**SCHEME OF DELEGATION OF EXECUTIVE FUNCTIONS**

**MADE BY THE LEADER of the CITY COUNCIL OF CARLISLE**

**Councillor Colin Glover**


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**SCHEDULE 1**

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6. Powers Delegated to the Corporate Director of Governance and Regulatory Services

7. Powers delegated to the Corporate Director of Finance and Resources

## 1 Preamble

1.1 Under Article 7 and the Executive Procedure Rules set out in this Constitution it is the responsibility of the leader to decide on the delegation of Executive functions and to maintain a written record of such delegations. The leader of the Council is Colin Glover whose electoral Ward is Currock.

1.2 This scheme of delegation has been prepared by the Leader in accordance with those provisions. The Executive is responsible for initiating and developing policy and taking decisions within the budget and policy framework in respect of all the functions of the local authority other than those which, whether by law or under this Constitution, cannot be the responsibility of the Executive. Such functions are referred to in this Scheme as "Executive functions".

## 2 Members of the Executive

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

| Name | Address | Ward |
|---|---|---|
| Colin Glover | 2a Montreal Street,<br>Currock, Carlisle, CA2 4EE | Currock |
| Anne Glendinning | 15 Ennerdale Avenue,<br>Carlisle,<br>CA1 2TS | Castle |
| Christopher J Southward | 25A Wigton Road,<br>Carlisle,<br>CA2 7BB | Denton Holme |

| | | |
|---|---|---|
| Leslie Tickner | 236 Chesterholme, Sandsfield Park, Carlisle, Cumbria. CA2 7XY | Belle Vue |
| Anne Quilter | 24 Melbourne Road, Carlisle, CA1 2DW | St Aidans |
| Lee B Sherriff | 3 Trevor Street, Carlisle, CA1 2NH | Harraby |

## 3 **Portfolios and areas of responsibility**

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

- Leader's Portfolio
- Finance, Governance and Resources
- Economy, Enterprise & Housing
- Communities, Health & Wellbeing
- Environment and Transport
- Culture, Heritage and Leisure

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

## 4 Allocation of portfolios

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

| Portfolio area | Responsible member |
|---|---|
| Leader's Portfolio | Colin Glover (Leader of the Council) |
| Finance, Governance & Resources | Leslie Tickner |
| Environment & Transport | Christopher Southward |
| Economy, Enterprise & Housing | Anne Glendinning |
| Communities, Health & Wellbeing | Lee Sherriff |
| Culture, Heritage and Leisure | Anne Quilter |

4.2 In addition, the Leader has appointed Councillor Dr Leslie Tickner to be Deputy Leader of the Council to hold office until the end of the term of office of the Leader, subject to the power of the Leader to, if he thinks fit, remove the Deputy Leader from Office. The Deputy Leader to exercise the following powers and duties:

- If the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his place.
- Chairing Executive meetings in the absence of the Leader.
- Acting as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader.
- Holding, leading or assisting on any portfolio which the Leader may allocate.

No deputies will be appointed in respect of portfolio holders and in their absence their duties and responsibilities will be undertaken by the Leader and in his absence by the Deputy Leader or such other portfolio holder as the Leader may nominate.

If the Leader is unable to act, or the office of Leader is vacant, and the Deputy Leader is unable to act, or the office of Deputy Leader is vacant, the Executive must act in the Leader's place or must arrange for a member of the Executive to act in his place.

## 5 Duties and responsibilities of individual portfolio holders

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

5.1 To provide pro-active political leadership for the designated functions and services of the Council set out in the allocated portfolio.

5.2 To exercise any delegated powers and make decisions in respect of the relevant portfolio area to the extent authorised to do so by the Leader under this scheme of delegation.

5.3 To initiate and promote policies and programmes in respect of the allocated portfolio both within the Council and externally.

5.4 To present and consult on the Council's policies in respect of the allocated portfolio with the public, both directly and through appropriate media.

5.5 To engage actively and represent the Council in appropriate local, regional and national groupings involved with the service areas set out in the allocated portfolio.

5.6 To make recommendations about the implementation of policies within the allocated portfolio.

5.7 To report to the Executive and the Council on decisions made, actions taken and progress achieved within the allocated portfolio.

5.8 To consult with and report as required to the Executive, the Council and the relevant Overview & Scrutiny Panels in respect of the portfolio.

5.9 To commission and consider reports/briefs from appropriate officers as required for the efficient discharge of the portfolio holder's duties/responsibilities.

5.10 To keep abreast of national best practice/new initiatives in the areas covered by the portfolio to help ensure high local service standards and provision.

5.11 To consider and act on performance data and reports from the Executive and the relevant Overview & Scrutiny Panels.

5.12 To contribute to the corporate development of the Council's policies and objectives through active engagement of and participation in the Executive.

5.13 To work closely with the relevant senior officers of the Council to help ensure the efficient management of the authority, to uphold high standards of performance and conduct and to enable officers to exercise any powers delegated to them.

5.14 To attend meetings of the relevant Overview & Scrutiny Panels as and when required.

5.15 To take a strategic overview of and positively contribute to the Council's Transformation agenda.

**6 Joint arrangements and consultative arrangements**

The following joint arrangements and consultative arrangements will operate in respect of Executive functions:

6.1 Functions in connection with the management of Carlisle Market are carried out by the Market Management Group established under arrangements made pursuant to the lease of the Market granted by the Council on 5 July 1991. The Executive members nominated to the Market Management Group and authorised to make any decisions and carry out any Executive functions pursuant to those arrangements are the Leader, Councillor Anne Glendinning and Councillor Dr Leslie Tickner.

6.2 Joint consultative arrangements have been established with the trades unions representing the Council's staff to enable an exchange of views on relevant matters affecting the workings of the Council and the interests of its staff. Councillor Dr Leslie Tickner and such other members of the Executive as nominated by the leader from time to time are nominated to attend meetings of the joint consultative body on behalf of the Executive and delegated to carry out such consultative functions.

6.3 A joint arrangement has been put in place with a range of public, private, community and voluntary sector stakeholders through the establishment of the Carlisle Partnership. The Carlisle Partnership brings together all the relevant stakeholders to improve the quality of life of Carlisle people and to play a key role in developing and overseeing the implementation of the Community Strategy. Membership of the Carlisle Partnership is set out in its approved Constitution and, from Carlisle City Council, includes the Leader

and Chief Executive, together with one elected Member from each of the political groups on the Council.

6.4 A Member Learning and Development Steering Group has been established whose remit is to consider and advise on the training needs of Members and particularly on:

- Member training priorities.
- The distribution of available resources.
- A set of core skills and knowledge required to undertake various member roles and responsibilities.
- The content and timing of an annual Member Training Programme.
- The content and timing of an Induction Programme for new Members.
- The level of “recommended attendance” for development activities.

The Group comprises of the Portfolio Holder for Finance, Governance and Resources together with one Member of each of the political groups nominated by those groups and will provide cross party feedback to the Executive to assist it in making any decisions for which the Executive is responsible in respect of Member training matters.

## 7 All key decisions to be made by the Executive as a whole

7.1 A key decision is defined in Regulations and in Article 13.03 of the Council's Constitution. It is a decision which is likely:

- to result in the incurring of expenditure which is, or the making of savings which are, significant having regard to the authority's budget for the service or functions in question (the Council has resolved that the figure of £70,000 will be considered significant for these purposes) or
- to be significant in terms of its effect on communities living or working in an area comprising two or more wards in the authority's area.

7.2 In addition, decisions will be treated as key if they are likely to have a significant impact on communities in one ward, or if they are made by the Executive in the course of developing proposals to the full Council to amend the policy framework.

