



LANCASTER
CITY COUNCIL

Promoting City, Coast & Countryside

COUNCIL MEETING

Monday, 14 May 2018 - 6.30 p.m.
Morecambe Town Hall

Susan Parsonage,
Chief Executive,
Town Hall,
Dalton Square,
LANCASTER,
LA1 1PJ



LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

Sir/Madam,

You are hereby summoned to attend a meeting of the Lancaster City Council to be held in the Town Hall, Morecambe on Monday, 14 May 2018 commencing at 6.30 p.m. for the following purposes:

1. **APOLOGIES FOR ABSENCE**

2. **MINUTES**

To receive as a correct record the Minutes of the Meeting of the City Council held on 11 April 2018 (previously circulated).

3. **DECLARATIONS OF INTEREST**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

4. **ITEMS OF URGENT BUSINESS**

5. **ANNOUNCEMENTS**

To receive any announcements which may be submitted by the Mayor or Chief Executive.

6. **EXECUTIVE ARRANGEMENTS** (Pages 1 - 13)

To consider the report of the Leader.

7. **NON-EXECUTIVE DELEGATIONS** (Pages 14 - 23)

To consider the report of the Monitoring Officer.

8. **ALLOCATION OF SEATS TO POLITICAL GROUPS** (Pages 24 - 28)

To consider the report of the Chief Executive

9. **APPOINTMENT OF OVERVIEW AND SCRUTINY MEMBERS**

To receive nominations and appoint Members to serve on each of the following Overview and Scrutiny bodies in accordance with the political balance arrangements agreed at Item 8.

In accordance with the Council's Constitution, Part 3, Sections 12 and 13, only non-Cabinet Members are entitled to vote on this item.

(a) Overview and Scrutiny Committee (9)

(b) Budget and Performance Panel (9)

10. **APPOINTMENT OF COMMITTEE MEMBERS**

To receive nominations and appoint Members to serve on the under-mentioned Committees and the Appraisal Panel in accordance with the political balance arrangements agreed at Item 8.

(a) Licensing Regulatory Committee (9)

(b) Licensing Act Committee (15)

(c) Planning and Highways Regulatory Committee (15)

(d) Personnel Committee (7)

(e) Appeals Committee (7)

(f) Audit Committee (7)

(g) Standards Committee (7)

(h) Council Business Committee (7)

(i) Appraisal Panel (7)

11. **APPOINTMENT OF CHAIRMEN**

To receive nominations and appoint a Chairman to each of the under-mentioned bodies noting that, in accordance with the Council's Constitution, Part 3, Sections 11 and 12, only non-Cabinet Members are entitled to vote on (a) and (b) below:

(a) Overview and Scrutiny Committee - shall not be a member of the largest political group represented on Cabinet

(b) Budget and Performance Panel - shall not be a member of the largest political group represented on Cabinet.

- (c) Licensing Regulatory Committee
- (d) Licensing Act Committee
- (e) Planning and Highways Regulatory Committee
- (f) Personnel Committee
- (g) Appeals Committee
- (h) Audit Committee – shall not be a member of Cabinet or Overview and Scrutiny.
- (i) Standards Committee
- (j) Council Business Committee

REPORTS REFERRED FROM CABINET, COMMITTEES OR OVERVIEW AND SCRUTINY

OTHER BUSINESS

12. **ESTABLISHMENT OF A WORKING GROUP TO REVIEW THE CONSTITUTION**
(Pages 29 - 32)

To consider the report of the Monitoring Officer

13. **APPOINTMENTS TO OUTSIDE BODIES, PARTNERSHIPS AND BOARDS** (Pages 33 - 39)

To consider the report of the Chief Executive

14. **APPOINTMENT TO THE LANCASHIRE POLICE AND CRIME PANEL** (Pages 40 - 41)

To consider the report of the Chief Executive



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Chief Executive

Town Hall,
Dalton Square,
LANCASTER,
LA1 1PJ

Published on Thursday 3rd May 2018.

COUNCIL**Executive Arrangements
14 May 2018****Report of the Leader****PURPOSE OF REPORT**

To report to Council on the delegation of executive functions, in accordance with Rule 1.2 of the Cabinet Procedure Rules

This report is public

RECOMMENDATIONS

(1) That the report be noted

1.0 Introduction

1.1 Rule 1.2 of the Cabinet Procedure Rules provides as follows:

“Delegation by the Leader

(a) At the annual meeting of the Council, the Leader will present to the Council the names of the people appointed to the Cabinet by the Leader (including the name of the Deputy Leader), and their portfolios.

(b) At the annual meeting of the Council or as soon as practicable thereafter, the Leader will present to the Council a written record of :

(i) The detailed remits of the portfolios of the Cabinet Members.

