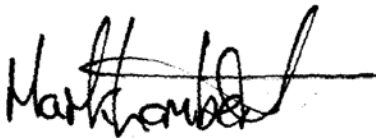


## SUMMONS

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 24 May 2021 at 11:00 in the Council Chamber, Civic Centre, Carlisle CA3 8QG



Corporate Director of Governance and Regulatory Services

1. The Mayor will invite the Chaplain to say prayers.
2. The Corporate Director of Governance and Regulatory Services 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 will:
    - (i) make the Declaration of Acceptance of Office as Mayor;
    - (ii) subscribe to the Ancient Mayoral Oath of the City.
  - (b) 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 make the Declaration of Acceptance of Office as Deputy Mayor.

#### 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) "1. That the Report of the Corporate Director of Governance and Regulatory Services – Appointment of Committees and Panels 2021/22 – 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.

2. That the Council's two independent persons, appointed pursuant to section 28(7) of the Localism Act 2011, Jane Elliott and Keith Thomas be appointed as co-opted members of the Employment Panel only for dealing with relevant matters relating to Chief Officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001."

(Copy Report GD.40/21 herewith)

**Pages 5 - 8**

(Schedule showing nominations from the Political Groups to follow as soon as possible)

- (ii) "That the Council's Scheme of Delegation for 2021/22 as attached, be received and approved."

(Copy Report GD.39/21 enclosing the Council's Scheme of Delegation herewith)

**Pages 9 - 48**

#### 6. **Appointment of Chairs and Vice-Chairs**

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

- (i) Business and Transformation Scrutiny Panel
- (ii) Economic Growth Scrutiny Panel
- (iii) Health and Wellbeing Scrutiny Panel
- (iv) Licensing Committee

**(b)** In addition, the Mayor will invite nominations and seconding for the appointment of a Chair and Vice-Chair of the Standards Committee.

**7. Leader's Scheme of Delegation**

To receive and note the Leader's Scheme of Delegation for 2021/22.  
(Copy Leader's Scheme of Delegation to be tabled at Council; and copies circulated to all Members following the meeting).

**8. Dates and Times of Meetings 2021/22**

To note and approve the Schedule of Meetings of the City Council and Committees / Panels for the Municipal Year 2021/22. (The programme of meetings for 2021/22 was approved by the City Council at its meeting on 5 January 2021)

(Copy Report GD.38/21 herewith)

**Pages 49 - 72**

**9. Representatives on Outside Bodies**

To consider a report of the Corporate Director of Governance and Regulatory Services regarding the appointment of Representatives to Outside Bodies.

(Copy Report GD.37/21 herewith)

**Pages 73 - 75**

**10. 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)** Messrs P Donnelly, S McDonald, J Messenger and P Moffat as Mayor's Sergeants.
- (c)** Messrs P Donnelly, S McDonald, J Messenger, L Thompson and P Moffat as Sword and Mace Bearers.

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



# REPORT TO COUNCIL

Agenda  
Item:

**5.(i)**

Meeting Date: 24 May 2021  
 Portfolio: Finance, Governance and Resources  
 Key Decision: Not applicable  
 Within Policy and Budget Framework: Yes  
 Public / Private: Public

Title: **APPOINTMENT OF COMMITTEES AND PANELS – 2021/22**  
 Report of: **CORPORATE DIRECTOR OF GOVERNANCE & REGULATORY SERVICES**  
 Report Number: GD.40/21

**Purpose / Summary:**

This Report informs Members of the allocation of seats on Committees and Panels for the Municipal Year 2021/22, including any consequential changes following the City Council casual vacancy elections held on 6 May 2021, and the nominations of the political groups to those seats.

**Recommendation:**

Council agree:

1. That the report of the Corporate Director of Governance & Regulatory Services – Appointment of Committees and Panels 2021/22 – 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.
2. That the Council's two independent persons, appointed pursuant to section 28(7) of the Localism Act 2011, Jane Elliott and Keith Thomas be appointed as co-opted members of the Employment Panel only for dealing with relevant matters relating to Chief Officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.

**Tracking**

Council:	24 May 2021
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## APPOINTMENT OF COMMITTEES AND PANELS 2021/2022

### SUMMARY

1. The City Council elections held on 6 May 2021 have resulted in a change to the composition of the Council and it is, therefore, necessary for the Council 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 has been a change in the political balance of the Council, the allocation of seats to the groups, therefore, falls to be reviewed.
2. The seats to be allocated to the political groups will have been re-calculated and the Group Leaders informed. The appendices to this Report are:  
  
Appendix 1 The Method of Allocation of Seats  
Appendix 2 The Calculation of Aggregate Entitlement to Seats.  
The Allocation of Seats on Committees.  
The Groups' nominations for appointments to Committees/Panels for the Municipal year 2021/22.
3. In addition to elected Members having seats on Committees and Sub-Committees, for the purpose of the Local Authorities (Standing Orders) (England) Regulations 2001 as regards the procedure to be followed in connection with any proposed dismissal of the Council's statutory officers, the Council appoints its two Independent Members (as appointed pursuant to section 28(7) of the Localism Act 2011) to its Employment Panel. The Independent Persons also play a role in other grievance matters relating to Chief Officers. This report recommends the further appointment of the said Independent Persons for the forthcoming Municipal Year.
4. At the request of the Leaders of the two main political groups on the Council, it is recommended that in relation to the Overview and Scrutiny Panels (excluding councillors appointed as members of each panel and other councillors ineligible for appointment thereto (i.e. members of the Executive)) that all of the remaining political group members are appointed as substitute members of each panel.
5. IT IS RECOMMENDED that:
  - the Report of the Corporate Director of Governance & Regulatory Services – Appointment of Committees and Panels 2021/22 – 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 be approved.

- That the Council's two independent persons, appointed pursuant to section 28(7) of the Localism Act 2011, Jane Elliott and Keith Thomas be appointed as co-opted members of the Employment Panel only for dealing with relevant matters relating to Chief Officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.

**Contact Officer:** Mark Lambert

**Ext:** 7019

## 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 it is recommended 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 Appendix 2.

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 Standards Committee, the Employment Panel, the Audit Committee and the Appeals Panels. The Conservative Group has 19 Members, Labour 13 and the Independent Group has 2 Members. The Council now has five individual members who are not in a political group: Green Party, UKIP, Liberal Democrats and two separate independents. 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 37 seats, Labour 26 seats, the Independent Group get 4 seats and the Green Party, UKIP, the Liberal Democrats and each of the two Independents each get 2 seats.
- 2.2 When the seats are allocated on each Committee on a straight allocation following the rounding up/rounding down principles set out above, the Conservative Group are short by one seat whilst the solo members do not receive any seats. Some minor adjustment is, therefore, necessary.
- 2.3 Applying the adjustments, the Conservative Group gain an extra seat on the Audit Committee. Adjustments have been made so that the Liberal Democrats, UKIP, the Independents and the Green Party get their two seats each.