7.3 All key decisions will, except as mentioned below, be made by the Executive as a whole in accordance with the Executive Procedure Rules in Section 3 of the Constitution. No key decisions are delegated to any individual member of the Executive or any officer, except that:

(i) to the extent that they may be key decisions, Chief Officers will be authorised to award tenders in their areas of responsibility as provided for in paragraph 2.1 of Schedule 2 as long as the award is within budget and the lowest tender is accepted. Any decision to award other than to the lowest tenderer must be referred to the Executive unless this requirement is waived by the Executive or is taken under the urgency provisions set out in the Contracts Procedure Rules.

(ii) if a key decision is required to be taken urgently and there is insufficient time to call a meeting of the Executive without prejudicing the interests of the Council then the relevant portfolio holder may take the decision after first consulting, where practicable, with the Leader or Deputy Leader, and after complying with any relevant requirements set out in the Constitution.

**8 Non-key decisions - delegations to portfolio holders**

8.1 Each portfolio holder is authorised to take non-key decisions in connection with the allocation of grants falling within their relevant portfolio area up to a limit of £1,000 in respect of any individual grant, other than the allocation of individual private sector renovation grants, home repair grants, disabled facilities grants and reinstatement grants in respect of work to Airey type houses (which are delegated to the Corporate Director of Governance and Regulatory Services under this Scheme in consultation with the Communities, Health & Wellbeing Portfolio Holder) and access grants, Town Scheme grants and Local Government (Historic Buildings) Act 1962 grants (which are delegated to the Corporate Director of Economic Development under this Scheme). The allocation of grants in excess of £1,000 (other than those reserved to the Corporate Director of

Governance and Regulatory Services, referred to above) will be referred to the Executive for determination.

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

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

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

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

## 9 Non key decisions - delegations to officers

9.1 Responsibility for decisions in respect of any Executive functions which are not key decisions (other than those in respect of grants delegated to portfolio holders under paragraph 8.1 above) is also delegated to the relevant Chief Officer and other officers as set out in Schedule 2 attached to this scheme, subject to complying with the Conditions and Limitations set out in Schedule 2.

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

## 10 Decisions by the Leader

10.1 For the avoidance of doubt, the Leader may also take any decision which under this Scheme of Delegation is capable of being taken by any portfolio holder or which he is, by law, entitled to take.

## 11 Chief Officers

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

- Town Clerk and Chief Executive (Head of Paid Service)
- Deputy Chief Executive
- Corporate Director of Finance and Resources (Chief Finance Officer/Section 151 Officer (Local Government Act 1972))
- Corporate Director of Governance and Regulatory Services (Monitoring Officer)
- Corporate Director of Economic Development

## 12 Amendment of scheme

This Scheme of Delegation may be amended at any time by the Leader as provided for in the Executive Procedure Rules set out in Section 3 of this Constitution.

## SCHEDULE 1

## POLICY AREAS AND EXECUTIVE FUNCTIONS INCLUDED IN PORTFOLIOS

### 1. LEADER'S PORTFOLIO:

- Borderlands
- Carlisle Partnership – including Community Plan
- Children's and Young People's Agenda/Partnership
- Civic Relationships
- Council Communication
- Emergency Planning
- Events
- Mayoral/Civic
- Overall Strategy/Policy
- Press and Public Relations
- Schools Engagement
- Strategic Partnerships
- Strategic Regeneration
- Sub- Regional/Regional/National relationships
- Town Twinning
- Young People's Activities
- Youth Council Links

### 2. FINANCE, GOVERNANCE & RESOURCES

- Accountancy and Strategic Finance

- Asset Management Plan
- Best Value
- Budget Framework
- Building Maintenance & Support Services
- Capital Strategy
- Corporate Management
- Corporate Planning
- Corporate Plan and Performance Management
- Corporate Support Services
- Data Protection
- Data Security
- Democratic Services
- Freedom of Information
- Health and Safety (Staff)
- Human Resources
- Income Management
- ICT
- Insurance
- Internal Audit
- Investment Strategy
- Land Charges
- Legal Services
- Licensing & Regulatory
- Medium Term Financial Plan

- Member Services
- Organisational Development (Staff and Members)
- Payments
- Payroll
- Policy & Performance Management
- Procurement
- Property/Estates & Facilities Management
- Property (Strategic) – (Joint responsibility with Economy, Enterprise & Housing Portfolio Holder)
- Regulation of Investigatory Procedures Act Policy
- Revenues and Benefits
- Risk Management
- Service Standards
- Shared Services Monitoring
- Sundry Debtors
- Transformation Programme
- Treasury Management
- Treasury Management Strategy Statement
- Workforce Development Strategies

**3. ENVIRONMENT AND TRANSPORT:**

- Allotments
- Bereavement Services
- Car Parking and Civil Enforcement

- CCTV
- Crematoria & Cemeteries
- Dog Wardens
- Environment Agenda
- Environmental Protection & Enforcement
- Food Standards
- Fleet Operations
- Greenspaces
- Health and Safety (External)
- Highways Maintenance
- Highways Partnership
- Land Drainage
- Movement Strategy
- Parks
- Pest Control
- Play Areas (Operational)
- Public Conveniences
- Public Health Complaints
- Recycling
- Refuse Collection
- Relationships with Environment Agency/DEFRA
- Street Cleaning
- Footway Lighting
- Streetscene

- Waste Management

## 4. ECONOMY, ENTERPRISE & HOUSING

- Building Control
- Business Support and Sector Development
- City Centre Management
- Conservation
- Development Control
- Economic Development and Strategy
- Empty Property Schemes (in particular, whether the Council should or should not participate in Schemes – including those pursuant to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 or similar).
- External Funding
- Homelessness/Hostels/Homeless Prevention
- Housing Client and Enabling
- Housing Conditions
- Housing Management
- Housing Partnerships
- Housing Strategy and Support
- Inward Investment
- Local Plans
- Planning Policies
- Private Sector Housing including Enforcement

- Private Sector relationships including Cumbria Chamber
- Property (Strategic) (Joint responsibility with Governance & Resources Portfolio Holder)
- Rural/Urban Policy
- Strategic Transport & Infrastructure
- Supported Housing Services

**5. Communities, Health & Wellbeing**

- Advice Agencies
- Cash Collection
- CDRP (Safer Communities)
- Community Centres/Associations
- Community Consultation
- Community Development
- Community Participation and Volunteering
- Community Safety/Crime & Disorder
- Consultation Strategy
- Corporate Complaints
- Crime and Disorder
- Customer Contact Services
- Disabled Access
- Disabled Facilities Grants
- Equality and Diversity Policy
- Health Improvement

- Health/Wellbeing Partnerships
- Neighbourhoods and Rural Support
- Play Areas (Development)
- Shopmobility

**6. Culture, Heritage & Leisure**

- Culture & Arts Development
- Cultural Strategy
- Fair Trade
- Grants for Leisure
- Historic Carlisle
- Sport & Leisure
- Tourism Action Plan
- Tourism Management and Development
- Tullie House Trust

## SCHEDULE 2

## EXECUTIVE FUNCTIONS DELEGATED TO CHIEF OFFICERS

## AND OTHER OFFICERS

### 1. CONDITIONS AND LIMITATIONS

1.1. These delegations relate to Executive functions and shall be in addition to and not in derogation from any powers and duties delegated to Chief Officers or any other officer in the Council's Financial and Contracts Procedure Rules, or in some other part of the Constitution. They do not authorise a Chief Officer or any other officer to exercise any powers or functions which are reserved to some other part of the local authority whether by law or under this Constitution.

