civic Suite
- Secretarial Services
- Receptionists
- Building Cleaning
- Print Room
- Customer Care
- Health and Safety (staff)
- Employment Conditions /Recruitment
- Training and Development
- Member Training & Development
- Personnel Services
- Employee Relations
- Customer Care

4. Strategy & Performance Portfolio:

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

4.1 Policies Plans & Strategies:

- Best Value Performance Plan
- Procurement Strategy
- Consultation Strategy
- Community Strategy
- IT/Information/E.Government Strategy

4.2 Operational/Service Areas:

- Policy Development
- Corporate Planning
- Research & Information Service
- Corporate Management
- Best Value
- Performance Management
- Service Standards
- Local Strategic Partnerships
- IT Services

5. Finance & Resources Portfolio:

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

5.1 Policies Plans & Strategies:

- Treasury Management Statement
- Medium Term Financial Plan
- Capital Strategy
- Budget Framework
- Asset Management Plan

5.2 Operational/Service Areas:

- Accountancy
- Benefits Administration
- Cash Collection
- Council Tax Collection
- Internal Audit
- NNDR Collection
- Payments and Admin
- Sundry Debtors
- Property Management
- Insurance & Risk Management

6. Promoting Carlisle Portfolio:

The promotion and marketing of Carlisle including working with partners and stakeholders in the public and private sector.

6.1 Policies Plans & Strategies:

- Promoting and Marketing Carlisle Strategy
- Civic pride Policy
- Council Communications and PR Strategy
- City Vision

6.2 Operational/Service Areas:

- City Vision
- Promoting Carlisle
- Press & Public Relations
- Marketing
- Town Twinning
- Council Communication
- Civic Pride
- Mayoral/Civic

7. Economic Prosperity Portfolio:

The City Vision objective of promoting the economic well being of the area, economic development and related marketing and promotion, tourism and external relations.

7.1 Policies Plans & Strategies:

- Economic Development Strategy
- Regeneration Strategy (Economic)
- Tourism Action Plan
- Training and Education Policies (post 16)

7.2 Operational/Service Areas:

- City Centre Management
- Business Support and Sector Development
- Education and Training Partnerships (Post 16)
- Inward Investment
- Tourism Management and Development

8. Infrastructure, Environment & Transport Portfolio:

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

8.1 Policies Plans & Strategies:

- Local Agenda 21 Strategy
- Highways Partnership
- Strategic Transport/Infrastructure Plan
- Waste Management Strategy
- Planning Policy
- Regeneration Strategy (Physical)

8.2 Operational/Service Areas:

- Building Control
- Car Parking
- Concessionary Fares
- Conservation
- Development Control
- Land Drainage
- Local Plans
- Miscellaneous Highways
- Refuse Collection
- Street Cleaning
- Recycling
- Sewerage Management
- Street Lighting
- Landscapes
- Carlisle Works
- Grounds Maintenance
- Strategic Transport
- Highways Maintenance
- Licensing (taxis, public entertainment etc)
- Parks and Countryside (including East Cumbria Countryside projects)

SCHEDULE 2

EXECUTIVE FUNCTIONS DELEGATED TO CHIEF OFFICERS

1. CONDITIONS AND LIMITATIONS

- 1.1 These delegations relate to executive functions and shall be in addition to and not in derogation from any powers and duties delegated to Chief Officers in the Council's Financial and Contracts Procedure Rules, or in some other part of the Constitution. They do not authorise a Chief Officer to exercise any powers or functions which are reserved to some other part of the local authority whether by law or under this Constitution.
- 1.2 Each Chief Officer is authorised to discharge the executive functions, act on behalf of and exercise the powers of the executive in relation to the matters specified in this Scheme, subject to the following conditions and limitations:
 - 1.2.1 Chief Officers are prohibited from exercising any executive function or taking any decision which is a key decision (other than in respect of the award of tenders authorised under paragraph 2.1 of this Schedule 2) which must be taken by the executive as a whole.
 - 1.2.2 Any exercise of such delegated powers by a Chief Officer shall be in accordance with the following:
 - 1.2.2.1 The plans, strategies and policies forming the policy framework approved or adopted by the Council.
 - 1.2.2.2 The budget approved by the Council.
 - 1.2.2.3 The Financial and Contracts Procedure Rules of the Council.
 - 1.2.2.4 The Council's Codes of Practice and Conditions of Employment.
 - 1.2.2.5 Any legal constraints relating to the exercise of such powers.
 - 1.2.3 Chief Officers must first take, where appropriate, financial, legal, valuation and personnel advice.
 - 1.2.4 Chief Officers must maintain a close liaison with and consult the appropriate executive Portfolio Holder(s) in the exercise of delegated powers and comply with any other constraints set out in this Scheme.
 - 1.2.5 Any matter shall be referred to the executive for decision if the relevant executive Portfolio Holder or the Leader so requests or if in the opinion of the Chief Officer it should be referred.
 - 1.2.6 Where Chief Officers consider that a decision which they have taken under delegated authority is significant then that decision and the reasons for taking it must be recorded in writing as soon as reasonably practicable after taking the decision. All such decisions shall be reported to the executive.

