SUMMONS AND AGENDA

for the Adjourned Annual General Meeting of the

County Council

on Thursday, 29 June 2017 at 10.00 am

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Serving the People of Cumbria
CUMBRIA COUNTY COUNCIL

MEETING OF THE COUNTY COUNCIL

To: ALL MEMBERS OF THE COUNTY COUNCIL

You are hereby summoned to attend the adjourned Annual General Meeting of Cumbria County Council to be held at the Council Chamber - County Offices, Kendal, LA9 4RQ, on Thursday 29 June 2017 at 10.00 am

Yours sincerely

[Signature]
Chief Executive

Cumbria House
Carlisle
CA1 1RD

Wednesday, 21 June 2017

GROUP MEETINGS

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AGENDA

PART 1: ITEMS LIKELY TO BE CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC

1 ROLL CALL OF MEMBERS

2 CHAIRMAN

To elect a Chairman of the County Council for the ensuing year (the Chairman to make a declaration of acceptance of office).

3 VICE CHAIRMAN

To appoint a Vice Chairman of the County Council for the ensuing year (the Vice Chairman to make a declaration of acceptance of office).

4 DECLARATIONS OF INTEREST

To disclose any disclosable pecuniary interests relating to any item on the agenda.

Members are asked to refer to the Monitoring Officer and Senior Manager for Legal and Democratic Services for advice in relation to the declaration of interests at meetings of the full Council. A complete list of declarations notified to the Monitoring Officer by 5.00 pm on Monday 26 June 2017 will be circulated at the meeting. If any member wishes to correct or add to the circulated list, guidance on what constitutes a disclosable pecuniary interest is set out below.

NB The following is a summary of what constitutes a disclosable pecuniary interest. Please seek advice from Legal and Democratic Services.

Members are invited to disclose any disclosable pecuniary interest they have in any item on the agenda which comprises

1 Details of any employment, office, trade, profession or vocation carried on for profit or gain.

2 Details of any payment or provision of any other financial benefit (other than from the authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

3 Details of any contract which is made between you (or a body in which you have a beneficial interest) and the authority
(a) Under which goods or services are to be provided or works are to be executed; and
(b) Which has not been fully discharged.

4 Details of any beneficial interest in land which is within the area of the authority.

5 Details of any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer.

6 Details of any tenancy where (to your knowledge)
(a) The landlord is the authority; and
(b) The tenant is a body in which you have a beneficial interest.

7 Details of any beneficial interest in securities of a body where
(a) That body (to your knowledge) has a place of business or land in the area of the authority; and
(b) Either –
   (i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
   (ii) If that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

In addition, you must also disclose other non-pecuniary interests set out in the Code of Conduct where these have not already been registered.

Note

A “disclosable pecuniary interest” is an interest of a councillor or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they are civil partners).

5 MINUTES

To confirm as a correct record the minutes of the meetings of the Council held on 6 April 2017 (copy enclosed). (Pages 7 - 16)

6 EXCLUSION OF PRESS AND PUBLIC

To consider whether there are any items on the agenda for which the press and public should be excluded.
7 PUBLIC PARTICIPATION
To receive petitions or questions from the public under the Public Participation Scheme for the Council. This item is time limited to 30 minutes.

8 ANNOUNCEMENTS AND COMMUNICATIONS
To receive any announcements from the Chair, Leader, Members of the Cabinet or the Chief Executive.

9 ELECTION OF LEADER
To elect a Leader of the Council for a four year term.

To receive for information the Leader of the Council’s appointments of a Deputy Leader and members of the Cabinet.

10 MINUTES OF THE EXECUTIVE
The minutes of the meeting of the Executive held on 20 April are enclosed.

The Leader will ask members if they have any questions on the minutes taking each page in turn. Members should state clearly the minute number of the item concerned. (Pages 17 - 24)

11 QUESTIONS
To consider questions from Members, in accordance with Council Procedure Rule No 11.2, to the Leader, a Member of the Executive or the Chair of any Committee.

12 CONSTITUTION AND APPOINTMENTS OF STANDING COMMITTEES AND CHAIRS ETC
To receive a report from the Corporate Director – Resources and Transformation (copy enclosed). (Pages 25 - 60)

13 NOTICES OF MOTION

14 SPEECHES
To hear speeches (not exceeding five minutes each) for up to a specified period of 30 minutes, from individual members, of which at least 24 hours’ notice has been given to the Corporate Director – Resources and Transformation.
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COUNTY COUNCIL

Minutes of a Meeting of the County Council held on Thursday, 6 April 2017 at 10.00 am at Council Chamber - County Offices, Kendal, LA9 4RQ

PRESENT:

Councillor Mr GD Cook (Chairman)

Mr J Airey                  Ms B Furneaux                  Mrs W Skillicorn (Vice-Chair)
Mr T Allison                Mr W Graham                  Mr DE Southward
Mr AL Barry                 Mrs BC Gray                  Mr M Stephenson
Mr J Bell                   Mr KR Hamilton                Mr I Stewart
Mrs PA Bell                 Mr K Hitchen                Mrs V Tarbitt
Mr RW Betton                Mr JS Holliday                Mr P Thornton
Mr RK Bingham               Mr N Hughes                  Mrs C Tibble
Mr J Bland                  Mr A Kennon                  Mrs A Toole
Mrs C Bowditch              Mr TJ Knowles                Mrs GR Troughton
Mr A Bowness                Lord R Liddle                Mr T Wentworth Waites
Mrs A Burns                 Mr J Lister                  Mrs H Wall
Mrs HF Carrick              Mr KA Little                  Mr R Watson
Mr F Cassidy                Mrs EA Mallinson            Mr WJ Wearing
Mr A Clark                  Mr J Mallinson              Mr C Weber
Mr SB Collins               Mr AJ Markley                Ms C Wharrier
Mr N Cotton                 Ms C McCarron-Holmes         Mrs J Willis
Mr B Crawford               Mr H McDevitt                Mrs M Rae
Mr B Doughty                Mr W McEwan                  Mr M Wilson
Mrs S Evans                 Mr A McGuckin                Mr H Wormstrup
Mr DS Fairbairn             Mr EW Nicholson              Mrs MH Worth
Mrs C Feeney-Johnson        Mrs M Rae                   Mr SF Young
Mr LN Fisher                Mrs M Robinson
Mr D Fletcher               Mr S Rooke

95    ROLL CALL OF MEMBERS

There were 66 members present when the meeting commenced.

Apologies were received from Apologies for absence were received from
Mrs O Bateman, Mr N Clarkson, Ms D Earl, Miss HJ Fearon, Mrs H Halliday,  
Mr M Hawkins, Mr G Humes, Mr A Lysser, Mr NH Marriner, Mr FI Morgan,  
Mr J Murphy, Ms J Murphy, Mr D Roberts, Mrs S Sanderson, Mr GB Strong and  
Ms E Weir.

96    DECLARATIONS OF INTEREST

There were no declarations of interest made.
RESOLVED that the Minutes of the meeting held on 16 February 2017 be confirmed as a correct record and signed by the Chair.

EXCLUSION OF PRESS AND PUBLIC

There were no items on the Agenda for which the press and public should be excluded.

PUBLIC PARTICIPATION

There had been no requests to use the Public Participation Scheme on this occasion.

ANNOUNCEMENTS AND COMMUNICATIONS

(a) The Chairman

The Chairman welcomed the new Chief Executive, Ms Katherine Fairclough to the meeting and advised that he had circulated for information, his and the Vice Chair’s engagements since the last meeting. He extended his best wishes to those members who had decided not to stand for re-election on 4 May 2017 and thanked members for their commitment and hard work, on behalf of their constituents. He announced that the County Council had been awarded a Silver award as part of the defence employer recognition scheme.

(b) The Leader

As it was the last meeting of the Council before the election, on behalf of the Administration, the Leader thanked all members for their support and praised members on their integrity and sincerity in their support to their constituents.

(c) Members of Cabinet

The Cabinet Member for Public Health and Community Services reported on the launch of the Cumbria Schools’ Games finals, the accreditation of young leaders who were involved and on the judging of the winning design of the Games’ mascot.

The Cabinet Member for Highways and Transport thanked members for their support through the Highways Improvement Board and the Highways team for their support. He reported that the Highways and Transport Service had achieved Band Three in the Highway Maintenance Incentive Assessment which was the highest to be achieved. He commented on welcoming the Flying Scotsman into Carlisle and on a rail development in the County which had employed a local company.
The Cabinet Member for Schools and Learning thanked all staff in the Children and Family Service directorate. An update was provided on Cumbria Schools which included the number of schools judged by Ofsted as Good or Outstanding, CASL was making improvements in county schools and that 21 Ofsted inspections had been undertaken in Cumbria since March 2017.

101 20 YEARS’ SERVICE COMMEMORATION

The Chairman announced that five members of the County Council had twenty years’ consecutive service and was pleased to present those members in attendance at the meeting, Mr Bingham, Mrs Mallinson, Mr Nicholson and Mr Southward with a commemorative award. Although, not present at the meeting, the Chairman also acknowledged Mr Humes’ 20 years consecutive service.

The Chairman acknowledged that members of the current Council may have had twenty years service which was however, not consecutive.

102 MINUTES OF THE EXECUTIVE

The Leader presented the Minutes of the Executive meeting held on 16 March 2017.

Questions were asked as follows:


Mr Collins asked what the initial indications of financial and other benefits were after the first six months of staff working in Cumbria House, Carlisle. The Cabinet Member for Finance stated that there had been benefits for both staff and local businesses in the first six months of occupation. Staff feedback had highlighted positive responses in terms of open plan working, improved technology, improvement to health and wellbeing and the provision of cycling facilities. Local businesses in the vicinity of Cumbria House had reported an increase in spending and footfall whilst new food outlets had opened. Overheads and carbon output had reduced as the number of offices had reduced, saving £1m per annum.

