

Part 3 – Responsibility for Functions

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3 Responsibility for Functions

Part 1 - Framework

1. The County Council is required by the Local Government Act 2000 and regulations made under it, to indicate how it has arranged for its functions to be carried out. The County Council has delegated its functions by means of its Scheme of Delegation which follows these pages in this part of the Constitution.
2. Functions of the County Council are either Executive or non-Executive. Non-Executive functions are delegated to non-Executive committees. All other functions are Executive functions and are delegated either to the Cabinet, individual Cabinet Members, local committees, officers or joint arrangements with other local authorities and public bodies.

Executive Functions

3. Certain functions are delegated by the County Council to the Cabinet and these are set out in section 2 of the Scheme of Delegation. General and specific delegations to individual cabinet members are set out here along with certain functions delegated to local committees. The remaining functions are delegated to officers.
4. In respect of Executive functions the Leader of the Council will present to the Annual Meeting of the Council a written proposal of delegations to be made by him/her for inclusion in section 2 of the Scheme of Delegation. The Leader's proposal will include the following information about executive functions in relation to the coming year:
 - (i) the names, addresses, and electoral divisions of the people appointed to the Cabinet;
 - (ii) the extent of any authority to be delegated to cabinet members individually, including details of any limitation on their authority. No proposal for the delegation of any executive function to any Cabinet Member shall be made by the Leader until the Council has first approved arrangements for inclusion in the Constitution for the exercise of such executive functions including details of the decision-making and call-in processes.
 - (iii) the terms of reference and constitution of such executive committees as the Cabinet has appointed, and the names of cabinet members appointed to them;
 - (iv) the nature and extent of any delegation of executive functions to local committees, any other authority or any joint arrangements, and the names of any cabinet members appointed to any joint committee for the coming year; and

- (v) the nature and extent of any delegation to officers, with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.
- 5. Any amendments made by the Leader to section 2 of the Scheme of Delegation shall be reported to the full Council at its next scheduled meeting as shall any delegation to any executive committees of the Cabinet.
- 6. The Leader may make any amendments to section 2 of the Scheme of Delegation at any time during the year. To do so, the Leader must give written notice to the Chief Executive setting out the extent of any amendment. The Chief Executive will then include the Leader's proposals in section 2 of the Scheme of Delegation as appropriate and shall report the changes to the full Council at its next scheduled meeting and include them in this Constitution.

Non-Executive Functions

- 7. Non-Executive functions listed in Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended have been delegated to non-Executive committees or to officers in accordance with the Scheme of Delegation. The terms of reference of non-Executive committees are set out in section 3.
- 8. Those functions where the County Council has a choice as to whether they are treated as Executive or non-Executive functions in accordance with Schedule 2 of the 2000 Regulations have been delegated as follows: to non-Executive committees, to officers, or to the Executive in accordance with the Scheme of Delegation.
- 9. Any amendments to sections 1 or 3 of the Scheme of Delegation shall be approved by the full Council.

Scrutiny Function

- 10. The County Council has appointed a Scrutiny Management Board, four Scrutiny Advisory Boards and a Cumbria Health and Well-being Scrutiny Committee to undertake the overview and scrutiny functions required by Section 21 of the Local Government Act 2000, Part 12 of the National Health Service Act 2006 and Part 3 of the Police and Justice Act 2006. It has also established a County Joint Scrutiny Committee including representatives of district councils and others.

Part 2 - Scheme of Delegation

1. Purpose

- 1.1 The purpose of this scheme is to provide for the delegation by the County Council of its Executive and non-Executive functions.
- 1.2 The scheme is adopted with the intent that there should be a streamlining and simplification of the decision-making processes of the County Council and accordingly it should be interpreted widely rather than narrowly.

2. Definitions

- 2.1 For the purposes of this scheme a function of the County Council means any activity which the County Council may lawfully perform under statute or common law.
- 2.2 Functions of Cumbria County Council (“the County Council”) are divided between:
- (a) Executive functions which are all those functions of the County Council which are not non-Executive functions.
- (b) Non-Executive functions which are those functions listed in section 3 together with any further functions which are required by statute to be non-Executive functions or which the County Council decides shall be non-Executive functions in exercise of a statutory discretion.
- 2.3 Executive functions fall into two categories:
- (a) Functions which are reserved by law or this scheme to the County Council (“Policy Framework”).
- (b) Delegated functions which may be
- (i) reserved to the full Cabinet (“Cabinet function”); or
- (ii) delegated to Local Committees (“Local Committee function”); or
- (iii) delegated to officers outright (“Officer functions”).
- 2.4 For the purpose of this scheme:
- (a) “Advisory committee” means an advisory committee appointed under Section 102 of the Local Government Act 1972 to advise the County Council.
- (b) “Cabinet” means the Executive appointed by the Leader in accordance with the Executive arrangements under the Local Government Act 2000.

- (c) “Cabinet Member” means an elected member appointed to the Cabinet by the Leader.
- (d) “Cabinet portfolio” means a function or collection of functions of the County Council allocated by the Leader to a Cabinet Member.
- (e) “Cabinet Working Group” means a small team of members from more than one political group on the County Council, without Executive powers but appointed by the Cabinet to assist in considering a particular proposal or programme. It may include Cabinet Members but should not normally include members of a Scrutiny Advisory Board responsible for scrutinising that proposal or programme.
- (f) “Call in” means the exercise of the right of non-executive members to call in a proposed Executive decision for review.
- (g) “Community Call for Action” means the process whereby a member may refer a matter to a Scrutiny Advisory Board for consideration. To do so the matter should meet the following criteria:
 - (1) It raises an issue of significant local concern.
 - (2) It concerns a matter for which the County Council has responsibility.
 - (3) It has not recently been considered or determined by the decision-maker.
 - (4) There is not a more suitable mechanism for dealing with the matter.
- (h) “Constitution” means the collection of documents called the Constitution approved by the County Council for the purposes of Section 37 of the Local Government Act 2000 on 5 April 2001.
- (i) ”Local Committee” means a committee appointed by the County Council to discharge any of its functions (whether Executive or non-Executive functions) and which complies with the definition of area committees set out in Section 18(3) of the Local Government Act 2000.
- (j) “Executive” means the Cabinet.
- (k) “Corporate Director” shall be taken to mean Chief Officer for the purposes of the Local Government Act 1972.
- (l) “Leader of the Council” (“the Leader”) means the person appointed as such for the time being by the County Council.
- (m) “Local member” means the member for any electoral area which is particularly affected by the proposed decision.
- (n) “Non-Executive committee” means a committee appointed by the County Council to undertake the non-Executive functions delegated to it by the County Council.

- (o) “Scrutiny Board” means the overview and scrutiny committee or committees appointed by the County Council whose functions include holding to account the Executive and contributing to the development of policy within the County Council.
- (p) “Scrutiny Task and Finish Group” means a small, multi-party team of members of the County Council, without executive powers, appointed by a Scrutiny Board to examine policy issues or proposals of concern to the Scrutiny Board through their programme of work or to help develop policy at the request of the Cabinet or a Cabinet Member. It may include a minority of representatives of outside bodies, experts or other interested parties as non-voting members.

2.5 This scheme delegates:

- (a) to the Cabinet, to Cabinet Members, to local committees, or to officers the County Council’s functions within the description set out in section 2 to this scheme
- (b) to Cabinet Members as shown in section 2 to the extent and for as long as approved by the Leader (but see Part I, paragraph 4(ii))
- (c) to non-Executive committees the non-Executive functions of the County Council set out in section 3
- (d) to Scrutiny Boards the functions set out in section 3
- (e) together with in each of the above cases the powers and duties within those functions under all present and future legislation, and all powers incidental to those functions including those under Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000, and the power to affix the Common Seal of the County Council.

2.6 The functions delegated by the Scheme are as follows:

- Section 1 - Council
- Section 2 - Executive Functions
- Section 3 - Non-Executive Functions

2.7 The functions delegated by this Scheme may be delegated.

- (a) In the case of a Cabinet function to a Cabinet Member (but see Part I, paragraph 4(ii)), local committee or officer.
- (b) In the case of an officer function by one officer to another officer.

2.8 In this Scheme a delegation shall not prevent :

- (a) the County Council from exercising any non-Executive function delegated to a Committee, Local Committee (non-Executive functions) or officers
- (b) the Cabinet from exercising any function delegated to cabinet members, local committees or officers.

- (c) a Local Committee from exercising any functions delegated to officers.

3. Limitations and Conditions

3.1 The delegations set out in this scheme are subject to:

- (a) The right of a Scrutiny Board to consider a proposal within the Policy Framework, or any addition or amendment to it.
- (b) The powers of members to call in or review other Executive functions.
- (c) A requirement of the Cabinet to consult
 - (i) the Development Control and Regulation Committee on the parts of the Development Plan relevant to that Committee's function.
 - (ii) the Constitution Review Group on any proposed changes to sections 1 or 3 of the Constitution.

3.2 All delegated functions within this scheme must be exercised:

- (a) in accordance with all parts of the County Council's Constitution
- (b) to comply with the Policy Framework of the County Council and other approved policies and plans
- (c) within approved budgetary provision
- (d) having regard to agreed arrangements for recording decisions made
- (e) having regard to advice received from the relevant Corporate Director or his or her staff on professional and technical aspects of the matter in question.

3.3 This scheme does not delegate:

- (a) any matter reserved by law or by this scheme to the County Council;
- (b) to an officer, any matter which by law may not be delegated to an officer;
- (c) any matter which is specifically excluded from delegation by this scheme or by resolution of the County Council.

3.4 A decision or proposal on a delegated function, on a Cabinet function or a Cabinet Member matter shall be of no effect until the procedures referred to in the Constitution have been complied with.

3.5 The delegation of any function delegated by this scheme either expressly or in accordance with paragraph 2.5 may be revoked or reserved to the delegator at any time.

3.6 Corporate Directors must keep a record of delegations to the officers within their Directorate of any officer matter, and should provide the Monitoring Officer with a copy.

SECTION 1 – COUNCIL

Council

Subject to the following paragraphs all Executive functions of the County Council are delegated to the Cabinet. Without in any way affecting/limiting the generality of these paragraphs the Cabinet may act as Fire Authority for the purposes of the Fire Services Acts 1947 and 1959.

1. adopting and changing the Constitution;
2. approving or adopting the Policy Framework and the Budget. The list of strategies and plans forming the Council's Policy Framework is set out below and must be determined by the County Council on the recommendation of the Executive and where appropriate the relevant non-Executive committee.
3. subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4B of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget;
4. appointing the Leader of the Council;
5. agreeing and/or amending the terms of reference for committees, deciding on their composition, and making appointments to them, unless the Council has delegated the latter function;
6. appointing representatives to outside bodies, unless the appointment is an executive function or has been delegated by the Council;
7. adopting a Members' Allowances Scheme;
8. changing the name of the area, or conferring the title of Honorary Alderman;
9. confirming the appointment of the Head of Paid Service;
10. making, amending, revoking, re-enacting, or adopting byelaws, and promoting or opposing the making of local legislation or personal Bills;
11. any local choice function which the Council decides should be undertaken by itself rather than the Executive;
12. approving the Council's Statement of Accounts, Income and Expenditure, and Balance Sheet; and
13. all other matters which, by law, must be reserved to Council.

The following schemes, plans, strategies or matters comprise the Policy Framework

- 2.1 Cumbria Community Strategy*
- 2.2 Council Plan
- 2.3 Cumbria Agreement (the Local Area Agreement for Cumbria)*
- 2.4 Children and Young People's Plan*
- 2.5 Cumbria Economic Plan*
- 2.5 Local Transport Plan*
- 2.6 Plans which together compromise the Development Plan including the Cumbria Sub-Regional Spatial Strategy and countywide Supplementary Planning Documents, currently the Wind Energy Supplementary Plan.
- 2.7 Youth Offending Service Capacity and Capability Assessment
- 2.8 Cumbria Minerals and Waste Development Framework
- 2.9 Crime and Disorder Reduction Strategy (Community Safety Strategy)*
- 2.10 Sustainability Strategy
- 2.11 Joint Municipal Waste Management Strategy*
- 2.12 Fire and Rescue Service Integrated Risk Management Plan (three year strategy)
- 2.13 Cumbria Joint Strategic Needs Assessment for Health and Social Care*
- 2.14 Budget: The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax, and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, and the setting of virement limits. The Council shall normally approve as part of the budget the annual Treasury Management Strategy Statement and the annual Value for Money and Efficiency Strategy.

* these documents are produced in partnership or are initiated by partners and require County Council approval.