1.2. Each Chief Officer is authorised to discharge the Executive functions, act on behalf of and exercise the powers of the Executive in relation to the matters specified in this Scheme, subject to the following conditions and limitations:

a) Chief Officers are prohibited from exercising any Executive function or taking any decision which is a key decision (other than in respect of the award of tenders authorised under paragraph 2.1 of this Schedule 2) which must (except as provided for in this Scheme) be taken by the Executive as a whole.

b) Any exercise of such delegated powers by a Chief Officer shall be in accordance with the following:

   i. The plans, strategies and policies forming the policy framework approved or adopted by the Council.
   ii. The budget approved by the Council.
   iii. The Financial and Contracts Procedure Rules of the Council.
   iv. The Council's Codes of Practice and Conditions of Employment.
   v. Any legal constraints relating to the exercise of such powers.

c) Chief Officers must first take, where appropriate, financial, legal, valuation and personnel advice.

d) Chief Officers must maintain a close liaison with and consult the appropriate Executive Portfolio Holder(s) in the exercise of delegated powers and comply with any other constraints set out in this Scheme.

e) Any matter shall be referred to the Executive for decision if the relevant Executive Portfolio Holder or the Leader so requests or if in the opinion of the relevant Chief Officer it should be referred.

f) Where Chief Officers consider that a decision which they have taken under delegated authority is significant then that decision and the reasons for taking it must be recorded in writing as soon as reasonably practicable after taking the decision. All such decisions shall be reported to the Executive.

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

h) The Town Clerk and Chief Executive is also authorised to exercise any power or function which is delegated to a Chief Officer under this Scheme and the Deputy Chief Executive is also authorised to exercise any power or function delegated to the Town Clerk and Chief Executive, subject always in each of the above cases to any statutory or other limitation which would prevent them from exercising such power or function. In the event of any vacancy arising in respect of any Chief Officer post, the Town Clerk and Chief Executive shall also be authorised to arrange for any matter or power delegated to the Chief Officer under this Scheme to be exercised by another officer or officers of suitable qualification, seniority, experience and competence, subject to the same limitations to which the Chief Officer is subject under this Scheme.

## 2. POWERS DELEGATED TO ALL CHIEF OFFICERS

FINANCIAL AND CONTRACTUAL

2.1. To issue orders and accept tenders for goods, services or works or the acquisition of assets of whatever kind within their areas of responsibility, provided compliance is made with all the relevant Contracts Procedure Rules and Financial Procedure Rules of the Council; the expenditure can be met within the budget previously approved by the Council or is within any scheme of virement which may be from time to time approved by the Council and the lowest tender is accepted. Any decision to award other than to the lowest tenderer must be referred to the Executive unless this requirement is waived by the Executive or is taken under the urgency provisions set out in the Contracts Procedure Rules.

2.2. To undertake virement in budgets for which they are responsible in accordance with the principles set out in the Financial Procedure Rules or otherwise approved by the Council from time to time.

2.3. In accordance with guidance issued by the Corporate Director of Finance and Resources to sell surplus vehicles, stores, plant, furniture and equipment for the best price obtainable, and to “write off” any such vehicles, stores, plant, furniture and equipment which have become unfit for use and of no value.

STAFFING AND EMPLOYEE RELATIONS

2.4. To the extent that such matters are Executive functions and not the responsibility of the Council, some other body or the head of paid service under the Council's Constitution, to be responsible for all matters relating to the effective management of all personnel within their respective service areas of responsibility. In particular, for their deployment, direction, assessment and development in accordance with the Council's policies and procedures and to exercise discipline of employees in accordance with the Council's agreed disciplinary procedures. (Note: Responsibility for the appointment of staff below Chief Officer level is a matter for the head of paid service or his/her nominee.)

2.5. Without prejudice to the generality of paragraph 2.4, to be responsible for authorising the following:-

a) Exceptional leave of absence in accordance with the Council's policies.

b) Attendance by staff at training courses in accordance with the Council's staff training scheme or at conferences and external meetings.

2.6. In consultation with the Town Clerk and Chief Executive to implement reorganisations within their service areas of responsibility and to vary the establishment for which they are responsible within approved salaries and wages budgets.

GENERAL MATTERS

2.7. To authorise officers within their service areas of responsibility by name as being empowered to demand and gain access to land or premises in fulfilment of the Council's powers and duties, always providing such access can be lawfully demanded on behalf of the Council and that such matters are Executive functions.

2.8. To apply for planning permissions under the provisions of the Town & Country Planning (General Regulations) 1992 or any statutory amendment or re-enactment thereof.

2.9. To serve requisitions for information in connection with the exercise of the Council's statutory powers in their areas of responsibility, including requisitions under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 or any statutory amendment or re-enactment thereof, but only to the extent that these are Executive functions under the Constitution.

2.10. To authorise (after consultation with the Corporate Director of Governance and Regulatory Services) the institution or defence of legal proceedings in connection with any Executive function within the Chief Officer’s area of responsibility.

2.11. To authorise (after consultation with the Corporate Director of Governance and Regulatory Services) the institution of legal proceedings for the recovery of any monies due to the Council and for the possession of any property to which the Council may be entitled and in respect of any property, rights or other interests of the Council within the Chief Officer’s area of responsibility.

2.12. To authorise the service of any notice, order or other document or proceedings in connection with any Executive function falling within the Chief Officer’s area of responsibility.

2.13. To authorise the carrying out of work in default or non-compliance with any statutory provision, bye-laws, notice, permission, order, authorisation, or consent, which is of a kind falling within the Chief Officer's area of responsibility and to exercise the Council's statutory power to recover expenses incurred.

2.14. To attend or be represented at meetings of their professional bodies and at officer meetings held for the discussion and furtherance of matters which relate to any Executive function or activities.

2.15. To the Corporate Director of Governance and Regulatory Services, the Corporate Director of Finance and Resources and the Deputy Chief Executive or their respective nominees (acting collectively) to hear and determine any further representations and complaints made by any person following the initial response given by the Council to that person after the issue of a parking contravention notice (other than representations which must be determined by an independent adjudicator) and to waive the notice if in their view it would be appropriate to do so in accordance with any guidelines adopted by the Council.

## 3. POWERS DELEGATED TO THE TOWN CLERK & CHIEF EXECUTIVE

### 3.1. EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 3.7 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to

a) all Personnel and Human Resource Management matter for which the Council is responsible, including training for elected Members;

b) oversight of the contractual arrangements for the management and provision of the Council's computing and information technology support through the Shared Services Agreement with Allerdale Borough Council.

c) The collection of revenues and the administration of benefits.

d) Customer Services, Reception and Communications

e) The management and use of all resources and personnel utilised in all of the relevant areas mentioned in paragraphs (a) to (d) above.

f) To take any action on behalf of the Council as may lawfully be taken in any case of emergency, including decisions relating to emergency expenditure under the Council's Contracts or Financial Procedure Rules.

g) To be authorised to exercise any power or function delegated to any Chief Officer or other Officer under this Scheme in the event of such Chief Officer/Officer being absent or unable to carry out his/her duties or responsibilities or for any reason where the Town Clerk and Chief Executive believes it is in the Council's interests to do so, subject always to any statutory or other limitation which would prevent the Town Clerk and Chief Executive from exercising such power or functions.

h) In respect of the powers available to the Police under Part 4 of the Anti-Social Behaviour Act 2003 (or any statutory amendment or re-enactment thereof) to authorise the use of dispersal powers, the Town Clerk and Chief Executive or his appointed Deputy, acting on behalf of the Council, are authorised to:

    (i) consent or object in any particular case to the proposed use of such authorisation powers under the Act; and,

(ii) respond to consultation regarding the proposed withdrawal of an authorisation, subject (where practicable) to prior consultation with the Group Leaders and the Chairman of the Health and Wellbeing Scrutiny Panel.

i) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

Without prejudice to the generality of paragraph 3.1 above, this delegation shall include the following matters:

3.2 INFORMATION TECHNOLOGY AND PROCUREMENT MATTERS

a) Oversight and monitoring of the contractual arrangements for the management and provision of the Council's Computing and Information Technology support services through the Shared Services Agreement between the Council and Allerdale Borough Council.

b) E-government functions of the Council.

c) Telephony services including all relevant equipment.

d) Mail processing.

e) Reprographics.

f) The management and storage and distribution of information within the Authority.

g) To be responsible for the Council's central IT procurement functions.