Minute 124 – Award of Contract for the Design and Build of Two 60 Bed Care Homes in Carlisle and Copeland

Mr Fletcher referred to a recent meeting of the Development Control and Regulation Committee, where the provision and financing of solar panels on the new buildings had been raised. The Cabinet Member for Economic Development and Property undertook to provide a comprehensive response to Mr Fletcher upon receipt of the full question in writing.

Mr Markley asked if there were any proposals for Council properties which had been vacated, in terms of their future use. The Leader advised that options would be reviewed on a case by case basis and in the context of financial business cases and
undertook to circulate a written response to all members of the Council regarding the proposals for vacated council properties.

**103 SCRUTINY UPDATE REPORT**

A report from the Chair of the Scrutiny Management Board was considered which updated members on the work of Scrutiny and any issues and developments that had occurred since the last meeting of full Council.

As it was his last full Council meeting as Chair of the Scrutiny Management Board before the election, Mr Wearing thanked all members, the Scrutiny Team and Corporate Directors for their support to Scrutiny. Mr Wearing commented on the success of the Performance Working Group and was pleased to report that 81% of recommendations from Task and Finish Group work had been accepted by Cabinet. He drew members’ attention to the work of the Scrutiny Boards as outlined in the Annual Report which included the number of and topics of the Task and Finish Groups. He encouraged all parties and backbenchers to engage with Scrutiny following the May 2017 election.

**RESOLVED that**

1. Recent activity undertaken by Scrutiny be noted.
2. The Scrutiny Annual Report be noted.

**104 QUESTIONS**

The following questions were asked:

Mr Hitchen asked Mr Hughes, the Chair of the Health Scrutiny Committee why there was not more information included in the Scrutiny Annual Report 2016 -17 on the work undertaken by members located in west Cumbria on the Success Regime proposals. Mr Hughes, whilst acknowledging Mr Hitchen’s disappointment, advised that the Health Scrutiny Committee covered Health across the whole county not just one area.

Mr Hitchen thanked the Cabinet Member for Highways and Transport for the written response received to his question at the previous full Council meeting regarding a public highway under threat from coastal erosion at Eskmeals, however he asked for clarification in terms of what the County Council proposed to do in respect of the assets. The Cabinet Member for Highways and Transport advised that the Highways Team were working with the District Council on the issue.

Mr Knowles asked about the intentions of the Cabinet Member for Highways and Transport to address the issue of unclassified Lake District fell routes, including Cold Fell Road being used like trunk roads in West Cumbria. The Cabinet Member for Highways and Transport advised that there was dialogue between the Highways Authority and the Cold Fell Action Group to discuss the matter, work was taking place with a large local employer with regard to road safety and the local Highways Network Manager would be reviewing the need for a speed camera in the area referred to by Mr Knowles.
Mrs Mallinson requested an update on the Sugar Tax. She considered that the funding should be directed into Public Health rather than schools. The Cabinet Member for Public Health and Community Services offered a written response to be circulated to all members of the Council after the meeting.

Mr Collins asked whether during investigation of the problems at Ford Bridge, Burneside, the project team would take into account the risk of flooding which the river cross section presented and identify a solution to reduce the flood risk. The Cabinet Member for Highways and Transport stated that the team was working closely with the Environment Agency to ascertain the impact of the existing bridge on flood risk and that flood risk modelling was being undertaken. Once completed, it would be determined whether to repair or replace the bridge to ensure that any risks it posed to local flooding was mitigated as far as practicable. He thanked the public for their patience regarding a temporary weight restriction on the bridge.

Mrs Evans asked for an update on School budgets. The Cabinet Member for Schools and Learning reported on the National Funding Formula, the potential impact on school budgets in the county and on the current pressures on school budgets.

Mr Airey asked the Leader whether a Labour administration would introduce parking charges and parking meters in Cumbria. The Leader reported on the financial savings that the Council would be required to make in the ensuing three years and highlighted the priority to protect front line services.

Mr Hughes asked for an update on the permanent replacement of Pooley Bridge and how the public would be engaged in the process. The Cabinet Member for Highways and Transport referred to the speed with which key routes and bridges were restored after Storm Desmond and the resilience of the Highways Team and Cumbria as a whole. Pooley Bridge had a temporary structure and attention was now focussed on replacing it with a permanent structure. He commented on his and the Prince’s Foundation’s commitment to working with the local community in the replacement of the bridge. Currently, visual representations of potential suitable bridges were being drafted which would be shared with the wider community.

Mr Markley asked when Rumbling Bridge at Abbeytown would be repaired. The Cabinet Member for Highways and Transport undertook to provide a response to Mr Markley.

105 DIRECTOR OF PUBLIC HEALTH'S ANNUAL REPORT

The Director of Public Health’s Annual report was received which gave an independent, expert view of the key issues affecting Public Health in the county with recommendations on how they may be tackled.
The Director of Public Health gave a presentation on health protection which identified the organisations involved in Cumbria and the four main topics of focus for the year. Members asked the Director of Public Health a number of questions including why was there a disparity on the uptake of services across the county, the reason for the high figures for a specific infection in Cumbria, policies and procedures for bowel cancer screening for men, obesity levels in deprived communities and the role of the County Council in increasing the knowledge of the use of antibiotics in agriculture.

Members welcomed successful partnership working with the NHS and local councils and commented on the good work being undertaken in the county by the Director of Public Health’s team and other organisations.

In supporting members’ comments, the Cabinet Member for Public Health and Community Services thanked the Director of Public Health and his colleagues for the excellent work that had been undertaken in the service.

RESOLVED that

1. The presentation slides be circulated to all members of the Council.
2. The Director of Public Health’s Annual Report 2016 be noted.

106 SELECTION OF COMMITTEE PLACES GROUP

A report was considered from the Leader of the Council regarding the establishment of the membership of the Selection of Committee Places Group. The Leader advised that the Committee was advisory only and would have 6 members which were identified by the Groups and be chaired by the current Chairman of the Council.

Mr Stewart moved the recommendations, seconded by Mrs Bell.

RESOLVED that

1. A Selection of Committee Places Advisory Group be established with 6 members, or such other number of members as the Group Leaders agree between them, reflecting the political balance of the new Council, (plus the Chairman of the Council as an ex-officio member).

2. The members of the Group be notified to the Senior Manager – Legal and Democratic Services by the Group Leaders following the political group meetings on 8 May 2017.

107 TEMPORARY DECISION MAKING POWERS FOR THE CHIEF EXECUTIVE AND CORPORATE DIRECTORS

A report was considered from the Leader of the Council on Temporary Decision Making Powers for the Chief Executive and Corporate Directors and Appointment of Proper Officer. The report asked the Council to approve the temporary
arrangements for the Chief Executive and all Corporate Directors and to take urgent
decisions in the period between the final Cabinet meeting before the County Council
elections and the Annual meeting of the Council and asked for approval to amend
the Officer Scheme of Delegation in respect of the appointment of the proper officer
for certain post-election functions.

RESOLVED that

1 Council authorises the Chief Executive and each Corporate Director
(acting individually) to take any urgent decision that is required in the
period between the final meeting of Cabinet before the County Council
elections and the election date, following consultation with the Leader,
Deputy Leader and the relevant Cabinet Member; and subject to the
Chair of the relevant Scrutiny Board also being consulted; and to the
decision being reported to the next practicable meeting of the Council.

2 Council authorises The Chief Executive and each Corporate Director
(acting individually) to take any urgent decision that is required in the
period between the date of the County Council elections and the Annual
Meeting of the Council, following consultation with the Leader, Deputy
Leader and relevant Cabinet member; and each main group leader or, in
a group leader’s absence, a member nominated by the political group;
and subject to the decision being reported to the next practicable
meeting of the Council.

3 That for the purposes of this resolution an “urgent decision” is defined as
one which, if it was required following the date of the last Cabinet
meeting before the County Council elections, but delayed until the first
meeting of Cabinet in the new Council, the delay would seriously
prejudice the Council’s or the public interest.

4 That the Chief Executive be appointed as proper officer for the purposes
of sections 83 (1) – (4) of the Local Government Act 1972 and sections
15 – 17 of the Local Government and Housing Act 1989 and the Local

5 That the Corporate Director – Resources and Transformation be
appointed to act as proper officer for these functions in the absence or
incapacity of the Chief Executive or the vacancy of the post.

6 An amendment to Part 3 of the Constitution (Scheme of Delegation) be
approved to reflect these appointments within the delegations of the
Chief Executive and the Corporate Director – Resources and Transformation
and authorises the Monitoring Officer to make any
necessary consequential amendments to the Constitution.

108 APPOINTMENT OF INDEPENDENT MEMBERS - WORKINGTON
HARBOUR BOARD
The Cabinet Member for Economic Development and Property presented a report on the proposed re-appointment of two of the Independent members on Workington Harbour Board. He expressed his thanks to members of the Board.

Mr Southward proposed the recommendations, seconded by Mr Little.

RESOLVED that Mrs Janet Fallon and Mr Stuart Askew be reappointed as Independent members of the Workington Harbour Board for a further year, expiring on 21 April 2018.

109 MINUTES OF COMMITTEES

a Cumbria Pensions Committee

Mr Worth moved receipt of the Minutes of the meeting of the Cumbria Pensions Committee held on 7 March 2017.

RESOLVED that the Minutes of Cumbria Pensions Committee meeting held on 7 March 2017 be received.

b Workington Harbour Board

The Cabinet Member for Highways and Transport moved receipt of the Minutes of the meeting of Workington Harbour Board held on 31 January 2017.