1.2.7 Any Chief Officer to whom powers are delegated under this Scheme, if he/she considers it necessary, is authorised to arrange for any matter or power delegated to him/her under this Scheme to be exercised in addition by another officer or officers of suitable qualification, seniority, experience and competence, subject to the same limitations to which the Chief Officer is subject under this Scheme. The Chief Officer shall notify the relevant Portfolio Holder and the Town Clerk and Chief Executive of any such arrangements so made but shall, notwithstanding any such arrangements, remain responsible for decisions taken in the exercise of such powers.

2. POWERS DELEGATED TO ALL CHIEF OFFICERS

FINANCIAL AND CONTRACTUAL

- 2.1 To issue orders and accept tenders for goods, services or works or the acquisition of assets of whatever kind within their areas of responsibility, provided compliance is made with all the relevant Contracts Procedure Rules and Financial Procedure Rules of the Council; the expenditure can be met within the budget previously approved by the Council or is within any scheme of virement which may be from time to time approved by the Council and the lowest tender is accepted. Any decision to award other than to the lowest tenderer must be referred to the executive unless this requirement is waived by the executive.
- 2.2 To undertake virement in departmental budgets in accordance with the principles set out in the Financial Procedure Rules or otherwise approved by the Council from time to time.
- 2.3 In accordance with guidance issued by the City Treasurer, to sell surplus vehicles, stores, plant, furniture and equipment for the best price obtainable, and to "write off" any such vehicles, stores, plant, furniture and equipment which have become unfit for use and of no value.
- 2.4 To authorise, after consultation with and upon terms approved by the Council's Head of Property Services (except in the case of terms for the letting, use or occupation of the Council's housing stock which are delegated to the Director of Housing) the letting, use or occupation or the grant of any interest in any land or premises owned by the Council falling within the Chief Officer's area of responsibility, subject always to the disposal of land by way of freehold sale or the grant of a lease for a term exceeding 125 years being reserved to the executive for determination, other than freehold or leasehold disposals of the Council's housing stock under the Right to Buy legislation which are delegated to the Director of Housing and the City Solicitor and Secretary under this Scheme.

STAFFING AND EMPLOYEE RELATIONS

- 2.5 To the extent that such matters are executive functions and not the responsibility of the Council, some other body or the head of paid service under the Council's Constitution, to be responsible for all matters relating to the effective management of all personnel within their respective departments or within their areas of responsibility. In particular, for their deployment, direction, assessment and development in accordance with the Council's

policies and procedures and to exercise discipline of employees in accordance with the Council's agreed disciplinary procedures. (Note: Responsibility for the appointment of staff below Chief Officer level is a matter for the head of paid service or his/her nominee.)

- 2.6 Without prejudice to the generality of paragraph 2.5, to be responsible for authorising the following:-
 - 2.6.1 Exceptional leave of absence in accordance with the Council's policies.
 - 2.6.2 Attendance by staff at training courses in accordance with the Council's staff training scheme or at conferences and external meetings.
 - 2.7 To implement reorganisations within their departments or areas of responsibility and to vary the establishment for which they are responsible within approved salaries and wages budgets.
 - 2.8 To declare posts to be redundant and, in consultation with the Head of Personnel Services, to serve or secure the service of any notices and take any other steps which might be necessary to implement such redundancies.
- GENERAL MATTERS
- 2.9 To authorise officers within their Departments or areas of responsibility by name as being empowered to demand and gain access to land or premises in fulfilment of the Council's powers and duties, always providing such access can be lawfully demanded on behalf of the Council and that such matters are executive functions.
 - 2.10 To apply for planning permissions under the provisions of the Town & Country Planning (General Regulations) 1992 or any statutory amendment or re-enactment thereof.
 - 2.11 To serve requisitions for information in connection with the exercise of the Council's statutory powers in their areas of responsibility, including requisitions under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976, but only to the extent that these are executive functions under the Constitution.
 - 2.12 To authorise (after consultation with the City Solicitor and Secretary) the institution or defence of legal proceedings in connection with any executive function within the Chief Officer's area of responsibility.
 - 2.13 To authorise (after consultation with the City Solicitor and Secretary) the institution of legal proceedings for the recovery of any monies due to the Council and for the possession of any property to which the Council may be

entitled and in respect of any property, rights or other interests of the Council within the Chief Officer's area of responsibility.

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

**3. POWERS DELEGATED TO THE
DIRECTOR OF LEISURE AND COMMUNITY DEVELOPMENT
EXTENT OF DELEGATION**

- 3.1 Subject to the limitations set out in paragraph 3.3 below, to exercise all the powers and duties and discharge all executive functions under any relevant legislation or otherwise in relation to the management, use and development of all facilities and assets (including personnel) held by the Council for leisure, recreation, artistic, community development and support or cultural purposes, cemeteries and crematoria and in relation to any other matter falling within the Director's area of responsibility.
- 3.2 Without prejudice to the generality of paragraph 3.1 above, this delegation shall include responsibility for:
- 3.2.1 All parks and amenity areas.
- 3.2.2 All sports facilities, community centres, swimming pools and children's play areas.
- 3.2.3 All matters relating to arts and entertainments.
- 3.2.4 Museums and art galleries, including Tullie House.
- 3.2.5 All cemeteries and crematoria.
- 3.2.6 Matters relating to children, young people and anti-poverty initiatives.
- 3.2.7 All community development initiatives.
- 3.2.8 Administering grants to and the Council's relationship with the Anchorage Drop In Centre, the Citizens Advice Bureau and the Law Centre.
- 3.2.9 The preparation of plans, strategies, policies and budgets in the above areas for consideration by the executive and approval by the Council.