SECTION 2 – EXECUTIVE FUNCTIONS

Appendix 1 - Cabinet

Appendix 2 - Cabinet Member Functions

Appendix 3 - Local Committees

Appendix 4 - Officer Functions

Cabinet

Membership:

Leader, Deputy Leader and between one and eight other members of the Council appointed by the Leader of the Council

Functions

1. Where Executive functions are not reserved to the County Council or delegated to local committees or officers, they are Cabinet matters.
2. The following areas of responsibility are included in the matters which shall be determined by the Cabinet.
 - (a) To determine how expenditure on services should be undertaken.
 - (b) Approving the commencement of procurements of services, supplies and works not already identified in the capital programme, which come within the scope and definition of a key decision.
 - (c) To agree annual reports.
 - (d) To monitor the budget for particular services.
 - (e) To determine policies for particular services, which are consistent with the Policy Framework.
 - (f) To agree responses to consultation papers.
 - (g) To make appointments to and the payment of grants to outside bodies except those which fall to local committees or officers.
 - (h) To receive and consider referrals from local committees and scrutiny boards.

Section 2, Appendix 2

Functions Delegated to Individual Members of the Cabinet **(Cabinet Member Functions)**

No executive functions are delegated to individual members of the Cabinet.

County Local Committees

Membership

(i) County Council Local Committee for Allerdale	Membership: The 16 County Councillors elected for the Allerdale area
(ii) County Council Local Committee for Barrow in Furness	Membership: The 12 County Councillors elected for the Barrow in Furness area
(iii) County Council Local Committee for Carlisle	Membership: The 17 County Councillors elected for the Carlisle area
(iv) County Council Local Committee for Copeland	Membership: The 12 County Councillors elected for the Copeland area
(v) County Council Local Committee for Eden	Membership: The 9 County Councillors elected for the Eden area
(vi) County Council Local Committee for South Lakeland	Membership: The 18 County Councillors elected for the South Lakeland area

Functions

The following shall be exercised in accordance with the policies of the County Council and in particular local committees, in exercising Executive functions, shall act in accordance with the Council’s Policy Framework and Budget and such other policies of the Council as the Council or the Cabinet has adopted or endorsed.

Non-Executive Functions

1. Within the Council’s policy framework to lead the Council’s engagement in local ‘place shaping’ partnerships to support the social, economic and environmental development of the area concerned, including contributing to Local Strategic Partnerships, Crime and Disorder Reduction Partnerships and their underpinning strategies as appropriate;
2. To consider reports on Resilience Planning so far as they affect their area; and;
3. At least annually to performance monitor the local impact of Council services and delivery of the Local Area Agreement and make recommendations to improve both the Council’s performance and local social, environmental and economic well being.

4. To consider all relevant Inspections Reports and to make recommendations to the Council, Executive or Overview and Scrutiny thereon as appropriate;
5. Support the development of community empowerment through locality working (incorporating community engagement, community governance and responsive management) within their Area and to make recommendations to the Council, Executive or Overview and Scrutiny thereon as appropriate;
6. At least annually as part of its area planning work, receive community profiles – including local perceptions on services – which articulate local needs and opinion.

Executive Functions

7. To formulate an Area Plan which helps to shape services and places within the Area for approval by Cabinet.
8. To implement the Access to Services Strategy in their Area.
9. To consider and approve proposals for the local economic initiatives within their Area.
10. To receive quarterly reports on the performance management of services devolved to local committees.
11. To provide oversight of the services provided or procured by the Council, including assessing local needs for money advice (including Debt Advice support commissioned externally) across their area, the value of current services to local communities in the context of the Council's policies and plans and the needs for future provision and procurement services.
12. To support the development of debt rescue and money advice including the development of Credit Unions across their area.
13. To encourage community engagement and enable communities to make their voices heard, the local committee will:
 - (a) make arrangements to secure dialogue with communities within their area by:
 - Establishing and operating neighbourhood forums.
 - Working with district and parish councils, PCT, police and other community bodies serving the interests of their area.
 - Regularly review the operation of these arrangements and make changes to secure the improvement of community engagement throughout their area.
 - (b) Consider and address issues raised through neighbourhood forums, liaison groups, parish and town councils and other community bodies and make relevant recommendations to Cabinet, and to partners throughout the local strategic partnership and the crime and disorder reduction partnership.

- (c) Co-ordinate for the Council processes for consultation and engagement with communities within their area and arrange for consultation with communities on matters referred to them by the Council, the Executive, another committee or officers.
 - (d) Lead on the Council's local participatory budgeting work, ensuring that this activity affects decisions on prioritization of budgets.
 - (e) Liaise on behalf of communities within their area with Council departments and other public bodies and utilities.
 - (f) Pursue local initiatives that will encourage and support local communities in their relationships with the Council, Council services and with other public bodies.
 - (g) Contribute to the formulation of all strategies, plans and policies of the Council with reference to the circumstances and characteristics of their area.
14. To exercise the powers and duties of the Council in respect of School Crossing Patrols.
 15. To invest in activities which complement the delivery of the Children and Young People's Plan.
 16. To determine applications for grants and loans to individuals and third sector organisations (which are not specifically delegated to an officer) within a policy approved by the Executive:
 - (a) To approve grants on the recommendation of a Neighbourhood Forum where the grant proposed is more than £5,000 or 25% or more of the total grant allocation for the Neighbourhood Forum area, whichever is the lesser;
 - (b) To make grants to third sector organisations to meet part or the whole of the cost to the organisation of leasing County Council premises within a policy approved by the Executive;
 - (c) To make a financial subsidy to third sector organisations leasing premises from the Council.
 17. To appoint Local Authority Governors to Schools (other than Special Schools).
 18. To determine the level and nature of Community Engagement and Empowerment work in the Area, including neighbourhood forums.
 19. At least annually, to review the impact of Local Committee and wider council community consultation, engagement and empowerment activity within their Area, and develop an Action Plan to improve the local effectiveness of these activities.
 20. To allocate a sum agreed by the Council at its budget setting meeting a Community Capital Budget to each County Council Electoral Division to support a local capital project or programme of works which will offer long term benefit to communities

in councillors' areas.

21. To make grants to youth clubs and other youth groups.
22. To determine and deliver the following programmes, within agreed budgets, policies and standards:-
 - (a) general highway maintenance including routine cyclical maintenance, street lighting and hard surfacing urban rights of way
 - (b) non-principal road structural maintenance;
 - (c) annual package of measures, including general minor works, danger reduction schemes, sustainable transport (cycling and walking) schemes individual value;
 - (d) grass cutting, street lighting, and verge maintenance;
 - (e) such part of the principal road structural carriageway maintenance budget as may be delegated by Council (the funds to be available only for this purpose);
 - (f) maintenance of cycle tracks;
 - (g) the delivery, within agreed budgets, of programmes for priority transport improvement schemes and principal road structural maintenance schemes;
 - (h) Highways Stewards Service.
23. To exercise the powers and duties of the Council relating to the maintenance of Public Rights of Way (subject to existing delegation agreements with other authorities).
24. To name and determine the opening hours of local libraries.
25. To make appointments to outside bodies not dealt with by the Council or the Executive.
26. To exercise the powers and duties of the County Council, under Parts I, II, and IV of the Road Traffic Regulation Act 1984 within their Area.
27. To authorise the making of applications to the Magistrates' Court for stopping up or diversion of highways within their Area, under the Highways Act 1980.
28. To consider and determine grants for public transport services within their Area.
29. To exercise the Council's functions in respect of locally based Trusts.
30. To agree highway maintenance budget allocations under claimed rights.
31. To authorise any powers exercisable under the Cycletracks Act 1984.

32. To promulgate schemes for the making up and adoption of private streets under Part XI of the Highways Act 1980.
33. In pursuance of implementing a programme of alley gates where they would help reduce crime and/or the fear of crime:
 - (a) to authorise the introduction of alley gates;
 - (b) to apply to the Secretary of State for area designation under the Countryside and Rights of Way Act 2000; and
 - (c) to make or apply for stopping up orders.
34. To approve decisions on behalf of the County Council, as accountable body, on the use of funds specifically allocated to the local committee's area by Government or government agencies in support of activities in the Local Area Agreement for Cumbria.
35. To identify and champion locality-based priorities in the annual refresh of the Local Area Agreement.
36. To monitor performance so as to ensure that delivery of the Local Area Agreement is effective within the local committee's area.

Executive Functions Delegated to Officers (Officer Functions)

The following functions are delegated by the Executive to the officers of the County Council referred to in this Appendix.

These delegations are in addition to, and in amplification of, the normally accepted powers of corporate directors, assistant directors and heads of service to deal with the matters falling within the scope of their directorate/unit responsibilities and accountabilities. These include:

1. **Appointments and Promotions**

To appoint, within their respective directorates, all staff including deputy chief officers within approved budgetary provision, and to appoint a replacement within a period not exceeding one month before an employee retires.

The appointment of a deputy chief officer may include as part of the process provision for the relevant Cabinet Member(s) to meet the candidates informally. The process shall follow guidelines set by the Corporate Director – Organisational Development.

2. **Removal and Lodging Expenses**

To authorise the payment of removal and lodging expenses to newly appointed and transferred officers in accordance with the Council's policies, any extension beyond six months being subject to the concurrence of the Head of People Management.

3. **Performance, Discipline and Capability**

To exercise the powers given to corporate directors in the various Conditions of Service so far as performance, discipline and capability are concerned, and to decide, in cases where an employee leaves without giving appropriate notice, whether or not the salary or wage or accrued annual holiday pay should be withheld.

4. **Leave**

(a) To grant special leave of absence (i.e. leave other than for sickness and annual leave) with pay to officers and employees because of urgent domestic reasons within the standard conditions of service adopted by the Council.

(b) To grant leave of absence with pay to officers and employees for the purposes authorised by the appropriate Conditions of Service (e.g. Magisterial duties, trade union duties) within the terms of the standard Conditions of Service adopted by the Council.

(5) **Sickness Pay**

After consultation with the Head of People Management, to extend an officer's or an employee's period of sick leave on half pay for a period not exceeding three months, provided that, in the opinion of a nominated medical practitioner, there is a reasonable chance that the officer or employee will be able to return to work at the end of the extended period.

(6) **Sale and 'Write-off' of surplus stores, furniture, etc.**

After consultation with the Corporate Director – 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. This must be in line with the provisions of Financial Regulations.

(7) **Use of Land and Premises**

To authorise the Chief Legal Officer to take proceedings to evict trespassers from County Council owned land or premises, under the appropriate legislative provision.

(8) **Supply of Goods and Materials**

To issue orders in accordance with the Corporate Procurement Policy of the Council for the supply of goods and services for the respective directorates where, having regard to the cost of such orders, it is not necessary to obtain a written tender to comply with the Council's Contracts Procedure Rules.

(9) **Compensation for Complainants**

To agree compensation to complainants under the Council's Complaints Procedure, subject to a maximum payment of £2,000, and to the prior approval of the Chief Legal Officer.

(10) **Responding to Consultations**

To respond to consultations on behalf of the Council on matters falling within the scope of their departmental responsibilities, including proposed legislation, subject where appropriate to prior consultation with the Cabinet Member, the Cabinet, or a Scrutiny Board.

A. *Chief Executive*

1. To act as the Council's Head of Paid Service under Section 4 of the Local Government and Housing Act 1989.
2. To discipline or determine grievances relating to corporate directors.
3. To approve grants to voluntary bodies of countywide significance of up to £5,000 in any one case.
4. To act as County Controller in the event of a major countywide emergency.
5. In the absence of any corporate director to take any necessary action in furtherance of the functions of the County Council subject to any statutory limitations and to the limits imposed by this Scheme of Delegation.
6. To take any action on behalf of the Council as may lawfully be taken in any case of urgency, subject to reporting thereon to the Council.
7. To incur expenditure in the event of a major emergency.

B. Corporate Director – Resources

1. To operate such powers as may be conferred on him/her by the County Council in any financial regulations approved by the Council from time to time.
2. To sign Certificates to be issued under Section 2 and Section 3 of the Local Government (Contracts) Act 1997 (the Chief Finance Officer is also authorised to sign).
3. To be County Returning Officer for County Council elections and by-elections and to be Proper Officer for the following specific purposes:

Representation of the People Act 1983

- | | |
|-------------|---|
| Section 35 | Appointing a Returning Officer. |
| Section 67 | Giving public notice of the appointment of an Election Agent. |
| Section 131 | Providing accommodation for holding election count. |

Local Government Act 1972

- | | |
|------------------|--|
| Section 84 | Receiving written notice of members' resignations from office. |
| Section 89(1)(b) | Receiving notice from two local government electors of casual vacancy in office of member. |
4. To undertake, on behalf of the Council, the procurement responsibilities for contract specification, letting and monitoring in respect of catering services, cleaning services, grounds maintenance, vehicle maintenance and strategic partnering arrangements.
 5. Unless otherwise determined by the Council, and excluding appointments to the Executive, to appoint members to committees, sub-committees, and panels, and relevant joint and outside bodies, in accordance with the expressed wishes of the political groups within their agreed allocations.
 6. To approve the attendance of members on corporate courses and conferences.
 7. To appoint members to the Cumbria Valuation Tribunal, in consultation with the President of the Tribunal, and after consultation with group leaders and the chairs of local committees.
 8. To exercise the functions of the Council in relation to:
 - (a) the Registration of Births, Deaths, and Marriages;
 - (b) the Coroners' Service.