RESOLVED that the Minutes of the meeting of Workington Harbour Board held on 31 January 2017 be received.

c Standards Committee

Mr Cassidy moved receipt of the Minutes of the Standards Committee held on 7 March 2017.

RESOLVED that the Minutes of the Standards Committee held on 7 March 2017 be received.

d Corporate Parenting Board

The Chair of the Corporate Parenting Board presented a report which updated Council on the work of the Corporate Parenting Board. Mrs Burns presented a brief history of the Board, its role, the assistance it had received from the DfEE, the focus of the Board’s work and how members were engaged in hearing the voice of the child throughout its work. She thanked the officers of the Children and Families
Services directorate in helping members undertake an effective job for Children Looked After in Cumbria.

Mrs Burns moved the recommendation, seconded by Mrs Feeney-Johnson.

RESOLVED that the report be noted

The meeting adjourned at 12.20 and reconvened at 1pm.

110 NOTICES OF MOTION

Mr Thornton moved the following motion, as set out in the Agenda:

“This Council welcomes the Spring budget announcement of an additional £2 billion pounds to councils in England with adult social care responsibilities, showing a belated recognition of how wrong they were not to announce significant extra funding last month as part of the local government finance settlement.

Council notes with concern that the extra money, spread over 3 years is a fraction of the increase needed to provide the level of Social care necessary for Cumbrian residents and will leave a funding gap by 2020 which will make it impossible to provide quality Social Care to Cumbrian residents

This Council asks the Leader and Chief Executive to write to both the Chancellor of the Exchequer, the Secretary of State for Health and the Secretary of State for Communities and Local Government calling for them to establish a more sustainable base for funding adult social care”

Mrs Furneaux seconded the Motion, and reserved the right to speak.

The Leader considered that there was consensus at a local level on the provision of social care and in the following debate, Mr Airey offered his support for a cross party, apolitical approach, however, proposed that the meeting be adjourned to draft a Motion for all parties to sign up to as Conservative members were unable to support Mr Thornton’s Motion and would abstain from the vote. Adjournment was not supported by Council.

Mrs Furneaux urged members to support the Motion as funding was required urgently for social care in Cumbria.

In summing up, Mr Thornton questioned how care costs would be funded, recognising that those who could, would pay for their own social care. He encouraged all members to vote in support of the Motion.

The Motion was put to the vote. With 36 in favour, 0 against and the Conservative Group abstaining from the vote, the Motion was CARRIED and it was

RESOLVED that the Leader and Chief Executive write to the Chancellor of the Exchequer, the Secretary of State for Health and the Secretary of
State for Communities and Local Government calling for them to establish a more sustainable base for funding adult social care.

111 SPEECHES

Mr Clark gave a speech on the resettlement of Syrian refugee children and families in Cumbria.

Mr M Wilson gave a speech on the National Funding Formula and its impact on Cumbrian schools.

The meeting ended at 2.30 pm
CUMBRIA COUNTY COUNCIL

Minutes of a Meeting of the Cabinet held on Thursday, 20 April 2017 at 10.00 am at Committee Room 2, The Courts, Carlisle, CA3 8NA

PRESENT:

Mr SF Young (Leader)
Mrs PA Bell (Deputy Leader)
Mrs A Burns
Mr B Doughty
Mrs C Feeney-Johnson
Ms B Furneaux
Mr KA Little
Mr DE Southward
Mr I Stewart
Mrs J Willis

Officers in attendance:

Chief Executive, Corporate Director - Economy and Highways, Corporate Director - Children and Families Services, Corporate Director - Resources and Transformation, Assistant Director - Finance, Senior Manager - Legal and Democratic Services, Senior Democratic Services Officer, Leadership Support Officer - Liberal Democrat Group, Leadership Support Officer - Labour Group, Chief Executive, Cumbria County Council and Chief Fire Officer (Cheshire and Cumbria)

PART 1 ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS

127 APOLOGIES FOR ABSENCE

There were no apologies for absence on this occasion.

128 DISCLOSURES OF INTEREST

There were no disclosures of interest made in any of the items on the agenda today.
RESOLVED that the minutes of the meeting held on 16 March 2017 be agreed and signed by the Chair.

130 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, the press and public be excluded from the meeting during consideration of Item 10 – Award of Contracts for Extra Care Housing and Supported Living Framework Agreements, Item 11 – Award of Contract Independent Day Services Framework Agreement and Item 12 – Acquisition of Land and Grant of Option to Dispose – Carlisle by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as these contained exempt information relating to financial or business affairs of any particular person (including the authority holding that information).

131 STATEMENTS BY THE LEADER OF THE COUNCIL AND CABINET MEMBERS

The Leader of the Council said that as this was the last Cabinet meeting of the current administration, he would like thanks be recorded to all Cabinet Members and officers for all the hard work undertaken during the past 4 years. There had been a number of challenges and changes to personnel, both with members and officers, and everyone had worked together efficiently and effectively as a team.

He specifically mentioned the Cabinet Member for Schools and Learning as she was not standing for re-election. Cabinet Members wished her well for the future.

132 PUBLIC PARTICIPATION

There were no questions, petitions or statements made on this occasion.

133 EMERGENCY SERVICES MOBILE COMMUNICATIONS PROGRAMME (ESMCP)

Cabinet considered a report from the Chief Fire Officer, which explained that the Emergency Services Mobile Communications Project (ESMCP) was a cross-government programme to replace the existing mobile
communications service for the three emergency services with a new digital system based on 4G.

ESMCP would deliver the Emergency Services Network (ESN) and would replace the current two-way analogue radio system operated by Airwave, with a 4G broadband voice and data service.

The new service would provide extensive coverage (contract stipulates 99% of major roads nationally), high resilience, appropriate security and public safety functionality.

The project was led by the Home Office, and a ministerial board would oversee programme, delivery and project boards making up the Central Programme.

The final decision to transition to ESN would need to be taken prior to January 2018, and this would hinge on satisfactory network coverage being achieved and the provision of an interworking solution in control rooms, allowing fire control to communicate with Airwave (existing analogue system) and ESN devices during the transition period.

The Chief Fire Officer explained that there were a number of strategic drivers behind the ESMCP, including:-

- Current contracts for the three emergency services (provided by Airwave) would expire in December 2019 and could not readily be extended. As such there would be no Airwave Firelink service from 2020. The North West Region, including Cumbria FRS, was scheduled to be the first to transition, this would not be before January 2018, currently, the transition period for North West region was planned to be one year.
- The current Airwave Firelink service was already significantly more expensive than similar public safety systems in Europe and price trends for publically available mobile telephony.
- Users within the three emergency services are increasingly requiring broadband data (not just voice communications) to support operational transformation. This cannot be met by current Airwave technologies.

**RESOLVED** that, Cabinet

(1) Notes the content of this report on the replacement communication service for its Fire and Rescue Service, including the associated risks;

(2) agrees to delegate authority to the Chief Fire Officer to confirm Cumbria Fire and Rescue Service’s commitment and
formal enrolment on ESMCP subject to legal matters, which will include taking the necessary steps to agree the documentation that will be required to be completed; and

(3) notes that a final decision to transition to the ESN will be required to be taken by Cabinet prior to the designated transition period for North West region.

134 RESPONSE TO ALLERDALE BOROUGH COUNCIL LOCAL PLAN (PART 2) SITE ALLOCATIONS – PREFERRED OPTIONS CONSULTATION

The Corporate Director – Economy and Highways presented a report which sought Cabinet’s agreement to respond to the consultation on Allerdale Borough Council Local Plan Site Allocations Preferred Options. When adopted, this Plan would identify key development sites in Allerdale up to 2029.

The Local Plan must be alive to the challenges facing the local community and in this respect the plan demonstrated an understanding of key issues. The Plan nonetheless remained a work in progress - in particular there would be a need for:

- Greater weight to be given to surface water management in the assessment of housing and employment sites allocated in the plan;
- Preparation of an Infrastructure Delivery Plan; and
- Give a stronger focus to the strategic importance of the Port of Workington as a driver of growth and the potential role of adjacent strategic employment land.

Cabinet members felt that the Port of Workington would be an important asset going forward both for the facility, as a port, and also for the surrounding land.

The Cabinet Member for Health and Care Services had recently been talking to the District Councils in Cumbria about plans for Extra Care Housing Services. The comments received had all been supportive but this support did not appear to be reflected in the local plans. The Chief Executive AGREED to take this forward with District Councils.

RESOLVED that Cabinet approves the technical response contained in Appendix 1 and Appendix 2 for submission to Allerdale Borough Council.
135  RESPONSE TO INDUSTRIAL STRATEGY GREEN PAPER CONSULTATION

Cabinet had before it a report from the Corporate Director – Economy and Highways which sought Cabinet approval of a Council response to the Government’s consultation on the Industrial Strategy Green Paper which was published on 23 January 2017.

The proposed Council response highlighted the importance of infrastructure improvements to maximising Cumbria’s economic potential, the omission by the Government of tourism as a key sector for the UK economy in the Green Paper, the need for interventions to ensure that local education and skills systems could be responsive to local need, the need for further emphasis on the particular needs of rural economies in the further development of the Strategy, and the importance of ensuring local leaders could put in place the right local institutional and democratic framework – with appropriate national support – for their local area.

Members felt this would be an important issue for the new administration, going forward.

RESOLVED that Cabinet approve the response to the Government’s consultation on the Industrial Strategy Green Paper attached as Appendix 1 for submission.

PART II - ITEMS CONSIDERED NOT IN THE PRESENCE OF THE PUBLIC AND PRESS

136  AWARD OF CONTRACT – EXTRA CARE HOUSING AND SUPPORTED LIVING FRAMEWORK AGREEMENT

The Corporate Director – Resources and Transformation presented a report which sought approval to award Contracts to providers who had met or exceeded the minimum standards required to be part of the Cumbria County Council Extra Care Housing and Supported Living Framework Agreement from 1st June 2017.