LIMITATIONS ON DELEGATION

- 3.3 The above delegation shall be subject to the following limitations:
- 3.3.1 All the conditions and limitations set out in paragraph 1 of this Schedule.

4. POWERS DELEGATED TO THE DIRECTOR OF HOUSING

EXTENT OF DELEGATION

- 4.1 Subject to the limitations set out in paragraph 4.3 below, to exercise all the powers and duties and discharge all executive functions under any relevant legislation or otherwise in relation to the Council's responsibilities as local housing authority, including the management and use of all assets and personnel held for housing purposes, and in relation to any other matter falling within the Director's area of responsibility.
- 4.2 Without prejudice to the generality of paragraph 4.1 above, this delegation shall include responsibility for:
 - 4.2.1 The preparation of plans, strategies, policies and budgets in respect of the Council's housing functions for consideration by the executive and approval by the Council and the subsequent implementation of those policies.
 - 4.2.2 Taking all steps to ensure the fulfilment of the Council's statutory duties as housing authority.
 - 4.2.3 Authorising expenditure on the use and allocation of all financial resources relating to housing functions within approved budget provision.
 - 4.2.4 Administering the Council's Scheme of Allocation, allocating tenancies and licences to individuals and determining all matters relating to individual tenants.
 - 4.2.5 Collecting rents and other monies due to the Council as housing authority.
 - 4.2.6 Enforcing tenancy conditions and preventing illegal occupation of dwellings and land.
 - 4.2.7 Authorising the service of any statutory, legal or other notice relating to the Council's housing stock and any other statutory or legal action in connection with the same.
 - 4.2.8 Authorising proceedings for the possession of the Council's dwellings and land and for the eviction of any persons therefrom.
 - 4.2.9 Making all necessary determinations and taking any other action which is required to be taken by the Council in order to fulfil its duties and responsibilities relating to homelessness under Part VII of the Housing Act 1996 and any other relevant legislation.
 - 4.2.10 Authorising any action to be taken to enforce legislation relating to the protection of tenants from unlawful eviction or harassment by private landlords.
 - 4.2.11 Accepting rent guarantees from Social Services and direct payment of rent from the Department of Social Security.

- 4.2.12 Increasing rents at hostels automatically when Department of Social Security allowances are increased.
- 4.2.13 Dealing with all matters relating to the management, control, use and letting of the Council's housing stock including granting tenancies and licences for the use of the stock.
- 4.2.14 Arranging for the proper maintenance, improvement and development of all land and property held for housing purposes.
- 4.2.15 Exercising any nomination rights which the Council may have in connection with Housing Association or similar properties.
- 4.2.16 Arranging rehousing to facilitate the implementation of approved schemes.
- 4.2.17 Determining requests to extend temporary essential worker tenancies.
- 4.2.18 Managing and determining all matters relating to the operation of the Council's Careline and Warden Services including submitting tenders for providing the Careline Service to other authorities.
- 4.2.19 Dealing with all matters relating to the Council's relationship with tenants groups and other outside organisations.
- 4.2.20 Determining (in conjunction with the City Solicitor and Secretary) all matters arising under the Right to Buy legislation including authorising the disposal of land and properties under the legislation by way of freehold sale or otherwise.
- 4.2.21 Managing the Council's Benefits Advice Centre.
- 4.2.22 In consultation with the City Solicitor and Secretary, authorising the settlement of disrepair claims valued at up to £7,202 net of associated repair costs at March 2001 prices (such figure to be updated annually by the Retail Price Index) and settling claims above the said limit in cases of urgency, subject to prior consultation with the relevant Portfolio Holder and the City Solicitor and Secretary and to reporting any such settlement to a subsequent meeting of the executive.

LIMITATIONS ON DELEGATION

- 4.3 The above delegation shall be subject to the following limitations:
- 4.3.1 All the conditions and limitations set out in paragraph 1 of this Schedule.
- 4.3.2 The referral of the settlement of any claim above the figure set out in paragraph 4.2.22 above to the executive for determination.