## Appendix 2

### CALCULATION OF AGGREGATE ENTITLEMENT TO SEATS

1. The political balance on the full Council is:

19 Conservatives; 13 Labour; 2 Independent Group Members; 1 Liberal Democrat; 1 UKIP; 1 Independent (JB); 1 Independent (RB); and, 1 Green Party Member

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	$\frac{19}{39} \times 77 = 37.51$	37 rounded down
Labour	$\frac{13}{39} \times 77 = 25.67$	26 rounded up
Independent Group	$\frac{2}{39} \times 77 = 3.95$	4 rounded up
Liberal Democrat	$\frac{1}{39} \times 77 = 1.97$	2 rounded up
UKIP	$\frac{1}{39} \times 77 = 1.97$	2 rounded up
Green Party	$\frac{1}{39} \times 77 = 1.97$	2 rounded up
Independent (JB)	$\frac{1}{39} \times 77 = 1.97$	2 rounded up
Independent (RB)	$\frac{1}{39} \times 77 = 1.97$	2 rounded up
<b>Total</b>		<b>77</b>

**ALLOCATION OF SEAT ON COMMITTEES AND PANELS  
2021/22 MAY 2021**

(77 seats in all) - Licensing Committee to be the same as the Regulatory Panel (Minute C.246/04(b))

	Number of Seats	CON		LAB		LIB DEM		UKIP		IND (JB)		IND (RB)		GREEN		IND GROUP		
		Proportion	Actual	Proportion	Actual	Proportion	Actual	Proportion	Actual	Proportion	Actual	Proportion	Actual	Proportion	Actual	Proportion	Actual	
Reg Panel	12	5.85	6	4.00	4	0.31	0	0.31	0	0.31	0	0.31	0	0.31	1	0.62	1	12
Dev Cont.	12	5.85	6	4.00	4	0.31	0	0.31	1	0.31	0	0.31	0	0.31	0	0.62	1	12
HWSP	8	3.90	4	2.67	3	0.21	0	0.21	0	0.21	0	0.21	0	0.21	0	0.41	1	8
BTSP	8	3.90	4	2.67	3	0.21	1	0.21	0	0.21	0	0.21	0	0.21	0	0.41	0	8
EGSP	8	3.90	4	2.67	3	0.21	0	0.21	0	0.21	0	0.21	0	0.21	0	0.41	1	8
Standards	7	3.41	3	2.33	2	0.18	1	0.18	0	0.18	1	0.18	0	0.18	0	0.36	0	7
Emp. Panel	6	2.92	3	2.00	2	0.15	0	0.15	0	0.15	0	0.15	0	0.15	1	0.31	0	6
Audit Cttee	7	3.41	4	2.33	2	0.18	0	0.18	0	0.18	1	0.18	0	0.18	0	0.36	0	7
Appeals Panel 1	3	1.46	1	1.00	1	0.08	0	0.08	1	0.08	0	0.08	0	0.08	0	0.15	0	3
Appeals Panel 2	3	1.46	1	1.00	1	0.08	0	0.08	0	0.08	0	0.08	1	0.08	0	0.15	0	3
Appeals panel 3	3	1.46	1	1.00	1	0.08	0	0.08	0	0.08	0	0.08	1	0.08	0	0.15	0	3
<b>TOTAL</b>	<b>77</b>		<b>37</b>		<b>26</b>		<b>2</b>		<b>2</b>		<b>2</b>		<b>2</b>		<b>2</b>		<b>4</b>	
		37.51		25.67		1.97		1.97		1.97		1.97		1.97		3.95		77

**COMMITTEES AND PANELS (TO BE APPOINTED BY COUNCIL)**



## Report to Council

Agenda  
Item:

**5.(ii)**

Meeting Date:	24 May 2021
Portfolio:	Not applicable
Key Decision:	Not Applicable
Within Policy and Budget Framework	YES
Public / Private	Public
Title:	COUNCIL SCHEME OF DELEGATION 2021/22
Report of:	Corporate Director of Governance and Regulatory Services
Report Number:	GD.39/21

### **Purpose / Summary:**

As required under the City Council's Procedure Rules<sup>1</sup>, the Council's Scheme of Delegation for the Municipal Year 2019/20 is attached.

### Drafting notes:

1. In accordance with advice received from the Local Government Association, the roles of the Employment Panel, Appeals Panel and Independent Persons in Chief Officer disciplinary and grievance matters have now been explicitly set out (there is no actual change to their role). To fulfil the appeal role, at least one Appeal Panel must have an Executive Member who is not a member of the Employment Panel.
2. The wording of the Appeal Panel remit has been clarified to make it clear that the Panels do not deal with matters that have a statutory right of appeal/challenge elsewhere.

### **Recommendation:**

That the Council's Scheme of Delegation for 2021/22, as attached, be received and approved.

**Contact Officer:** Mark Lambert

**Ext:** 7019

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<sup>1</sup> Council Procedure Rule 1.1(ix)

# CARLISLE CITY COUNCIL

## RESPONSIBILITY FOR FUNCTIONS

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

### Contents

#### [RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS](#)

#### [RESPONSIBILITY FOR COUNCIL FUNCTIONS](#)

[Development Control Committee](#)

[Regulatory Panel](#)

[Licensing Committee](#)

[Standards Committee](#)

[Employment Panel](#)

[Audit Committee](#)

[Audit Committee Rules of Governance](#)

[Licensing Committee Delegation of Functions](#)

[Licensing Committee: Gambling Act delegations](#)

#### [Delegation of Council Functions to Officers](#)

1. [Town and Country Planning and Development Control, trees and hedgerows and highways use and regulation matters delegated to the Corporate Director of Economic Development](#)
2. [Town and Country Planning and Development Control, trees and hedgerows and highways use and regulation matters delegated to the Corporate Director of Governance and Regulatory Services](#)
3. [Licensing Matters to Corporate Director of Governance and Regulatory Services and Licensing Manager](#)
4. [Regulatory Panel matters to the Corporate Director of Governance and Regulatory Services](#)
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#### [DESIGNATION OF "PROPER OFFICERS"](#)