3.3 PERSONNEL AND HUMAN RESOURCE MATTERS

a) To take all operational decisions in respect of all personnel, assets and resources utilised in the Personnel Services and Payroll sections of the Directorate.

b) To declare posts to be redundant and to serve or secure the service of any notices and take any other steps which might be necessary to implement such redundancies.

c) To be responsible for all matters relating to the training of Elected Members.

d) To approve the attendance of Members at courses and conferences whether inside or outside the United Kingdom, provided that budgetary provision is available.

e) To be responsible for all matters related to Organisational Development.

3.4. REVENUES AND BENEFITS MATTERS

a) To administer the law relating to the administration, collection and recovery of the Council Tax and National Non-Domestic Rate (NNDR), including the award of any benefits or discounts.

b) To discharge all payments on behalf of the City Council subject to compliance with the relevant Financial and Contracts Procedure Rules.

c) To initiate and (where appropriate) conduct proceedings in the appropriate Courts for the recovery of National Non-Domestic Rates, Community Charge, Council Tax and any indebtedness to the Council and also to take any necessary action under the Housing Benefit Counter Fraud Regulations.

d) (i) To make awards under the Discretionary Housing Payments Scheme where:

(a) There is a shortfall between the amount of Housing Benefit awarded and eligible rent; and

(b) The claimant or a member of their family will suffer exceptional hardship if a discretionary payment is not made

(ii) To vary award amounts and periods if the Government-determined cash limit is in danger of being exceeded.

e) To approve, but not refuse, applications for Discretionary Rate Relief in accordance with the Council's adopted Discretionary Rate Relief Policy subject to any applying organisation's compliance with the criteria set out in the Local Government Finance Act 1988 (Sections 47 and 48). Further, to approve, but not refuse, applications for discretionary relief under the discretionary relief powers contained in Section 44A of the Local Government Finance Act 1988; and to approve all valid applications for mandatory rate relief in accordance with relevant legislation and regulations.

3.5. CUSTOMER SERVICES AND RECEPTION FACILITIES

a) The management, operation and supervision of the Council's customer services and central reception facilities.

3.6. COMMUNICATIONS

a) The management, operation and supervision of the Council's communications operation

b) The approval or refusal of any application by a person, firm or organisation to advertise by any medium hosted or produced by the Council.

3.7. LIMITATIONS ON DELEGATION

a) The above delegation shall be subject to all the conditions and limitations set out in paragraph 1 of this Schedule.

## 4. POWERS DELEGATED TO THE DEPUTY CHIEF EXECUTIVE

4.1. EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 4.10 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to the following areas, including the management and use of all resources and personnel utilised in those areas:

a) Recycling, waste collection and management and street cleansing.

b) Highways, Streetscene, car parking and sewerage and drainage matters whether in respect of functions vested in the Council or under any agency agreement which are Executive functions, other than those which are designated as Council functions under the Constitution and reserved to the Development Control Committee.

c) The management and maintenance of Green Spaces and CCTV facilities owned and operated by the Council.

d) The management and use of resources and personnel held and employed by the Council for sports, leisure, recreation, artistic or cultural purposes and the supervision of services in these areas operated by external agencies on behalf of the Council (including the Tullie House Museum & Art Gallery and any Leisure Contract entered into by the Council).

e) Community development and support, community safety and community agencies.

f) The Carlisle Partnership, the Crime and Disorder Partnership and support to neighbourhoods and rural areas, including any community consultation undertaken by the Council.

g) City Centre Management

h) Tourism

i) To deal with all of the Council's powers and duties, pursuant to Chapter 3 of the Localism Act 2011 and relevant regulations, concerning Assets of Community Value, in accordance with the scheme of delegation (as amended from time to time) approved by report reference PC15/14.

j) The management and use of all resources and personnel in all of the relevant areas mentioned in paragraphs 4.1 (a) to 4.1 (i) above.

k) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

Without prejudice to the generality of paragraph 4.1 above, this delegation shall include responsibility for:

4.2 CULTURE AND LEISURE SERVICE

a) All parks, amenity areas and children's play areas.

b) All sport and recreation development activities.

c) Museums, Art Galleries and arts development functions including the Old Fire Station and Tullie House. For the avoidance of doubt, this includes responsibility for the management, supervision and monitoring of any contractual/trust arrangements that the Council has with another party.

d) Management of the contract and supervision of services operated under contract at the Sands Centre, Pools, Stonyholme Golf Course, Swifts Golf Course, Sheepmount, and Bitts Park Recreation area.

e) The preparation of plans, strategies, policies and budgets in the above areas for consideration by the Executive and approval by the Council.

f) In consultation with the relevant Portfolio Holder, to fix and vary charges at Talkin Tarn within the Business Plan, with the exception of car parking charges which will be reviewed annually as part of the corporate process.

4.3. COMMUNITY DEVELOPMENT SUPPORT AND COMMUNITY SAFETY

a) To take all operational decisions in connection with the Council's community development and support and community safety initiatives and programmes, including matters relating to children, young people and anti-poverty initiatives, crime and disorder and including decisions in respect of all personnel, assets and resources used for such purposes.

b) To be responsible for overseeing the Council's relationship with and the disbursement of grants to Community Centres, Rural Areas, Parish Councils and Village Halls.

c) To be responsible for authorising the payment of grants under the Council's Small Scale Community Projects scheme.

4.4. COMMUNITY AGENCIES

a) To be responsible for administering grants to and overseeing the Council's relationships with the Citizens Advice Bureau and the Law Centre and other community groups and associations.

4.5. RECYCLING, WASTE MANAGEMENT and NEIGHBOURHOODS

a) The collection, recycling and disposal of household, trade and other refuse and waste including the cleansing of streets and open spaces

b) The removal of abandoned vehicles, fly-tipping and other refuse.

c) Litter control and enforcement.

d) To deal with all the Council's powers and duties, including the authorising of officers, under the following legislation or any statutory amendment or re-enactment thereof (including the execution of works in default of compliance with statutory notices):

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|---|---|
| i. | Clean Neighbourhoods and Environment Act 2005 – Part 2 (Vehicles); Part 3 (Litter and Refuse) and Part 4 (Graffiti and other Defacement) |
| ii. | Environmental Protection Act 1990 – Section 33, 33ZA (Depositing of Waste on Land), 46 to 46D (Receptacles); Part IV (Litter etc.) and Part 5 (Waste) |
| iii. | The Fouling of Land by Dogs (Carlisle District) Order 2006 |
| iv. | Dogs on Leads (Carlisle District) Order 2006 |
| v. | Dogs on Leads by Direction (Carlisle District) Order 2006 |
| vi. | Dog Control Orders (Prescribed Offences and Penalties etc.) Regulations 2006 |
| vii. | Anti-Social Behaviour, Crime & Policing Act 2014 – Part 4 (Community Protection) and Sections 63, 68 (Public Space Protection Orders) |
| viii. | Microchipping of Dogs (England) Regulations 2015 |
| ix. | Anti-Social Behaviour Act 2003 – Part 6 (The Environment) |

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| x. | Environment Act 1995 – Section 108 in respect of Part 2 of the Environmental Protection Act 1990 |
| xi. | Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 |

4.6. HIGHWAYS, DRAINAGE AND RELATED MATTERS

a) All matters relating to highway maintenance, footpaths and bridleways and parking whether in respect of functions vested in the Council or exercisable by the Council under any agency agreement.

b) All sewerage and land drainage functions including the adoption of sewers and the design, construction and maintenance of such sewers and ancillary works as may be the responsibility of the Council.