Chief Finance Officer

1. To make safe and efficient arrangements for the receipt and collection of monies paid or due to the Council, and the issue of monies payable by the Council.
2. To undertake all treasury management activity in accordance with the annual treasury management policy statement and other management policies as determined by the Council.

3. To deal with the County Council's insurances in consultation with the Chief Legal Officer in respect of any legal matter arising therefrom and in consultation with the relevant officer in respect of specific claims.
4. To operate such powers as may be conferred on him/her by the County Council in any financial regulations approved by the Council from time to time.
5. To operate all the statutory requirements relating to payroll matters.
6. To pay sums due to creditors, contractors, and mortgagees in respect of rents, rates, grants, fees, and other liabilities, provided that the expenditure has been authorised by the County Council by inclusion in the annual or supplementary estimates and certified by, or on behalf of, the Corporate Director concerned, except such payments as may be made via Departmental Imprest Accounts.
7. To pay pensions, gratuities, grants, etc to members, other beneficiaries, and creditors of the Pension Fund, in accordance with the Superannuation and Pensions Acts and Regulations and the agreed policy of the Council thereunder.
8. To administer the central car loan and car leasing schemes.

Head of Property and Asset Management

1. To carry out capital works and items of maintenance and repairs to any property of the County Council where, having regard to the cost of each of such items, it is not necessary to obtain a written tender to comply with the Contracts Procedure Rules.
2. To seek permission for development by the County Council in respect of its functions for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992; or to make an application for planning permission to the Local Planning Authority where necessary.
3. To deal with the management and letting of staff houses, other than school houses, in consultation with Corporate Directors as appropriate.
4. To maintain and administer the Holehird Estate and the Smallholding Estates, including repairs to farm buildings, and to prepare and carry out schemes of improvement (including drainage schemes), the giving of permission for tenants to erect fixtures, to plough permanent pasture, and any other normal agricultural permissions.
5. To settle Tenant Right Valuations on changes of Tenancies.
6. To authorise the entry upon land, under, and for the purposes of, the Land Drainage Act 1976, for the preparation of land drainage schemes under compulsory statutory powers and by agreement.
7. To acquire, whether by way of purchase or lease, any property required by the County Council for its functions (including industrial premises).

8. To dispose of, whether by way of sale or lease, any property no longer required by the County Council for its functions (including industrial premises).
9. To manage the Council's Capital Programme (other than the Highways Capital Programme) and the Building Maintenance Programme.
10. To manage Council property (including property not required for the time being for the Council's functions), including the power to grant leases within the policies of the Council.

Chief Legal Officer

(The Chief Legal Officer may delegate functions, other than those of Monitoring Officer, to the Head of Legal Practice, to exercise on his/her behalf).

1. To act as the Council's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
2. To act as the proper officer of the Council for the purposes of section 83(3)(b) of the Local Government Act 1972 (declaration of acceptance of office).
3. To execute any appropriate legal documents and to issue licences and to take all necessary action relating thereto arising out of the exercise of any function or the performance of any powers delegated to the County Council.
4. To write off, in consultation with the Corporate Director – Resources, any bad debts not exceeding an amount fixed from time to time by the Council (currently £10,000).
5. To take action for the recovery of compensation for damage to any property belonging to the Council.
6. In consultation with the appropriate Corporate Director and the Head of Property and Asset Management, to grant easements and way-leaves over the County Council's land.
7. To institute proceedings for any offence (except where specifically delegated to a Committee or other officer), and to authorise officers to appear in proceedings under Section 223 of the Local Government Act 1972.
8. To authorise entry on to premises for inspection in connection with any functions delegated to the Corporate Director – Safer and Stronger Communities, the Head of Trading Standards, and the Head of Resilience.
9. To serve counter notices in respect of 'blight notices' as to interests affected by planning decisions.
10. To recover compensation for damage to highways, or apparatus in highways, including, where necessary, the institution of legal proceedings.
11. To serve notices requiring the removal of unauthorised campers, obstructions and signs and the abatement of nuisances on highways, or the construction of carriage crossings over footways, or the cutting of hedges or trees.

12. To serve notices under Section 100 of the Highways Act 1980, and to enter into agreements for the construction of estate roads by developers, and adoption by the Council, in accordance with Section 38 of the Highways Act 1980.
13. To institute defend or settle on behalf of the Council, any legal proceedings.
14. To serve notices, on behalf of the Council, in consultation with the Corporate Director – Environment, under Part 2 of the Mines and Quarries (Tips) Act 1969.
15. To make any necessary road closure orders relating to the temporary closure from time to time of roads for improvement, sewer reconstruction, and/or similar reasons.
16. To serve counter notices and take all necessary related steps in respect of a ‘blight notice’ received by the Council in respect of land affected by road proposals.
17. After consultation with the Corporate Director – Environment, to prosecute for offences under the relevant statutory provisions.
18. After consultation with the Corporate Director – Environment, to serve notices and make determinations under Section 220 of the Highways Act 1980.
19. To lodge ‘holding’ objections with the Area Traffic Commissioners (in the case of road transport services), and with relevant Transport Users’ Consultative Committees (in the case of rail services), to proposals by operators for withdrawal of, or alteration to, such services for the fares and charges thereof.
20. To serve notices requiring information as to ownership of land under Section 297 of the Highways Act 1980, and notices of entry under Sections 289 and 290.
21. To enter into agreements under Section 278 of the Highways Act 1980 in consultation with the Corporate Director – Environment.
22. After consultation with the Corporate Director – Environment, to make Orders, under Section 135 of the Highways Act 1980, authorising excavation or engineering operations on Public Rights of Way.
23. In consultation with the Corporate Director – Environment, to carry out the necessary procedures and adopt roads under Section 228 of the Highways Act 1980, where there are no objections, and where they have been made up to the satisfaction of the Corporate Director – Environment.
24. To lease sites on industrial estates in accordance with the basic terms determined by the Corporate Director – Environment.
25. After consultation with the Corporate Director – Environment and the local Member, to make Cycleway Orders.
26. After consultation with the Corporate Director – Adult and Cultural Services, to make declarations of charges pursuant to Section 22 of the Health and Social Services and Social Security Adjudications Act 1983.

27. To act as Proper Officer for the receipt of notices under the Local Authorities (Members' Interests) Regulations 1992, and Regulations made under Section 81 of the Local Government Act 2000.
28. To issue certificates under Section 3(3) of the Local Government and Housing Act 1989, after consultation with the Corporate Director – Organisational Development, relating to politically restricted posts.
29. To enter into agreements with the Secretary of State for Transport under Section 4 of the Highways Act 1980, following consultation with the Corporate Director - Environment, to enable the Secretary of State or the Highways Agency to take temporary possession of, and carry out works on, roads maintained by the County Council.
30. To enter into agreements with the Secretary of State for Transport under Section 6 of the Highways Act 1980, following consultation with the Corporate Director – Environment, to enable the County Council to take temporary possession of, and carry out works on, roads maintained by the Highways Agency.

C. Corporate Director – Children’s Services

1. Subject to the rights and duties of Governors under Regulations, and the Education Act 1996, the School Standards and Framework Act 1998, the Education Act 2002, the Education Act 2005 and the Education and Inspections Act 2006 to decide upon matters of curriculum in accordance with the policy of the Council.
2. In consultation with the Head of Property and Asset Management, and in accordance with the approved programme, to approve building work within the budget provision for the Minor Building Programme.
3. To approve building plans for approved projects.
4. To approve the use of any land or premises held by the Council for education purposes in accordance with the policy of the Council.
5. To assess the amount of contributions to be made to or by the Council under approved schemes.
6. Where such function is exercised by the Local Education Authority (“The Local Authority”):
 - (a) in consultation with the Head, to appoint teaching and non-teaching staff in Schools, other than those appointed by Governors, in accordance with the School Standards and Framework Act 1998, the Education Act 2002, Education Act 2005 and any amendment thereof and other powers;
 - (b) to grant to teachers extension of sick leave and leave of absence, in the same circumstances, and subject to the same limitation, as set out in the delegation granted to all Corporate Directors;
 - (c) to authorise the attendance of teachers and advisers at approved courses, and to make grants to them for approved correspondence courses;
 - (d) to appoint acting Head Teachers in Schools where there is no designated Deputy Headteacher;
 - (e) to deal with questions arising with regard to teaching staff establishment, qualifications, etc., and to supervise the teachers’ probationary year.
7. To make representations under the Education Act 2002, the Education and Inspections Act 2006 and associated regulations to Heads, Governing Bodies and Independent Appeal Panels regarding excluded pupils.
8. To undertake the responsibilities of the County Council as Local Education Authority under the provisions of the Education Act 1996, the School Standards and Framework Act 1998 , the Education Act 2002, the Education Act 2005, the Education and Inspection Act 2006, or any amendment thereof.
9. To provide home tuition and education in hospitals in appropriate cases.
10. To make provision for Health and Dental Services in Schools.

11. To lodge holding objections to any proposal appearing adversely to affect County educational interests.
12. To make grants to voluntary organisations for recreation purposes within the policies and financial limits laid down by the Council from time to time.
13. To grant awards to students, except in certain discretionary fields as defined from time to time by the Council.
14. To make grants to youth clubs and other bodies, or persons engaged in the provision of education facilities or services, in accordance with the policy determined by the Council, subject to the Corporate Director – Resources being satisfied as to such bodies' annual accounts.
15. To assist parents with costs of boarding education in accordance with Council policy.
16. To transfer under-age students to Comprehensive Schools.
17. To arrange in-service training for teachers.
18. To authorise the use of parenting contracts, penalty notices and the institution of legal proceedings in respect of School attendance and employment of children, including applications for Education Supervision Orders; Heads of Local Services, Managers: Integrated Service and Local Managers being authorised to appear on behalf of the Council in such proceedings where the Chief Legal Officer declines to do so.
19. To pay clothing and maintenance allowance.
20. To arrange for the provision of free meals to pupils.
21. To determine applications for home to school transport in accordance with the Authority's policy.
22. To nominate responsible officers under Section 8(8)(bb) of the Crime and Disorder Act 1998 or any amendment thereof in relation to Parenting Orders.
23. To exercise all the powers of the County Council in relation to the Youth Service.
24. To approve variations in fees for which the Council has accepted responsibility for children and young persons attending establishments not maintained or assisted by the Council.
25. To authorise payment for damage to clothing or effects of employees of the Children's Services Directorate dealing with children or young persons being looked after by the Council.
26. Subject to compliance with the Placement of Children with Parents Etc Regulations 1991, and the Arrangements for Placement of Children (General) Regulations 1991, to allow children in care to be placed with parents.

27. To give consents, on behalf of the Council, where necessary, in the interests of children and young persons where the Council holds parental authority by virtue of a Care Order.
28. To exercise the powers, under Section 17(6) of the Children Act 1989, by providing accommodation and giving assistance in kind or in cash in accordance with the Council's policy in relation to family support, such assistance to include the provision to any children or young persons in need of equipment, recreational or otherwise, considered necessary for their wellbeing, subject to a limit of £1,000 in any one case.
29. To give rent guarantees, and other support in line with Council policy, for families containing children in need who are in danger of eviction, not exceeding an amount fixed by the Council from time to time in respect of each family.
30. To make arrangements with relevant partners and, as appropriate, with other persons or bodies who exercise functions or are engaged in activities relating to children in accordance with the Children Act 2004, to promote co-operation with a view to improving the well-being of children in the Authority's area.
31. To approve, within the policy determined by the Council, any child or young person in care, or living with their families under Schedule 2, Paragraph 8, of the Children Act 1989, who intend to participate in any appropriate holiday arrangements, up to a value of £1,000.
32. To authorise the provision of aids and other assistance to children or young persons permanently and substantially handicapped, and the carrying out of adaptations to property occupied by such persons, in accordance with arrangements under section 29 of the National Assistance Act 1948 or the Chronically Sick and Disabled Persons Act 1970, provided that the estimated cost does not exceed £15,000.
33. To approve, further to (32) above, in consultation with the Leader or relevant Cabinet Member such adaptations in excess of the financial limit in urgent cases, subject to adequate budgetary provisions being available.
34. The Corporate Director, Head of Service: Child and Family Care, Senior Managers, Heads of Local Services are authorised to institute any court proceedings consequent upon the exercise of the Council's functions under the Local Authority Social Services Act 1970.
35. Without prejudice to the generality of paragraph (34), the Corporate Director, Head of Service: Child and Family Care, Heads of Local Services, managers of integrated services, local managers and social workers are authorised:
 - (a) to exercise the powers of visiting foster children and inspecting premises, within the administrative County in which foster children are proposed to be or are being accommodated, given to officers so authorised by the Council by statute;
 - (b) to exercise the powers of the Council under Section 62 of the Children Act 1989 in respect of accommodation provided by a voluntary organisation;

- (c) to visit children where prospective adopters have given notice of intention to adopt under section 44 Adoption and Children Act 2002;
 - (d) to deal with notifications of private fostering arrangements under the Children Act 1989, including the exercise of the powers of the Council to prohibit a proposed arrangement.
36. To make additional grants (not exceeding £15,000 in any one case) to foster or adoptive parents in excess of approved scale to meet exceptional circumstances.
 37. To review the case of each child who is looked after ie, in care or provided with accommodation.
 38. To exercise the powers of the Council to give financial assistance towards the visiting costs of parents, persons with parental responsibility, or any relative, friend or other person connected with a child who is looked after.
 39. To appoint qualified social workers, independent persons, Chairman, and (in consultation with health authorities) the medical adviser to the Adoption and Fostering Panel.
 40. To take decisions relating to the adoption and fostering of children after taking into account any recommendation made by the Adoption and Permanence or the Fostering Panels.
 41. To deal with complaints about the discharge of the Council's Social Services functions in respect of children in accordance with the procedures established by the Council from time to time and the relevant regulations, including the arranging of investigations and the appointment of persons to serve as Panel members under those procedures.
 42. To pay Adopters' legal expenses, on the recommendation of the Adoption Panel.
 43. To give consent to the marriage of a child in care.
 44. To determine grant applications to the Holehird Trust, for sums of £500 or less, which cannot be deferred to the next meeting of the Holehird Trust Joint Committee, subject to prior consultation with all members of the Joint Committee and a list of grants approved under this urgent provision being reported to the Joint Committee's next meeting.
 45. To make detailed arrangements for the transport of pupils/students in accordance with the policy of the Council.
 46. To exercise the powers of the Council under the Public Passenger Vehicles Act 1981 as it affects vehicles within the purview of the Children's Services Directorate.
 47. To undertake the functions of the Council under the Childcare Act 2006.
 48. To undertake the responsibilities laid down in the Children's Act 2004.