(ii) Any delegations made by the Leader in respect of the discharge of the Council's executive functions. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- The extent of authority of the Cabinet as a whole
- The extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet Members appointed to them;
- the nature and extent of any delegation of Executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet

Members appointed to any joint committee for the coming year; and

- the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

and these shall then be included in the Council's Constitution."

1.2 This report fulfils the requirement of Rule 1.2(b).

2.0 Proposal Details

2.1 The names of the members appointed to Cabinet and their respective portfolios will be reported at the meeting.

2.2 In accordance with the Council's current Constitution (Article 7.09), Cabinet members will have delegated authority to take non-key decisions within their portfolio areas. Key decisions will be taken by Cabinet collectively.

2.3 No Cabinet Committees or Area Committees have been appointed.

2.4 The revenues and benefits functions of the Council will continue to be carried out by a Joint Committee with Preston City Council. The two Cabinet members appointed to serve on that Joint Committee will be Councillor Blamire and the portfolio holder for Revenues and Benefits. All other Cabinet Members are substitute Members of the Joint Committee.

2.5 Delegations of executive functions to officers are set out in Part 3, Section 14 of the Council's Constitution. A copy is attached at **Appendix A** to this report.

2.6 It should be noted that the Chief Officer (Regeneration and Planning) post is currently vacant and delegations to that role now sit with the Planning Manager, the Regeneration Manager and the Economic Development Manager. The Chief Officer (Legal and Governance) post is also currently vacant and delegations to this post rest with the Chief Executive.

3.0 New Delegation to Chief Officer (Health and Housing)

3.1 The Housing and Planning Act 2016 came into force on 1st April 2017 and introduced measures designed specifically to improve safety in private rented homes and to tackle poor and rogue landlords.

3.2 As well as introducing new powers for local authorities to tackle rogue landlords, it also introduces new options to apply for Banning Orders to prevent the worst landlords operating in the market. In addition, there is now the opportunity for authorities to consider applying civil penalties as an alternative to prosecution in certain circumstances. The legislation is to be enforced by local authorities and specific guidance is provided by Government.

3.3 The amount of a financial penalty that can be imposed is to be determined by the authority imposing it, but must not be more than £30,000. Officers are expected to determine appropriate levels and although this income can be retained by the local authority it is also subject to appeal so must be

proportionate and reasonable. A local housing authority may apply any financial penalty recovered to meet the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions in relation to the private rented sector.

- 3.4 Amendments to the Scheme of Delegation relating to executive functions may be made by the Leader in accordance with Paragraph 1.4(b) of Section 4 of Part 4 of the Constitution. Any amendments that are made by the Leader are reported to Council.
- 3.5 The Leader has made an amendment to the Scheme of Delegation relating to executive functions to allow the Chief Officer (Health and Housing) and officers she has designated in writing to act on behalf of the Council under the Housing and Planning Act 2016. The main aim of these new regulations is to raise basic safety standards in homes within the private rented sector.

4.0 Conclusion

- 4.1 The report is submitted in accordance with Rule 1.2 of the Cabinet Procedure Rules and is for noting.

It is acknowledged that the role of officers is to take operational decisions in the manner that they consider is most appropriate given their managerial and professional expertise, and that no specific delegations are required in order for officers to carry out the operational management of the services for which they are responsible.

The purpose of this Scheme of Delegation is rather to provide clarity for the undertaking of activities that for governance reasons require formal authorisation.

Formal delegations have been approved by the relevant Member body with responsibility for the particular function, and this may be Council, a Regulatory or other Committee of Council, or, in the case of executive functions, the Leader. The Scheme of Delegation is set out to make it clear which body has authorised each delegation

All the delegations within this Scheme are to be undertaken within:

- The policies and strategies of the Council within the policy framework
- Any legal constraints imposed on the Council
- The financial provision authorised by the Cabinet and the Council
- Any relevant provisions within the Constitution

This Scheme of Delegation should be read in conjunction with the Council's Financial Regulations, including the Contract Procedure Rules, and the Treasury Management Framework.

References to any Act, Regulation, Order or Byelaw shall be construed as including any re-enactment or re-making of the same, whether or not with amendments.

Any reference to any Act of Parliament includes references to Regulations and other subordinate legislation made thereunder and to any EU legislation on which the UK legislation is based.

Subject to any express instruction to the contrary from the delegating body, any power to approve also includes power to refuse, and power to impose appropriate conditions.

Delegations to officers are subject to the right of the delegating body to decide any matter in a particular case, and the officer may in any particular case refer to the delegating body for a decision.

Generally, any power delegated to a Chief Officer may be exercised by the Chief Executive, and any power delegated to any other officer may be exercisable by the officer's Chief Officer or the Chief Executive. However, it should be noted that this is subject to any specific statutory restrictions. For example, under health and safety legislation, some powers may only be exercised by qualified "inspectors".