5. **POWERS DELEGATED TO THE CITY TREASURER**

- 5.1 Subject to the limitations set out in paragraph 5.3 below, to exercise all the powers and duties and discharge all executive functions under any relevant legislation or otherwise in relation to the proper management, regulation and control of the Council's financial affairs including the management and use of all assets and personnel and in relation to any other matter falling within the City Treasurer's area of responsibility.
- 5.2 Without prejudice to the generality of paragraph 5.1 above, this delegation shall include the following matters:
- 5.2.1 The general regulation and control of the Council's financial affairs, including ensuring that appropriate risk management procedures are in place.
- 5.2.2 To approve, maintain and develop financial information systems and frame, review and propose amendments to the Council's Financial Procedure Rules for submission to the executive for consideration and for approval by the Council.
- 5.2.3 To make safe and efficient arrangements to secure the receipt and collection of all monies paid or due to the Council and the payment of monies payable by the Council.
- 5.2.4 To regulate and control the internal audit of the affairs of the Council and its Officers and to send a copy of any audit report to the Town Clerk and Chief Executive in addition to the Executive and any relevant Overview and Scrutiny Committee.
- 5.2.5 To deal with all aspects of insurance including acceptance of tenders relating thereto and the settlement of any claims not dealt with by Officers.
- 5.2.6 To administer the law relating to the administration, collection and recovery of the Community Charge/Council Tax and National Non-Domestic Rate (NDR) and sign any documents on behalf of the Council as Rating/Charging/Billing Authority.
- 5.2.7 To continuously review the Council's various capital investment programmes with regard to the progress of their implementation; the revenue implications both of programmes and of individual projects within such programmes; and their accordance with the contribution to the Council's wider objectives and to advise the executive upon the allocation of investment resources between the programmes and projects.
- 5.2.8 At his/her discretion, to write off small Council Tax debts up to a maximum of one week's liability in cases where the taxpayer has died and to write off other bad debts up to a limit of £1,000 and without limit where the City Treasurer is

- satisfied that a proof of debt has been lodged with the Receiver/Administrator and to report quarterly in summary form to the executive on such write offs.
- 5.2.9 To operate such powers as may be conferred on him/her or on the executive by the Council's Financial and Contracts Procedure Rules.
- 5.2.10 To implement (in so far as it may be an executive function) national salary and wage awards subject to reporting to the executive subsequently on the cost and any budget implications.
- 5.2.11 To discharge all payments on behalf of the City Council subject to compliance with relevant Financial and Contracts Procedure Rules.
- 5.2.12 To approve, but not refuse, applications for discretionary relief at the rate of 100% (20% in respect of top up) from organisations in connection with their rateable occupation of Public Halls, Village Halls, Community Centres and premises used by and for Youth Organisations, voluntary Old People's Welfare Organisations and Recreational Organisations subject to their compliance with the criteria set out in the Local Government Finance Act 1988 (Sections 47 and 48) and also to approve, but not refuse, applications for discretionary relief under the discretionary relief powers contained in Section 44A of the Local Government Finance Act 1988 and also to approve, but not refuse, applications for mandatory rate relief in respect of Post Offices and General Stores under the Local Government and Rating Act 1997 and also to approve, but not refuse, applications for Hardship Relief arising from the impact of Foot and Mouth Disease under the discretionary powers contained in the Special Grants Report 2001 No 86, or any subsequent Order and the Scheme approved by the City Council on 31 July 2001.
- 5.2.13 To arrange the local authority borrowings and loan repayments (including the issue of any loan instruments) and investments as and when required by the various methods statutorily available to the Council, having regard to any Codes of Practice agreed by the Local Authority Associations or Her Majesty's Treasury and in accordance with the Council's Treasury Management Policy and subject to a twice yearly report to the executive in relation to such activities in each financial year.
- 5.2.14 To determine, monitor and review the criteria against which any investment fund shall be managed by Fund Managers appointed by the City Council for that purpose and to report thereon annually to the executive.
- 5.2.15 To negotiate and accept leasing terms in respect of any assets approved within the Council's Capital Programme and for which budget provision has been made.

- 5.2.16 To implement changes in Members' subsistence and travelling allowances recommended as part of any national scheme subject to a subsequent report to the executive.
- 5.2.17 To initiate and (where appropriate) conduct proceedings in the appropriate Courts for the recovery of National Non-Domestic Rates, Community Charge, Council Tax and any indebtedness to the Council.
- 5.2.18 To determine the Council's banking arrangements, including terms, from year to year with the Council's bankers appointed for that purpose, subject to the arrangements being subjected to appropriate tendering not less frequently than five years, or such other period as may be agreed by the executive.
- 5.2.19 To determine the Council's insurance arrangements, including terms, from year to year, with the Council's Insurers appointed for that purpose, subject to the arrangements being subjected to appropriate tendering not less frequently than five years or such other term as may be agreed by the executive and also, after consultation with the Chief Officers Management Team, to approve expenditure and schemes under the Risk Management Budget.
- 5.2.20 To be responsible for the management of the Council's Computing and Information Technology Section including all relevant equipment and personnel.
- 5.2.21 To estimate any surplus or deficit on the Collection Fund and to notify the County Council and the Police Authority of their share of any surplus or deficit.
- 5.2.22 (i) To make awards under the Discretionary Housing Payments Scheme where:
- (a) There is a shortfall between the amount of Housing or Council Tax Benefit awarded and eligible rent or Council Tax liability; and
 - (b) The claimant or a member of their family will suffer exceptional hardship if a discretionary payment is not made.
- (ii) To vary award amounts and periods if the Government determined cash limit is in danger of being exceeded.
- 5.2.23 To declare the Local Authority Mortgage Rate in accordance with the relevant statutory provisions in force from time to time.
- 5.2.24 To co-ordinate the preparation of estimates and budgets by departments and to report thereon to the executive to enable the executive to make appropriate budget recommendations to the Council.
- 5.2.25 To sign cheques and other instruments of payment on behalf of the City Council.

- 5.2.26 To deal with all matters relating to the operation of the Council's concessionary Bus Fares Scheme and the subsidising of bus routes.