## 1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

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

<b>Function</b>	<b>Decision making body</b>	<b>Membership</b>	<b>Delegation of functions</b>
1. Any function under a local or other Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Functions Regulations, or other licensing, consent, permission or registration function (including development control functions)	The Executive	The Leader and between 2 and 9 other members of the authority, appointed by the Leader	See the Leader's Scheme of Delegation in Section 2(b) for details
2. Any function under a local or other Act in respect of a licensing, consent, permission or registration function (including development control functions)	Regulatory Panel or (in respect of any development control functions) Development Control Committee	12 members of the authority respectively	The Corporate Director of Governance and Regulatory Services in respect of the grant (but not refusal) of such licenses, consents, permissions or registrations (other than in respect of development control functions) and in respect of the commencement of any enforcement proceedings relating to such matters. The Corporate Director of Economic Development in respect of licences, consents, permissions or registrations in respect of any development control functions
3. The determination of an appeal against those decisions made by or on behalf of the authority where no statutory process for	Appeals Panels (3)	3 members on each Panel.  At least one of the Panels will include an Executive Member who	

<p>appeal/challenge exists 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.</p>		<p>is not a member of the Employment Panel. This or any such Appeal Panel will be the Appeal Panel for Chief Officer Disciplinary or Grievance matters in accordance with the national terms and conditions.</p>	
<p>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</p>	<p>The Council</p>	<p>39 members of the authority</p>	<p>-</p>
<p>5. Any function relating to contaminated land (other than a function involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of a person or the enforcement of any of the above)</p>	<p>The Executive</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the Leader</p>	<p>The Corporate Director of Governance and Regulatory Services  See the Leader's Scheme of Delegation in Section 2(b) for details</p>
<p>6. Any function relating to contaminated land involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above</p>	<p>Regulatory Panel</p>	<p>12 members of the authority</p>	<p>The Corporate Director of Governance and Regulatory Services in respect of the grant (but not refusal) of such licence, approval, consent, permission or registration and the service of any notice and commencement of any enforcement proceedings</p>



<p>7. The discharge of any function relating to the control of pollution or the management of air quality other than a function involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above.</p>	<p>The Executive</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the Leader</p>	<p>The Corporate Director of Governance and Regulatory Services.  See the Leader's Scheme of Delegation in Section 2(b) for details</p>
<p>8. The discharge of any function relating to the control of pollution or the management of air quality involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above</p>	<p>Regulatory Panel</p>	<p>12 members of the authority</p>	<p>The Corporate Director of Governance and Regulatory Services in respect of the grant (but not refusal) of such licence, approval, consent, permission or registration and the service of any notice and the commencement of enforcement proceedings</p>
<p>9. The service of an abatement notice in respect of a statutory nuisance</p>	<p>Regulatory Panel</p>	<p>12 members of the authority</p>	<p>The Corporate Director of Governance and Regulatory Services in respect of both the service of such notices and the commencement of enforcement proceedings (and see 3.2.2)</p>
<p>10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area</p>	<p>The Executive</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the Leader</p>	

<p>11.The inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above</p>	<p>Regulatory Panel</p>	<p>12 members of the authority</p>	<p>The Corporate Director of Governance and Regulatory Services in respect of:</p> <ul style="list-style-type: none"> <li>i. the grant (but not refusal) of such licence, approval, consent, permission or registration and the service of any statutory notice</li> <li>ii. the commencement of enforcement proceedings</li> </ul>
<p>12.Matters relating to the inspection of the authority's area to detect any statutory nuisance and the investigation of any complaint as to the existence of a statutory nuisance other than matters involving the determination of an application for a licence, approval, consent, permission or registration or the direct regulation of any person or the enforcement of any of the above</p>	<p>The Executive</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the Leader</p>	<p>The Corporate Director of Governance and Regulatory Services</p> <p>See the Leader's Scheme of Delegation in Section 2(b) for details</p>
<p>13.The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land</p>	<p>Development Control Committee and (in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders only) the Executive</p>	<p>12 members of the Development Control Committee and the Leader and between 2 and 9 other members of the authority appointed by the Leader in respect of the Executive</p>	<p>The relevant Director in respect of the service of such notices in their relevant areas of responsibility and in addition the Corporate Director of Governance and Regulatory Services in respect of both the service of any such notices and subsequent enforcement action for non-compliance</p>

<p>14.The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976</p>	<p>The Executive (in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders only) and the Development Control Committee and the Regulatory Panel in connection with each of their respective functions</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the leader in respect of the executive, 12 members in respect of the Development Control Committee and 12 members in respect of the Regulatory Panel</p>	<p>The relevant Director in respect of service of such notices in their relevant areas of responsibility and in addition the Corporate Director of Governance and Regulatory Services in respect of both the service of any such notices and subsequent enforcement action for non-compliance</p>
<p>15.The making of agreements for the execution of highways works (to the extent that the authority has power to do so)</p>	<p>Development Control Committee</p>	<p>12 members of the authority</p>	<p>The Corporate Director of Governance and Regulatory Services on instruction from any relevant Chief Officer</p>
<p>16.The appointment or revocation of the appointment of any individual to any office (other than an office in which he/she is employed by the authority) or to any body (other than the authority or a joint committee of two or more authorities) or to any committee or sub-committee of such a body</p>	<p>The Executive in connection with functions which are the responsibility of the executive and the Council in all other cases</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the Leader in respect of the Executive and 39 members of the authority in respect of the Council</p>	
<p>17.The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities</p>	<p>The Executive, except to the extent that the staff are being placed at the disposal of the other authority in relation to the discharge of functions which are not the responsibility of the executive, where the function will be the responsibility of the Council</p>	<p>The Leader and between 2 and 9 other members of the authority appointed by the Leader in respect of the executive and 39 members of the authority in respect of the Council</p>	