Any delegation to the Chief Executive may in his absence be exercised by a Chief Officer. Formal urgent decisions will be taken in consultation with the appropriate elected member(s) in accordance with the Constitution. It is anticipated that the delegated authority would be exercised, taking account of any comments from the Monitoring Officer and the Section 151 Officer, by the most appropriate Chief Officer given the subject matter for decision, or, in the absence of that Chief Officer or where the decision is general in nature, by the Chief Officer on Senior Emergency Officer duty at the time.

The Monitoring Officer shall have power to amend the Scheme of Delegation to reflect reorganisations, changes in job titles and vacancies, where such changes result in redistributing existing delegations, and not the creation of new ones.

Any post specifically referred to in the Scheme of Delegation shall be deemed to include any successor post, and shall include any officer acting up or seconded.

Where an officer is authorised or designated by virtue of this Scheme of Delegation as an authorised officer for the purposes of any legislation, that authorisation (unless it specifically states to the contrary) shall be deemed to authorise that officer to undertake all the powers and duties of an authorised officer as are specified in that legislation. These may include (but are not restricted to) the power to enter on land, undertake inspections, serve notices (including the issue of fixed penalty notices), take samples and remove goods.

Where a power or duty is delegated to an officer, either directly under the Scheme of Delegation or through designation as an authorised officer, and the exercise of that power or duty is contingent upon the opinion of the Council that particular conditions or factual circumstances exist, then the officer in question has the power to determine whether or not those circumstances exist or those conditions have been fulfilled in the name of and with the authority of the Council.

Functions, matters, powers, authorisations, delegations, duties and responsibilities within this Scheme shall be construed in a broad and inclusive fashion, and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything so specified.

Where a power or duty delegated under this Scheme includes at source a power to recover costs, fees or charges, the delegation shall include the power to take all necessary action to recover such fees costs or charges by way of civil debt or otherwise.

EXECUTIVE FUNCTIONS - MATTERS OF URGENCY

TO THE CHIEF EXECUTIVE

a) To do all such things as are necessary in relation to all routine matters of day to day administration and management of the Council;

(b) To authorise any action necessary to protect the safety or welfare of individuals or the safety of property; and

(c) Where it is necessary for any function of the Cabinet to be discharged and it is impracticable or impossible by reason of urgency for the matter to be considered by the Cabinet, (of if a non-key decision by the relevant portfolio holder) to take such action as he considers appropriate, in consultation, so far as practicable with the Leader and relevant portfolio holder(s).

Where action is taken under (c) above, the Chief Executive shall submit a report to the next Cabinet meeting recording the urgent circumstances which made the action necessary and detailing the action taken.

OTHER EXECUTIVE FUNCTIONS

TO THE CHIEF EXECUTIVE

To make applications to the Home Secretary for consent to make orders under the Public Order Act 1986 in response to an application from the Chief Constable, and to make the appropriate Order following the receipt of the Home Secretary's consent.

TO THE CHIEF EXECUTIVE AND ALL CHIEF OFFICERS

To determine all matters arising from the Commission for Local Administration in England (the Local Government Ombudsman) in whatever manner is appropriate, including the making of local settlements.

To attest the affixing of the Common Seal to documents.

To seek planning permission for the Council's own development or development on Council-owned land.

To grant authorisations for the purposes of Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000 (subject to the requirement for each authorisation to be approved by the Magistrates' Court).

TO THE CHIEF EXECUTIVE, ALL CHIEF OFFICERS AND ANY STAFF DESIGNATED BY A CHIEF OFFICER IN WRITING

To sign statements of truth under the Civil Procedure Rules 1998 on behalf of the Council

To serve notices under Section 16 of the Local Government Act (Miscellaneous Provisions) 1976

With regard to finance and contractual matters, to exercise any relevant authority set out in Article 14 of the Constitution and the supporting Financial Regulations and Contract Procedure Rules for Works, Goods and Services. Designation as a Responsible Spending Officer or Contract Manager will be deemed to be designation in writing by a Chief Officer for this purpose. (Note - As set out in Article 13 of the Constitution, the Key Decision financial thresholds apply to various financial and/or contractual matters and as such, the appropriate decision-making, publication and call-in arrangements also apply, as set out in the Constitution.)

In accordance with relevant legislation and any charging policy set by Cabinet, to set fees and charges for services and activities.

TO THE CHIEF OFFICER (ENVIRONMENT)

To add properties to the Register of Excluded Properties established by Cabinet in December 2005 in respect of residents' parking schemes.