LIMITATIONS ON DELEGATION

- 5.3 The above delegation shall be subject to the following limitations:
 - 5.3.1 All the conditions and limitations set out in paragraph 1 of this Schedule.
 - 5.3.2 The referral of any irrecoverable debt to be written off in excess of £1,000 to the executive for determination.

6. **POWERS DELEGATED TO THE DIRECTOR OF ENVIRONMENT AND DEVELOPMENT**
- 6.1 Subject to the limitations set out in paragraph 6.3 below, to exercise all the powers and duties and discharge all executive functions under any relevant legislation or otherwise in relation to the following areas, including the management and use of all assets and personnel utilised in those areas:
- 6.1.1 Highways, transportation, traffic management, car parking and sewerage and drainage matters whether in respect of functions vested in the Council or under any agency agreement which are executive functions, other than those which are designated as Council functions under the Constitution and reserved to the Development Control Committee.
- 6.1.2 The provision of environmental and public health services to and the protection of the health, safety and environment of the residents of the City of Carlisle which are executive functions, other than those which are designated as Council functions under the Constitution and reserved to the Licensing and Regulatory Panel.
- 6.1.3 Recycling, waste management and collection and street cleansing.
- 6.1.4 Those powers and duties of the Council as local planning authority and in respect of building control matters which are executive functions, other than those which are designated as Council functions under the Constitution and reserved to the Development Control Committee.
- 6.1.5 Administering the Council's statutory functions in relation to securing proper standards and conditions in private and public sector housing including the enforcement of all relevant legislation.
- 6.1.6 The management and operation of Carlisle Works direct services organisation.
- 6.1.7 Land and property management matters.
- 6.1.8 Any other matter falling within the Director's area of responsibility.
- 6.2 Without prejudice to the generality of paragraph 6.1 above, this delegation shall include responsibility for the following:
HIGHWAYS, TRAFFIC MANAGEMENT,
TRANSPORT, DRAINAGE AND RELATED MATTERS
- 6.2.1 All matters relating to transportation, highways, highway maintenance, traffic regulation, footpaths and bridleways and parking whether in respect of functions vested in the Council or exercisable by the Council under any agency agreement.

- 6.2.2 All sewerage and land drainage functions including the adoption of sewers and the design, construction and maintenance of such sewers and ancillary works as may be the responsibility of the Council.
- 6.2.3 Road traffic and traffic management including the making of statutory orders in respect of traffic regulation, road closures, footpath diversions and similar matters and responding to consultations on such orders made by other bodies in so far as the Council is empowered to exercise such functions.
- 6.2.4 The taking of any action, including the serving of any Notice or making of any Order under the enactments relating to public transport, highways, road traffic, car parks and related highway matters in so far as the Council is empowered to exercise such functions.
- 6.2.5 The provision, management and operation of car parks (including the making of statutory orders) and the management and operation of all matters relating to decriminalised parking and its enforcement, including making determinations on representations received from any person following the issue of a penalty charge notice. For the avoidance of doubt, such determinations may also be made by the Car Park Manager.
- 6.2.6 The maintenance and lighting of footways and highways.
- 6.2.7 Matters relating to gas, electricity, water, telephone, and any other statutory undertakers or utilities with which the Council is empowered to deal.
- 6.2.8 The management and use of all pedestrianised areas including determining applications for permits for vehicular access to such areas.
- 6.2.9 The naming and numbering of streets and the exercise of the powers and duties of the Council under the Highways Acts and related legislation with regard to payments to be made by owners of buildings in respect of street works; the granting of exemption from such payments and the liability for and amount of such payments in so far as the Council is empowered to exercise such functions.

PUBLIC HEALTH AND SAFETY MATTERS

All functions where the Council has a statutory responsibility or duty or power under public health, environmental or related legislation of whatever nature which are executive functions, other than those functions reserved to the Council or some other body under the Constitution. Without prejudice to the generality of the foregoing delegation, this includes:-

- 6.2.10 The enclosure of dangerous places; the regulation of demolition work; matters in respect of dangerous and/or dilapidated buildings and other structures;

neglected sites and injurious weeds and fire prevention and safety precautions matters.

- 6.2.11 The provision and maintenance of public conveniences.
- 6.2.12 Pest Control.
- 6.2.13 Ensuring the safety and wholesomeness of food and drink intended for human consumption, including the inspection of meat and other food; the inspection, and control of premises and/or stalls used for the storage and sale of food; and the control of food safety and hygiene for which the Council has responsibility.
- 6.2.14 The control of caravan sites.
- 6.2.15 The cleansing of verminous persons and premises including powers under the Public Health (Control of Disease) Act 1984.
- 6.2.16 The cleaning of highways and footways.
- 6.2.17 The prevention and control of the spread of infectious disease.
- 6.2.18 To take all action within the Council's authority to ensure animal welfare.
- 6.2.19 Securing the cleaning, repair and maintenance of drains and private sewers and cesspools, and the inspection and control of drainage systems to premises.
- 6.2.20 The maintenance of a pure water supply.
- 6.2.21 The control of the use of rag, flock and other filling materials.
- 6.2.22 Contaminated land.
- 6.2.23 Control of pollution and management of air quality.
- 6.2.24 Statutory nuisance.
- 6.2.25 To deal with all the Council's powers and duties under the following legislation (including the execution of works in default of compliance with statutory notices):
 - (i) Section 17, 34 and 74 of the Public Health Act 1961;
 - (ii) Sections 45, 50, 83, 84 and 85 of the Public Health Act 1936;
 - (iii) Section 15 of the Clean Air Act 1993 - chimney height approvals in consultation with the Chief Building Control Officer;
 - (iv) Section 4 of the Prevention of Damage by Pests Act 1949;
 - (v) The Food Safety Act 1990;
 - (vi) Control of Pollution Act 1974 - Sections 60, 61, 66, 69 and 93;
 - (vii) Local Government (Miscellaneous Provisions) Acts 1976 and 1982.
 - (viii) Refuse Disposal (Amenity) Act 1978 - Sections 3 and 6;
 - (ix) Building Act 1984 - Sections 59, 64, 72, 76 and 84;
 - (x) Section 77 of the Criminal Justice and Public Order Act 1994;

