

# **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.

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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)

Function	Decision making body	Membership	Delegation of functions
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	Appeals Panels (3)	3 members on each Panel.  At least one of the	

where no statutory process for 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.		Panels will include an Executive Member who 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.	
4. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998	The Council	39 members of the authority	-
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)	The Executive	The Leader and between 2 and 9 other members of the authority appointed by the Leader	The Corporate Director of Governance and Regulatory Services  See the Leader's Scheme of Delegation in Section 2(b) for details
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	Regulatory Panel	12 members of the authority	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

of the above			proceedings
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.	The Executive	The Leader and between 2 and 9 other members of the authority appointed by the Leader	The Corporate Director of Governance and Regulatory Services.  See the Leader's Scheme of Delegation in Section 2(b) for details
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	Regulatory Panel	12 members of the authority	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
9. The service of an abatement notice in respect of a statutory nuisance	Regulatory Panel	12 members of the authority	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)

10.The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	The Executive	The Leader and between 2 and 9 other members of the authority appointed by the Leader	
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	Regulatory Panel	12 members of the authority	<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>
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	The Executive	The Leader and between 2 and 9 other members of the authority appointed by the Leader	<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>

13.The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Development Control Committee and (in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders only) the Executive	12 members of the Development Control Committee and the Leader and between 2 and 9 other members of the authority appointed by the Leader in respect of the Executive	The relevant Director in respect of the service of such notices in their relevant areas of responsibility and in addition the Corporate Director of Governance and Regulatory Services in respect of both the service of any such notices and subsequent enforcement action for non-compliance
14.The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	The Executive (in respect of actions which are preliminary to the exercise of powers to make compulsory purchase orders only) and the Development Control Committee and the Regulatory Panel in connection with each of their respective functions	The Leader and between 2 and 9 other members of the authority appointed by the leader in respect of the executive, 12 members in respect of the Development Control Committee and 12 members in respect of the Regulatory Panel	The relevant Director in respect of service of such notices in their relevant areas of responsibility and in addition the Corporate Director of Governance and Regulatory Services in respect of both the service of any such notices and subsequent enforcement action for non-compliance
15.The making of agreements for the execution of highways works (to the extent that the authority has power to do so)	Development Control Committee	12 members of the authority	The Corporate Director of Governance and Regulatory Services on instruction from any relevant Chief Officer
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	The Executive in connection with functions which are the responsibility of the executive and the Council in all other cases	The Leader and between 2 and 9 other members of the authority appointed by the Leader in respect of the Executive and 39 members of the authority in respect of the Council	

17.The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	The Executive, except to the extent that the staff are being placed at the disposal of the other authority in relation to the discharge of functions which are not the responsibility of the executive, where the function will be the responsibility of the Council	The Leader and between 2 and 9 other members of the authority appointed by the Leader in respect of the executive and 39 members of the authority in respect of the Council	
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## 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.

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<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>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</p>
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		<p><b>Common Land and Town or Village Greens</b></p> <p>To the extent that such powers are vested in the Council, functions relating to the registration of common land and town or village greens; power to apply for an enforcement order against unlawful works on common land; power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference and power to initiate proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.</p>	
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</p>

			Regulatory Services and the Licensing Manager
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> </ul>	See Section 2B of this document for the Delegation of Standards Committee functions to the Corporate Director of Governance and Regulatory Services.

		<ul style="list-style-type: none"> <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> <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

Matters to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
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	