D. Corporate Director – Adult and Cultural Services

1. To exercise, subject to any exceptions and conditions set out elsewhere in this Scheme of Delegation, all of the Social Services functions of the County Council as are set out in Schedule 1 of the Local Authority Social Services Act 1970 insofar as these relate to adults.
2. To comply with all current legislation as affects adults in Cumbria including but not limited to the following:
3. Under the Mental Health Acts 1959 and 1983:
 - (a) to approve transport costs;
 - (b) to approve acceptance of persons in the guardianship of the Council, and the removal, transfer, and termination thereof.
4. To exercise the powers of the Council, granted by social services legislation, to enter any premises, and to authorise officers of the Council to enter premises for those purposes.
5. To approve variations in fees for which the Council has accepted responsibility for adults attending establishments not maintained or assisted by the Council.
6. To approve the disposal of assets belonging to deceased residents to persons entitled to them after payment of proper claims on account of funeral expenses or sums due to the Council and where the Council is a substantial creditor of a deceased person's estate and there is no person willing or able to administer the estate, in consultation with the Chief Legal Officer to apply to the Probate Registry for a grant of probate of letters of administration for the purpose of administering the deceased estate.
7. To make financial assessments, under Section 22 of the National Assistance Act 1948 and regulations thereunder, for persons provided with residential accommodation, to assess the liability of relatives, to recover the cost of accommodation or contributions and, subject to consultation with the Corporate Director – Resources, to remit arrears.
8. To exercise the powers in Section 48 of the National Assistance Act 1948 to protect moveable property of persons admitted to hospital, residential accommodation or a place of safety, to approve expenditure for that purpose and to recover such expenditure where applicable.
9. To arrange for the admission of persons who are in need of care by reason of age, illness or disability, to accommodation which is suitable to their needs, and for the admission of persons who are suffering from disabilities to Home Workers Schemes and/or assisted employment where appropriate.
10. To approve contributions in respect of welfare facilities to schemes for the housing of the elderly, in accordance with any scheme approved by the Council.

11. To authorise payment for damage to clothing or effects of employees of the Adult and Cultural Services Directorate dealing with adults being cared for by the Council.
12. To authorise, under the provisions of the Human Tissue Act 2004 (where the Council is lawfully in possession of the body), the removal of parts of the body of a deceased adult resident in accordance with the wish expressed by the resident during lifetime.
13. To find places for adults in homes or hostels not provided by the Council, and to approve variations in fees for which the Council has accepted responsibility for persons in such establishments.
14. To authorise the provision of aids and other assistance to adults permanently and substantially handicapped, and the carrying out of adaptations to property occupied by such persons, in accordance with arrangements under Section 29 of the National Assistance Act 1948 or the Chronically Sick and Disabled Persons Act 1970, provided that the estimated cost does not exceed £75,000.
15. Additionally, in consultation with the Leader or relevant Cabinet Member, to approve such adaptations in excess of the financial limit in urgent cases, subject to adequate budgetary provision being available.
16. The Corporate Director, Head of Adult Services, Senior Managers, Area Managers, Team Managers and Social Workers are authorised to institute, and to appear in, as the case may be, any court proceedings consequent upon the exercise of the Council's functions under Section 2 of the Local Authority Social Services Act 1970.
17. To act as Receiver in accordance with the directions of the Court of Protection.
18. To authorise the allocation of telephones, television sets, and Disabled Driver Badges, under the Chronically Sick and Disabled Persons Act 1970.
19. To allocate and administer any houses allocated by a District Council for use for Social Services purposes.
20. To arrange for burial or cremation under the Public Health (Control of Disease) Act 1984.
21. To deal with complaints about the discharge of the Council's Social Services functions in respect of adults in accordance with the procedures established by the Council from time to time and the relevant regulations, including the arranging of investigations and the appointment of persons to serve as Panel members under those procedures.
22. To discharge the obligations of the County Council as Social Services Authority under the Disabled Persons (Services, Consultation, and Representation) Act 1986, as and when the individual provisions are brought into force.
23. To exercise the Council's powers under Section 22 of the Health and Social Services and Social Security Adjudication Act 1983 to secure the payment of residential or nursing home accommodation charges.

24. To make assessments of need for community care services under Section 47 of the National Health Service and Community Care Act 1990, and, having regard to the results of the assessment, make decisions on the provision of community care services.
25. To make arrangements for the provision of residential accommodation under Section 21 of the National Assistance Act 1948, and for the provision of other required community care services.
26. To make arrangements for direct payments where this is required or permitted by regulations currently in force.
27. To arrange for additional payments for preferred accommodation from third parties or the person accommodated in accordance with the relevant regulations.
28. To make arrangements for supported living for those with a learning disability.
29. To select, acquire, and as necessary discard, all books and other printed matter, and any other media suitable for library use.
30. To provide extended and improved library services, except where these require the building, purchase, or rental of accommodation and/or the employment of additional staff.
31. To collaborate with other libraries and organisations in:
 - (a) interlending of books and other library materials;
 - (b) reciprocal use of services by non-residents.

E. Corporate Director – Organisational Development

1. To undertake, on behalf of the Council, negotiations and discussions with trade unions and other staff organisations concerned with the employees of the Council.
2. To co-ordinate the learning and development policy of the County Council.
3. To approve the payment of travelling allowances in accordance with the Council's scales for the use on duty of private cars or leased cars by officers.
4. To spend up to £1,000 on urgent welfare matters where:
 - (a) such assistance is likely to assist the return of the employee to productive work, or relieve substantial hardship; and
 - (b) no alternative source of such assistance is reasonably available.
5. To be accountable for the overall officer management of the Council's commercial partnerships with Agilisys and Capita Business Services and to be the lead corporate director for leading the procurement and negotiation of the services provided under all of the Council's commercial partnerships, including Agilisys, Amey Infrastructure, Capita Symonds and Capita Business Services, subject to any directions given by the Executive.
6. To secure the satisfactory provision of the following services either directly or through the contract with CAPITA:
 - (a) to pay all the salaries, wages, and allowances to employees in accordance with their Contracts of Employment;
 - (b) to implement pay awards and other mandatory conditions of service for all classes of employees on receipt of official notification;
7. To approve, after consultation with the Corporate Director/Head of Service of the employee in question:
 - (a) extensions of service for employees and applications for flexible retirement, except for officers appointed by the Chief Officers' Panel;
 - (b) appointments of employees over normal retiring age;
 - (c) applications for early retirement/voluntary redundancy, and payments of gratuities and injury awards, after consultation with the Corporate Director – Resources and the Personnel Cases Committee as necessary, except for officers appointed by the Chief Officers' Panel and the Council;
 - (d) extensions of lodging allowances for up to a maximum of six months.

F. Corporate Director – Environment

1. To oversee and direct the Environment Directorate, incorporating Spatial Planning, Environment, Waste Management, Highways and Infrastructure, Transportation and Economic Development.
2. To enter into agreements on behalf of the County Council to undertake work within the scope of the Business Units.
3. To enter into licences or leases, for a period not exceeding three years, and not exceeding £50,000 per annum in value, for land and/or buildings required for the operation of any Business Unit.
4. To seek permission for development by the County Council in respect of its functions for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992.
5. To decide upon the purchase of new plant, and arrangements for dealing with old plant, in accordance with the policy of the Council.
6. To undertake on behalf of the Council the commissioning responsibility for contract specification, letting and monitoring in respect of Highways Capital Schemes.
7. To ensure the requirements of the Construction (Design and Management) Regulations 2007 are applied to all Highways capital and revenue schemes.
8. To fulfil the statutory duties of the Traffic Management Act 2004 where appropriate.
9. To manage the Council's Highways Capital and Revenue Programmes in association with the relevant budget holders.
10. To undertake specific schemes identified by the Executive including the Winter Maintenance Scheme.
11. To make Orders to introduce speed limits, as determined through the 'Speeding in Villages' initiative, after consultation with the Chair and Local Member(s) in those cases where there are no objections following the statutory consultation and advertisement.
12. To issue, in accordance with the provisions of Section 14 of the Road Traffic Regulation Act 1984, notices restricting or prohibiting temporarily the use of a road where, owing to the likelihood of danger to the public or serious damage to the highway, it appears necessary that such restriction or prohibition should come into force without delay.
13. To advertise proposals to make Orders under the Road Traffic Regulation Act 1984.
14. To oversee and direct the operations of Windermere Ferry.

15. To exercise the functions of the Council shown below in relation to general highway and access matters, either directly or through CAPITA, where such functions are included in an Order made under Section 70 of the Deregulation and Contracting Out Act 1994:
- (a) To fix charges under The Local Authorities (Transport Charges) Regulations 1998 and Road Traffic (Temporary Restrictions) Act 1991.
 - (b) To grant consents and impose requirements in connection with works in highways or on adjacent premises.
 - (c) To approve the placing of roadside seats, milk stands, bus shelters, telephone kiosks, and other small structures within highway limits.
 - (d) To approve the placing of telegraph, telephone, electricity, and television relay lines, or other apparatus, over or under the highway.
 - (e) To construct carriage crossings over footways under Section 184 of the Highways Act 1980.
 - (f) To impose requirements as to carriage crossings at the end of private streets abutting on County roads.
 - (g) To grant consent to the laying of pipes under County roads, whether under the Pipelines Act 1982 or otherwise.
 - (h) To require hoardings to be set up during building operations abutting on County roads.
 - (i) To deal with applications, and the taking of all necessary action under the Highways Act 1980 and New Roads and Streetworks Act 1991 for:-
 - the placing of builders' skips on a highway (Sections 139 and 140);
 - the placing of apparatus in or under, or the breaking open of, highways (Section 181);
 - the approval of retaining walls (Section 167);
 - the planting of trees, shrubs, etc. in highways (Sections 141 and 142);
 - the erection of scaffolding and hoardings on highways (Section 169);
 - temporary deposits and excavations in highways (Section 171).
 - ramps, street cafes and the like.
 - Buildings and structures over highways.
 - Wires and bunting over the highway.
 - (j) To install refuse or storage bins in County roads.

- (k) To erect fences and boundary posts, and carry out miscellaneous works for the drainage or protection of highways.
 - (l) To serve notices under the New Roads and Street Works Act 1991 or any amending legislation, and to take action to recover charges under the Act.
 - (m) To deal with all matters concerning the taking over of estate roads, in accordance with the policy of the Council, and in consultation with the Chief Legal Officer.
 - (n) To authorise staff to enter on land under the provisions of Sections 100, 289, 290, 291, 293, and 294 of the Highways Act 1980 or the Environmental Protection Act 1990.
 - (o) To carry out urgent repairs to private streets under Section 230 of the Highways Act 1980.
 - (p) In consultation with the Chief Legal Officer, to agree terms and enter into agreements for the renting or hire of equipment for use in connection with the work of the Department.
 - (q) To give permission, under the Highways Act 1980, for development within prescribed building lines, subject to suitable undertakings being obtained from the developer.
 - (r) To grant extensions of time under Section 134 of the Highways Act 1980.
 - (s) To serve Notices under Sections 143 and 297 of the Highways Act 1980.
 - (t) To maintain and update, by the addition of adopted or previously unlisted public highways, the List of Streets under Section 36 of the Highways Act 1980;
 - (u) To authorise the making of designation orders for the control of dogs on roads under Section 27 of the Road Traffic Act 1988.
 - (v) To respond to District Councils on planning applications affecting the highway interest.
16. To exercise the following functions of the Council as Waste Disposal Authority:-
- (a) To deal with all matters concerning the discharge of the Council's obligations under the terms of contracts entered into.
 - (b) In consultation as appropriate with the Chief Legal Officer, to agree terms and to enter into agreements to vary and review contracts.
 - (c) To arrange for, and carry out, surveys of property.
 - (d) To carry out miscellaneous works for the maintenance of civic amenity sites and closed landfill sites in the Council's control.