RESOLVED that Cabinet award the Framework Agreement for the provision of Extra Care Housing and Supported Living to the following providers who had met the Award Criteria, for both Lots 1 and 2:-
Creative Support
Eden Housing Association
Eric Wright Construction
Fairoak Housing Association
HB Villages
Home Group
Housing & Care 21
Impact Housing Association
Keepmoat Regeneration Ltd
South Lakes Housing

137 AWARD OF CONTRACT - INDEPENDENT DAY SERVICES FRAMEWORK AGREEMENT

Cabinet considered a report from the Corporate Director - Resources and Transformation which sought approval to award Contracts to providers who had met or exceeded the minimum standards required to be part of the Cumbria County Council Independent Day Services Framework Agreement from 1st June 2017.

The Corporate Director explained that the future approach to day services provision was identified as best facilitated via an Any Qualified Provider approach to procurement, open for Providers to apply to join every 3 months. The overall Framework Agreement would last for 5 years (with no option to extend), offering stability to Providers. By this means, the Council could manage new entrants and innovations within the market via appropriate quality assurance mechanisms.

As the Framework was open for the duration of the term, those providers or services who had failed to gain a place on the Framework at this stage could re-apply to gain a place at a later date. The timeframes of evaluating bids every three months provided the opportunity to any such provider to resubmit their bid and successfully achieve a place on the framework without any disruption to existing providers.

RESOLVED that Cabinet

(1) award the framework and the appointment of the providers listed below to the Cumbria County Council Independent Day Services Framework from 1st June 2017;

Age UK West Cumbria
Chrysalis
Imagine Independence
United Response
West House
Carlisle Mencap
Cumbria Cerebral Palsy
Laurie Brewis Trust
Making Space
People First Independent Advocacy
Mind in Furness
The Oaklea Trust
Eden Mencap
Leonard Cheshire

(2) Delegate approval of the appointment of all future providers who are eligible to gain access to this flexible Framework, throughout the term of the Framework, to the Corporate Director – Health, Care and Communities in consultation with the Leader, Deputy Leader and relevant Portfolio Holders.

138 ACQUISITION OF LAND AND GRANT OF OPTION TO DISPOSE - CARLISLE

The Corporate Director – Economy and Highways presented a report, which reminded members that at the Cabinet meeting in October 2016 members approved the allocation of capital funding of up to £3.0m to enable the acquisition of land at Blackwell, as a site for the replacement Newman Roman Catholic School following its closure due to flooding in December 2015. This was subject to confirmation by the Diocese that they had secured the full funding to build the new school.

The Diocese had now secured the necessary funding to proceed with the project. This would enable the permanent reinstatement of the school and the retention of approximately 680 secondary school places.

Subsequent negotiations with the owner of the new site at Blackwell had settled on an acquisition price within the £3.0m allocated by Cabinet. However, the owner’s ability to sell the land was restricted by an option agreement.

The company holding the option agreement were prepared to release their option in order to allow the school development to go ahead but only in exchange for a similar option elsewhere that did not leave them at a commercial disadvantage.

The report sought Cabinet approval to offer to grant the company holding the agreement an option over County Council land at Cummersdale
equivalent to and in exchange for the release of a similar option on the land at Blackwell.

**RESOLVED** that, Cabinet agree to delegate to the Corporate Director - Economy and Highways, in consultation with the Leader, Deputy Leader and Portfolio Holder for Economic Development and Property, the agreement of detailed terms to enable the retention of Newman School in Carlisle, on the following basis:

(a) That the capital grant to the Diocese of up to £3M for land acquisition awarded by Cabinet in October 2016 may be used for land and associated costs;

(b) This may involve consideration of the granting of an option to the company holding the option agreement for them to acquire land belonging to the County Council at Cummersdale at a value equivalent to the value of the option they would release on land at Blackwell.

The meeting ended at 11.55 am
**CONSTITUTION OF STANDING COMMITTEES ETC.**

1  **EXECUTIVE SUMMARY**

1.1 This report deals with the constitution of the Council’s committees and other member bodies and asks members to appoint the chairs and vice chairs of various committees and other bodies.

1.2 In addition, Council is asked to confirm the Scheme of Delegation to Officers as set out in the Constitution.

2  **STRATEGIC PLANNING AND EQUALITY IMPLICATIONS**

2.1 There are no specific strategic planning or equality implications.

3  **RECOMMENDATION**

The County Council is recommended to:

3.1 Approve a change to the membership of the Constitution Review Group in Part 2M so that 3.1 of the Constitution provides as follows: “The membership of the Constitution Review Group comprises of 10; 9 County Councillors, which will include the Chair of the Scrutiny Management Board, and the Monitoring Officer (non-voting). Whilst this group is not a Committee within the definition of the Local Government Act 1972, the county councillors will be appointed, as far as possible, in line with the political proportionality of the Council.”

3.2 Agree the composition, size (where optional) and terms of reference of the ordinary committees of the Council, and the allocation of committee places to political groups as set out in Appendix 1.

3.3 Receive nominations of members to sit on each committee and other Council bodies.

3.4 Appoint the Chair and Vice Chair of the member bodies set out in Appendix 2.
3.5 Appoint the Chair and Vice Chair of the Scrutiny Management Board (Appendix 3).

3.6 Appoint the Chairs and Vice Chairs of the Overview and Scrutiny Advisory Boards (Appendix 3).

3.7 Agree the allocation of places (where necessary) and receive the nominations of members to sit on each of the outside bodies (Appendix 4).

3.8 Appoint the Chair of Pensions Committee (and the Vice Chair to act in the absence of the Chair) to represent the Council on behalf of the Cumbria Local Government Pension Scheme (LGPS) on the Border to Coast Pension Partnership Joint Committee.

3.9 Appoint the Chair of Pensions Committee (and the Vice Chair to act in the absence of the Chair) to exercise the Council’s rights as a shareholder of the Border to Coast Pensions Partnership company on behalf of the Council as administering authority of Cumbria LGPS.

3.10 Confirm the Council's Scheme of Delegation to Officers (Part 3A of the Constitution (Appendix 5).

4 BACKGROUND

Allocation of Committee Places

4.1 The Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 make provision in respect of the allocation places on its committees to political groups represented on the Council.

4.2 The legislation applies to committees of the Council and certain other bodies. It does not apply to Cabinet, Local Committees or working groups set up by the Council for the purposes of briefing members or advising Cabinet.

4.3 Where the legislation applies, it requires that places on committees are, as far as reasonably practicable, allocated to political groups to give effect to the principles set out below, which apply in the following order.

a. Not all seats may be allocated to the same political group (i.e. there are no single group committees)

b. The majority of seats on a body are allocated to a political group if the group has a majority on the Council. No group has a majority of seats on Cumbria County Council so this principle is not applied.

c. The number of seats on each ordinary committee allocated to a political group bears the same proportion to the total of seats on all committees as is borne by the number of members of the group to the total number of members on the Council.
d. Without offending rules (a) and (c), the number of seats on each body to which the rules on political proportionality apply bears the same proportion to the number of all seats on the body as is borne by the number of members of the group to the number of members of the Council.

4.4 Appendix 1 sets out the committees and sub-committees to which the above principles apply and the proposed allocations to each group. The following proportions form the basis of the approach adopted.

4.5 Groups have been formed as follows holding the % of seats on the Council as a whole as indicated below:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>44.0476%</td>
<td>Conservative</td>
</tr>
<tr>
<td>30.9524%</td>
<td>Labour</td>
</tr>
<tr>
<td>19.0476%</td>
<td>Liberal Democrats</td>
</tr>
<tr>
<td>2.3810%</td>
<td>West Cumbria Independents</td>
</tr>
</tbody>
</table>

4.6 At its annual meeting, the Council must appoint at least one Scrutiny Advisory Board. The Constitution provides for the appointment of 3 Scrutiny Advisory Boards and an overarching Scrutiny Management Board. Council is recommended to appoint to each of the Scrutiny Boards included in the Constitution.

4.7 The Council must appoint to any other committees which it considers appropriate to deal with those matters which are not reserved to Council itself or which are not functions of the executive (Cabinet and certain local committee and officer decisions).

4.8 The Constitution identifies the Council’s ordinary committees and members are recommended to make appointments to them in accordance with the numbers on the committee and the allocation to political groups indicated in Appendix 1.

5 It was the Council’s intention in setting up the Constitution Review Group that this would be an internal working group of the Council, albeit one to which member places were allocated in line with the principles of political proportionality. However, its functions and membership are such that it may be seen as a full committee of the Council. The Council has two options, to treat the Constitution Review Group as a committee and administer it accordingly or to clarify in the Constitution that it is a working group. This can be achieved by appointing officers to the Group. It is recommended that the Terms of Reference of the Constitution Review Group (Part 2M Section 3.1) are amended to include the Monitoring Officer as a member of the Constitution Review Group.

5.1 The Staffing Committee carries out its functions through the formation of a panel of 5 members drawn from a panel of 9 members appointed in accordance with the principles of political proportionality. This panel is in law a sub-committee of the Staffing Committee and when formed must be appointed in accordance with the same principles.

5.2 The Constitution states that the membership of the Cumbria Pensions Forum
comprises 9 members. The convention has been for the Council to appoint the members of Pensions Committee to the Pensions Forum. The Pensions Committee comprises 8 members in the Constitution. Members have the option to appoint an additional member to the Pensions Forum who is not a member of the Pensions Committee.