To authorise the closure of Council owned public land and car parks where required to do so for operational or health and safety purposes

To designate authorised officers for the purposes of the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and the Refuse Disposal (Amenity) Act 1978, who may then act on behalf of the Council under the relevant legislation in accordance with their designation as authorised officer.

To approve the terms and conditions of market lettings.

To approve requests for the lighting of the Ashton Memorial in recognition of national or international charity campaigns.

TO THE CHIEF OFFICER (ENVIRONMENT) AND ANY STAFF DESIGNATED BY HIM/HER IN WRITING

To serve notices on behalf of the Council under the Environmental Protection Act 1990*, Clean Neighbourhoods and Environment Act 2005 and the Refuse Disposal (Amenity) Act 1978.

Under the Anti-Social Behaviour, Crime and Policing Act 2014:

- (a) to be authorised persons for the purposes of section 53, with authority to issue a Community Protection Notice (Section 43), and/or a Fixed Penalty Notice for breach of a Community Protection Notice (Section 48);
- (b) to be authorised to issue notices under Section 47(3), Section 47(6) and 49 (6) in respect of Community Protection Notice works in default;
- (c) to have authority to authorise Community Protection Notice work in default to be carried out under sections 47(2) and (3);
- (d) to be authorised persons for the purposes of Section 63 and Section 68 (enforcement of Public Spaces Protection Orders); and
- (e) to be authorised to issue a Closure Notice for a period of up to 24 hours.

* For the avoidance of doubt the Chief Officer (Environment) can designate persons who have entered into a contract with the Council for the provision of litter services as authorised officers under Section 88(10) of the Environmental Protection Act 1990, subject to satisfactory safeguards being set out in the contract to ensure notices are issued in accordance with the law and the Council is covered by a suitable indemnity.

TO THE CHIEF OFFICER (LEGAL AND GOVERNANCE) *

To authorise officers to appear on behalf of the Council in Courts inquiries and Tribunals, as appropriate

To certify resolutions and documents as being true copies

To determine whether or not executive confidential or exempt reports, minutes or background papers are required to continue to be treated as confidential or exempt.

To sign official certificates of search in the register of local land charges, and in consultation with the Chief Officer (Resources) to set the fee for a local search and related inquiries in respect of land

To approve expenditure from the Member conferences budget in consultation with the relevant Cabinet Member

To approve duties for inclusion in the list of Approved Duties for the purposes of the Members' Allowances Scheme

To make orders under the Town Police Clauses Act 1847 where there are no objections to the proposed closure from either the highway authority or the police

To determine requests for review under the Freedom of Information Act 2000

To determine listing and compensation reviews in respect of assets of community value under Part 5 Chapter 3 of the Localism Act 2011

To be the Proper Officer as required by any legislation save where another officer has been so designated.

To institute, defend and be responsible for the conduct of any legal proceedings in any civil or criminal court or tribunal, on behalf of the Council, and to make appropriate arrangements for such matters to be dealt with by the Council's Legal Service

To instruct Counsel or external solicitors to advise and/or represent the Council, through the Council's Legal Service

To settle or compromise any legal proceedings to which the Council is a party, in consultation with the relevant Chief Officer and the Chief Officer (Resources).

To take all steps incidental to completing or obtaining the confirmation of any Order or other formal proceedings made by the Council

To prepare any documentation necessary to bring into effect a decision of the Council or Cabinet, or any decision made under delegated authority.

TO THE CHIEF OFFICER (LEGAL AND GOVERNANCE)* AND ANY OFFICER DESIGNATED BY HIM/HER IN WRITING

To commence criminal or civil proceedings on behalf of the Council, and to sign statements of truth in connection with legal proceedings.

TO THE CHIEF OFFICER (HEALTH AND HOUSING)

To serve notices and to act on behalf of the Council under the following legislation (and any subordinate legislation, regulations or orders made under the primary acts), and to designate authorised officers who may then act on behalf of the Council under the following legislation (including any subordinate legislation, regulations or orders made under the primary acts) in accordance with their designation as authorised officer:

- Animal Welfare Act 2006
- Building Act 1984
- Caravan Sites and Control of development Act 1960
- Caravan Sites Act 1960
- Civil Contingencies Act 2004
- Clean Air Act 1993
- Clean Neighbourhoods and Environment Act 2005
- Control of Pollution Act 1974
- County of Lancashire Act 1984
- Criminal Justice and Public Order Act 1994
- Dangerous Dogs Act 1991
- Dogs Act 1871
- Dogs (Fouling of Land) Act 1996
- Environment Act 1995
- Environmental Protection Act 1990
- European Communities Act 1972
- Food and Environmental Protection Act 1985
- Food Safety Act 1990