- (e) To arrange for, or carry out, the remediation and restoration of closed landfill sites.
 - (f) To enter into partnerships and agreements with Waste Collection Authorities and others for the purposes of waste disposal, recycling, re-use and minimisation.
 - (g) To make statutory payments including Recycling Credits.
 - (h) To make arrangements for, and to carry out, trading in Landfill Allowances in accordance with regulations.
17. To take all necessary steps to progress the Carlisle Northern Development Route PFI Project, in consultation with the members of the CNDR Project Board.
18. To make grants within the Council's approved budget and in accordance with criteria approved by the Cabinet after consultation with the relevant Cabinet Member. Details of any grants made under this delegated power shall be published in the Members' Information Bulletin.
19. To exercise the functions of the Council shown below in relation to general highway and access matters, either directly or through CAPITA, where such functions are included in an Order made under Section 70 of the Deregulation and Contracting Out Act 1994:
- (a) To make arrangements for, and carry out, surveys of Rights of Way.
 - (b) To issue authorisations for the use of footpaths and bridleways for motor vehicles and cycle trials.
 - (c) To deal with the repair and renewal of footbridges and the repair of footpaths.
 - (d) To comment on behalf of the Council on proposals or draft Orders initiated by other public Authorities for the extinguishment or diversion of highways or public paths.
 - (e) To authorise the erection of stiles or gates and waymarking on public paths.
 - (f) To take action to restore unlawfully disturbed Public Rights of Way, and recover costs from the occupier.
 - (g) To respond to District Councils on strategic planning applications affecting highways interests.
 - (h) To authorise procedures under Section 18 of the Countryside and Rights of Way Act 2000 (appointment of wardens).
 - (i) To authorise procedures under Section 19 of the Countryside and Rights of Way Act 2000 (erection of information and direction notices).

- (j) To grant authorisations under Section 40 of the Countryside and Rights of Way Act 2000 (authority for persons to enter land).
 - (k) To implement procedures under Sections 60 and 61 of the Countryside and Rights of Way Act 2000 (Rights of Way Improvement Plans).
 - (l) To implement procedures under Sections 94 and 95 of the Countryside and Rights of Way Act 2000 (Local Access Forums).
 - (m) To exercise the powers and duties of the Council relating to the maintenance of Public Rights of Way (subject to existing delegation agreements with other authorities).
 - (n) To agree Public Rights of Way maintenance budget allocations under claimed rights (Section 42 of the Highways Act 1980).
 - (o) To respond to applications for vehicular access over Common Land under Section 6 of the Countryside and Rights of Way Act 2000.
20. To seek permission for development by the County Council in respect of its functions for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992.
 21. To issue to borough/district councils statements of conformity of local plans with the County Structure Plan after consultation with the relevant Cabinet Member.
 22. To incur expenditure on industrial promotion advertising up to an amount of £25,000 in each case.
 23. To make grants in support of public transport in accordance with approved budgets.
 24. To exercise the Council's functions under the Walkway Regulations 1973.
 25. Without prejudice to the powers of the Head of Property and Asset Management:-
 - (a) To grant leases of industrial land or premises for a term of up to 7 years;
 - (b) To take a lease or licence of land or premises for a term of up to 3 years;
 - (c) To enter into wayleaves and easements in the exercise of the Directorate's functions;
 - (d) To dispose of land and premises whether by way of sale or lease, for industrial or commercial development.
 26. To undertake, on behalf of the Council, the commissioning responsibilities for contract specification, letting, and monitoring in respect of transport.
 27. To be accountable for the management of contracts and commercial partnerships currently undertaken by Amey and Capita Symonds in relation to highways and infrastructure.

G. Corporate Director – Safer and Stronger Communities

1. To approve the discharge of operational firefighters from the Council's services on medical grounds.
2. To approve, or otherwise, applications from members of the County Fire and Rescue Service to engage in other employment.
3. Where considered to be in the interests of the efficiency of the service, to grant the extension of service for firefighters in roles up to station manager beyond the compulsory retirement age of 55 within a policy approved by Cabinet.
4. To discharge the functions of the County Council as Harbour Authority within the area of the Port of Workington under the Petroleum Consolidation Act 1928.
5. Fire Safety:
 - (a) Together with full time personnel of the County Fire and Rescue Service from time to time authorised by the Head of Community Risk Management, to inspect premises in accordance with statutory provisions.
 - (b) Together with the full time personnel of the County Fire and Rescue Service, from time to time holding the relevant qualification (Advanced Professional Certificate in Investigative Practice), after consultation with the Chief Legal Officer, to institute and defend proceedings before Courts of Summary Jurisdiction in connection with the functions of a Fire Authority as indicated above, and to appear on behalf of the Council before a Court of Summary Jurisdiction in any proceedings instituted by, or on behalf of, or against the Council in any matter arising out of the discharge of their duties.
 - (c) Together with full time fire safety personnel of the County Fire and Rescue Service:-
 - (i) to issue prohibition, enforcement and alteration notices, notices or requirements or steps to be taken in accordance with the Regulatory Reform (Fire Safety) Order 2005 and Guidance and with any other statutory provisions conferring powers or duties on the Council;
 - (ii) to issue licenses for the storage of petroleum spirit, and make such charges in accordance with the approved scales.
 - (d) Together with all full time members of the County Fire and Rescue Service, to enforce the Dangerous Substances (Notification and Marking of Sites) Regulations 1990.
 - (e) Special Services: carry out special services, and to charge therefore in accordance with approved scales, and, in appropriate cases, either to waive charges, or to make nominal charges in lieu.
 - (f) Water Schemes: approve new water schemes and other associated works, to ensure an adequate provision of water for firefighting purposes, up to the total value for the time being approved by the Council.

- (g) Requests from operation personnel of the County Fire and Rescue Service for paid and unpaid leave, anniversary dates not to be adjusted in respect of any unpaid leave, anniversary dates not to be adjusted in respect of any unpaid leave so granted, and such special leave to be regarded as pensionable service for the purposes of Article F2(3) of the Fireman's Pension Scheme Order 1992.
 - (h) Retaining Fees (Limited Duty): To exercise the Council's discretionary power to reduce fees in cases in which attendance is required only during limited periods, and in cases of failure to attend for training, fires, and other duties.
 - (i) Probationary Service: To terminate the employment of any member of the Service during his or her term of probationary service.
 - (j) To decide whether sick pay should be reduced after six months, or stopped after twelve months. (Twelve and eighteen months respectively for duty related illness or injury).
 - (k) To implement Cabinet Office policy and address the Council's statutory obligations under the Civil Contingencies Act 2004 (CCA) and other relevant regulations such as the Control of Major Accident Hazard Regulations (COMAH) unless these involve matters of policy or expenditure not included in the approved estimates.
 - (l) To conduct training and organise exercises, on a multi-agency basis, in relation to the Civil Contingencies Act 2004 and other relevant legislation.
 - (m) To levy appropriate charges for emergency planning work carried out in relation to statutory major accident hazard sites in the county.
 - (n) To assist with the co-ordination of the responses by all County Council Departments in the event of an unusual or a major incident in accordance with the Council's General Emergency Plan.
 - (o) To provide a 24-hour contact point for other responder organisations seeking the support of the County Council in the response to a major incident, and to alert elements of the Council, including the Duty Director, as appropriate.
6. To award Forum Grants up to £3,000 upon request from a Neighbourhood Forum which meets at least twice annually in public.
7. In consultation with the Chair and group spokespersons of the relevant Local Committee, to award Forum Grants from £3,001 to £5,000 on the recommendation of a Forum which meets as at (6) above.

PROVIDED that

- (a) All grants over 25% of the total individual Neighbourhood Area Budget, or £5,000, whichever is the lesser, be considered by the relevant Local Committee;

- (b) Where conflicts of opinion arise within Neighbourhood Forums on grant applications, the Corporate Director – Safer and Stronger Communities, in considering the award of a grant within his/her delegated authority, should have regard to the majority view of the Neighbourhood Forum requesting the award of the grant;
 - (c) A report on the decisions taken under delegated powers be made available at the next meeting of the relevant Local Committee.
8. To approve, following consultation with the Corporate Director – Resources, the allocation of moneys from locality funds forming part of the Local Area Agreement for Cumbria and any variation to the allocation of such funds.

Head of Trading Standards

- 1. To exercise the functions of the County Council (including functions relating to registration, enforcement, inspection, or associated action, or granting, amending, refusing, suspending, and transferring any licences) as Weights and Measures Authority, and under any enactment listed in the register of statutes, maintained by the Head of Trading Standards.
- 2. Without prejudice to the generality of the above:
 - (a) To act as the Council’s Chief Inspector of Weights and Measures under Section 72 of the Weights and Measures Act 1985.
 - (b) To determine fees where any person has requested a report or other service including the use of Council equipment.
 - (c) To exercise the statutory powers arising from the appointments and authorisations in paragraph (d) below.
 - (d) To appoint and authorise officers of the Council and neighbouring and other authorities to discharge the statutory functions listed in the register of statutes maintained by the Head of Trading Standards.
 - (e) To sign, on behalf of the Council, the credentials of appointment of Officers, as appropriate, including Local Authority credentials of Inspectors of Weights and Measures, under Section 72 of the Weights and Measures Act 1985.
- 3. To act as officers in the County, and in the area of any other local authority, for carrying out the functions devolving upon the Council under the statutes listed in the register of statutes, maintained by the Head of Trading Standards and
 - (a) any Orders or Regulations or other instruments made thereunder, or relating thereto, or having effect by virtue of the European Communities Act 1972 and any modification or re-enactment of the foregoing; and
 - (b) any offence under any legislation (whenever enacted), or at common law, which is of a similar nature or related to the foregoing including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice and criminal attempts; and

- (c) any modification or re-enactment to the foregoing.
- 4.
 - (a) To enter into collaborative arrangements for and on behalf of the Council with other local authorities, including the commitment of officers and resources, to ensure the effective investigation, and, where appropriate, the prosecution of alleged offences, of regional and/or national scope.
 - (b) Where appropriate, to arrange for the management of such investigations to be carried out by an Officer of the Council.
- 5. In relation to consumer and trade advisory services:
 - (a) To act as contractor with the Office of Fair Trading for the provision of the North West Consumer Direct Contact Centre and as client in the sub-contract with Agilisys Ltd for the provision of the Contact Centre under the Council: Agilisys Ltd Strategic Partnership.
 - (b) To manage the liaison arrangements between Consumer Direct North West and the Region's Trading Standards authorities.
- 6. Subject to Ministerial Order, and in the case of instituting court proceedings after consultation with the Chief Legal Officer, to exercise sanctioning powers set out in the Regulatory and Enforcement Sanctions Act 2008.
- 7. To arrange for the appointment of (a) Public Analyst(s) and Agricultural Analyst(s) for the purposes of the Food Act 1984, the Agriculture Act 1970, and the Medicines Act 1968.
- 8. Where legislation provides and subject to the approval of the Chief Constable, to institute a system of fixed penalty notices in accordance with a procedure agreed with the Chief Legal Officer.
- 9. To undertake the Council's functions under the Performing Animals (Regulation) Act 1925).

SECTION 3 – NON-EXECUTIVE FUNCTIONS

- Appendix 1 - Development Control and Regulation Committee**
- Appendix 2 - Audit and Assurance**
- Appendix 3 - Statement of Accounts Committee**
- Appendix 4 - Personnel Cases Committee**
- Appendix 5 - Cumbria Pensions Committee**
- Appendix 6 - Chief Officers' Panel**
- Appendix 7 - Standards Committee**
- Appendix 8 - Members Panel for the Appointment of Independent Members to the Standards Committee**
- Appendix 9 - Workington Harbour Board**
- Appendix 10 - Scrutiny Management Board**
- Appendix 11 - Scrutiny Advisory Boards**
- Appendix 12 - Scrutiny Task and Finish Groups**
- Appendix 13 - Cumbria Health and Well-Being Scrutiny Committee**
- Appendix 14 - Cumbria Joint Scrutiny Committee**
- Appendix 15 - Corporate Parenting Panel**
- Appendix 16 - Neighbourhood Forums**
- Appendix 17 - Officer Functions**

Development Control and Regulation Committee

Membership: Between 14 and 18 members of the County Council

Functions

1. Town and Country Planning and Development Control (functions specified in Part A to Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000) (“the Functions Regulations”), including the power to make appropriate assessments under the Conservation (Natural Habitats and Conservation) Regulations 1994; such planning functions include responding to strategic consultations from District Councils under paragraph 7 of Schedule 1 to the Town and Country Planning Act 1990 and to consultations on windfarm proposals under the Electricity Act 1989 and for off-shore developments.
2. Powers relating to the preservation of trees.
3. Powers to make Limestone Pavement Orders.
4. Powers in respect of wild birds etc under Part 1 of the Wildlife and Countryside Act 1981 (as amended).
5. Commons Registration: The registration of common land or town and village greens, and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations.
6. Public Rights of Way:
 - (a) power to create footpaths and bridleways;
 - (b) power to stop up footpaths and bridleways;
 - (c) power to divert footpaths and bridleways;
 - (d) power to assert and protect the rights of the public to use and enjoyment of highways, including byways open to all traffic, footpaths, bridleways and/or restricted byways;
 - (e) powers relating to the removal of things so deposited on highways as to be a nuisance;
 - (f) duty to keep a Definitive Map and statement under review.
7. Public Safety: To issue, amend, or replace Safety Certificates for Sports Grounds and regulated stands at sports grounds.
8. Power to approve premises for marriage and civil partnerships.
9. Power to register animal trainers and exhibitions.