## 2A. RESPONSIBILITY FOR COUNCIL FUNCTIONS

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

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

Regulatory Panel	12 members of the authority	<p><b>Taxi, gaming, food, miscellaneous licensing and registration functions and health and safety functions (other than Licensing Act 2003 functions)</b></p> <p>Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations <b>(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)</b> 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"> <li>• to set the amount of any charge to be made unless prescribed by Central Government</li> <li>• to impose any condition, limitation or other restriction or other terms</li> <li>• to determine whether and in what manner to enforce any failure to comply with the same</li> <li>• to amend, vary modify or revoke the same or any condition, limitation or term thereof</li> </ul> <p><b>Health and Safety</b></p> <p>Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.</p> <p>Functions relating to smoke free premises, places and vehicles within the meaning of Part 1 of the Health Act 2006 and ancillary Regulations to the extent that those functions are exercised other than in the Council’s capacity as employer.</p> <p><b>Common Land and Town or Village Greens</b></p>	See Section 2B of this document for details of the delegation of licensing and registration functions to each of the Corporate Directors of Governance and Regulatory Services and Economic Development
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		<p>To the extent that such powers are vested in the Council, functions relating to the registration of common land and town or village greens; power to apply for an enforcement order against unlawful works on common land; power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference and power to initiate proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.</p>	
Licensing Committee	12 members of the authority	<p><b>Functions under the Licensing Act 2003</b></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><b>Functions under the Gambling Act 2005:</b> Following the implementation of relevant legislation, all functions relating to licensing and registration as set out in the Gambling Act 2005 and any amendments thereof or regulations made thereunder insofar as they are not specifically designated in the said Act as being the function of the Council or some other body. For the avoidance of doubt this includes setting the amount of any charge to be made.</p> <p><u>Note:</u> For the avoidance of doubt, the Licensing Committee will be empowered (as far as it is legally able to do so) to form such sub-committees as it thinks fit to deal with any matter which the Committee itself is empowered to deal with.</p>	<p>The Licensing Committee will establish sub-committees of 3 members each and operate a scheme of delegation in accordance with Schedule 1 to this Section 2A.</p> <p>The Licensing Committee will establish sub-committees of 3 members each and operate a scheme of delegation in accordance with Schedule 2 to this Section 2A.</p> <p>See Section 2B of this document for details of the delegation of Licensing Act 2003 and Gambling Act 2005 functions to the Corporate Director of Governance and Regulatory Services and the Licensing Manager</p>

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><b>The promotion and maintenance of high standards of conduct within the Council</b></p> <p>To advise the Council on the adoption or revision of its Code of Conduct. To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, relevant guidance and recommendations of case tribunals under Section 80 of the Local Government Act 2000 or any amendment or re-enactment thereof</p> <p><b>Assistance to members and co-opted members of the authority</b></p> <p>To ensure that all members of the Council have access to training in all aspects of the Member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code</p> <p><b>Other functions</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> <li>• Granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members Code of Conduct</li> <li>• Dealing with reports from case tribunals or interim case tribunals and the Monitoring Officer</li> </ul>	See Section 2B of this document for the Delegation of Standards Committee functions to the Corporate Director of Governance and Regulatory Services.
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		<ul style="list-style-type: none"> <li>Granting exemptions for politically restricted posts</li> </ul> <p><b>Parish Council functions</b></p> <p>To carry out all the above functions in respect of Parish Councils and their members for which the City Council is responsible under any relevant provision of, or regulations made under the Local Government Act 2000 or any amendment or re-enactment thereof</p>	
Employment Panel	<p>6 members of the authority including at least one member of the Executive</p> <p><u>Only</u> for dealing with relevant matters relating to Chief Officers, two Independent Persons appointed pursuant to s28(7) of the Localism Act 2011, appointed by the Council to the Employment Panel.</p>	<p>To shortlist and interview candidates for Chief Officer posts and recommend appointments to the full Council</p> <p>To take decisions in connection with the appointment of staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal) but only to the extent that such matters have not been reserved to the Council, the Appeals Panels or delegated to any officer or other body under this Constitution.</p> <p>To be the committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purpose of advising the authority on matters relating to the dismissal of relevant officers of the Council pursuant to the Local Authorities (Standing Orders) (England) Regulations 2001.</p> <p>To be the Investigating and Disciplinary Committee to deal with Chief Officer disciplinary/grievance matters in accordance with relevant national conditions of service. In this regard, the Independent Persons are the Independent Panel.</p>	
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 Designated Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

To consider summaries of specific internal audit reports as requested.

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

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

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

To consider specific reports as agreed with the external auditor.

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

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

To commission work from internal and external audit.

##### **2.2 Regulatory Framework**

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

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

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

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

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

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

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

### 2.3 **Accounts**

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

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

To approve the Letter of Representation

## 3. **ACCOUNTABILITY**

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

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

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

## 4. **AUTHORITY AND ACCESS**

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

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

4.3 The Audit Committee shall have access to in-house financial, legal and any other professional advice necessary to carry out its functions.

4.4 The Chair of the Audit Committee and the external and internal auditor shall meet as necessary and the Council's Designated Head of Internal Audit shall provide necessary services and support and assistance to the Audit Committee.

- 4.5 Any Member, Officer or member of the public who has any concern covered by the Terms of Reference of the Audit Committee may raise the matter with the Chair of the Committee who shall obtain, if necessary, relevant advice from the Council's Monitoring Officer or the Section 151, Chief Finance Officer before taking any action with regard to the same.

## **5. MEMBERSHIP**

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

## **6. ATTENDANCE**

- 6.1 The Audit Committee shall meet on a regular basis as provided for in paragraph 7 below. Officers and others may attend all or part of the meeting at the invitation of the Committee. Attendees may include:
- The Leader or Deputy Leader
  - The Portfolio Holder for Finance
  - Portfolio Holders
  - Town Clerk and Chief Executive
  - Corporate Director of Finance and Resources (Chief Finance Officer/Section 151)
  - Corporate Director of Governance and Regulatory Services (Monitoring Officer)
  - Designated Head of Internal Audit
  - Other Chief Officers and Managers, as required

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

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

## **7. MEETINGS**

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

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

## **8. QUORUM**

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

## **9. WORK PROFILE OF THE AUDIT COMMITTEE**

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

- Whether there is an appropriate culture of risk management and related control throughout the Council;
- the Annual Governance Statement;
- the annual Statement of Accounts, including changes in and compliance with accounting policies and practices, major judgemental areas and significant adjustments resulting from the audit;
- significant changes required to Financial Procedure Rules and the Contracts Procedure Rules.
- the framework and processes for risk assessment, analysis and management within the Council;
- the effective co-ordination between internal and external audit;
- the budget needed to resource effective internal and external audit and other responsibilities of the Audit Committee; and

- generally, on how the Audit Committee could add value to the work and operation of the Council.

## 9.2 External Audit and Inspection Agencies

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

## 9.3 Corporate Governance Framework

- To review and advise the Executive on the embedding and maintenance of an effective system of corporate governance including internal control and risk management.
- To give an assurance to the Council that there is a sufficient and systematic review of the corporate governance, internal control and risk management arrangements within the Council.
- To review the Annual Governance Statement and make appropriate recommendations to the Council, the Executive, the Overview and Scrutiny Panels and Regulatory Committees.
- To ensure that any significant weaknesses identified are remedied.
- To commission, if necessary, any relevant investigations into matters of particular concern relating to internal control.
- To ensure that the impact of any alleged or fraudulent activity on the Council's framework of internal control is reviewed and, where necessary, to recommend changes to strengthen the control framework.
- To receive reports relating to those aspects of whistle blowing or alleged or actual fraudulent activity which relate to the Terms of Reference of the Audit Committee.