- (xi) The Environmental Protection Act 1990 including:
Sections 13 and 14 - Service of Enforcement and Prohibition Notices.
Section 59 - Service of Notice to remove Controlled Waste.
- (xii) Dangerous Dogs Act 1991.
- (xiii) Water Industry Act 1991.
- (xiv) Sunday Trading Act 1994.
- (xv) The Environment Act 1995.
Sections 92, 93 and 94 - Service of Litter Abatement Notices (including service in designated Litter Control Zones, Street Litter Control Notices and Litter Control Notices).
(This includes the power to institute legal proceedings, in consultation with the City Solicitor and Secretary, for non-compliance with such Notices).
Section 149 - Officer responsible for dealing with stray dogs.
- (xvi) To authorise persons to enter premises under any enactment or power for which the Director is responsible.
- (xvii) In consultation with the City Solicitor and Secretary to institute proceedings under Articles 2 and 3 of the Control of Dogs Order 1992, Section 13, 73 and 75 of the Animal Health Act 1981 and Section 3 of the Dogs (Fouling of Land) Act 1996.

6.2.26 To grant or renew and issue annual registrations in respect of:

- (i) Common Lodging Houses.
- (ii) Offensive Trades.

6.2.27 Reciprocal Enforcement arrangements regarding Unfit Food.

- (i) That the City Council agree that, in pursuance of Section 101 of the Local Government Act 1972 and Section 72 of the Food Act 1984 and all other enabling powers, all Local Authorities in England and Wales, including the Greater London area, be authorised to discharge within this Council's area the functions conferred on the Council relating to the detention, examination and seizure of food under the Food Act 1984 and Regulations made thereunder.
- (ii) That such officers as are duly authorised officers of their Local Authorities within the meaning of Section 73 of the Food Act 1984 from time to time are duly authorised officers for similar purposes within the entire area of the City of Carlisle.
- (iii) That any action taken in accordance with (i) and (ii) above be on the basis that the employing authority of that officer seizing meat or other food will indemnify the Council of the City of Carlisle for all the actions of their officers

and be subject also to that Authority having suitable insurance cover for their officers.

- (iv) That the Council of the City of Carlisle permit its duly authorised officers to become duly authorised officers of other Local Authorities who have made similar reciprocal arrangements when discharging duties relating to detainment, examination and seizure of food.

RECYCLING AND WASTE MANAGEMENT AND COLLECTION

- 6.2.28 The collection, recycling and disposal of household, trade and other refuse and waste including the cleansing of streets and open spaces.
- 6.2.29 The removal of abandoned vehicles and other refuse.
- 6.2.30 Litter control and enforcement.
- 6.2.31 The promotion and development of recycling facilities including where appropriate joint schemes with the voluntary organisations or private sector.

NOTE: For the avoidance of doubt the Director of Environment and Development may, pursuant to paragraph 1.2.7 of Schedule 2, arrange for the above powers in respect of Public Health and Safety Matters in paragraphs 6.2.10 to 6.2.31 inclusive to be exercised by the Head of Environmental Services or the person from time to time holding the equivalent post in the Council's establishment.

TOWN AND COUNTRY PLANNING AND DEVELOPMENT AND BUILDING CONTROL MATTERS

- 6.2.32 To deal with all Building Regulation applications and related matters (including the service of notices and authorising the institution of legal proceedings in consultation with the City Solicitor and Secretary) and to adjust the staffing levels of the Building Control Section to cater for significant increases or decreases in the workload and fee income of the Section.
- 6.2.33 To approve within budget provision and grant criteria Town Scheme grant applications and amendments.
- 6.2.34 To approve within budget provision and grant criteria Local Government (Historic Buildings) Act 1962 grant applications and amendments.
- 6.2.35 To approve within budget provision work on agreed enhancement schemes.
- 6.2.36 To be the Council's representative and to take decisions on behalf of the Council under the Safety of Sports Grounds Act 1975, other than in respect of those matters which are reserved to the Licensing and Regulatory Panel under the Constitution.
- 6.2.37 To approve or reject applications for Access Grants.