c) Traffic management including, in consultation with the Corporate Director of Governance and Regulatory Services, the making of statutory orders in respect of traffic regulation, road closures, footpath diversions and similar matters and responding to consultations on such orders made by other bodies in so far as the Council is empowered to exercise such functions.

d) Following consultation with the Corporate Director of Governance and Regulatory Services, the taking of any action, including the serving of any Notice or making of any Order under the enactments relating to public transport, highways, road traffic, car parks and related highway matters in so far as the Council is empowered to exercise such functions.

e) The provision, management and operation of car parks (including the making of statutory orders) and the management and operation of all matters relating to decriminalised parking and its enforcement, including making determinations on representations received from any person following the issue of a penalty charge notice. For the avoidance of doubt, such determinations may also be made by the Car Park Manager.

f) Approve variations to the charges for car parking permits and car parking ticket charges set out in Report SD27.16, relevant appendices and addendum, to a maximum 20% variation either upwards or downwards. The decision to so vary is delegated to the Deputy Chief Executive, following consultation with the Portfolio Holder for Environment

and Transport and the Corporate Director of Finance and Resources, with such a decision being recorded in an Officer Decision Notice. The power to vary is to be used where it is considered appropriate to either maintain revenue from and/or maintain demand for a car park. The ability to vary charges may be applied from time to time to one or more car park(s).

g) The maintenance and lighting of footways and highways.

h) Matters relating to gas, electricity, water, telephone, and any other statutory undertakers or utilities with which the Council is empowered to deal.

i) The management and use of all pedestrianised areas including determining applications for permits for vehicular access to such areas.

4.7. GREEN SPACES

a) In consultation with the Portfolio Holder for Environment and Transport to determine and amend the charges set by the Council for the use of its parks and green spaces.

b) To authorise the grant by the Council of periodic tenancies for up to one year of individual allotments and other matters relating to their use and occupation. Such authorisation is to include signing on behalf of the Council, agreements for the grant, surrender or variation of such tenancies.

4.8. INTEGRATED COMMERCIAL AND TECHNICAL SERVICES FUNCTIONS

a) Provision of integrated commercial and technical services

b) Direct services, including:

c) Waste services (street cleaning and refuse collections)

d) Grounds and parks maintenance

e) Highways and lighting maintenance

f) Parking and wardens

g) CCTV

h) Park wardens

i) Playground maintenance

j) Transportation and highway related issues

k) Car parking

l) To exercise the Council's functions and powers relating to penalty notices for graffiti and fly posting and the removal of graffiti set out in Sections 43 to 52 of the Anti-Social Behaviour Act 2003 or any statutory amendment or re-enactment thereof

m) To exercise the Council's functions and powers relating to the issuing of orders, warnings and notices under the Anti- Social Behaviour, Crime and Policing Act 2014 or any statutory amendment or re-enactment thereof

4.9. CEMETERIES AND CREMATORIA

a) All matters relating to the management and operation of cemeteries and crematoria.

4.10. LIMITATIONS ON DELEGATION

The above delegation shall be subject to the following limitations:

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

b) The referral to the Executive for confirmation of any order, notice or other similar instrument where the relevant Portfolio Holder so requests or where any objection is received from any person or body to the proposed order, notice or instrument.

## 5 POWERS DELEGATED TO THE CORPORATE DIRECTOR OF ECONOMIC DEVELOPMENT

5.1 EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 5.5 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to

a) those powers and duties of the Council as local planning authority and in respect of building control matters which are Executive functions (other than those which are designated as Council functions under the Constitution and reserved to the Development Control Committee);

b) strategic oversight and direction of the Council's economic development Property Portfolio (as opposed to operational management);

c) economic development matters including, business support, rural policy, City Centre Management;

e) all matters in relation to the Council's Housing Strategy;

f) the management and use of all resources and personnel in all of the relevant areas mentioned in paragraphs 5.1 (a) to 5.1 (e) above.

g) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

Without prejudice to the generality of paragraph 5.1, this delegation shall include responsibility for:

### 5.2 DEVELOPMENT AND BUILDING CONTROL MATTERS

a) To deal with all Building Regulation applications and related matters (including the service of notices and authorising the institution of legal proceedings in consultation with the Corporate Director of Governance and Regulatory Services)

and to adjust the staffing levels of the Building Control Section to cater for significant increases or decreases in the workload and fee income of the Section.

b) To approve within budget provision conservation grant applications and amendments.

c) To approve within budget provision Local Government (Historic Buildings) Act 1962 grant applications and amendments.

d) To approve within budget provision work on agreed enhancement schemes.

e) To be the Council's representative and to take decisions on behalf of the Council under the Safety of Sports Grounds Act 1975, other than in respect of those matters which are reserved to the Regulatory Panel under the Constitution.

f) To approve or reject applications for Access Grants.

g) To vary the Council's agreed scheme of charges in respect of Building Control fees by plus or minus 10% should this be necessary to maintain cost recovery and income levels.

h) To negotiate individual charges for Building Control fees commensurate with the principles of cost recovery in cases where work might otherwise be lost to an Approved Inspector.

i) Administering the Environment Grants Budget scheme for countryside enhancement, subject to the award of grants being reserved to the portfolio holder or the Executive as provided for in this scheme.

j) The preparation of Local Plans and amendments thereto and supplementary planning guidance for submission to the Executive and approval by the Council.

k) The preparation of plans, strategies, policies and budgets in all the areas referred to above for consideration by the Executive and approval by the Council.

l) The enclosure of dangerous places; the regulation of demolition work; matters in respect of dangerous and/or dilapidated buildings and other structures; neglected sites and injurious weeds and fire prevention and safety precautions matters.

m) To exercise the Council's functions and powers relating to high hedges set out in Part 8 of the Anti-Social Behaviour Act 2003 or any statutory amendment or re-enactment thereof.

n) To exercise the Council's functions and powers relating to penalty notices for graffiti and fly posting and the removal of graffiti set out in Sections 43 to 52 of the Anti-Social Behaviour Act 2003 or any statutory amendment or re-enactment thereof.

o) To exercise the Council's functions and powers relating to the issuing of orders, warnings and notices under the Anti- Social Behaviour, Crime and Policing Act 2014 or any statutory amendment or re-enactment thereof

p) To exercise the Council's powers in connection with the naming and numbering of streets.

q) To exercise the Council's powers in connection with community protection notices pursuant to the Anti-social Behaviour Act, sections 43 to 58.

r) **All the powers and duties set out in paragraphs 5.2 (a) to 5.2 (p) inclusive above relating to Development and Building Control matters may also be exercised by the Development Manager.**

5.3. ECONOMIC DEVELOPMENT MATTERS

a) To take all operational decisions in respect of all personnel, assets and resources used for economic development purposes.

b) To authorise expenditure and take any other action in connection with the Council's economic development policies and functions including seeking external funding for initiatives wherever appropriate.

5.4. FUNCTIONS AS STRATEGIC HOUSING AUTHORITY

The preparation of plans, strategies, policies and budgets in respect of the Council's strategic housing functions for consideration by the Executive and approval by the Council and monitoring the subsequent implementation of those policies.