## 9.4 Internal Audit

To review and make recommendations to the Executive regarding:

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

#### 9.5 Other

To consider and make recommendations to the Executive on:

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

**SECTION 2A - SCHEDULE 1**

**LICENSING COMMITTEE DELEGATION OF FUNCTIONS**

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a Police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate by way of minor variation procedure			All cases
Application to vary designated premises supervisor		If a Police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection	All other cases
Applications for interim authorities		If a Police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police objection to a temporary event notice		All cases	
Making Representations as Responsible Authority as defined in the legislation.			Corporate Director of Governance and Regulatory Services
Application under the Hypnotism Act 1952		Appeals against an Officer Decision.	Licensing Manager

**SECTION 2A**

**SCHEDULE 2**

**EXTRACT FROM CARLISLE CITY COUNCIL STATEMENT OF GAMBLING POLICY**

**LICENSING COMMITTEE DELEGATION OF FUNCTIONS**

<b>Matters to be dealt with</b>	<b>Full Council</b>	<b>Sub-Committee of Licensing Committee</b>	<b>Officers</b>
Final approval of three year licensing policy	X <sup>2</sup>		
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	

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<sup>2</sup> X – Indicates at the lowest level to which decisions can be delegated



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

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

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

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

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

- 1.9. Following consultation with the Corporate Director of Governance and Regulatory Services, to make and, in the absence of any objections, to confirm Tree Preservation Orders. Where such Tree Preservation Orders supersede and/or replace a pre-existing Tree Preservation Order this delegation includes authority to revoke such pre-existing replaced and/or superseded Tree Preservation Orders. All Tree Preservation Orders (whether made, confirmed or revoked) are to be attested under seal/confirmed by either the Corporate Director of Governance and Regulatory Services, the Town Clerk and Chief Executive or some other person authorised by either of them.
- 1.10. To take any action which may be required to be taken by or on behalf of the Council pursuant to its duties and responsibilities under the Hedgerow Regulations 1997 made under the Environment Act 1995.
- 1.11. To act as Appointing Officer under Section 10(8) of the Party Wall Etc Act 1996.
- 1.12. To carry out such other functions relating to town and country planning and development control, trees and hedgerows and highways use and regulation as are set out in Schedule 1 to the Functions Regulations as may be delegated by the Development Control Committee from time to time.
- 1.13. To approve amendments to S.106 Agreements after prior consultation with the Corporate Director of Governance and Regulatory Services.
- 1.14. To authorise the service of any notice, order or other document or proceedings of whatever nature in respect of any matter relating to the functions of the Development Control Committee after consultation with the Corporate Director of Governance and Regulatory Services in respect of any proposal to institute Court proceedings.
- 1.15. Pursuant to the Planning and Business Act 2020, authority to determine applications for pavement licences, to include setting the duration of the licence and attaching such conditions as is considered reasonably necessary; and to

take any necessary action in relation to the enforcement and revocation of the licence. Any appeal to be dealt via an internal review process involving, where necessary, a Member Appeal Panel.

- 1.16. For the avoidance of doubt, all the powers and duties referred to in paragraphs 1.1 to 1.14 inclusive of Part 2B set out above may also be exercised by the Development Manager and the Principal Planning Officer (Development Management).

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

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

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

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

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

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

3.2.1 To exercise any function for which the Regulatory Panel is responsible, including the service of any notice or order, the exercise of any powers of entry and the taking of any other action or proceedings under any relevant legislation or otherwise Corporate Director of Governance and Regulatory Services in respect of matters relating to:

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

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

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

- i. Power to grant a street works licence
- ii. Power to permit deposit of builder's skip on highway
- iii. Power to license planting, retention and maintenance of trees etc in part of highway
- iv. Power to authorise erection of stiles etc. on footpaths or bridleways
- v. Power to license works in relation to buildings etc. which obstruct the highway
- vi. Power to consent to temporary deposits or excavation in streets

- vii. Power to dispense with obligation to erect hoarding or fence
- viii. Power to restrict the placing of rails, beams etc. over highways
- ix. Power to consent to construction of cellars etc. under street
- x. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators
- xi. Power to grant permission for provision etc. of services, amenities, recreation and refreshment facilities on highway, and related powers
- xii. Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980
- xiii. Power to authorise stopping up or diversion of highway.

### **3.3 Powers delegated to Corporate Director of Economic Development**

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

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

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

- 4.1.1 To determine applications for a personal licence where no Police objection is made.
- 4.1.2 To determine applications for a premises licence and a club premises certificate where no relevant representation is made.
- 4.1.3 To determine applications for a provisional statement where no relevant representation is made.
- 4.1.4 To determine applications to vary a premises licence or a club premises certificate where no relevant representation is made.
- 4.1.5 To determine applications to vary the designated premises supervisor in cases where there is no Police objection.
- 4.1.6 To determine all requests to be removed as a designated premises supervisor.
- 4.1.7 To determine applications for the transfer of a premises licence where no Police objection is made.
- 4.1.8 To determine applications for interim authorities where no Police objection is made.
- 4.1.9 To determine whether a complaint is irrelevant, frivolous, vexatious etc.

- 4.1.10 To make representations as a Responsible Authority, where appropriate, in response to applications (Corporate Director of Governance and Regulatory Services only).
- 4.1.11 To determine applications under the Hypnotism Act 1952 (Licensing Manager only).
- 4.2 **Powers delegated to each of the Corporate Director of Governance and Regulatory Services and the Licensing Manager under the Gambling Act 2005**
- 4.2.1 To institute, defend or participate in any action or legal proceedings in respect of any matter relating to the functions referred to in this paragraph 4 (including, where not delegated to any other officer, the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to the decisions of the Licensing Committee or any sub-committee or officer acting under delegated powers or in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect the Council's interests.
- 4.2.2 To determine applications for premises licences where no representations have been received or any representations made have been withdrawn.
- 4.2.3 To determine applications for a variation to a licence where no representations have been received or any representations made have been withdrawn.
- 4.2.4 To determine applications for the transfer of a licence where no representations have been received from the Commission.
- 4.2.5 To determine applications for a provisional statement where no representations have been received or any representations made have been withdrawn.
- 4.2.6 To determine applications for club gaming/club machine permits where no representations have been received or any representations made have been withdrawn.
- 4.2.7 To determine applications for other permits.
- 4.2.8 To cancel licensed premises gaming machine permits.
- 4.2.9 To consider any Temporary Use Notice.
- 5 **Electoral Registration and Election Matters delegated to the Town Clerk and Chief Executive and the Corporate Director of Governance and Regulatory Services**
- 5.1 All functions and powers relating to elections set out in Schedule 1 of the Functions Regulations and (to the extent that they are the functions of the Council and not the executive) all functions and powers relating to electoral registration other than those functions and powers reserved to the full Council under Article 4.02.
- 5.2 The Corporate Director of Governance and Regulatory Services shall also be empowered to exercise any of the functions referred to in paragraph 5.1 above.
- 6 **Delegation of Powers to the Corporate Director of Governance and Regulatory Services (as Monitoring Officer) relating to Standards Committee matters.**