10. Countryside and Rights of Way Act 2000:
 - (a) Power to authorise proceedings under Section 14 (enforcement of misleading notices on access land);
 - (b) power to authorise procedures under Section 17 (making and enforcement of Byelaws regulating access land);
 - (c) Power to authorise procedures under Sections 34 to 40.

Audit and Assurance Committee

Membership: Seven county councillors, and up to two independent, non-voting members

Functions

The Committee will review and oversee the work of the County Council's external and internal auditors and the Council's risk management activities, to provide independent assurance of the adequacy of the risk management framework and control environment and oversight of the financial reporting process.

The Audit and Assurance Committee will have the following specific functions:

1. To consider the Management Audit Annual Report of activity, Annual Plan and quarterly monitoring reports on audit activity (including outcomes of recommendations).
2. To consider summaries of specific, non-routine Management Audit reports.
3. To consider the external Auditor's detailed accounts letter and the Annual Audit Letter (prior to reference to Council).
4. To consider relevant reports by the External Auditor.
5. To consider the external Auditor's Annual Plan.
6. To liaise with the Audit Commission over the appointment of the Council's External Auditor.
7. To commission work from internal and external audit, within the agreed Annual Plan and fee levels.
8. To consider proposed amendments to the Council's Financial Regulations before their adoption by the Council.
9. To monitor the effective development and operation of risk management in the Council.
10. To monitor the Council's anti-fraud and whistle-blowing strategies.
11. To oversee the production of the Authority's Corporate Governance Statement (for adoption by Cabinet and Council) and obtain assurances about performance systems and data quality.

12. To ensure that adequate training is provided internally and externally to enable members to fulfil their role.
13. To liaise as necessary with Cabinet, Scrutiny and other functions to maximise the value of review work within the Council.

Statement of Accounts Committee

Membership: Chair of the Audit and Assurance Committee plus seven other members.

Functions

To receive and approve:

- (1) the County Council's annual statement of accounts;
- (2) the pension fund accounts;
- (3) the Annual Governance Statement.

Personnel Cases Committee

Membership: Between 5 and 7 members of the County Council

Functions

- (a) To hear and determine grading appeals which arise in accordance with National Agreements.
- (b) To hear and determine any appeal, where the Council's Disciplinary Procedures so provide, against dismissal arising from the decision of a Corporate Director or Disciplinary Panel as the final internal appeal body.
- (c) To hear and determine any grievance matter relating to general Conditions of Service in cases where the matter has not otherwise been able to be satisfactorily resolved under the Council's Grievance Procedure.
- (d) To determine Injury Allowance matters etc under the Local Government Pension Regulations.
- (e) To settle, in exceptional cases, applications for Voluntary Redundancy/Early Retirement not within the terms of reference of the Corporate Director – Organisational Development or the Chief Officers' Panel.
- (f) To hear any appeal, except for cases dealt with by the Chief Officers' Panel, arising out of the Council's Redundancy or Early Retirement Schemes, including an appeal against selection for redundancy (limited to consideration of the application of the criteria for selection).
- (g) To make decisions on the following matters, in circumstances where they are not within the discretion of service managers or the Corporate Director – Organisational Development:
 - (i) grading or re-grading of posts;
 - (ii) other conditions of service matters;
 - (iii) payment of honoraria.
- (h) To approve the grant of major awards under the Staff Suggestion Scheme.
- (i) To determine, or make recommendations on, as appropriate, any other matters referred to the Committee by the Corporate Director – Organisational Development.
- (j) To hear and determine any dispute arising under the appropriate industrial relations procedural agreements, but only after the matter has been fully discussed at all appropriate officer levels.

Cumbria Pensions Committee

Membership: Eight county councillors, plus one co-opted district councillor representing the six district councils in Cumbria and one non-voting employee representative.

Functions

1. To exercise the Council's responsibility as administering authority for the management of Cumbria Local Government Pension Scheme (the "Pension Fund").
2. To appoint the Investment Manager(s) for the Pension Fund.
3. To approve advice to the Investment Managers on future policy for the investment of the Pension Fund.
4. To submit the Annual Report and Accounts to the Council on the state of the Fund and on investment activities during the preceding year.
5. To communicate with the other employers of the Scheme.
6. To submit update reports to the Council on the state of the Fund and investment activities following meetings of the Committee.
7. To invite appropriate professional representation as required, affecting the general management of the scheme.

Chief Officers' Panel

Membership

Between five and seven County Councillors, including at least one member of the Executive

Functions

1. To make recommendations to the Council on the appointment of the Chief Executive, to approve the terms and conditions of appointment of the Chief Executive, and to agree any changes thereto.
2. To appoint, and determine terms and conditions of appointment of, corporate directors and the statutory officers currently
 - Corporate Director - Resources
 - Corporate Director - Environment
 - Corporate Director - Children's Services
 - Corporate Director - Adult and Cultural Services
 - Corporate Director - Safer and Stronger Communities
 - Corporate Director - Organisational Development
 - Chief Finance Officer (s151 Officer)
 - Chief Legal Officer (Monitoring Officer)
3. Disciplinary action and grievances in relation to the above Officers.
4. Applications for Voluntary Redundancy/Early Retirement from the above officers.

All appointments will be made in accordance with the Local Authorities (Standing Orders) Regulations 2001.

Standards Committee

Membership:

One member of each political group on the Council (excluding the Leader and Deputy Leader), and such number of voting co-opted members as will give them a majority of one.

The Chair shall not be an elected member.

Functions

The promotion and maintenance of high standards of conduct within the Council.

1. To promote and maintain high standards of conduct by Councillors, co-opted members, and Church and parent governor representatives.
2. To assist the Councillors and co-opted members and Church and parent governor representatives to observe the Members' Code of Conduct.
3. To advise the Council on the adoption or revision of the Members' Code of Conduct.
4. To monitor the operation of the Members' Code of Conduct.
5. To advise, train, or arrange to train, Councillors and co-opted members and Church and parent governor representatives on matters relating to the Members' Code of Conduct.
6. To grant dispensations to Councillors and co-opted members and Church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
7. To deal with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer.
8. To overview complaints handling and Ombudsman investigations.
9. To consider, and make recommendations to Council on, any finding of maladministration by the Local Government Ombudsman.
10. To determine as appropriate written allegations of failure to comply with the Council's Code of Conduct in accordance with the arrangements made under section 57A Local Government Act 2000, and to hold reviews under section 57B.

11. To make periodic returns to provide other information to the Standards Board for England under section 66B of the Local Government Act 2000.
12. To consider applications for exemption from political restrictions from officers in politically restricted posts.

**Members Panel for the Appointment of Independent Members
to the Standards Committee**

Membership:

The Panel shall comprise the leaders of each of the political groups on the Council or their nominees and the Chair of the Standards Committee or his or her deputy.

Function

The Panel shall be responsible for recommending to Council the appointment of independent members of the Standards Committee.

Procedure

1. The Panel will be advised by the Monitoring Officer.
2. The position of independent member will be advertised in one or more newspapers circulating in the area of the authority.
3. A person will not be considered as an independent member unless they have submitted an application to the authority.
4. A person will not be considered to be an independent member of the Standards Committee if within the period of five years immediately preceding the date of the appointment they have been a member or officer of the authority.
5. A person will not be considered as an independent member of the Standards Committee if they are a relative or close friend of a member or officer of the authority.

Workington Harbour Board

Membership

12 members, including five county councillors, as follows:

Chairman – independent appointment
Joint Deputy Chairman – County Councillor
Joint Deputy Chairman – Allerdale Borough Councillor
2 Allerdale Borough Councillors
4 County Councillors
3 Independent Members (including a member of West Lakes Renaissance)

Functions

To exercise the Council's functions in respect of the Port of Workington under the Harbours Act 1964 and the Workington Harbour Act 1974 (as amended).

Delegation of Functions to Sub-Committee

Membership:

The Chair, the two joint Deputy Chairmen, and the representative from West Lakes Renaissance

Functions

To deal with any matters of urgency that cannot wait until the next meeting of the Board.

Scrutiny Management Board

Membership

Between 11 and 14 members (except members of the Cabinet) including the chairs and vice-chairs of the four Scrutiny advisory boards and the chair of the Cumbria Health and Well-being Scrutiny Committee.

Functions

The Scrutiny Management Board has strategic responsibility for the Overview and Scrutiny function. The Board has overall responsibility for the direction and management of Overview and Scrutiny so as to ensure that non-executive members make an effective contribution to the improvement and development of Council and other public services for the benefit of the people of Cumbria. Within this context the Board has the following specific responsibilities:

1. to oversee and manage the Council's scrutiny process;
2. to take an overview of use of resources, policy development and performance;
3. to have responsibility to approve one overall scrutiny work programme (except for joint scrutiny committees and the Cumbria Health and Well-being Scrutiny Committee);
4. to monitor the County Council's Forward Plan of Key Decisions;
5. to have overall responsibility for the commissioning of task and finish work (except for joint scrutiny committees and the Cumbria Health and Well-being Scrutiny Committee);
6. to undertake regular dialogue at Scrutiny Management Board meetings with corporate directors and cabinet members;
7. to consider scrutiny referrals from county councillors, local committees and other sources at service and community level;
8. to oversee the co-ordination of scrutiny members learning and development;
9. to undertake quality control of scrutiny procedures including outputs and added value;
10. to consider any Councillor Calls for Action which do not fall within the terms of reference of one of the Scrutiny Advisory Boards;
11. to consider any call-in of an executive decision which does not fall within the terms of reference of one of the Scrutiny Advisory Boards.

Scrutiny Advisory Boards (Four)

Membership

Between 11 and 13 members, excluding members of the Cabinet.

The Scrutiny Advisory Board for Children and Young People shall also include in its membership the following voting representatives:

- (a) Church of England diocesan representative (1)
- (b) Roman Catholic diocesan representative (1), and
- (c) Parent Governor representatives (3)

Functions

Each of the Scrutiny Advisory Boards below shall exercise the Overview and Scrutiny functions of the County Council in relation to the services and activities set out and within any framework laid down by the Scrutiny Management Board.

Committee	Scope
Children and Young People’s Scrutiny Advisory Board	All those functions and activities of the County Council relating to children and young people.
Adults Scrutiny Advisory Board	All those functions and activities of the County Council relating to adults.
Safer/Stronger and Inclusive Communities Scrutiny Advisory Board	All those functions and activities of the County Council relating to safer/stronger and inclusive communities.
Economy and Environment Scrutiny Advisory Board	All those functions and activities of the County Council relating to the economy and environment.

Scrutiny Task and Finish Groups

Membership

Normally between three and five members, but as determined in any particular case by the relevant scrutiny advisory board. The membership is not required to be politically proportionate, but will normally be multi-party.

Functions

1. Task and Finish Groups are one of the principal means by which Overview and Scrutiny will make a positive contribution to the development and review of County Council policies.
2. Task and Finish Groups are set up for a specific and time limited purpose.
3. The following key points shall apply to any Scrutiny task and finish group:

The members of the Group shall be appointed by the Advisory Board from all non-executive members of the County Council.

Anyone duly appointed may be a member except a Cabinet Member.

No member can act as a substitute on a task and finish group.

The Chair of a task and finish group will be appointed by the relevant advisory board.

The Group may invite others, including non members of the County Council, to contribute as witnesses to the subject or area under review.

The Group is not a formal sub-committee, and can advise and recommend but not make decisions.

The Group may undertake research (e.g. hearing evidence from and co-opting experts, undertaking consultation exercises and opinion surveys with various client groups and making visits).

The Group will have clear objectives and terms of reference for a specific time-limited scrutiny review. The Group's work will be supported by a detailed project plan which has been approved by the Scrutiny Management Board.

The work undertaken will form part of a single work programme approved by the Scrutiny Management Board.