5.5. LIMITATIONS ON DELEGATION

The above delegation shall be subject to the following limitations:

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

## 6. POWERS DELEGATED TO THE CORPORATE DIRECTOR OF GOVERNANCE AND REGULATORY SERVICES

6.1. EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 6.8 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to the following areas, including the management and use of all resources and personnel utilised in those areas.

a) The provision of legal, committee, overview and scrutiny and associated democratic services in support of the corporate governance of the Council, including support for the Council's obligations regarding standards and Code of Conduct functions.

b) Civic and Mayoral functions.

c) Electoral registration functions and the proper conduct and arrangement of all elections for which the authority is responsible.

d) The maintenance and operation of the local land charges register and local searches functions.

e) Functions in respect of all licensing matters, but only to the extent that they are functions of the Executive and not the Council under the Constitution and reserved to the Licensing Committee and the Regulatory Panel.

f) All matters relating to town twinning.

g) Matters relating to the provision of support services to Members.

h) Health and safety functions in relation to the Council's own employees.

i) Administration of Freedom of Information and Data Protection related matters.

j) Public and Private Sector Housing standards, hostels and homelessness responsibilities

k) Environmental health

j) Responsibility for the proper management of all the general Property and Facilities used by the Council in connection with the carrying out of its functions;

k) To take all operational decisions in connection with the management and operation of the Benefits Advice Service, including decisions in respect of all personnel and resources used in connection with the Service.

l) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

Without prejudice to the generality of paragraph 6.1 above, this delegation shall include responsibility:

6.2. GENERAL MATTERS

a) To take any action which may be required in connection with or for the protection of the Council's position as Market Authority, including decisions relating to the Council's Market Charter Rights and its powers as Market Authority under the Food Act 1984 or any similar legislation.

b) To institute or defend proceedings for any offence or for any civil remedy within the powers and duties of the Council.

c) Pursuant to section 223 of the Local Government Act 1972 to authorise any Member of Officer of the Council to prosecute or defend on behalf of the Council in proceedings before a Magistrates' Court and be entitled to prosecute or defend or to appear in any such proceedings and conduct any such proceedings.

d) To utilise on behalf of the Council the powers contained in Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Lost and Uncollected Property).

e) To deal with lettings of Civic Centre accommodation to outside bodies and organisations within criteria for charging determined by the Executive from time to time and to approve applications for the use of the Civic Centre foyer.

f) To be responsible for all functions in respect of Local Land Charges and Searches and Enquiries and to implement any statutory increases in fees relating to Local Searches and Enquiries and to vary any supplement payable to the Cumbria County Council as and when the County increases its fees.

g) To be responsible for all matters relating to Town Twinning and Civic and Mayoral activities.

h) To issue and sign any certificate which may be required to be issued by the Council under the Local Government (Contracts) Act 1997 and any regulations made thereunder.

i) To fulfil all the duties of the Council under Section 2 of the Local Government and Housing Act 1989 relating to the preparation, maintenance, deposit and modification of the list of politically restricted posts in the Council.

j) To issue undertakings to Building Societies to restrict the amount of repayment of improvement grants.

k) To take all necessary action (in conjunction with the Corporate Director of Finance and Resources and any other relevant Directors) to fulfil the Council's responsibilities under the "Right to Buy" legislation in relation to the Housing Stock formerly owned by the Council and in relation to the Transfer Contract between the Council and Carlisle Housing Association (now Riverside).

l) Responsibility for the proper management of all land and property owned by the Council.

m) To initiate, defend or participate in any legal proceedings in respect of any matter relating to the functions of the Executive (including the service of any notice or order or the exercise of any power of entry) in any case where such action is necessary to give effect to decisions of the Executive, any Portfolio Holder or any person exercising delegated powers under this Scheme or in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect the Council's interests.

n) To initiate, defend or participate in any legal proceedings in respect of any matter relating to the functions of the Executive/Council pursuant to the Anti-social Behaviour, Crime and Policing Act 2014.

o) To cooperate with the Chief Officer of Police in any review of a criminal behaviour order pursuant to the Anti-social Behaviour, Crime and Policing Act 2014.

p) To exercise any powers and duties which the Executive may have in relation to matters relating to electoral registration or elections, except always those matters reserved to the Council under the Constitution.

q) In accordance with Chapter 3 of the Localism Act 2011 and relevant regulations, power to review, consider and determine decisions to list land or property as Assets of Community Value.

r) The provision of environmental and public health services to and the protection of the health, safety and environment of the residents of the City of Carlisle which are Executive functions, other than those which are designated as Council functions under the Constitution and reserved to the Licensing Committee or the Regulatory Panel.

6.3. DELEGATION OF POWERS RELATING TO THE SCRAP METAL DEALERS ACT 2013

a) Powers and responsibilities pursuant to the Scrap Metal Dealers Act 2013 are delegated to the Portfolio Holder of Finance, Governance & Resources, the Corporate Director of Governance and Regulatory Services and the Licensing Manager as follows:

i. power to determine (including the imposition of conditions) all types of applications regarding Site Licences and Collectors' Licences (where no objection is made) to each of the Licensing Manager and the Corporate Director of Governance and Regulatory Services;

ii. power to determine (including the imposition of conditions) all types of applications regarding Site Licences and Collector's Licences (where an objection is made) to the Portfolio Holder for Finance, Governance and Resources and the Corporate Director of Governance and Regulatory Services acting together.

iii. power to otherwise refuse or revoke Site Licences and Collectors' Licences to the Portfolio Holder for Finance, Governance and Resources and the Corporate Director of Governance and Regulatory Services acting together;

iv. power to institute, defend or participate in any action or legal proceedings in respect of any matter relating to the 2013 Act (including but not limited to the service of any notice or order, the exercise of any power of entry or inspection; the commencement of a prosecution for any offence under the 2013 Act or the defence of any appeal against a decision of the Council made under the 2013 Act) in any case where the Corporate Director of Governance and Regulatory Services considers that such action is necessary to protect or progress the Council's interests, to the Corporate Director of Governance and Regulatory Services.

6.4. LAND AND PROPERTY MANAGEMENT MATTERS

a) To act as the Council's Corporate Property Officer and commissioner of all property and related facilities management services.

b) Continuously to review all the Council's holdings of land, buildings and property to ensure their efficient and effective use and to report thereon to the Executive from time to time.

c) To be responsible, in conjunction with any managing agents appointed by the Council, and in accordance with any Council policies, for all land and property asset management matters in respect of all land, buildings and property held by the Council. Without prejudice to the generality of the foregoing, this will include responsibility for all land and property management matters in respect of the Lanes, the Market, the Council's Enterprise Centres (including power to allow organisations not operating for profit to occupy space at the Centres free of charge), the Council's small workshops and all the Council's industrial estates, subject in the case of the Market to the management arrangements made pursuant to the headlease granted by the Council on 5 July 1991.

d) Without prejudice to the generality of the management powers in paragraph 6.4 (a) above:

i. To authorise the grant of all leases, assignments, sub-lettings, change of use and other matters relating to the use and occupation of the land, buildings and property referred to in paragraph 6.4 (a) above.

ii. In respect of the land, buildings and property mentioned in paragraph 6.4 (a) above, to authorise any action to be taken for the recovery of any rent or other monies due to the Council, or for the recovery of possession of any of the said premises, or for the enforcement of any covenant or obligation or other matter against any tenant or other person, or for the protection of the Council's interest in the said premises.

e) To grant permission for the waiver of restrictive covenants and the grant of easements and rights of way on behalf of the Council.

f) To ensure all land and property is disposed of in accordance with Section 123 of the Local Government Act 1972 or any amendment or re-enactment thereof.

g) To be responsible for the management of the Council's land and property assets and the delivery of the Council's Asset Management Plan.

**All the powers and duties set out in paragraphs 6.4(a) to 6.4(g) inclusive above relating to Land and Property Management matters may also be exercised by the Building & Estates Services Manager or the Strategic Asset Investment Services Manager.**

6.5. BUILDINGS and FACILITIES MANAGEMENT

To take all operational decisions in respect of the management and maintenance of all the authority's buildings and facilities, including integrated commercial and technical services functions relating to building cleaning, building maintenance and projects and professional consultancy purchasing and transport services.