Appointment to other council bodies in the constitution

5.3 Certain bodies which are included within the Constitution are not ordinary committees of the Council and are not subject to the requirements of political proportionality. Under the Constitution the full Council makes appointments to these bodies and Council is recommended to make appointments to these committees and other bodies as indicated in Appendix 1.

Appointment of chairs of Chairs and Vice Chairs of Member Bodies The Council appoints the Chairs and Vice Chairs of ordinary committees, appoints the Chair and Vice Chair of the Corporate Parenting Board and the Vice Chair of the Workington Harbour Board. The Chair of the Corporate Parenting Board is specified in the Constitution as the Portfolio Holder responsible for Children and Families Services.

Appointment to Overview and Scrutiny Boards The Council must appoint the Chair and Vice Chair of the Scrutiny Management Board and proposals are set out in Appendix 3.

The Council also appoints the Chair and Vice Chair to each Scrutiny Advisory Board. However, appointment to these Boards are subject to special rules. Under the Council’s Rules of Procedure, nominations are based on the principle that the Chairs and Vice Chairs of Scrutiny Advisory Boards are to be allocated on a basis which is proportionate to the number of seats that each group has on the Council as a whole and in accordance with a weighting system described in the Constitution.

Based on the application of the weightings the Conservative Group would have 15 points, the Labour Group 11 points and the Liberal Democrats Group 7 points. However, following an agreement between the Labour Group and Liberal Democrat Group, the allocations to be applied will be as follows:

Conservatives – 15 points
Labour – 12 points
Liberal Democrats – 6 points

The West Cumbria Independent Group was included in the application of the weightings but did not obtain enough points to be entitled to a Chair or Vice Chair of a Scrutiny Advisory Board.

The Council is asked to agree the relevant appointments in line with the weighting system described.
Appointments to outside bodies

5.4 The Council makes appointments to certain outside bodies as indicated in Appendix 4.

5.5 The formula for annual appointment to the Police and Crime Panel (PCP) operates as follows. The Panel is a joint committee between the County Council and the 6 district councils. Each of the county and district authorities appoints 1 member to sit on the PCP. This fills 7 of the 10 places on the PCP allocated to elected members.

5.6 After this, the Council (as host authority) must review in order to ensure that the membership of the PCP reflects as far as possible the overall political balance of the political parties across all 7 councils. If as a result of this review one or more seats should be allocated to an independent (i.e. non-aligned) elected member then this seat is filled through an election whereby all the independent members have the opportunity to vote for those independent members who wish to serve on the PCP. The successful candidate is then nominated to the PCP by their own local authority. The Council then nominates 3 members (or 2 if the review indicates that an independent member is entitled to a place on the PCP) to provide for a PCP which is as politically balanced as possible.

5.7 The PCP’s arrangements (agreed by all 7 councils) indicate that:

"Where possible an Authority will give consideration to continuity of membership to enable the Panel’s expertise and skills to be developed for the effective scrutiny of the Police and Crime Commissioner".

5.8 Confirmation of district nominations and allocations to political groups has been received and indicates that the Council will need to nominate three Conservative members and one Labour member.

Scheme of delegation

5.9 Under the Constitution the Council is required to approve the Scheme of Delegation (Part 3 of the Constitution) at its Annual Meeting. The Scheme of Delegation is regularly reviewed by the Council during the year and there are no specific recommendations to this meeting. Council is therefore asked to confirm the current Scheme of Delegation.

Border to Coast Pension Partnership

5.10 In February 2017 the Council approved a recommendation to join the Border to Coast Pension Partnership (BCPP) as the pool for the investment of Cumbria Local Government Pension Scheme Assets. Membership of the BCPP pool entitles the Council to nominate a member or officer to represent its interests as a shareholder in the BCPP company and to nominate a member to a place on the BCPP joint committee. In February 2017 the Council decided to nominate the Chair of Pensions Committee to both roles (with the Vice Chair of Pensions Committee to act in the absence of the Chair) and the same recommendation is made in this report.
6 **RESOURCE AND VALUE FOR MONEY IMPLICATIONS**

6.1 There is sufficient budget to meet the member allowances and expenses arising from the recommendations contained in this report.

7 **LEGAL IMPLICATIONS**

7.1 The legal considerations relevant to this report are set out in the body of the report. A failure to apply the relevant legislation when appointing its committees and sub-committees would leave the Council open to judicial review.

8 **CONCLUSION**

8.1 The Council is asked to approve the recommendations in this report to allocate places on committees and make appointments to bodies within and outside the Council and of chairs.

Iolanda Puzio  
Senior Manager – Legal and Democratic Services and Monitoring Officer  
21 June 2017

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**APPENDICES**

*Appendix 1 Appointments to Council Committees etc*  
*Appendix 2 Appointments of Chairs and Vice Chairs of member bodies*  
*Appendix 3 Appointments to Overview and Scrutiny Boards*  
*Appendix 4 Appointments to Outside Bodies*  
*Appendix 5 Scheme of Delegation to Officers*

Electoral Division(s): All  
Executive Decision: No  
Key Decision: No  
If a Key Decision, is the proposal published in the current Forward Plan? N/A  
Is the decision exempt from call-in on grounds of urgency? N/A  
If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained? N/A  
Has this matter been considered by Overview and Scrutiny? No  
Has an environmental or sustainability impact assessment been undertaken? N/A
Has an equality impact assessment been undertaken? N/A

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS
None

CONSIDERATION BY OVERVIEW AND SCRUTINY
Not considered by Overview and Scrutiny.

BACKGROUND PAPERS
No background papers.

REPORT AUTHOR
Contact: Shamim Lindsay, Group Solicitor/Manager, Legal and Democratic Services. Telephone: 07976 062123
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APPENDIX 1

APPOINTMENTS TO COUNCIL COMMITTEES ETC TO BE MADE AT THE ANNUAL COUNCIL MEETING

<table>
<thead>
<tr>
<th>BODY</th>
<th>NUMBER OF COUNTY COUNCILLORS</th>
<th>CONSIDERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ORDINARY COMMITTEES APPOINTED AT THE ANNUAL COUNCIL MEETING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standards Committee</td>
<td>5 County Councillors Named substitutes</td>
<td>Political proportionality applies. Leader and Deputy Leader not eligible. Only one member of the Executive can be appointed. (The Chair and Vice-Chair are the Independent members appointed by the Council).</td>
</tr>
<tr>
<td></td>
<td>Conservative 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Labour 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Liberal Democrat 1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>West Cumbria Independent 0</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong> 5</td>
<td></td>
</tr>
<tr>
<td>Scrutiny Management Board</td>
<td><em>Between 11 and 14 County Councillors</em> [14 recommended]</td>
<td>Political proportionality applies. The Chair and Vice-Chair are appointed by the Council. In addition comprises chairs and vice-chairs of the 3 scrutiny advisory boards, the Chair of the Health Scrutiny Committee plus such other members as are needed to achieve political proportionality Leader and Cabinet Members not eligible.</td>
</tr>
<tr>
<td></td>
<td>No substitutes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Conservative 6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Labour 5</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Liberal Democrat 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>West Cumbria Independent 0</td>
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<tr>
<td></td>
<td><strong>Total</strong> 14</td>
<td></td>
</tr>
<tr>
<td>Scrutiny Advisory Board – Children and Young People</td>
<td><em>Between 11 and 13 County Councillors</em> [13 recommended] 6 named substitutes</td>
<td>Political proportionality applies. Cabinet/Leader not eligible.</td>
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<tr>
<td>Committee</td>
<td>Members Information</td>
<td>Proportionality</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-----------------------------------------------------------</td>
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</tr>
<tr>
<td><strong>Scrutiny Advisory Board – Adults</strong></td>
<td>Labour 4, Liberal Democrat 3, West Cumbria Independent 0, Total 13</td>
<td>Political proportionality applies</td>
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<tr>
<td></td>
<td><strong>Scrutiny Advisory Board – Communities and Place</strong></td>
<td>Political proportionality applies</td>
</tr>
<tr>
<td></td>
<td>Labour 4, Liberal Democrat 3, West Cumbria Independent 1, Total 13</td>
<td></td>
</tr>
<tr>
<td><strong>Cumbria Health Scrutiny Committee</strong></td>
<td>Labour 2, Liberal Democrat 2, Total 7</td>
<td>Political proportionality applies</td>
</tr>
<tr>
<td></td>
<td>Conservative 3, Labour 2, West Cumbria Independent 0, Total 7</td>
<td></td>
</tr>
<tr>
<td><strong>Audit and Assurance Committee</strong></td>
<td>Labour 2, West Cumbria Independent 0, Total 7</td>
<td>Political proportionality applies</td>
</tr>
<tr>
<td>Committee</td>
<td>Members</td>
<td>Political Proportionality Applies</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>------------------------------------------</td>
<td>-----------------------------------</td>
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<tr>
<td>Development Control and Regulation Committee</td>
<td>Liberal Democrat 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>West Cumbria Independent 0</td>
<td></td>
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<tr>
<td></td>
<td>Total 7</td>
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<tr>
<td></td>
<td><strong>Between 14 and 18 County Councillors</strong></td>
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<td></td>
<td><strong>[18 recommended]</strong></td>
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<td></td>
<td>Labour 6</td>
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<td></td>
<td>Liberal Democrat 3</td>
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<td>West Cumbria Independent 1</td>
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<tr>
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<td>Total 18</td>
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<tr>
<td></td>
<td><strong>Political proportionality applies.</strong></td>
<td></td>
</tr>
<tr>
<td>Staffing Committee</td>
<td>9 County Councillors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Conservative 4</td>
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</tr>
<tr>
<td></td>
<td>Labour 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Liberal Democrat 2</td>
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<td><strong>Proportionate allocation for 5 members:</strong></td>
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<tr>
<td></td>
<td>Labour 2</td>
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<td>Total 5</td>
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<tr>
<td></td>
<td><strong>Political proportionality applies.</strong></td>
<td></td>
</tr>
<tr>
<td>Cumbria Pensions Committee</td>
<td>8 County Councillors</td>
<td></td>
</tr>
<tr>
<td>(Plus one District Councillor)</td>
<td>Conservative 4</td>
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</tr>
<tr>
<td></td>
<td>Labour 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Liberal Democrat 2</td>
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<td>West Cumbria Independent 0</td>
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<tr>
<td></td>
<td>Total 8</td>
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<td></td>
<td><strong>Political proportionality applies.</strong></td>
<td></td>
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<tr>
<td>Chief Officers' Panel</td>
<td>5 County Councillors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Conservative 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Labour 2</td>
<td></td>
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<td></td>
<td>Total 2</td>
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<tr>
<td></td>
<td><strong>Political proportionality applies.</strong></td>
<td></td>
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<tr>
<td></td>
<td>Liberal Democrat</td>
<td>West Cumbria Independent</td>
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<tr>
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<td></td>
<td></td>
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<tr>
<td>of the Executive.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cabinet/Leader eligible.</td>
<td></td>
<td></td>
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</tbody>
</table>