- 6.1 In relation to complaints in respect of the Code of Conduct, the Corporate Director of Governance and Regulatory Services will be empowered to:
- i. following consultation with the Independent Person and Chair of the Standards Committee, determine whether any complaint received merits formal investigation;
  - ii. if necessary, appoint an Investigating Officer to investigate such a complaint;
  - iii. following consultation with the Independent Person and Chair of the Standards Committee, upon receipt of any Investigating Officer's report, determine, if he is satisfied that the report is sufficient, that no further action is necessary.
- 6.2 In relation to requests for Dispensations pursuant to section 33 of the Localism Act 2011 the Council delegate to the Monitoring Officer, following consultation with the Independent Person and Chairman of Standards Committee, the power to grant dispensations up to a maximum of 4 years in the following circumstances with an appeal to the Standards Committee:
- i. That he/she considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
  - ii. That, without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
  - iii. That, without a dispensation, no member of the Executive would be able to participate on this matter.

## **7 Calculation and Determination of Council Tax Base Matters Delegated to the Corporate Director of Finance and 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 Corporate Director of Finance and 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



**8 Appointment and Management of Officers**

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

- vi. payment of installation charges and rental calls for staff for whom it is essential that they should have a telephone in their homes
- vii. the implementation of reorganisations and changes within their service unit structures, establishments and areas of responsibility within approved budgets
- viii. the declaration of posts to be redundant and, following consultation with the Corporate Director of Finance and 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 Corporate Director of Finance and 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.

12 The Town Clerk and Chief Executive is delegated power to take any decision on behalf of the Council, not otherwise delegated, which can lawfully be delegated to officers, subject to the decision taker, before taking the decision, having taken appropriate steps to consult the Chair of the committee which would, save for this

delegated power, have taken the decision. The decision must be recorded in an Officer Decision Notice.

## 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.**

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

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

<b>Section of the Local Government Act 1972 And Proper Officer's Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
234 Officer authorised to sign forms of notice to give effect to planning applications	Corporate Director of Economic Development	Development Manager and Principal Planning Officers

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

**Other "Proper Officer" designations are as follows:**

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

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

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

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

**3. Local Government Finance Act 1988**

<b>Section of the Local Government Finance Act 1988 and Proper Officer's Functions</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
Section 114 Duty to report etc.	Corporate Director of Finance and Resources	Officer nominated by the Corporate Director of Finance and Resources pursuant to section 114, Local Government Finance Act 1988.

**4. Local Government and Housing Act 1989**

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



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

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

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

<b>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</b>	<b>Proper Officer</b>	<b>Alternative Proper Officer</b>
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"> <li>• Professor John Ashton</li> </ul>	Deputy Director of Public Health/Associate Director of Health Protection – NHS Cumbria  <ul style="list-style-type: none"> <li>• Dr Rebecca Wagstaff</li> <li>• Dr Nigel Calvert</li> </ul>
Public Health Act 1936, sections 84 and 85; Milk and Dairies (General) Regulations 1959, sections 18-20;	Consultant Level Staff from Cumbria and Lancashire Health Protection Unit (Public Health England), namely:  <ul style="list-style-type: none"> <li>• John Astbury</li> </ul>	Consultant Level Staff from Cumbria and Lancashire Health Protection Unit (Public Health England), namely:

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

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

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

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

Anti-Social Behaviour, Crime and Policing Act 2014 – Section 104(3) Point of Contact	Community Development Officer	
General Data Protection Regulation (EU) 2016/679 - Article 37: designated Data Protection Officer	Information Governance Manager	

# Report to Council

Agenda  
Item:

**8.**

Meeting Date: 24 May 2021  
Portfolio:  
Key Decision: Not Applicable:  
Policy and Budget Framework  
Public / Private: Public

Title: DATES AND TIMES OF MEETINGS 2021/22  
Report of: Director of Governance and Regulatory Services  
Report Number: GD.38/21

## Purpose / Summary:

Pursuant to Council Procedure Rule 1.1 (ix) Council are asked to note and approve the schedule of ordinary meetings of the City Council and Committees for the municipal year 2021/22 as set out in the Schedule attached to this report. The schedule had been approved by Council on 5 January 2021.

## Recommendations:

- (1) That the dates and times of meetings in the Municipal Year 2021/22 be approved as set out in the attached Schedule.
- (2) That the dates and times for meetings of the Executive, which have been chosen by the Leader, be noted.

## Tracking

Executive:	<b>14 December 2021</b>
Overview and Scrutiny:	<b>Scrutiny Chairs Group – 10 November 2020</b>
Council:	<b>5 January 2021</b>

# Report to Council

Agenda  
Item:

Meeting Date: 5 January 2021  
Portfolio: Finance, Governance and Resources  
Key Decision: No  
Within Policy and Budget Framework  
Public / Private Public

Title: DATES AND TIMES OF MEETINGS 2021/22  
Report of: Corporate Director of Governance and Resources  
Report Number: GD.05/21

## Purpose / Summary:

The attached report relating to the dates and times of meetings for 2021/22 was submitted to the Executive on 14 December 2020. The Executive recommended that the Council agree the schedule of dates and times of meetings in the 2021/22 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 2021/22 be approved as set out in the attached Schedule.
- (2) That the dates and times for meetings of the Executive, which have been chosen by the Leader, be noted.

## Tracking

Executive:	<b>14 December 2020</b>
Scrutiny Chairs Group:	<b>Scrutiny Chairs Group - 10 November 2020</b>
Council:	<b>5 January 2021</b>

**Contact Officer: Rachel Plant**

**Ext: 7039**

**Appendices Executive report GD.61/20 and Minute Excerpt  
attached to report:**

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

- Carlisle City Council's Constitution
- GD.25/20 – Dates and Times of Meetings 2020/21 from Council 14 July 2020

# Report to Executive

Agenda  
Item:

Meeting Date: 14 December 2020  
 Portfolio: Cross Cutting  
 Key Decision: No  
 Within Policy and Budget Framework: No  
 Public / Private: Public

Title: DATES AND TIMES OF MEETINGS 2021/22  
 Report of: Corporate Director of Governance and Resources  
 Report Number: GD.61/20

## Purpose / Summary:

To consider dates and times for meetings of the City Council, Executive, Scrutiny Panels, Audit Committee and the Regulatory Committees for the 2021/22 municipal year.