- 6.2.38 To vary the Council's agreed scheme of charges in respect of Building Control fees by plus or minus 10% should this be necessary to maintain cost recovery and income levels.
- 6.2.39 To negotiate individual charges for Building Control fees commensurate with the principles of cost recovery in cases where work might otherwise be lost to an Approved Inspector.

NOTE: For the avoidance of doubt the Director of Environment and Development may, pursuant to paragraph 1.2.7 of Schedule 2, arrange for the above powers in respect of Planning and Land Use matters in paragraphs 6.2.32 to 6.2.39 inclusive to be exercised by the Head of Planning Services or the person from time to time holding the equivalent post in the Council's establishment.

PUBLIC AND PRIVATE SECTOR HOUSING STANDARDS

- 6.2.40 To administer the Council's statutory functions in relation to the enforcement of all public health, housing and other legislation relating to securing proper standards and conditions in private and public sector housing.
- 6.2.41 To serve any statutory and other notices; make any Order; instigate any prosecutions and take whatever other steps are necessary in connection with the functions mentioned in 6.2.40 above.
- 6.2.42 To approve and make payment of individual private sector renovation grants, disabled facilities grants and home repair grants.
- 6.2.43 To approve reinstatement grants in respect of work to Airey type houses.
- 6.2.44 To grant requests for extension of the time limits for improvement grants.

NOTE: For the avoidance of doubt the Director of Environment and Development may, pursuant to paragraph 1.2.7 of Schedule 2, arrange for the above powers set out in paragraphs 6.2.40 to 6.2.44 inclusive to be exercised by the Head of Environmental Services or the person from time to time holding the equivalent post in the Council's establishment.

OPERATION OF CARLISLE WORKS DIRECT SERVICE ORGANISATION

- 6.2.45 To take whatever decisions in relation to the operation of Carlisle Works and its assets and personnel as the Director considers necessary to achieve the objectives set out in the Carlisle Works Business Plan and any associated policy documents.

NOTE: For the avoidance of doubt the Director of Environment and Development may, pursuant to paragraph 1.2.7 of Schedule 2, arrange for the above powers set out in paragraph 6.2.45 to be exercised by the General Manager of Carlisle Works.

LAND AND PROPERTY MANAGEMENT MATTERS

- 6.2.46 Continuously to review all the Council's holdings of land, buildings and property to ensure their efficient and effective use and to report thereon to the executive from time to time.
- 6.2.47 To be responsible, in conjunction with any managing agents appointed by the Council, and in accordance with any Council policies, for all land and property management matters in respect of all land, buildings and property held by the Council for industrial, retail, commercial or other economic development purposes and to take all necessary decisions in connection with such management and control. Without prejudice to the generality of the foregoing, this will include responsibility for all land and property management matters in respect of the Lanes, the Market, the Council's Enterprise Centres (including power to allow organisations not operating for profit to occupy space at the Centres free of charge after first consulting with the City Treasurer), the Council's small workshops and all the Council's industrial estates, subject in the case of the Market to the management arrangements made pursuant to the headlease granted by the Council on 5 July 1991.
- 6.2.48 Without prejudice to the generality of the management powers in paragraph 6.2.47 above:
- (i) To authorise the grant of all leases, assignments, sub-lettings, change of use and other matters relating to the use and occupation of the land, buildings and property referred to in paragraph 6.2.47 above.
 - (ii) In respect of the land, buildings and property mentioned in paragraph 6.2.47 above, to authorise any action to be taken for the recovery of any rent or other monies due to the Council, or for the recovery of possession of any of the said premises, or for the enforcement of any covenant or obligation or other matter against any tenant or other person, or for the protection of the Council's interest in the said premises.
- 6.2.49 To grant permission for the waiver of restrictive covenants on behalf of the Council.

NOTE: For the avoidance of doubt the Director of Environment and Development may, pursuant to paragraph 1.2.7 of Schedule 2, arrange for the above powers in respect of Land and Property Management matters in paragraphs 6.2.46 to 6.2.49 inclusive to be exercised by the Head of Property Services.

GENERAL MATTERS

- 6.2.51 Administering the Environment Grants Budget scheme for countryside enhancement, subject to the award of grants being reserved to the portfolio holder or the executive as provided for in paragraph 8.1 above.
- 6.2.52 The preparation of Local Plans and amendments thereto and supplementary planning guidance for submission to the executive and approval by the Council.
- 6.2.53 The preparation of plans, strategies, policies and budgets in all the areas referred to above for consideration by the executive and approval by the Council.

LIMITATIONS ON DELEGATION

- 6.3 The above delegation shall be subject to the following limitations:
 - 6.3.1 All the conditions and limitations set out in paragraph 1 of this Schedule.
 - 6.3.2 The referral to the executive for confirmation of any order, notice or other similar instrument where the relevant Portfolio Holder so requests or where any objection is received from any person or body to the proposed order, notice or instrument.
 - 6.3.3 The referral to the executive of any matter relating to the freehold sale of land or grant of a lease for a term exceeding 125 years.