<p>| Workington Harbour Board     | 4 County Councillors                                      | Political proportionality applies. |
|                              | (Plus 3 Allerdale Borough Council members and 4 Independent members) | Cabinet/Leader eligible.          |
|                              | Conservative 2                                            |                                  |
|                              | Labour 1                                                  |                                  |
|                              | Liberal Democrat 0                                         |                                  |
|                              | West Cumbria Independent 1                                 |                                  |
| Total                        | 4                                                          |                                  |</p>
<table>
<thead>
<tr>
<th>BODY</th>
<th>NUMBER OF COUNTY COUNCILLORS</th>
<th>CONSIDERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals Panel Home to School Transport</td>
<td>3 Members</td>
<td>(Home to School Transport Policy and Procedures. Not included in the Constitution.) One member plus one substitute from each of the 3 largest political groups. Cabinet/Leader not eligible.</td>
</tr>
<tr>
<td>Local Committees (x 6)</td>
<td>All Members in the relevant district area.</td>
<td>Political proportionality does not apply. All members for each district area are appointed to their respective Local Committee.</td>
</tr>
<tr>
<td>Health and Wellbeing Board</td>
<td>The membership of this Committee is specified in the Constitution.</td>
<td>Political proportionality does not apply. The Constitution specifies that the members to be appointed are the Leader and Portfolio Holders for Health Care and Community Services, Public Health and Communities and Children and Family Services.</td>
</tr>
<tr>
<td>Corporate Parenting Board</td>
<td>12 Members</td>
<td>Political proportionality does not apply. Membership must include Portfolio holder responsible for Children and Families Services who is appointed by the Council as Chair. Membership must include one member from each main group (i.e. a group with at least 8 members).</td>
</tr>
<tr>
<td>Cumbria Pensions Forum</td>
<td>9 County Councillors</td>
<td>Political proportionality does not apply.</td>
</tr>
<tr>
<td>Cumbria Joint Health Scrutiny Committee</td>
<td>2 Members of Health Scrutiny Committee</td>
<td>Political Proportionality does not apply.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Committee selects its own Chair.</td>
</tr>
</tbody>
</table>
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# APPENDIX 2

## APPOINTMENT OF CHAIRS AND VICE-CHAIRS OF MEMBER BODIES

<table>
<thead>
<tr>
<th>BODY</th>
<th>CHAIRS</th>
<th>VICE CHAIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate Parenting Board</td>
<td>(Portfolio holder for Children and Family Services)</td>
<td>(Portfolio holder for Schools &amp; Learning)</td>
</tr>
<tr>
<td>Workington Harbour Board</td>
<td>(Not a County Councillor - Co-opted member)</td>
<td>Labour</td>
</tr>
<tr>
<td>Development Control and Regulation Committee</td>
<td>Liberal Democrat</td>
<td>Labour</td>
</tr>
<tr>
<td>Staffing Committee</td>
<td>Labour</td>
<td>Conservative</td>
</tr>
<tr>
<td>Chief Officers Panel</td>
<td>Labour</td>
<td>Conservative</td>
</tr>
<tr>
<td>Audit and Assurance Committee</td>
<td>Conservative</td>
<td>Labour</td>
</tr>
<tr>
<td>Cumbria Pensions Committee</td>
<td>Labour</td>
<td>Conservative</td>
</tr>
</tbody>
</table>
### APPOINTMENT TO OVERVIEW & SCRUTINITY BOARDS

**Appointment of Chair & Vice Chair: Scrutiny Management Board:**

<table>
<thead>
<tr>
<th>BODY</th>
<th>CHAIR</th>
<th>VICE CHAIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scrutiny Management Board</td>
<td>Conservative</td>
<td>Labour</td>
</tr>
</tbody>
</table>

**Appointment of Chair & Vice Chair - Overview & Scrutiny Boards and Health Scrutiny Committee:**

Based on the rules set out in the Constitution the weightings and points scores for the Overview & Scrutiny Boards and Health Scrutiny Committee are set out below:

<table>
<thead>
<tr>
<th>Weighting</th>
<th>Points Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>18</td>
</tr>
<tr>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

| TOTAL | 33 |

Based on the election outcome, the 33 points divide between the three political groups as follows:

<table>
<thead>
<tr>
<th>Points Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservative</td>
</tr>
<tr>
<td>Labour</td>
</tr>
<tr>
<td>Liberal Democrat</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

It is on the basis of these points' scores that the groups will need to consider nominations for Chairs and Vice-Chairs of Overview and Scrutiny Advisory Boards and the Chair of the Health Scrutiny Committee following Council.

<table>
<thead>
<tr>
<th>SCRUTINITY PANEL</th>
<th>CHAIR</th>
<th>VICE CHAIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scrutiny Advisory Board – Children and Young People</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scrutiny Advisory Board – Adults</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scrutiny Advisory Board – Communities and Place</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cumbria Health Scrutiny Committee</td>
<td></td>
<td>(District Council nominee)</td>
</tr>
</tbody>
</table>
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# APPENDIX 4

## APPPOINTMENTS TO OUTSIDE BODIES TO BE MADE AT THE ANNUAL COUNCIL MEETING

<table>
<thead>
<tr>
<th>OUTSIDE BODY</th>
<th>NO</th>
<th>CONSIDERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake District National Park Authority</td>
<td></td>
<td>Must be politically proportionate. Must have regard to members whose electoral divisions are in the Park. Appointments are for a four year period.</td>
</tr>
<tr>
<td>Conservative</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Labour</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Liberal Democrat</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6</strong></td>
<td></td>
</tr>
<tr>
<td>Yorkshire Dales National Park Authority</td>
<td></td>
<td>Not politically proportionate. Must have regard to members whose electoral divisions are in the Park. Appointments are for a four year period.</td>
</tr>
<tr>
<td>Liberal Democrat</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>North West Inshore Fisheries and Conservation Authority</td>
<td></td>
<td>Not politically proportionate. Appointments are for a four year period.</td>
</tr>
<tr>
<td>Conservative</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Labour</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2</strong></td>
<td></td>
</tr>
<tr>
<td>Cumbria Police and Crime Panel</td>
<td></td>
<td>As far as possible must reflect political balance of the political parties across the County Council and the six district councils.</td>
</tr>
<tr>
<td>Conservative</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Labour</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4</strong></td>
<td></td>
</tr>
<tr>
<td>Cumbria Leadership Board</td>
<td>1</td>
<td>Leader of the Council – ex-officio Deputy Leader - named substitute</td>
</tr>
<tr>
<td>Conservative</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Labour</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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Part 3A: Scheme of Delegation to Officers

1 Introduction

1.1 This part of the Constitution sets out the functions of the Council that are delegated to the Chief Executive (‘Head of Paid Service’), Corporate Directors and specified senior officers of the County Council. “Functions” includes all the powers and duties of the Council, including taking decisions about those functions.

2 Powers of Delegation

2.1 Non-executive functions of the Council may be delegated to officers by the Council, Committees and Sub-Committees under Section 101 of the Local Government Act 1972.

2.2 Executive functions of the Council may be delegated to officers by the Leader of the Council (“the Leader”), Cabinet and Local Committees under the Local Government Act 2000.

3 Basis of Delegation

3.1 This Scheme of Delegation is set out as far as possible in terms of broad areas of responsibility rather than in specific statutory terms.

3.2 All functions not reserved to the full Council, Cabinet or a Committee are delegated to the appropriate Corporate Director and the Chief Executive. The exercise of delegated authority is limited by the General Conditions and Limitations set out in [section 4 below] and where specified in other sections of this Scheme of Delegation.

3.3 Where a decision is delegated under the Constitution or by a decision making body to an officer in consultation with a member, the law requires that the discretion of the officer is not fettered. This means that decision must be taken by the officer who has been authorised to take the decision and may not be joint decision, or a decision of the member in consultation with the officer.

3.4 Where a function of the Council has been delegated to an officer by the Council, Cabinet, a Committee or sub-committee or by the Leader, the person or body making the delegation may at any time take back responsibility for the function, either in respect of a particular matter, or the function or generally.

3.5 The rule in Paragraph 3.4 includes the entitlement of the Leader of the Council to decide that a Key Decision included on the Forward Plan
as a Corporate Director Key Decision should be taken by Cabinet.

3.6 An officer to whom a function is delegated may refer the matter to the person or body making the delegation, for them to determine, notwithstanding the delegation.