## Recommendations:

- (1) The observations of the Executive are requested on the schedule of dates and times for meetings in the 2021/22 Municipal Year for submission to the City Council.
- (2) That the dates and times for meetings of the Executive, which have been chosen by the Leader, be noted.

## Tracking

Executive:	<b>14 December 2020</b>
Scrutiny:	<b>Scrutiny Chairs Group - 10 November 2020</b>
Council:	<b>5 January 2021</b>



## **1. BACKGROUND/**

- 1.1** The Constitution of the City Council requires that a calendar showing the date and time of ordinary meetings of committees, sub-committees, panels and working groups shall be prepared by the Corporate Director of Governance and Regulatory Services and approved by the Council before the commencement of the Council year and the calendar will then be distributed to all Members.

## **2. PROPOSALS**

- 2.1** Attached at Appendix A is a draft schedule of meeting dates for the City Council, the Executive, Scrutiny Panels and the Regulatory Committees for the 2021/22 Municipal Year.
- 2.2** The frequency of meetings is set out in the Constitution in respect of the Executive, Scrutiny Panels and the Audit Committee. The frequency of meetings of the Council and remaining Committees/Panels have been previously agreed. The current frequencies are as follows:-

City Council (ordinary meetings)	8 weekly;
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, December and March.

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.

- 2.3** The Constitution states that the Executive will meet at least 13 times per year. Dates and times for meetings of the Executive are at the discretion of the Leader and are currently every 4 weeks.
- 2.4** The Health and Wellbeing Scrutiny Panel has been scheduled to meet at 10.00am on Thursday and the Business and Transformation Scrutiny Panel and the Economic growth Scrutiny Panel have been scheduled for 4.00pm on Thursday, as is current practice.

- 2.5** With regard to the Budget process, it is proposed that the Executive meeting scheduled for Monday 22 November 2021 will be an ordinary meeting that will also include consideration of the initial draft Budget reports. The budget reports will then be circulated for consultation with the Scrutiny Panels as follows:-  
Health and Wellbeing – Thursday 25 November 2021;  
Economic Growth – Thursday 2 December 2021;  
Business and Transformation – Tuesday 7 December 2021.

The observations of the Scrutiny Panels will then be considered at a further special Executive meeting on Monday 13 December 2021.

It is proposed that the Executive will meet again on Monday 20 December 2021 to formally agree its draft Budget for consultation.

This consultation process will include the proposals being submitted to the scheduled meeting of the Business and Transformation Scrutiny Panel on Thursday 6 January 2022 with their observations and other feedback being considered by the Executive at their meeting on Wednesday 19 January 2022.

The budget proposal will then go to a Special meeting of the City Council on 1 February 2022.

### **3. CORONAVIRUS PANDEMIC**

- 3.1** The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 'the Regulations' were introduced to allow Councils to operate meetings during the Coronavirus pandemic. The Regulations temporarily changed existing law to permit Council meetings to take place remotely until 7 May 2021.
- 3.2** The 2021/22 Civic Calendar has been prepared using the current timescales for May 2021 elections and legislation out with the Regulations. Should the Regulations be extended past 7 May 2021 or additional regulations are introduced there may be a requirement for the Civic Calendar to be amended and reconsidered by Council at a future date.

### **4. RISKS**

- 4.1** Not having an agreed calendar of meetings contravenes the requirements of the Constitution of the City Council and would inhibit members of the public in engaging in the democratic process.

## **5. CONSULTATION**

- 5.1** The Scrutiny Chairs Group has considered the draft timetable on 10 November 2020 and any comments will be fed into the calendar.
- 5.2** Consultation has taken place with the Licensing Section, Economic Development and Finance on the scheduling of meetings. The Corporate Director of Finance and Resources' comments on the arrangements for considering and processing the Budget and the views of Economic Development on the schedule of Development Control Committee meetings have been incorporated in the schedule of meetings attached.

## **6. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 6.1** In accordance with Procedure Rule 1.1 (x) that the dates and times of meetings in the Municipal Year 2021/22 be approved as set out in the attached appendix.
- 6.2** That the dates and times of meetings of the Executive as chosen by the Leader be noted.

## **7. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 7.1** To ensure that the appropriate governance arrangements are in place to enable the City Council to meet all of the Carlisle Plan priorities.

**Contact Officer: Rachel Plant Ext: 7039**

**Appendices attached to report:** Appendix A – Schedule of dates and times of meetings for 2021/22

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

- Carlisle City Council's Constitution
- GD.25/20 – Dates and Times of Meetings 2020/21 from Council 14 July 2020

### **CORPORATE IMPLICATIONS:**

**LEGAL** - comments are incorporated in the report but it should be noted that the Council must, at this stage, set its Civic Calendar to facilitate its existing committee structure,

irrespective of the governance deliberations currently under consideration by the Overview and Scrutiny Panels. Some of the Meetings are set (e.g. Annual Council) but it is open to Council to amend the calendar as regards other meetings, should it wish to do so. Current operating changes are set out in paragraph 3.1 of the Report.

**FINANCE** – subject to the Council agreeing a schedule of meetings for Council, Scrutiny Panels 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 1 February 2022. 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.

**EQUALITY** – None

**INFORMATION GOVERNANCE** – None

# May 2021

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

# June 2021

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2 4.00pm—Executive	3 4.00pm Business and Transformation Scrutiny Panel	4	5	6
7	8	9 9.45am—Development Control Committee 10.00am—Development Control Site Visits 4.00pm Regulatory Panel followed by Licensing Committee	10 10.00am Health and Wellbeing Scrutiny Panel	11 10.00am - Development Control Committee	12	13
14	15	16	17 4.00pm—Economic Growth Scrutiny Panel	18	19	20
21	22	23	24	25	26	27
28	29	30				

# July 2021

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

# August 2021

Mon	Tue	Wed	Thu	Fri	Sat	Sun
						1
2 4.00pm—Executive	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18 4.00pm—Regulatory Panel	19	20	21	22
23	24	25	26 4.00pm—Business and Transformation Scrutiny Panel	27	28	29
30 <i>Bank Holiday</i>	31 4.00pm—Executive					



# September 2021

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

# October 2021

Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4	5	6	7 4.00pm—Business and Transformation Scrutiny Panel	8	9	10
11	12	13	14 10.00am—Health and Wellbeing Scrutiny Panel	15	16	17
18	19	20 10.00am— Development Control Site Visits	21 4.00pm— Economic Growth Scrutiny Panel	22 10.00am— Development Control Committee	23	24
25 4.00pm—Executive	26	27 4.00pm—Regulatory Panel followed by Licensing Committee	28	29	30	31