**All the powers and duties set out in paragraph 6.5 above relating to Buildings and Facilities Management matters may also be exercised by the Building & Estates Services Manager or the Strategic Asset Investment Services Manager.**

6.6. PUBLIC HEALTH & SAFETY MATTERS

Without prejudice to the generality of paragraph 6.1 above, this delegation shall include responsibility for:

All functions where the Council has a statutory responsibility or duty or power under public health, environmental or related legislation of whatever nature which are Executive functions,

other than those functions reserved to the Council or some other body under the Constitution. Without prejudice to the generality of the foregoing delegation, this includes:-

a) The provision and maintenance of public conveniences.
b) Pest Control.
c) Ensuring the safety and wholesomeness of food and drink intended for human consumption, including the inspection of meat and other food; the inspection, and control of premises and/or stalls used for the storage and sale of food; and the control of food safety and hygiene for which the Council has responsibility.
d) The promotion and development of recycling facilities including where appropriate joint schemes with the voluntary organisations or private sector.
e) The cleansing of verminous persons and premises including powers and regulations made under the Public Health (Control of Disease) Act 1984.
f) The cleaning of highways and footways.
g) The prevention and control of the spread of infectious disease.
h) To take all action within the Council's authority to ensure animal welfare.
i) Securing the cleaning, repair and maintenance of drains and private sewers and cesspools, and the inspection and control of drainage systems to premises.
j) The maintenance of a pure water supply.
k) The control of the use of rag, flock and other filling materials.
l) Contaminated land.
m) Control of pollution and management of air quality.
n) Control of caravan sites in accordance with the Caravan Sites and Control of Development Act 1960, the Caravan Sites Act 1968, and the Mobile Homes Act 1983.
o) Statutory nuisance.
p) To deal with all the Council's powers and duties under the following legislation or any statutory amendment or re-enactment thereof (including the execution of works in default of compliance with statutory notices):

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| i. | Section 17, 34 and 74 of the Public Health Act 1961; |

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| ii. | Sections 45, 50, 83, 84 and 85 of the Public Health Act 1936; |
| iii. | Public Health (Control of Disease) Act 1984 |
| iv. | Section 15 of the Clean Air Act 1993 - chimney height approvals in consultation with the Chief Building Control Officer; |
| v. | Section 4 of the Prevention of Damage by Pests Act 1949; |
| vi. | The Food Safety Act 1990; |
| vii. | Control of Pollution Act 1974 - Sections 60, 61, 66, 69 and 93 and the Control of Pollution (Amendment) Act 1989 (as amended); |
| viii. | Local Government (Miscellaneous Provisions) Acts 1976 and 1982; |
| ix. | Refuse Disposal (Amenity) Act 1978 - Sections 3 and 6; |
| x. | Building Act 1984 - Sections 59, 64, 72, 76 and 84; |
| xi. | Section 77 of the Criminal Justice and Public Order Act 1994; |
| xii. | The Environmental Protection Act 1990 (as amended) including:<br>a) Sections 13 and 14 - Service of Enforcement and Prohibition Notices.<br>b) Section 59 and 59A - Service of Notice to remove Controlled Waste.<br>c) Section 149 - Officer responsible for dealing with stray dogs. |
| xiii. | Clean Neighbourhoods and Environment Act 2005 |
| xiv. | Pollution Prevention and Control Act 1999 |
| xv. | Refuse Disposal Amenity Act 1978 |
| xvi. | Dangerous Dogs Act 1991. |
| xvii. | Animal Boarding Establishments Act 1963 |
| xviii. | Breeding of Dogs Act 1973 |
| xix. | Pet Animals Act 1951 |

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| xx. | Dangerous Wild Animals Act 1976 |
| xxi. | Zoo Licensing Act 1981 |
| xxii. | Water Industry Act 1991. |
| xxiii. | Cumbria Act 1982 |
| xxiv. | Sunday Trading Act 1994. |
| xxv. | The Noise Act 1996 (as amended by Section 42 of the Anti-Social Behaviour Act 2003). |
| xxvi. | Sections 43 to 52 of the Anti-Social Behaviour Act 2003. |
| xxvii. | Caravan Sites and Development Act 1960 |
| xviii. | Caravan Sites Act 1968 |
| xxix. | Mobile Homes Act 2013 |
| xxx. | To authorise persons to enter premises under any enactment or power for which the Corporate Director of Governance and Regulatory Services is responsible. |
| xxxi. | Following consultation with the Deputy Chief Executive, to institute proceedings under any of enactment or power for which the said Deputy Chief Executive is responsible. |
| xxxii. | European Union Regulations 178/2002; 852/2004; 853/2004; 854/2004 and 882/2004 |
| xxiii. | The Food Hygiene (England) Regulations 2013 |
| xxiv. | The Official Feed and Food Controls (England) Regulations 2006, and declarations made thereunder. |
| xxxv. | Any Orders or Regulations made under or relating to the Food Safety Act 1990, as amended or having effect by virtue of the European Communities Act 1972. |
| xxvi. | Sunbeds (Regulation) Act 2010 |

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| xxvii. | The Health Protection (Local Authority Powers) Regulations 2010 |
| xviii. | The Anti-social Behaviour, Crime and Policing Act 2014 including:<br>a) Community Protection Notices, sections 43 to 58 (for the avoidance of doubt this includes the power to authorise employees of the Council and to designate a person pursuant to section 53(1)(c) of the Act. (This includes the power to institute legal proceedings, in consultation with the Corporate Director of Governance and Regulatory Services, for non-compliance with such Notices).<br>b) Closure Notices, sections 76 to 93. |

**<u>Note</u> All the powers and duties set out in this section 6.6 relating to Public Health and Safety matters may also be exercised by the Regulatory Services Manager**

6.7. PUBLIC AND PRIVATE SECTOR HOUSING STANDARDS

a) To administer the Council's statutory functions in relation to the enforcement of all public health, housing and other legislation relating to securing proper standards and conditions in private and public sector housing.

b) To serve any statutory and other notices; make any Order; instigate any prosecutions and take whatever other steps are necessary in connection with the functions mentioned in 6.7(a).

c)

(i) To approve and make payment of individual Private Sector Renovation Grants, Disabled Facilities Grants and Home Repair Grants.

(ii) To exercise (in consultation with the relevant Portfolio Holder) the powers available to the Council under the Housing Grants, Construction and Regeneration Act 1996, the Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 and any other relevant powers available to the authority to reclaim any money paid in respect of Disabled Facilities Grant. <u>NOTE</u> the powers in this paragraph may also be exercised by the Housing Manager.

d) To approve reinstatement grants in respect of work to Airey type houses.

e) To grant requests for extension of the time limits for improvement grants.

f) Taking all steps to ensure the fulfilment of the Council's statutory duties as housing authority.

g) Authorising expenditure on the use and allocation of all financial resources relating to housing functions within approved budget provision.

h) Administering the Council's Scheme of Allocation.

i) In respect of hostel and associated accommodation:

(i) Collecting rents, service charges and other monies due to the Council

(ii) Enforcing tenancy conditions and preventing illegal occupation

(iii) Authorising the service of any statutory, legal or other notice and any other statutory or legal action in connection with the same

(iv) Authorising proceedings for possession and for the eviction of any persons.

j) Making all necessary determinations and taking any other action which is required to be taken by the Council in order to fulfil its duties and responsibilities relating to homelessness under Part VII of the Housing Act 1996 and any other relevant legislation.

k) Authorising any action to be taken to enforce legislation relating to the protection of tenants from unlawful eviction or harassment by private landlords.

l) In respect of hostel and associated accommodation, accepting rent guarantees from Social Services and direct payment of rent from the Department of Work and Pensions.

m) Increasing rents at hostels automatically when Department of Work and Pensions allowances are increased.

n) Dealing with matters relating to the management and letting of the Council's hostel and associated accommodation including granting tenancies and licences for its use.

o) Exercising any nomination rights which the Council may have in connection with Housing Association or similar properties.

p) Monitoring the delivery of the promises given to ex-Council tenants by Carlisle Housing Association (now Riverside Carlisle Ltd) under the terms of the Transfer Agreement with the City Council.