4 General Conditions and Limitations on Exercise of Delegated Authority

4.1 In carrying out delegated functions, Officers must comply with the law and with the Council’s Constitution (in this order of priority). No officer may commit the Council to a course of action that will result in a financial obligation beyond the approved budget of the Council.

Referral of Executive Decisions to Cabinet

Corporate Directors must consider prior to taking a Key Decision whether to refer the decision to the Cabinet. Relevant factors include if the decision is likely to:

(a) Have a significant impact on the reputation of the Council

(b) Raise significant issues of policy, which it would be appropriate for Cabinet to determine

(c) Expose the Council to an ongoing financial commitment or major corporate risk that could not be contained within the Directorate budget.

Officers authorised by the Chief Executive or a Corporate Director to exercise functions

4.2 Any power conferred on the Chief Executive or a Corporate Director may be exercised by an officer authorised by him/her, generally or for a specific purpose, orally or in writing, except where the Constitution or the law specifies that the officer to whom the function has been delegated must act in person.

4.3 Any power conferred in the Constitution on an officer other than the Chief Executive or a Corporate Director may be exercised by an officer authorised by him/her, generally or for a specific purpose, orally or in writing, except where the Constitution or the law specifies that the officer on whom the power has been conferred must act in person.

4.4 Corporate Directors must personally take Key Decisions delegated to them.

“Proper Officers”
4.5 Where an officer who has been appointed as a statutory officer or as a proper officer under any legislation they must exercise those functions, personally, subject to any provision in the legislation for the appointment of one or more deputies.

**Professional Advice**

4.6 In exercising delegated authority, officers must consult with such other officers and advisers as they consider appropriate, including the Section 151 Officer and Monitoring Officer, and officers must have regard to any advice given.

5 **General Delegations to the Chief Executive and all Corporate Directors**

5.1 The Chief Executive and Corporate Directors are authorised to:

(a) Take all lawful action consistent with Council policy to deliver approved strategies, policy and plans within their area of responsibility, and within approved budgets and service plans. This includes, (but not exhaustively):

(i) To incur expenditure on the Council’s behalf within the sums contained in the approved budget including, acting in accordance with the Contract Procedure Rules, to procure and award contracts for supplies, services and works.

(ii) To dispose of non-property surplus or damaged or scrap assets in accordance with the Financial Standing Orders.

(iii) Put in place management and staffing arrangements, including for the appointment and dismissal of staff, in their area of responsibility and carry out all functions relating to the operational management of staff, consistent with Council human resources policies, strategies and plans and legal obligations.

(iv) To approve budget transfers acting in accordance with the Financial Standing Orders.

(v) To arrange insurances, other than those insurances reserved to the Assistant Director – Finance acting in accordance with the Financial Standing Orders.
(vi) Hear and Determine any disciplinary or grievance matter referred to them under the Council’s policies and procedures.

(vii) Enter into settlement agreements with staff, following approval from the Senior Manager Legal and Democratic Services.

(viii) Authorise the payment of honoraria to members of staff temporarily undertaking higher graded duties within limits set by the Corporate Director – Resources and Transformation. The limit from January 2015 is set at £2,000.

(ix) Submit bids to deliver contracts for third parties within their area of responsibility and approve the Council entering into any lawful contract to deliver such services or works.

(x) To enter into Partnership Agreements which support the achievement of the Council’s objectives

(xi) Submit applications for external funding and enter into funding agreements, acting in accordance with the Financial Standing Orders.

(xii) To write off debts, acting in accordance with the Financial Standing Orders.

(xiii) Authorise staff to exercise such powers as may be appropriate to carry out their duties, including powers of enforcement, entry, inspection and survey of land, buildings or other premises, service of statutory notices to ascertain interests in land.

(xiv) To authorise, following consultation with the Senior Manager Legal and Democratic Services the institution, or defence, settlement of, or involvement in, criminal or civil proceedings in relation to any Act, Statutory Instrument, contractual or regulatory provision which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council.

(xv) Authorise service or placing of any statutory notice (except where the decision is reserved to the Council, Cabinet or a Committee).
(xvi) Seek permission for development by the County Council in respect of its functions.

(xvii) Award payments arising from Local Government Ombudsman recommendations up to £5,000.

(xviii) Otherwise settle or determine corporate complaints.

(xix) Award payments arising from complaints under the Council’s Corporate Complaints Procedure, up to £2,000, following consultation with the Assistant Director – Corporate Governance.

5.2 When deputising on behalf of the Chief Executive, Corporate Directors are authorised to exercise any function delegated to the Chief Executive.

5.3 A Corporate Director may exercise the functions of an officer in their line of management, except where the law prohibits a Corporate Director from exercising the functions of a specific statutory or proper officer.

6 Specific Areas of Responsibility

Chief Executive

6.1 The Chief Executive has delegated authority to:

(a) Manage and co-ordinate the Council’s budget process and strategic planning functions.

(b) Act as Council’s Head of Paid Service under section 4 of the Local Government and Housing Act 1989.

(c) Act as ”Proper Officer” for certain specific functions set out in the Representation of the People Act 1983 and the Local Government Act 1972 including for the purposes of section 83(1) – (4).

(d) Act as the County Controller in the event of a major county-wide emergency.

(f) Authorise action to ensure that the County Council’s functions under the Civil Contingencies Act 2004 and other emergency planning legislation are carried out.

(g) Take any action and incur expenditure and delegate responsibility to take action and incur expenditure in the event of a civil emergency.

(h) Where delay in taking a decision would seriously prejudice the Council’s or the public interest to the extent that it is appropriate to exercise emergency powers, take any decision on behalf of the Council in consultation with the Leader, or if he/she is unavailable, the Deputy Leader.

(i) Sign each certificate given under the Local Government Contracts Act 1997. **NB:** The Section 151 Officer and Corporate Director - Resources and Transformation also have this authority. Each of these officers is indemnified against any liability, claims or costs arising out the signature of any such certificate.

(j) Exercise responsibility for co-ordinating the discharge of the Council’s functions between various Officers.

(k) Allocate or re-allocate responsibility for functions in this Scheme of Delegation as necessary for the effective discharge of those functions, provided that any allocation of responsibility for more than 6 months is reported to the Council as a change to the Scheme of Delegation.

(l) Determine disciplinary matters, grievances or other staffing matters relating to Corporate Directors unless otherwise prescribed by this Constitution.

(m) Determine appeals against decisions of Corporate Directors in accordance with Council procedures.

(n) Approve interim contracts for staff and proposals for consultant’s services in respect of these posts, acting in accordance with the Financial Standing Orders.

6.2 The Chief Executive has authority to exercise any function exercisable by a Corporate Director but is not authorised to exercise the statutory functions of the Section 151 Officer or the Monitoring Officer.

6.3 For the avoidance of doubt, anything which is not covered by this Scheme of Delegation or another Part of the Constitution, including the appointment of a
“Proper Officer” for the purpose of any statutory function may be determined by the Chief Executive provided that any allocation of responsibility for more than 6 months is reported to the Council as a change to the Scheme of Delegation.

**Chief Fire Officer**

6.4 The Chief Fire Officer has delegated authority to:

(a) Exercise the functions of the Fire and Rescue Authority in respect of operational matters relating to:


   (iv) Any other legislation made before or after these Acts, and any Regulations, which create duties or powers for Fire and Rescue Authorities, including the Fire and Rescue National Framework.

(b) In respect of officers employed under the NJC Scheme of Conditions of Service for Local Authority Fire and Rescue Services and the NJC Scheme of Conditions for Brigade Managers of Fire and Rescue Services to:

   (i) Put in place management and staffing arrangements including for the appointment and dismissal of staff and carry out all functions relating to the operational management of staff, consistent with those terms and conditions and Council human resources policies, strategies and plans and all legal obligations.

   (ii) Hear and determine any disciplinary or grievance matter referred to him/her under the Council’s policies and procedures or the relevant NJC Scheme.

   (iii) Enter into settlement agreements with staff, following approval from the Senior Manager Legal and Democratic Services.

   (iv) Authorise the payment of honoraria to members of staff temporarily undertaking higher graded duties within limits set by the Corporate
Director – Resources and Transformation. The limit from January 2015 is set at £2,000.

(c) Exercise the functions of the Council as the Scheme Manager for all scheme member matters for the Fire Fighters Pension Scheme in consultation with the Assistant Director – Finance and the Senior Manager – Business Services.

Corporate Director – Resources and Transformation

6.5 The Corporate Director – Resources and Transformation has delegated authority to exercise the Council’s functions in relation to:

(a) human resources (including responsibility for the maintenance of an effective employee relations and industrial relations framework across the Council); and

(b) commissioning, procurement and contract management; and

(c) information technology infrastructure and services; and

(d) the Council’s corporate governance.

6.6 The Corporate Director – Resources and Transformation has delegated authority to:

(a) grant honorariums in excess of £2000;

(b) sign, for the purposes of the Local Government and Contracts Act 1997, each certificate given under the Act;

(c) determine any individual or collective staffing matter in consultation with the relevant Corporate Director, where the function is not reserved elsewhere in the Constitution;

(d) approve expenditure up to £1000 on urgent welfare matters where such assistance is likely to assist the return of an employee to work or relieve substantial hardship and no alternative source of such assistance is reasonably available.

(e) act as County Returning Officer under the Representation of the People Act 1983 for County Council elections.

(f) act as deputy to the Chief Executive in the role of proper officer for the purposes of section 83(1) – (4) of the Local Government Act 1972,
sections 15 – 17 of the Local Government and Housing Act 1989 and the Local Government (Committee Places and Political Groups) Regulations 1990 in the absence or incapacity of the Chief Executive or a vacancy of the post.