Food Safety and Hygiene Regulations 2008
General Food regulations 2004
Health Act 2006
Housing Acts 1985, 1996 and 2004
Housing and Planning Act 2016
Local Government (Miscellaneous Provisions) Acts 1976 and 1982
Mobile Homes Act 2013
National Assistance Act 1948
Pollution Prevention and Control Act 1999
Pollution Prevention and Control (England and Wales) Regulations 2000
Prevention of Damage by Pests Act 1949
Private Water Supplies Regulations 2009
Product of Animal Origin (Import and Export) Regulations 1996
Products of Animal Origin (Third Country Imports)(England) Regulations 2002
Public Health Acts 1936 and 1961
Public Health (Control of Disease) Act 1984
Road Traffic (Vehicle Emissions)(Fixed Penalty)(England) Regulations 2002
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Water Industry Act 1991

To waive the repayment of right to buy discount under Section 185 of the Housing Act 2004

TO THE CHIEF OFFICER (HEALTH AND HOUSING) AND ANY STAFF DESIGNATED BY HIM/HER IN WRITING

To grant, renew and vary site licences and collectors' licences under the Scrap Metal Dealers Act 2013, and to enter and inspect premises licensed under the Act.

To appoint Proper Officers for the purposes of the Public Health (Control of Disease) Act 1984, the Public Health (Infectious Diseases) Regulations 1988 and under the National Assistance Act 1948, Regulations 2 and 3 of the Health Protection (Notification) Regulations 2010, Sections 84 and 85 of the Public Health Act 1936, and Section 37 of the Public Health Act 1961

To serve notice and commence legal action to seek an order of possession in respect of a dwelling house let by the Council

To serve any statutory notice, counter-notice or document in respect of a dwelling house let by the Council and which is to be served in connection with the exercise of the functions of the local housing authority

To review a decision to seek an order for possession of a dwelling let under an introductory tenancy (section 129 of the Housing Act 1996)

To review a decision to seek an order for possession of a dwelling let under a demoted tenancy (Section 143F of the Housing Act 1996)

To allocate council housing stock and in so doing to award discretionary points and exercise any other discretion that may be appropriate, and to undertake any review under the Housing Allocation Policy

To nominate tenants to Housing Associations

To serve statutory notices, directions, orders and other documents, to exercise statutory powers of entry and to undertake inspections and take enforcement action in

connection with unfit, defective or otherwise substandard dwellings, or overcrowding or otherwise unsatisfactory conditions therein

To investigate and take enforcement action in respect of unlawful eviction or tenant harassment or any offence under the Housing Acts 1985, 1996 or 2004

To determine applications for the licensing of houses in multiple occupation under the Housing Act 2004 including the granting, refusal and variation of licences and the issuing of temporary exemptions in appropriate cases as defined in the Act

To determine applications in respect of grants in respect of dwellings, including disabled facilities grants and to waive or relax the conditions and/or requirements of approved grants

To take action to secure the restoration or continuation of the supply of water, gas or electricity to tenanted property

To administer and operate any loans/grant schemes intended to prevent homelessness

To exercise the statutory functions of the Council with regard to homelessness, including the undertaking of reviews of decisions

To determine applications in respect of chimney heights under the Clean Air legislation

Under the Anti-Social Behaviour, Crime and Policing Act 2014:

- (a) to be authorised persons for the purposes of section 53, with authority to issue a Community Protection Notice (Section 43), and/or a Fixed Penalty Notice for breach of a Community Protection Notice (Section 48);
- (b) to be authorised to issue notices under Section 47(3), Section 47(6) and 49 (6) in respect of Community Protection Notice works in default;
- (c) to have authority to authorise Community Protection Notice work in default to be carried out under sections 47(2) and (3);
- (d) to be authorised persons for the purposes of Section 63 and Section 68 (enforcement of Public Spaces Protection Orders); and
- (e) to be authorised to issue a Closure Notice for a period of up to 24 hours.

Under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 to set and impose a penalty charge (to a maximum of £5000); to undertake the service and signing of notices; to consider and determine representations and objections; to recover the monetary penalty through a certificate signed by the Chief Officer (Resources).

Under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to act as Inspectors; to undertake the service and signing of notices; to set and impose a penalty charge (to a maximum of £5000); to authorise remedial work; to consider and determine representations and objections; to recover a monetary penalty through a certificate signed by the Chief Officer (Resources).

TO THE CHIEF OFFICER (REGENERATION AND PLANNING)**

To be the proper officer for the purposes of Section 93(1)(a) and to authorise officers to sign documents in accordance with Section 93(1)(b) of the Building Act 1984

To designate authorised officers for the purposes of Section 95 of the Building Act 1984

In consultation with the relevant Cabinet portfolio holder, to approve grants and other financial assistance to businesses and community enterprises, in accordance with the eligibility criteria and other terms and conditions applicable to the relevant approved grant aid schemes.