**7. POWERS DELEGATED TO
THE TOWN CLERK AND CHIEF EXECUTIVE
EXTENT OF DELEGATION**

- 7.1 Subject to the limitations set out in paragraph 7.2 below, to exercise all the powers and duties and discharge all executive functions under any relevant legislation or otherwise in relation to the following areas, including the management and use of all assets and personnel utilised in the relevant areas:

ECONOMIC DEVELOPMENT MATTERS

- 7.1.1 To take all operational decisions (other than those in relation to land and property management matters delegated to the Director of Environment and Development) in respect of all personnel, assets and resources used for economical development purposes.
- 7.1.2 To authorise expenditure and take any other action in connection with the Council's economic development and tourism strategies, policies and functions.

COMMUNICATIONS MATTERS

- 7.1.3 To take all operational decisions in respect of all personnel, assets and resources utilising the Council's Communications Unit.

PERSONNEL SERVICES MATTERS

- 7.1.4 To take all operational decisions in respect of all personnel, assets and resources utilised the Council's Personnel Services Section.

CORPORATE POLICY AND STRATEGY MATTERS

- 7.1.5 To take all operational decisions in respect of all personnel, assets and resources utilised in the Council's Corporate Policy and Strategy Unit.

GENERAL MATTERS

- 7.1.6 To take any action on behalf of the Council as may lawfully be taken in any case of emergency, including decisions relating to emergency expenditure under the Council's Contracts or Financial Procedure Rules.
- 7.1.7 After prior consultation with the leader, to approve the attendance of Members at courses and conferences whether inside or outside the United Kingdom, provided that budgetary provision is available and that such approval is given prior to the course or conference taking place.
- 7.1.8 To be responsible for all matters relating to Emergency Planning.
- 7.1.9 To be responsible for all matters relating to the training of Elected Members.
- 7.1.10 To be responsible for the co-ordination of the Council's lobbying activity.

7.1.11 To be authorised to exercise any power or function delegated to any other Chief Officer under this Scheme in the event of the Chief Officer being absent or unable to carry out his/her duties or responsibilities for any reason, subject always to any statutory or other limitation which would prevent the Town Clerk and Chief Executive from exercising such power or functions.

LIMITATIONS ON DELEGATION

7.2 The above delegation shall be subject to the following limitations:

7.2.1 All the conditions and limitations set out in paragraph 1 of this Schedule.

NOTE: For the avoidance of doubt the Town Clerk and Chief Executive may, pursuant to paragraph 1.2.7 of Schedule 2, arrange for the above powers in paragraph 7.1.1 and 7.1.2 to be exercised by the Head of Economic Development; the powers in paragraph 7.1.3 to be exercised by the Head of Communications; the powers in paragraph 7.1.4 and 7.1.9 to be exercised by the Head of Personnel Services and the powers in paragraph 7.1.5 and 7.1.8 to be exercised by the Head of Corporate Policy and Strategy.

- 8. POWERS DELEGATED TO THE CITY SOLICITOR AND SECRETARY**
EXTENT OF DELEGATION
- 8.1 Subject to the limitations set out in paragraph 8.2 below, to exercise all the powers and duties and discharge all executive functions under any relevant legislation or otherwise in relation to the following areas, including the management and use of all assets and personnel utilised in the relevant areas:
- 8.1.1 To take any action which may be required in connection with or for the protection of the Council's position as Market Authority, including decisions relating to the Council's Market Charter Rights and its powers as Market Authority under the Food Act 1984.
- 8.1.2 To take any action which may be required to progress and implement the Carlisle Gateway City Millennium Project in accordance with any budgets agreed by the Council.
- 8.1.3 To institute or defend proceedings for any offence or for any civil remedy within the powers and duties of the Council.
- 8.1.4 To utilise on behalf of the Council the powers contained in Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Lost and Uncollected Property).
- 8.1.5 To deal with lettings of Civic Centre accommodation to outside bodies and organisations within criteria for charging determined by the executive from time to time and to approve applications for the use of the Civic Centre foyer.
- 8.1.6 To be responsible for all functions in respect of Local Land Charges and Searches and Enquiries and to implement any statutory increases in fees relating to Local Searches and Enquiries and to vary any supplement payable to the Cumbria County Council as and when the County increases its fees.
- 8.1.7 To be responsible for all matters relating to Town Twinning and Civic and Mayoral activities.
- 8.1.8 To issue and sign any certificate which may be required to be issued by the Council under the Local Government (Contracts) Act 1997 and any regulations made thereunder.
- 8.1.9 To fulfil all the duties of the Council under Section 2 of the Local Government and Housing Act 1989 relating to the preparation, maintenance, deposit and modification of the list of politically restricted posts in the Council.
- 8.1.10 To issue undertakings to Building Societies to restrict the amount of repayment of improvement grants.

- 8.1.11 To take all necessary action (in conjunction with the Director of Housing) to fulfil the Council's responsibilities under the "Right to Buy" legislation in relation to the Council's Housing Stock, including disposing of properties under the legislation.
- 8.1.12 To initiate, defend or participate in any legal proceedings in respect of any matter relating to the functions of the executive (including the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the executive, any Portfolio Holder or any person exercising delegated powers under this Scheme or in any case where the City Solicitor and Secretary considers that such action is necessary to protect the Council's interests.

LIMITATIONS ON DELEGATION

- 8.2 The above delegation should be subject to the following limitations:
- 8.2.1 All the conditions and limitations set out in paragraph 1 of this Schedule.

Signed:


.....
Leader of the Council
...11th day of September.....2001.