**Assistant Director - Finance**

6.7 The Assistant Director - Finance is the County Council’s Chief Financial Officer under Section 151 of the Local Government Act 1972 (Section 151 Officer) and is the Officer responsible for the proper administration of the Council’s financial affairs.

6.8 The functions, including the delegated authority of the Assistant Director – Finance are set out in Part 5G of this Constitution, the Financial Standing Order.

6.9 In addition to these functions, the Assistant Director has authority in respect of the Cumbria Local Government Pension Fund for the following to:

(a) 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

(b) In consultation with members of the Investment Sub-Group appoint investment managers to the Cumbria Local Government Pensions Scheme (‘LGPS’) 

(c) Approve the procurement and award of contracts incidental to the discharge by the Pensions Committee of functions on behalf of the Local Government Pensions Scheme, including decisions relating to the management, modification and termination of such contracts. **NB** Decisions taken in accordance with this paragraph are incidental to the non-executive functions of the Pensions Committee and are not Key Decisions of the Council.

6.10 The Assistant Director – Finance has the authority to sign, for the purposes of the Local Government Contracts Act 1997, each certificate given under the Act.

**Assistant Director - Corporate Governance**

6.11 The Assistant Director - Corporate Governance is the Council’s statutory Monitoring Officer under sections 5 and 5A of the Local Government and Housing Act 1989.
6.12 The Assistant Director - Corporate Governance is the “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.

6.13 The Assistant Director – Corporate Governance has delegated authority to grant dispensations to members or co-opted member to allow them, where they have a disclosable pecuniary interest (DPI) in a matter to be considered at a meeting, to

(a) participate in any discussion of the matter at the meeting;

or

(b) participate in any vote, or further vote, taken on the matter at the meeting;

on the following grounds:

(i) That so many members of the decision-making body have DPIs that it would impede the transaction of business.

(ii) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of the vote.

(iii) That without a dispensation, no member of Cabinet would be able to participate in a matter before Cabinet.

(All other requests for dispensations must be agreed by the Standards Committee).

6.14 In consultation with the Constitution Review Group, the Assistant Director – Corporate Governance has delegated authority to make minor amendments to update the Council’s Constitution including to take account of legislative changes provided that it does not involve material changes to principles previously approved by full Council.

6.15 The Assistant Director – Corporate Governance has delegated authority to exercise the functions of the Senior Information Risk Officer.

6.16 The Assistant Director – Corporate Governance has delegated authority to:

(a) Take any action to implement any decision taken by or on behalf of the Council including the execution whether under hand or under seal of any document and the service of statutory and other notices
(b) Issue, defend, settle, conduct or participate in any legal proceedings where he/she considers it appropriate to protect, promote or defend the Council’s interests.

(c) To settle any disputes that might lead to legal proceedings.

(d) Authorise employees of the Council to prosecute or defend or appear in proceedings under Section 223 of the Local Government Act 1972 and Section 60 of the County Courts Act 1984.

**Assistant Director – Business Services**

6.17 The Assistant Director – Business Services has the authority under the Contract Procedure Rules to give approval in respect of specific matters, acting in accordance with the Contract Procedure Rules.

**Officer Appointed as Shareholder’s Representative**

6.18 The authority of any officer appointed by the Cabinet to act as shareholders representative for a company of which the Council is a shareholder or member is to:

(a) Act as shareholders representative in accordance with the Companies Act 2006 and

(b) Exercise all the County Council’s powers as shareholder of the company concerned.

6.19 An officer appointed as deputy shareholder’s representative in respect of a company is authorised to exercise these delegated powers in the absence of the shareholder’s representative.

**Corporate Director - Children and Families Services**

6.20 The Corporate Director – Children and Families Services is the County Council’s statutory officer under section 18(1) of the Children Act 2004 and has delegated authority in respect of all functions relating to:

(a) The education and training of children and young people, including the functions which relate to the Council’s education functions generally and in respect of individual schools;

(b) The safeguarding of vulnerable children;
(c) The care of children looked after by the Council

(d) Transport of children and young people; and

(e) The promotion of the general wellbeing of children and families.

6.21 In addition the Corporate Director - Children and Families Services is authorised to:

(a) Decide in consultation with the relevant Cabinet member whether to undertake a consultation on a school organisation proposal where the Council is the proposer in accordance with the decision of Cabinet dated 28 04 2011 provided that, decisions relating to school organisation proposals must be referred to the Cabinet for determination.

(b) 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, such decision to be taken following consultation with all members of the Joint Committee and a list of grants approved under this urgency provision being reported to the Joint Committee’s next meeting.

(c) Appoint the Council’s nominated trustee to serve on the Edmond Castle Educational Trust, following consultation with the relevant Cabinet Member.

(d) Deal with complaints about the discharge of the Council’s Social Services functions in respect of children and families 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 person to serve as Panel members under those procedures.

(e) In accordance with any relevant legislation, to appoint designated decision makers or nominated officers for functions specified in that legislation.

Corporate Director - Economy and Highways
The Corporate Director -- Economy and Highways has delegated authority to discharge all County Council functions relating to:

(a) Highways, traffic and transport
(b) Countryside access
(c) Vehicles and mechanical plant and equipment
(d) Development control and regulation
(e) Town and country planning
(f) Nationally Significant Infrastructure Projects
(g) Minerals and Waste
(h) Historic environment
(i) Economic development
(j) Civil contingencies and emergencies
(k) Public protection
(l) Libraries and cultural services
(m) Trading Standards
(n) Safety of Sports Grounds
(o) Weights and Measures
(p) Registration of births, deaths, marriages and civil partnerships
(q) The Coroners Service including appointment of Coroners at all levels including Senior, Area and Assistant Coroners
(r) Being a waste disposal authority
(s) Being a flood authority
(t) Being a traffic management authority
(u) The Regulation of Investigatory Powers Act 2000 including the specific authority to issue authorisations along with the Assistant Director – Economy and Environment

(v) Land and property

(w) Port of Workington

6.23 The Corporate Director – Economy and Highways is the Duty Holder under the Marine Safety Code from time to time in force for the Port of Workington.

6.24 In addition, the Corporate Director – Economy and Highways has delegated authority to appoint members of the Cumbria Valuation Tribunal, in consultation with the President of the Tribunal and after consultation with Group Leaders and Chairs of Local Committees.

6.25 The authority of the Corporate Director – Economy and Highways is limited as set out below.

(a) The authority of the Corporate Director – Economy and Highways to exercise powers under the Road Traffic Regulation Act 1984 is limited as follows:

(i) In respect of functions relating to the making of speed limit orders as determined through the “Speeding in Villages” initiative, after consultation with the Chair of the relevant local committee and local member(s), to those orders where there are no objections following statutory consultation and advertisement.

(ii) In respect of functions relating to the issue of notices under Sections 14(2) (a) and (b) of the Road Traffic Regulation Act 1984 (or any statutory modification thereof), to circumstances where it appears necessary to the Corporate Director that the restrictions/prohibitions come into force without delay.

(iii) the making of Traffic Regulation Orders (TROs) which involve the introduction of on-street parking charges and those TROs which involve changes to restrictions to accommodate the on-street parking charges.
(iv) the making of TROs which involve the introduction of charging for residents and other parking permits

Where making orders under (iii) or (iv) above the Corporate Director - Economy and Highways must consult with the Chair and Vice Chair of the relevant Local Committee prior to making the order.

(b) The authority of the Corporate Director – Economy and Highways in respect of planning applications is limited to the following:

(i) Applications for new developments or to amend or remove planning conditions on extant planning permission, within existing minerals and waste sites or with a significant County Council developments, which would not have a significant impact outside of the site boundary;

(ii) Minor development not on existing minerals and waste 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 minor developments previously approved by the Development Control and Regulation Committee and shallow boreholes); and

(iii) to determine applications, for approval of reserved matters provided the planning application does not extend the time limit of a planning permission; and/or does not require an Environmental Statement and/or has not been advertised as a departure from development plan policy.

(c) In respect of functions relating to Commons Land to determine only undisputed applications to amend the Registers of Common Land.

Assistant Director - Economy and Environment


Assistant Director – Capital Programmes and Property

6.27 The Assistant Director – Capital Programmes and Property may authorise virement between projects in the capital programme, acting in accordance with the provisions of the Financial Standing Orders.
Corporate Director – Health Care and Community Services

6.28 The Corporate Director – Health Care and Community Services is the statutory officer for adult social services under Section 6(A1) the Local Authority Social Services Act 1970 and has delegated responsibility for all social services functions as specified in Schedule 1 of that Act which relate to adults over the age of 18 (excluding functions relating to aftercare under the Children Act 1989).

6.29 The Corporate Director – Health Care and Community Services has delegated authority to exercise the Council’s functions in relation to libraries and cultural services and for the management and functions of Area Managers.

6.30 The Corporate Director – Health Care and Community Services has delegated authority to take any lawful decision that the Corporate Director judges to be appropriate about the services to be provided to an individual or action to be taken in respect of an individual (including the use of any discretion provided for in national or local schemes of charges to service users and assistance with legal costs of a third party) and all powers and duties of the Council under the Mental Health Act 1983 (as amended from time to time) the Mental Capacity Act 2005 and other legislation relating to health, welfare, capacity or the care of adults.

6.31 The Corporate Director – Health Care and Community Services has delegated authority to act as Deputy in accordance with Directions of the Court of Protection.

6.32 The Corporate Director – Health Care and Community Services has delegated authority 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 person to serve as Panel members under those procedures.

6.33 In accordance with any relevant legislation, the Corporate Director – Health, Care and Community Services can appoint designated decision makers or nominated officers for functions specified in that legislation.

Director of Public Health

6.34 The Director of Public Health has delegated authority to discharge the Council’s public health functions under the NHS Act 2006 and any Regulations made under this Act.