TO THE CHIEF OFFICER (REGENERATION AND PLANNING) AND ANY STAFF DESIGNATED BY HIM/HER IN WRITING**

To determine applications under the Building Regulations, and to serve notices and issue certificates under the Building Regulations 2000 (as amended)

To exercise the Council's powers under Sections 76, 77, 78, 79 and 81 of the Building Act 1984

To approve Home Loss and Disturbance payments

TO THE CHIEF OFFICER (RESOURCES)

To determine nominations for inclusion in the Council's list of assets of community value, and to determine requests from an asset owner for compensation under Part 5 Chapter 3 of the Localism Act 2011.

TO THE CHIEF OFFICER (RESOURCES) (AS SECTION 151 OFFICER) AND TO THE DEPUTY SECTION 151 OFFICER(S)

To determine the Council's tax bases and Collection Fund balances in respect of local taxation, together with related matters, in accordance with the Local Government Act 1992, the Localism Act 2011 and other associated legislation.

To sign any documentation required to be signed by the Council's Chief Financial Officer.

To determine the Council's banking arrangements.

TO THE CHIEF OFFICER (RESOURCES) AND ANY STAFF DESIGNATED BY HIM/HER IN WRITING

To arrange insurance cover for the Council, including the taking out and renewal of policies.

To undertake borrowing and investment decisions and related/supporting operational activity in accordance with the Council's approved Treasury Management Framework.

To sign any documentation on behalf of the Council in accordance with any approved role as "accountable body".

To update the Council's financial systems and records as necessary to bring into effect a decision of the Council or Cabinet.

To authorise officers to represent the Council in the Magistrates' Court in recovery and enforcement proceedings for Council Tax and National Non-Domestic Rates (NNDR)

To exercise the Council's statutory functions and responsibilities in respect of Council Tax, National Non-Domestic Rates, and Housing Benefit and Council Tax Support.

To grant relevant reliefs, discounts, exemptions and support awards associated with Council Tax, National Non-Domestic Rates, and Housing Benefit and Council Tax Support (made available either through locally determined or national policies).

To authorise the commencement of civil proceedings for the recovery of sums owed to the Council.

To sign certificates under Regulation 53(5) of the Council Tax (Administration and Enforcement) Regulations 1992 and Regulation 21(5) of the Non-domestic Rating (Collection and Enforcement (Local Lists) Regulations 1989.

To approve the naming of streets and numbering of properties

TO THE CHIEF OFFICER (RESOURCES) AND SENIOR PROPERTY OFFICER/ ANY STAFF DESIGNATED BY HIM/HER IN WRITING

To approve the terms and conditions for the disposal or acquisition of freehold land, and the granting or taking of a lease of property, where the consideration or premium or annual rent is at market value and does not exceed £50,000 subject to Ward Councillors being satisfied with the principle of the sale/acquisition or, if the property has not previously been leased, the principle of leasing.

To approve the terms and conditions of any other lettings, sub-lettings, concessions or licences to occupy any Council land or premises, where the rent / fee is at market value

To grant peppercorn leases of land for potential new allotment sites (provided that such land would not be capable of achieving a market rent exceeding £6000 pa for alternative use) subject to the approval of the Chief Officer of the relevant managing Service.

To approve the terms of rent or service charge reviews, licences to assign, deeds of variation and surrenders

To terminate or forfeit leases, sub-leases and licences

To approve the payment of compensation due under the Landlord and Tenant Act 1954

To grant and accept wayleaves and easements and to approve the consideration payable to or by the Council

To approve the disposal of Council houses and flats and subsequent assignments under the statutory Right to Buy provisions.

**NB The Chief Officer (Legal and Governance) post is currently vacant and delegations to that role lie with the Chief Executive.*

***NB The Chief Officer (Regeneration and Planning) post is currently vacant and delegations to that role now sit with the Planning Manager, Regeneration Manager and the Economic Development Manager.*

COUNCIL**Non-Executive Delegations
14th May 2018****Report of the Monitoring Officer****PURPOSE OF REPORT**

To report to Council on the Scheme of Delegation to Officers in relation to non-executive functions.

This report is public

RECOMMENDATIONS

- (1) That Council approves its current Scheme of Delegation to Officers (“Scheme of Delegation”) in regard to non-executive functions.

1.0 Introduction

- 1.1 It is good practice for Council to approve its Scheme of Delegation at the Annual Meeting, and the current Scheme is appended for that purpose.
- 1.2 It should be noted that the Chief Officer (Regeneration and Planning) post is currently vacant and delegations to that role now sit with the Planning Manager, the Regeneration Manager and the Economic Development Manager.

2.0 Conclusion

The report is submitted for Council’s approval.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report.