q) Dealing with all matters relating to the Council's relationship with tenants groups and other outside organisations.

r) The control of caravan sites including powers under the Caravan Sites Act 1968, the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983.

s) The cleansing of verminous persons and premises including powers under the Public Health (Control of Disease) Act 1984.

t) The prevention and control of the spread of infectious disease.

u) Statutory Nuisance.

v) To deal with the Council's powers and duties under the following legislation or any statutory amendment or re-enactment thereof (including the execution of works in default in compliance with statutory notices):

**1.** Sections 17, 34 and 74 of the Public Health Act 1961.

**2.** Sections 45, 50, 83, 84 and 85 of the Public Health Act 1936.

**3.** Section 4 of the Prevention of Damage by Pests Act 1949.

**4.** Local Government (Miscellaneous Provisions Acts 1976 and 1982.

**5.** Sections 59, 64, 72, 76 and 84 of the Building Act 1984.

**6.** Section 77 of the Criminal Justice and Public Order Act 1994.

**7.** The Environmental Protection Act 1990 (as amended) including:

- **a.** Sections 13 and 14 – service of Enforcement and Prohibition Notices.
- **b.** Sections 59 and 59a – service of Notice to remove controlled waste.

**8.** Sections 43 to 52 of the Anti Social Behaviour Act 2003.

**9.** The Housing Acts 1985 and 2004 and the Local Government and Housing Act 1989.

**10.** Clean Neighbourhoods and Environment Act 2005.

**11.** Control of Pollution Act 1974

**12.** Environment Act 1995.

**13.** Health & Safety at Work Act 1974.

**14.** Noise and Statutory Nuisances Act 1993.

**15.** Police and Criminal Evidence Act 1984

**16.** Anti-social Behaviour, Crime and Policing Act 2014 including:

- **a.** Community Protection Notices, sections 43 to 58;

**17.** The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.)(England) Order 2014

**18.** To authorise persons to enter premises under any enactment or power for which the Corporate Director of Governance and Regulatory Services is responsible.

6.8. LIMITATIONS ON DELEGATION

The above delegation shall be subject to the following limitations:

a) All the conditions and limitations set out in paragraph 6.1 of this Schedule.

b) The referral to the Executive of any matter relating to the freehold sale of land or the grant of a lease for a term exceeding 125 years.

## 7. POWERS DELEGATED TO THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

7.1 EXTENT OF DELEGATION

Subject to the limitations set out in paragraph 7.3 below, to exercise all the powers and duties and discharge all Executive functions under any relevant legislation or otherwise in relation to the proper management, regulation and control of all the Council's financial affairs, including the management and use of all resources and personnel utilised in the relevant areas.

Without prejudice to the generality of paragraph 7.1 above, this delegation shall include the following matters:

7.2 GENERAL FINANCIAL MATTERS

a) The proper management, regulation and control of the Council's financial affairs, including ensuring that appropriate risk management procedures are in place.

b) To approve, maintain and develop financial information systems and frameworks, review and propose amendments to the Council's Financial Procedure Rules for submission to the Executive for consideration and for approval by the Council.

c) To make safe and efficient arrangements to secure the payment of monies payable by the Council.

d) To regulate and control the internal audit of the affairs of the Council and its Officers and to send a copy of any audit report to the Town Clerk and Chief Executive in addition to the Executive the Audit Committee and the Business and Transformation Scrutiny Panel where considered necessary.

e) To continuously review the Council's various capital investment programmes with regard to the progress of their implementation; the revenue implications both of programmes and of individual projects within such programmes; and their accordance with the contribution to the Council's wider objectives and to advise the Executive upon the allocation of investment resources between the programmes and projects.

f) At his/her discretion, to write off bad debts without limit and to report any write-offs to the Executive and the Business and Transformation Scrutiny Panel on a quarterly basis.

g) To operate such powers as may be conferred on him/her or on the Executive by the Council's Financial and Contracts Procedure Rules.

h) To arrange the local Authority's borrowings and loan repayments (including the issue of any loan instruments) as and when required by the various methods statutorily available to the Council, having regard to the Prudential Code for Capital Finance in Local Authorities or to any other Codes of Practice agreed by the Local Authority Associations or Her Majesty's Treasury and in accordance with the Council's Annual Treasury Management Strategy Statement and subject to a report to the Executive in relation to such activities including relevant prudential indicators not less than four times in each financial year.

i) To determine, monitor and review the criteria against which any investment shall be made by the City Council having regard to the Council's Annual Investment Strategy and subject to a report to the Executive in relation to such activities not less than four times in each financial year.

j) To determine, monitor and review the criteria against which any investment fund shall be managed by Fund Managers appointed by the City Council for that purpose and to report thereon annually to the Executive.

k) To determine the Council's banking arrangements, including terms and signatory arrangements, from year to year with the Council's bankers appointed for that purpose, subject to the arrangements being subjected to appropriate tendering not less frequently than five years, or such other period as may be agreed by the Executive.

l) To make safe and efficient arrangements to secure the receipt and collection of all monies paid or due to the Council.

m) To sign any documents on behalf of the Council in respect Council Tax and National Non-Domestic Rates as the Billing Authority.

n) To estimate any surplus or deficit on the Collection Fund and to notify the County Council, Police Authority and DCLG of their relevant share of any surplus or deficit.

o) To set the Collection Fund precept/business rate retention scheme (BRRS) payment dates.

p) To deal with all aspects of insurance including acceptance of tenders relating thereto and the settlement of any claims not dealt with by Officers.

q) To determine the Council's insurance arrangements, including terms, from year to year, with the Council's Insurers appointed for that purpose, subject to the arrangements being subjected to appropriate tendering not less frequently than five years or such other term as may be agreed by the Executive.

r) To declare the Local Authority Mortgage Rate or Local Authority Interest Rate in accordance with the relevant statutory provisions in force from time to time.

s) To co-ordinate the preparation of estimates and budgets by departments and to report thereon to the Executive to enable the Executive to make appropriate budget recommendations to the Council.

t) To sign cheques and other instruments of payment on behalf of the City Council.

u) To negotiate and accept leasing terms in respect of any assets approved within the Council's Capital Programme and for which budget provision has been made.

v) To make decisions on whether to finance those items of vehicles and equipment due for renewal each year by use of capital reserves or, if considered appropriate, by way of an operational lease, all replacements being subject to the relevant Chief Officer being able to justify each vehicle or item of plant to be renewed.

w) To suspend the operation of Contract Procedure Rule number 10 insofar as it relates to the assignment of leases on any vehicles/plant financed by way of an operational or finance lease.

x) In accordance with Chapter 3 of the Localism Act 2011 and relevant regulations, following consultation with the Portfolio Holder for Finance, Governance and Resources, to consider and determine applications for compensation in relation to the listing of Assets of Community Value where the said compensation does not exceed £35,000. Compensation for amounts exceeding £35,000 to be determined by the Executive.

y) To implement (insofar as it may be an Executive function) national salary and wage awards and changes in subsistence and travelling allowances for officers subject to reporting to the Executive subsequently on the cost and any budget implications.

z) To implement changes in Members' subsistence and travelling allowances recommended as part of any national scheme and to report thereon to the Executive.

aa) Following consultation with the relevant Portfolio Holder, the authority to make applications for any grants or external funding relevant to the Chief Officer's areas of operation for the Council. Any such grants or funding received to be administered in accordance with the terms and conditions attached to the said grant/funding and the Council's Constitution as appropriate (including when the Council acts as the Accountable Body).

7.3. LIMITATIONS ON DELEGATION

The above delegation shall be subject to the following limitations:

a) All the conditions and limitations set out in paragraph 7.1 of this Schedule.

Councillor Colin Glover

Signed:……..

Leader of Carlisle City Council

Dated: 25 September 2018