The Group can meet in private and informally.

The Group's completed draft report shall be approved by the relevant advisory board and the Scrutiny Management Board before it goes to the Cabinet for consideration. The completed draft report of a task and finish group set up by the Cumbria Health and Well-being Scrutiny Committee shall be approved by that Committee.

At Cabinet, the Group's report will be presented by the Group's lead member or the Chair of the relevant scrutiny advisory board.

Through the relevant scrutiny advisory board, the Scrutiny Management Board shall receive monitoring reports from the advisory boards on the implementation of any proposals arising from scrutiny recommendations agreed by the Executive.

The normal rules relating to public and exempt papers will apply to the Group's report.

The rules on member interests for Overview and Scrutiny will apply to Group meetings.

Cumbria Health and Wellbeing Scrutiny Committee

Membership

1. The County Council will appoint:-
 - Seven members from the County Council. (Each political group to name a pool of additional members, any of whom may substitute for an appointed member from the same group. The number of members in the pool to be twice the number of that group's proportional allocation of members on the Committee).
 - Six District Council members, one co-opted from each District Council in Cumbria. (Each District Council to nominate one of its members for appointment and name two other members, either of whom may act as a substitute for the appointed member).
2. All the above appointed members or a member substituting for an appointed member at a meeting shall be entitled to vote. No member may act as a substitute unless he/she has been named in accordance with the above arrangements.
3. The Committee shall be entitled to co-opt non-members as non-voting co-optees as it thinks fit for a particular matter that is subject to scrutiny.
4. The Chair shall be drawn from the County Council members and shall be elected annually only by those members appointed by the County Council.
5. The Vice-Chair shall be drawn from the District Council members and shall be elected annually only by those members appointed by the district councils.
6. In the absence of the Chair and Vice-Chair the Committee may elect a chair for a meeting.
7. The Committee may appoint one or more sub-committees of County and District members and may arrange for the discharge of its functions by any such Sub-Committee, provided that the scope of the Sub-Committee's remit is clearly defined. This may be appropriate for single issues affecting the County as a whole or a more local issue affecting only a part of the County. In any such case the Committee will require a report from the Sub-Committee at the conclusion of its work. The Committee will determine the appropriateness and extent of co-option of non-local authority members to Sub-Committees when it defines the Sub-Committee's remit.
8. The Committee may set up task and finish groups.
9. The arrangements as to voting and chairmanship that apply to the main Committee shall apply to any Sub-Committee. Potential substitute members named for the purpose of the main Committee may substitute for an appointed member of any Sub-Committee.

10. The Overview and Scrutiny Procedure Rules shall apply to the work of the Committee with any necessary amendments.

Functions

1. To discharge the functions conferred by Section 21(f) of the Local Government Act 2000 of reviewing and scrutinising, in accordance with regulations under Section 224 of the National Health Service Act 2006, matters relating to the planning, provision and operation of health services in Cumbria.
2. To make reports and recommendations on matters relating to the health service in Cumbria to local NHS bodies and to the Council (including the health and wellbeing of Cumbria's population).
3. To act as consultee as required by the relevant regulations in respect of those matters on which local NHS bodies must consult the Committee.
4. To report annually on its work to the County Council and all the district councils.

Cumbria Joint Scrutiny Committee

Membership

1. The Committee is a joint committee of 15 members in total and shall comprise two elected members nominated by each of the following: Allerdale District Council; Barrow Borough Council; Carlisle City Council; Copeland Borough Council; Cumbria County Council; Eden District Council; South Lakeland District Council; and one member of the Cumbria Association of Local Councils.
2. Members will be nominated for one year.
3. Two substitute members will also be nominated for one year by each of the seven Cumbria local authorities plus one substitute for the member appointed by the Cumbria Association of Local Councils.
4. All the appointed members or a member substituting for an appointed member at a meeting shall be entitled to vote. A total of 15 members will have voting rights.
5. No member may act as a substitute unless he/she has been named in accordance with the above arrangements.
6. In addition, where the Joint Scrutiny Committee is carrying out a piece of detailed work, each authority can co-opt an additional non-voting member as a specialist in support of that given topic area.
7. The Chair shall be chosen by the nominated standing members from each authority and the position shall rotate between all the authorities on a 12 monthly basis in alphabetical order.
8. The Committee shall meet at least quarterly to reflect the performance reporting cycle.

Functions

1. To take a strategic overview of the performance and delivery of the Community Strategy as co-ordinated through the Cumbria Strategic Partnership (CSP);
2. To review and scrutinise delivery of the Local Area Agreement targets and the prospects for achieving expected outcomes;
3. To make reports or recommendations to the responsible authority (Cumbria County Council) or the responsible authority plus one or more districts as appropriate, having first given due regard to any response from the lead partner;
4. To provide a co-ordinated forum for discussion and information sharing on scrutiny matters that have cross-district or countywide implications including responding to the new powers or duties to submit reports to the County on LAA matters;

5. To monitor Councillor Calls for Action and Community Petitions from each authority, identifying joint pieces of scrutiny work, where appropriate;
6. To co-ordinate the Committee's activities with the scrutiny committees of the County Council and six district councils and to keep them informed of its work, and to take referrals for possible suitable joint scrutiny work from them through an agreed protocol.
7. To undertake task and finish work, or commission work from individual authorities, or partner organisations. Normally a task and finish group shall comprise up to five members. The Committee will establish its terms of reference, the objectives of the review and the timescale for completion of its task and reporting back to the Committee.

Corporate Parenting Panel

Membership

Seven members appointed by the County Council, and four non-voting co-opted members. The County Council will appoint the Chair, and the Vice-Chair.

The following will be invited to appoint one non-voting member each to serve as a co-opted member of the Panel.

Cumbria Primary Care Trust
District Councils
Voluntary Sector
Secondary Headteacher (nominated via Cumbria Association of Secondary Heads)

The Cabinet Member with responsibility for corporate parenting shall be one of the seven county council members or shall be invited to attend meetings in order to ensure the promotion of a wider ownership of the corporate parenting role.

Functions

1. To champion and promote the best interests of all children and young people who are, have been in care or may be at risk of becoming children looked after particularly in relation to the following and will also promote the role of all county councillors as corporate parents –
 - Health and well-being
 - Ability to stay safe
 - Ability to enjoy and achieve
 - Ability and opportunity to make a positive contribution
 - Achievement of economic well-being
2. To bring together members/officers/representatives of partner agencies with corporate parenting responsibilities;
3. To receive regular reports on issues raised through statutory visits (eg regulation 33 visits);
4. To hold regular meetings with the relevant Cabinet Member and the Corporate Director – Children’s Services or the responsible Head of Service in order to ensure the widest ownership of the role of corporate parent;
5. To receive details of relevant proposed strategic planning, policies, protocols and partnerships to enable the Panel to comment and make recommendations;

6. To receive effective 'preventative' and qualitative information in order to hold senior officers to account in relation to meeting the needs and improving the outcomes of children looked after;
7. To hold responsibility for the development, implementation and monitoring of the "Pledge to Young People" in care;
8. To establish and maintain strong links with the Children in Care Council which enables young people looked after to meet regularly with Panel members and relevant officers in order to ensure that they are meaningfully and actively consulted on issues and their views and concerns are effectively heard. The means of reporting this would be via reports presented by the Children's Rights Officer;
9. To receive six monthly reports from the Complaints Officer on issues raised by looked after children and their carers.

Neighbourhood Forums

Membership

Each Forum will be encouraged to invite the general public and representatives from as wide a range of organisations as possible to meetings so as to broaden involvement in the democratic process. A standing invitation will be extended to the County Council members in the Forum area together with representatives of each District and Parish or Town Council.

Functions

Without limiting each Forum's scope to set its own agenda, the terms of reference of neighbourhood forums shall be generally:

1. to discuss issues of interest or concern in the Forum area; and where appropriate to make recommendations to the relevant County Council Local Committee;
2. to consider and make recommendations to the Corporate Director – Safer and Stronger Communities and the Local Committee as appropriate on the making of grants from any moneys earmarked for the Forum's area.

Non-Executive Functions Delegated to Officers **(Officer Functions)**

Development Control and Regulation

Chief Legal Officer

(The Chief Legal Officer may delegate functions, other than those of Monitoring Officer, to the Head of Legal Practice to exercise on his/her behalf).

1. After consultation with the Head of Environment, local Member, and Chair and other group spokespersons of the Committee, to exercise the powers in Part VII of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in urgent cases, subject to any action so taken being reported to the next meeting of the Committee.
2. On the advice of the Head of Environment, to make Limestone Pavement Orders under Section 34 of the Wildlife and Countryside Act 1981 (as amended), where a limestone pavement is under threat or is being worked without planning permission, subject to report to the next Committee.
3. 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 or Section 51 of the Wildlife and Countryside Act 1981 (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 right of entry for enforcement purposes set out in Section 11 of the Planning and Compensation Act 1991; Sections 196A, 196B, and 196C of the said 1990 Act; Section 25 and Schedule 3 of the said 1991 Act; Sections 88, 88A, and 88B of the Planning (Listed Buildings and Conservation Areas) Act 1990; and Sections 36, 36A, and 36B of the Planning (Hazardous Substances) Act 1990.
4. To issue written powers of entry to land to any Officer of English Nature or the Countryside Agency, where they are required to ascertain whether an Order should be made under Section 34 of the Wildlife and Countryside Act 1981, or if an offence under that Section is being, or has been, committed.
5. After consultation with the Head of Environment, the issue of Planning Contravention Notices in accordance with Section 171C of the Town and Country Planning Act 1990.
6. To enter into legal agreements, and to make Orders under Section 106 of the Town and Country Planning Act 1990, to give effect to decisions by Committee.

Head of Environment

(in consultation with the Chief Legal Officer, where appropriate)

1. To consult with, and comment to, the Forestry Commission on applications to fell trees covered by Tree Preservation Orders and other forestry proposals.
2. To determine whether proposed development is not in accordance with the Development Plan and to determine the procedure to be followed [see also delegation at (21) below].
3. To issue decision notices and to draw up conditions, and reasons for conditions, and reasons for refusal, in connection with planning applications, in order to give effect to the Committee's decisions, subject, where necessary or desirable, to the approval of the Chief Legal Officer [see also delegation at (21) below].
4. To give approvals required by a Development Order or by a condition imposed on the granting of planning permission.
5. To comment, on behalf of the County Council, on planning applications submitted to District Councils including District Council development, or on consultations from neighbouring Planning Authorities when the proposals are of a minor nature or do not raise any strategic planning issues [see also delegation at (21) below].
6. To comment on behalf of the County Council on applications for deemed planning permission for overhead electricity lines above 132 kV (provided that the District Council concerned has raised no objection).
7. To comment to the Environment Agency on applications for Waste Management Licences, or modifications, after consultation with the Local Member.
8. To exercise the powers contained in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, to give screening opinions, scoping opinions, and to require environmental statements in respect of planning applications [see also delegation at (21) below].
9. To determine whether a plan, project, proposal or existing planning permissions is likely to have a significant effect on a European site, to which the Conservation (Natural Habitats and Conservation) Regulations 1994 apply.
10. To maintain the Registers of Common Land and Village Greens, and determine undisputed applications for amendment of the Registers, after consultation, where appropriate, with the Chief Legal Officer.
11. To serve counter notices and take all necessary steps under Section 151 of the Town and Country Planning Act 1990 and related provisions in respect of any planning blight notice.

(Note: The delegations at paragraphs (12) to (20) below are to be exercised having regard to the Code of Practice for the Delegation of Planning and Enforcement Functions in section 4 of this part of the Constitution).

12. To determine the following applications for planning permission:
 - Applications for new development or to amend or remove planning conditions, within existing minerals and waste management sites or with a significant County Council interest, which should not have a significant impact outside the site boundary; and
 - Minor development not on existing minerals and waste management sites which would not have a significant impact on the locality (for example kiosks, pipe bridges and other minor wastewater developments, including minor changes to small scale developments previously approved by committee, and shallow boreholes); and
 - Approval of reserved matters; but excluding any application which would extend the period of a planning permission, be accompanied by an Environmental Statement or where one is required, or any application which has been advertised as a departure from development plan policy.
13. To make recommendations to the Secretary of State in relation to applications for listed building consent and conservation area consent submitted under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.
14. To determine applications for certificates of existing or proposed lawful use or development.
15. To authorise the serving of an Enforcement Notice including any subsequent amendment to notices, withdrawal and re-service.
16. To authorise the service of a Stop Notice, including a Temporary Stop notice.
17. To serve a Breach of Condition Notice.
18. To make application for an Injunction to an appropriate court in circumstances of emergency under the powers contained in Section 187B of the Town and Country Planning Act 1990, subject to such action being reported to the next meeting of the Development Control and Regulation Committee.
19. To interview under formal caution persons suspected of criminal offences involving breaches of planning control.
20. To undertake an appropriate assessment of any plan, project, proposal or existing planning permission considered likely to have a significant effect on a European site, to which the Conservation (Natural Habitats and Conservation) Regulations 1994 apply [see also delegation at (21) below].
21. The delegations at (2), (3), (5), (8) and (20) above are also delegated to the Head of Transport and Spatial Planning as appropriate on category 1 (formerly 'Strategic') applications as defined in the Protocol for Consulting Cumbria County Council on Category 1 Planning Applications (June 2006) adopted by the County Council on 13 September 2006 and with particular reference to (2) above the power to raise "objections" or "no objections".