LEGAL IMPLICATIONS

The report complies with the requirements of the Constitution and ensures continuity of the current Scheme of Delegation.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted regarding the drafting of this report and has no further comments.

BACKGROUND PAPERS

None

Contact Officer: Debbie Chambers

Telephone: 01524 582057

E-mail: dchambers@lancaster.gov.uk

Ref:

NON-EXECUTIVE FUNCTIONS

MATTERS OF URGENCY

TO THE CHIEF EXECUTIVE:

Where it is necessary for any function of the Council or one of its Committees to be discharged and it is impracticable or impossible by reason of urgency for the matter to be considered by the Council or such Committee, to take such action as he considers appropriate, in consultation, so far as practicable with the Mayor and Group Leaders in respect of a Council function or the relevant Committee Chairman in respect of a matter within the terms of reference of a Council Committee

Where action is taken under the above, the Chief Executive shall submit a report to the next Council or Committee meeting as appropriate recording the urgent circumstances which made the action necessary and detailing the action taken.

OTHER NON-EXECUTIVE FUNCTIONS

COUNCIL:

TO THE CHIEF OFFICER (HEALTH AND HOUSING)

To serve notices and to act on behalf of the Council under the following legislation, and to designate authorised officers who may then act on behalf of the Council under the following legislation in accordance with their designation as authorised officer:

Health Act 2006

PERSONNEL COMMITTEE

TO THE CHIEF EXECUTIVE IN RESPECT OF ALL POSTS EXCEPT JNC CHIEF OFFICER POSTS

To establish new posts and approve minor structural reorganisations, and to assimilate members of staff on fixed term or temporary contracts or in casual work situations into the permanent establishment

To determine the terms and conditions of service of Council employees within the policy set by the Personnel Committee

To determine applications for regrading

To apply the Council's Redeployment Policy including declaration of a redundancy situation and redeployment of staff

To approve the payment of acting up and honorarium payments

To approve extensions to full or half sick pay

To approve release of preserved pension benefits in accordance with relevant pension legislation, including Certificates of Material Change

To determine requests for late transfers into the Local Government Pension Scheme

TO CHIEF OFFICERS IN RESPECT OF EMPLOYEES WITHIN THEIR SERVICE

To extend the term of any fixed term or temporary contract

To change the designation of a post

To recruit to established permanent or temporary posts (below JNC Chief Officer level), and determine commencing salary and subsequent granting or withholding of incremental progression

To determine applications and approve arrangements in accordance with the provisions of the Council's Attendance Management policies and Family Leave Scheme, Parental Leave Scheme and Flexible Working Scheme.

To determine applications for car loans

To determine ex gratia payments

To terminate employment in accordance with Council policy, and on grounds of permanent ill health

To determine action in sickness absence cases lasting six months or more

To take disciplinary action in accordance with Council policy (except JNC Chief Officers)

To authorise attendance of staff at appropriate courses, and the granting of financial assistance in accordance with the National Scheme of Conditions of Service.

The award of a maximum of two merit increments for examination success and in other appropriate cases provided that the award is within the approved establishment grade of the postholder.

LICENSING REGULATORY COMMITTEE

TO THE CHIEF EXECUTIVE

To make appropriate arrangements for the institution or defence of any legal proceedings relating to matters within the terms of reference of the Licensing Regulatory Committee

TO THE CHIEF OFFICER (HEALTH AND HOUSING), LICENSING MANAGER AND ANY OTHER OFFICER THE LICENSING MANAGER DESIGNATES IN WRITING

To grant and issue any licence, registration or other permission under any legislation within the terms of reference of the Licensing Regulatory Committee, unless there are any adverse representations or other reasons why the officer considers it appropriate to refer the matter to the Committee. This does not include authority to refuse a licence, save that the Chief Officer (Environment) and the Licensing Manager are authorised to refuse new applications for hackney carriage or private hire driver licences, where satisfied that the applicant is not a fit and proper person to hold a licence.

To approve any matters within the conditions of licences, registrations or other permissions under any legislation within the terms of reference of the Licensing Regulatory Committee, which require the approval or consent of the Council.

TO THE CHIEF OFFICER (HEALTH AND HOUSING) AND LICENSING MANAGER

To designate authorised officers for the purposes of the Local Government (Miscellaneous Provisions) Act 1976, who may then act on behalf of the Council under the Act in accordance with their designation as authorised officer

To designate authorised officers for the purposes of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, who may then act on behalf of the Council under the Act in accordance with their designation as authorised officer.

To allocate permits for street collections unless there are more applications than permits available.