# November 2021

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

# December 2021

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 10.00am— Development Control Site Visits 4.00pm—Regulatory Panel	2 4.00pm—Economic Growth Scrutiny Panel	3 10.00am— Development Control Committee	4	5
6	7 4.00pm—Business and Transformation Scrutiny Panel	8	9	10 10.00am—Audit Committee	11	12
13 4.00pm—Executive (Special)	14	15	16	17	18	19
20 4.00pm—Executive	21	22	23	24	25	26
27 <i>Bank Holiday</i>	28 <i>Bank Holiday</i>	29	30	31		

# January 2022

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

# February 2022

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

# March 2022

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1 6.45pm—Council	2	3 4.00pm—Economic Growth Scrutiny Panel	4	5	6
7	8	9	10	11	12	13
14	15	16 4.00pm—Regulatory Panel	17 10.00am—Audit Committee	18	19	20
21 4.00pm—Executive	22	23	24	25	26	27
28	29	30	31 4.00pm—Business and Transformation scrutiny Panel			

# April 2022

Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4	5	6 10.00am— Development Control Site Visits	7 10.00am—Health and wellbeing Scrutiny Panel	8 10.00am— Development Control Committee	9	10
11	12	13	14 4.00pm—Economic Growth Scrutiny Panel	15 <i>Bank Holiday</i>	16	17
18 <i>Bank Holiday</i>	19 4.00pm—Executive	20 4.00pm—Regulatory Panel followed by Licensing Committee	21	22	23	24
25	26 6.45pm—Council	27	28	29	30	



# May 2022

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

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**EXCERPT FROM THE MINUTES OF THE  
EXECUTIVE  
HELD ON 14 DECEMBER 2020**

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**EX.156/20    \*\*DATES AND TIMES OF MEETINGS 2021/22**  
(Non Key Decision)

(In accordance with Paragraph 15(i) of the Overview and Scrutiny Procedure Rules, the Mayor had agreed that call-in procedures should not be applied to this item)

**Portfolio**      Cross Cutting

**Relevant Scrutiny Panel**              Economic Growth; Health and Wellbeing; and Business and Transformation

**Subject Matter**

The Leader submitted report GD.61/20 concerning proposed dates and times of meetings of the City Council, the Executive, Scrutiny Panels, the Audit Committee and the Regulatory Committees for the 2021/22 municipal year.

The proposals with regard to meetings and the coronavirus pandemic were set out at Sections 2 and 3 of the report.

The Leader then moved the recommendations and the Deputy Leader seconded them.

**Summary of options rejected**    none

**DECISION**

1.      That the City Council be requested to agree the schedule of dates and times of meetings in the 2021/22 Municipal Year as set out in the calendar attached as an Appendix to Report GD.61/20.
2.      That the dates and times for meetings of the Executive, which had been chosen by the Leader, be noted.

**Reasons for Decision**

In order to recommend to the City Council a schedule of dates and times for meetings covering the 2021/22 Municipal Year as required by Procedure Rule 1.1(x).

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**EXCERPT FROM THE MINUTES OF THE  
COUNCIL  
HELD ON 5 JANUARY 2021**

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**C.14/21 PROPOSALS FROM THE EXECUTIVE IN RELATION TO THE COUNCIL'S  
BUDGET AND POLICY FRAMEWORK**

(i) Dates and Times of Meetings 2021/22

Pursuant to Minute EX.156/20, consideration was given to recommendations from the Executive concerning the schedule of dates and times of meetings for 2021/22. A copy of report GD.05/21 and the Minute Extract had been circulated.

Councillor Mallinson (J) moved and Councillor Ellis seconded the recommendations set out.

Councillor Patrick noted that there had been no consultation undertaken with Members, other than the Scrutiny Chairs Group and the Executive, in the preparation of the calendar. She reminded Council that many Members had work and carers commitments and consultation should be undertaken with Members to enable Council to operate in an effective and strong Council. She requested meaningful consultation with all Members of the Council as to how dates and times of meetings worked best for Members in a Member led authority.

Councillor Tickner commented that many potential candidates were unable to take time off work to attend meetings. He added that the number of Members had been reduced but the number of committees remained the same and he suggested that a Task and Finish Group carry out a best practice exercise with other authorities.

The Leader responded that the dates and times of meetings was a very difficult matter and, although many Members worked, many also had evening commitments. He agreed to consider the arrangements for the preparation of the calendar and discuss it further with the Executive.

RESOLVED – (1) That the schedule of dates and times of meetings in the 2021/22 municipal year, as set out in the calendar attached as an Appendix to Report GD.05/21, be approved.

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

(3) The Leader to consider whether any changes needed to be implemented regarding the arrangements for the timing of future Meetings.



# Report to Council

Agenda  
Item:

**9.**

Meeting Date: 24 May 2021  
 Portfolio: All Areas  
 Key Decision: Not applicable  
 Within Policy and  
 Budget Framework  
 Public / Private Public

Title: REPRESENTATIVES ON OUTSIDE BODIES  
 Report of: Corporate Director of Governance and Regulatory Services  
 Report Number: GD.37/21

**Purpose / Summary:**

To nominate Members to serve on various outside bodies.

**Recommendations:**

The City Council is requested to nominate Members to serve on the various outside bodies listed in paragraph 1.0.

**Tracking**

Executive:	N/A
Scrutiny:	N/A
Council:	24 May 2021

## 1. BACKGROUND

1.1 Set out in below are the details of those bodies to which the City Council is responsible for making appointments:

Outside Body	Current Representation	Required Appointments
Cumbria Pensions Forum	Councillor Ellis	1 nomination
North West of England and the Isle of Man Reserve Forces and Cadets Association	Councillor Paton	1 nomination
Cumbria Police and Crime Panel	Councillor Meller	1 nomination

## 2. RECOMMENDATIONS

2.1 The City Council is requested to nominate Members to serve on the Cumbria Pensions Forum, the Reserve Forces and Cadets Association for the North West of England and the Cumbria Police and Crime Panel as listed in Paragraph 1.0 above. The nomination for the Cumbria Police and Crime Panel must be made before 31 May 2021.

**Contact Officer:** Rachel Plant

**Ext:** 7039

**Appendices attached to report:** None

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

- Carlisle City Council's Constitution

### **CORPORATE IMPLICATIONS/RISKS:**

**LEGAL** - Have been included in the drafting of the report

**FINANCE** – To ensure that the Council are represented on outside bodies within the Community

**EQUALITY** –

**INFORMATION GOVERNANCE** – By serving on outside bodies in this capacity, Elected Members are representing the Council. Therefore, the Council is considered the data

controller or data owner of the information presented by the Elected Member to the outside body, and also any information they receive. This means that the information must be processed in accordance with Council policies and procedures, and that information may be accessible to the public.