Corporate Director – Safer and Stronger Communities

1. The Corporate Director, has delegated power:
 - (a) To enforce, on behalf of the Council, all matters relating to the Safety of Sports Ground Act 1975, Safety of Places of Sports Act 1987 and all associated legislation and guidance;
 - (b) To exercise the functions of, and act on behalf of, the Development Control and Regulation Committee in cases of urgency in connection with any safety of sports ground issues regarding spectator safety;
 - (c) To serve Prohibition Notices under the Safety of Sports Ground Act 1975, and the Fire Safety and Safety of Places Sport Act 1987;
 - (d) To report to the Development Control and Regulation Committee of the County Council and advise them of any changes or other matters that require their attention so that they may effectively discharge their powers and duties on behalf of the County Council, as required under the Safety of Sports Grounds Act 1975, Fire Safety and Safety of Places of Sports Act 1987 and all associated legislation and guidance, as the enforcing authority;
 - (e) To Chair the Safety Advisory Group, ensuring that the Group discharges the responsibilities delegated to it by the County Council (as stated in the Safety Advisory Group Constitution) and act as the Group's liaison officer to the Development Control and Development Committee;
 - (f) To undertake any other duties as required on behalf of the Council or Corporate Director to ensure that the policies of the County Council regarding sports grounds safety matters are reflected as best practise in accordance with local and national guidance.
 - (g) To issue prohibition, enforcement and alteration notices, notices or requirements, or steps to be taken in accordance with the Regulatory Reform (Fire Safety) Order 2005 and Guidance and with any other statutory provisions conferring powers or duties on the Council;
 - (h) To issue licences for the storage of petroleum spirit, and make such charges as in accordance with the approved scales.

Corporate Director – Resources

1. To determine all applications for registration, together with the power to impose additional conditions, under The Marriages (Approved Premises) Regulations 1995; and to determine fees where applicable.
2. To keep a Register of all premises which are approved, and to make any amendments in accordance with the Regulations.
3. To revoke any approval in accordance with the Regulations.
4. To inspect premises for any purpose in connection with the Regulations.

Workington Harbour Board

Port Manager

Subject to the general direction of the Workington Harbour Board, to enter into contracts and arrangements with existing and prospective Port users.

Financial Scheme of Delegation

Detail	Officer	Officer
Delegated budget responsibility	Port Manager	
Budget Manager	Port Manager	
Finance Officer	Port Manager	

Revenue Budget

Authorised to issue orders up to £25k	Port Manager	Admin Team Leader
Authorised to issue orders over £25k	Head of Service	Port Manager
Authorised to issue orders over £50k	Corporate Director – Environment	Port Manager
Authorised to sign invoices up to £25k	Port Manager	Admin Team Leader
Authorised to sign invoices over £25k	Head of Service	Port Manager
Authorised to sign invoices over £50k	Corporate Director – Environment	Port Manager
Authorised to sign petty cash	Port Manager	Admin Team Leader
Authorised to instruct Capita Payroll	Port Manager	Admin Team Leader

Executive Responsibility

1. Corporate Director – Environment

Has the overall operational and financial control of the Port Authority's function, and advises the County Council on all matters relating to the authority's responsibilities.

2. Port Manager

Manages the operation of the Port, and advises the Corporate Director of the operational and financial implications of the Port's policies and decisions.

3. Harbour Master / Pilot

Statutory Harbour Master for the Port of Workington and exercises the Port Authority's powers with respect to the safety of marine operations.

Duty Holders

The Port Marine Safety Code requires each harbour authority to hold itself accountable for the discharge of its duties and powers to the standard laid down. It requires the Board members or others of each authority to accept responsibility for ensuring that the authority discharges its duties and powers to that standard. Board members or others are collectively and individually responsible for the proper exercise of their authority's legal duties. It follows clearly that it – and they – are severally and collectively the 'duty holder'.

Duty Holders for the Port of Workington:- Corporate Director – Environment.

Designated Persons

It is fundamental to an effective safety management system that the harbour authority should assign the functions of a 'designated person' to provide independent assurance to the 'duty holder' that the safety management system is working effectively, and to audit the authority's compliance with the Port Marine Safety Code.

Designated Persons for the Port of Workington:- Port Manager, Port of Workington.

Contact Arrangements Designated Person / Duty Holder

The person, or persons, to whom the function of Designated Person is entrusted, must have direct access to the highest level of the authority.

The designated person shall make a report to the duty holder as to the effectiveness of the Safety Management System at intervals not exceeding six months from the commencement date of the Port Marine Safety Code, 1 January 2002.

Powers of the Port Authority

The County Council, as Port Authority for the Port of Workington and as Competent Harbour Authority, operates the Port and Pilotage under the powers granted to it by the Workington Harbour Acts and Orders 1957 to 1999 and the Pilotage Act of 1987, and is a Statutory Harbour Authority under the Harbours Docks and Piers Clauses 1847 and subsequent Acts.

The Authority is responsible for all areas within the Harbour limits prescribed in Section 12 (Harbour limits) of the Workington Harbour and Dock (Transfer) Act 1957 and the Workington Harbour Revision Order 1999.

SECTION 4 – CODES OF PRACTICE AND PROTOCOLS

- Appendix 1 - Code of Practice for the Delegation of Planning and Enforcement Functions**
- Appendix 2 - Summary of the Protocol for Consulting Cumbria County Council on Category 1 Planning Application**

Code of Practice for the Delegation of Planning and Enforcement Functions

1. On receipt of an application, the case officer will decide whether it falls within a category on which a delegated decision is appropriate.
2. Members of the Development Control and Regulation Committee (the Committee) will receive (by e-mail or post as appropriate) a weekly list of new applications with an indication of those to be dealt with under the delegation scheme and the name of the case officer.
3. Consultations and publicity will be undertaken as required by planning regulations with particular regard to ensuring that consultees and the public are made aware of the deadlines for response and that applications may be dealt with under delegated powers. (Local members will be consulted as now under this procedure. The member for an adjoining electoral division will also be consulted where proposals are close to the division boundary and for the purpose of this Code they will be treated as a local member, see 4 below).
4. The local member and members of the Committee may request that an application is determined by the Development Control and Regulation Committee. Requests should be made in writing within 28 days of receiving notification of the application and set out the grounds on which the request to call in the application is based. (It is strongly recommended that before making a formal request members should contact the case officer and discuss the issues of concern as it may be possible that they can be resolved or covered by planning conditions on any permission). A written request from a local member or a member of the Committee for a referral of an application to Committee will mean that the application will be referred to Committee.
5. Applications to which a consultee has raised objection or there has been a representation raising a relevant planning objection within the specified response period will be referred to Committee unless the matter raised can be resolved or dealt with by planning conditions on any permission. In the case of applications where a member of the public has asked to make representations in person they shall be referred to Committee.
6. At the end of the period allowed for representations and consultations the case officers shall prepare a report describing the development, identifying the relevant development plan policies and other material considerations taken into account, having regard to the Human Rights Act 1998, and making a recommendation either that the application be approved, setting out the reasons for that decision and the conditions to which it would be subject, or that it be refused, giving reasons in full. (In the case of refusal there would be a strong possibility that the application would be referred to Committee unless grounds were clear and well established).
7. The report shall be passed to the Head of Environment or an officer nominated by him. If the recommendation is agreed the decision shall be issued.

8. All reports and documentation relating to a decision shall be retained on the application file and be available for public inspection.
9. Delegated planning decisions shall be included in a schedule reported to the next available Committee meeting setting out the decision taken.
10. Any delegated matter may be referred to Committee at the discretion of the Head of Environment.
11. Any application submitted by a member or employee of the authority shall be presented to the Development Control and Regulation Committee. This is necessary to demonstrate transparency and probity.
12. Enforcement action shall be reported to the first Committee following the serving of any notice. A schedule of all current enforcement action will be provided, setting out the timescale for action and with updates to show progress against those timescales.
13. The scheme of delegation shall be subject to annual review by Committee to ensure that it remains appropriate and operates effectively.

Summary of the Protocol for Consulting Cumbria County Council on Category 1 Planning Applications

1. The Head of Transport & Spatial Planning [or Head of Environment as appropriate] will consider, check and authorise the corporate Proforma report response to each application consultation, and the District Local Planning Authority will be notified by letter [including the Proforma report] of the recommendation and any other relevant points or issues that might be raised by County Council members.
2. Any application submitted by a member or employee of the County Council shall automatically be presented to the Development Control and Regulation Committee to demonstrate transparency and probity.
3. A weekly list of planning application consultations will be sent out by the Head of Member Services and Scrutiny, in order to inform Development Control and Regulation Members of current planning application consultations.
4. As part of the standard internal consultation procedures, local members, the Chair, Vice-Chair and Spokesperson of the Opposition Group of the Development Control and Regulation Committee and of any relevant Local Committee will be informed of the current list of planning applications and the issues affecting them.
5. Consultation applications will only need to go before the Development Control and Regulation Committee in those circumstances where: it requires a policy decision because there is a County Council policy gap against which to determine the application; or where the planning issues are so finely balanced that it warrants a decision of the Development Control and Regulation Committee Members.
6. Any delegated matter may however be referred to the Development Control and Regulation Committee at the discretion of the Head of Transport & Spatial Planning [or Head of Environment in the case of renewable energy schemes].
7. The Head of Transport & Spatial Planning [or the Head of Environment in the case of renewable energy scheme] having taken on board the views of the Spatial Planning Manager and the Case Officer, will decide the merits of referring such applications to the Development Control and Regulation Committee.
8. In the event that a local member requests that an application is brought before the Development Control and Regulation Committee the application shall be reported to the Committee and the member shall set out in writing why it is in the public interest to do so.
9. Member site visits are not normally relevant to the consideration of planning application consultations, as the matter to be considered is the broad principle and location of the development set against County Council policy, and not the site detail. However, only in exceptional circumstances may site visits be requested by local members and will be granted where: there is a policy gap; or where the issues

are so finely balanced; and where this will be of assistance in determining the balance of considerations, on the agreement of the Chair, Vice-Chair, the Spokesperson of the Opposition Group of the Development Control and Regulation Committee and the Head of Transport & Spatial Planning [or Head of Environment in the case of renewable energy schemes].

10. Delegated Officer responses shall be included in a schedule reported to the next available Development Control and Regulation Committee meeting setting out the consultation responses.
11. Under these arrangements, the majority of planning application consultations will therefore be dealt with under delegated powers, and that only in a limited number of cases will the application need to be referred to the Development Control and Regulation Committee.
12. The steps necessary to effect the new delegated powers are set out in the “Protocol for Consulting Cumbria County Council on Category 1 Planning Applications (June 2006)” adopted by the County Council on 13 September 2006.

**SECTION 5 –
RESPONSIBILITY FOR
LOCAL CHOICE FUNCTIONS**

Responsibility for Local Choice Functions

Function	Decision Making Body	Membership	Delegation of Functions
1. Any function under a local Act, other than a function specified or referred to in Regulation 2 or Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000	The Executive	3-10 Councillors, including the Leader and Deputy Leader	The Corporate Director – Safer and Stronger Communities has delegated to him the functions under Part VII of the Cumbria Act 1982
2. (a) The determination of all appeals in respect of personnel issues (b) The determination of all other appeals against any decision made by or on behalf of the Authority	Personnel Cases Committee The Executive	5-7 Councillors 3-10 Councillors, including the Leader and Deputy Leader	
3. The making of arrangements pursuant to Section 52 of the Education Act 2002 (appeals against exclusion of pupils)	The Executive	3-10 Councillors, including the Leader and Deputy Leader	
4. The making of arrangements pursuant to Section 94 of the School Standards and Framework Act 1998 and associated regulations (admission appeals)	The Executive	3-10 Councillors, including the Leader and Deputy Leader	
5. The making of arrangements pursuant to Section 95 of the School Standards and Framework Act 1998 and associated regulations (appeals by governing bodies)	The Executive	3-10 Councillors, including the Leader and Deputy Leader	

Function	Decision Making Body	Membership	Delegation of Functions
6. The making of arrangements under Section 20 of the Police Act 1996 for enabling questions to be put on the discharge of the functions of the Police Authority	The Executive	3-10 Councillors, including the Leader and Deputy Leader	
7. Appointments under paragraphs 2 – 4 of Schedule 2 to the Police Act 1996	Full Council		
8. Any function relating to contaminated land	The Executive	3-10 Councillors, including the Leader and Deputy Leader	
9. The obtaining of information under Section 330, Town and Country Planning Act 1990, as to interests in land	Corporate Director – Environment		