TO THE CHIEF OFFICER (HEALTH AND HOUSING), LICENSING MANAGER AND ANY OTHER OFFICER THE CHIEF OFFICER (HEALTH AND HOUSING) DESIGNATES IN WRITING

To suspend a driver's licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, including authority to suspend a licence with immediate effect in the interests of public safety

To suspend an operator's licence under Section 62 of the Local Government (Miscellaneous Provisions) Act 1976

To suspend a hackney carriage or private hire vehicle licence under Section 60 or Section 68 of the Local Government (Miscellaneous Provisions) Act 1976

TO THE CHIEF OFFICER (HEALTH AND HOUSING) AND ANY OTHER OFFICER DESIGNATED BY HIM/HER IN WRITING

To issue licences, registrations and consents under the Food Safety Act 1990, the Noise and Statutory Nuisance Act 1993, Caravan Sites and Control of Development Act 1960, Meat Products (Hygiene) Regulations 1994, Minced Meat and Meat Preparations (Hygiene) Regulations 1995, Dairy Products (Hygiene) Regulations 1995, Egg Products regulations 1993, Food Safety (General Food Hygiene) Regulations 1995, Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 and the Food Premises (Registration) Regulations 1991, Animal Boarding Establishments Act 1963, Dangerous Wild Animals Acts 1976, Pet Animals Act 1951, Breeding of Dogs Act 1973, Riding Establishments Acts 1964 and 1970 and Zoo Licensing Act 1981, unless there are any adverse representations or other reasons why the officer considers it appropriate to refer the matter to the Committee

To designate authorised officers and to serve notices and apply for warrants on behalf of the Council under the following legislation:

Pet Animals Act 1951

Caravan Sites and Control of Development Act 1960

Animal Boarding Establishments Act 1963

Dangerous Wild Animals Act 1970 and 1991

Breeding of Dogs Act 1973 and 1991

Riding establishments Acts 1964 and 1970

Local Government (Miscellaneous Provisions) Act 1982

Health and Safety at Work etc Act 1974

Zoo Licensing Act 1981

County of Lancashire Act 1984

Noise and Statutory Nuisance Act 1993

Housing and Planning Act 2016

To appoint inspectors for the purposes of section 19 of the Health and Safety at Work (etc) Act 1974, who may then act as inspectors under the Act in accordance with their appointment.

TO THE CHIEF OFFICER (HEALTH AND HOUSING) AND ANY OTHER OFFICER DESIGNATED BY HIM/HER IN WRITING

To advertise, grant, issue and enforce street trading licences or consents under the Local Government (Miscellaneous Provisions) Act 1982, and to set the appropriate fee or charge.

LICENSING ACT COMMITTEE

TO THE CHIEF OFFICER (HEALTH AND HOUSING)

In consultation with the Chairman of the Licensing Act Committee to determine film classification restrictions where there has been no classification by the British Board of Film Classification; save that, where the Chief Officer (Environment) considers it appropriate in view of the nature of the particular film, the matter shall be referred to the Committee.

To act on behalf of the Licensing Authority as Responsible Authority when required under the Licensing Act 2003.

To suspend licences and club premises certificates for non-payment of annual fees in accordance with the Licensing Act 2003

TO THE DEMOCRATIC SERVICES MANAGER

To empanel ad hoc Sub-Committees from the pool of fifteen Licensing Act Committee Members

TO THE CHIEF EXECUTIVE

To make appropriate arrangements for the institution or defence of any legal proceedings relating to matters within the terms of reference of the Licensing Act Committee

TO THE CHIEF OFFICER (HEALTH AND HOUSING) AND LICENSING MANAGER

To designate authorised persons as defined in Section 13(2)(a) of the Licensing Act 2003.

To designate authorised persons as defined in Section 304(2) of the Gambling Act 2005

TO THE CHIEF OFFICER (HEALTH AND HOUSING) AND LICENSING MANAGER AND ANY OTHER OFFICER DESIGNATED BY ANY OF THEM IN WRITING

Licensing Act 2003

To determine applications for Personal Licences, including with relevant Unspent Convictions provided no Police representation has been made.

To determine applications for Premises Licences/Club Premises Certificates provided no representation has been made.

To determine applications for Provisional Statements provided no representation has been made.

To determine applications to vary Premises Licences/Club Premises Certificates provided no representation has been made.

To determine applications to vary Designated Premises Supervisors provided no police objection has been received.

To determine any request to be removed as a Designated Premises Supervisor.

To determine applications for transfer of Premises Licences provided no police objection has been received.

To determine applications for interim authorities provided no police objection has been received.

To determine whether any representation is irrelevant frivolous vexatious etc.

To agree the appropriate scale of plans required to be submitted by an applicant.
To dispense with a hearing in accordance with Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005.

To extend time limits in accordance with Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005.

To identify points on which clarification may be required at a hearing, in accordance with Regulation 7 (1) (d) of the Licensing Act 2003 (Hearings) Regulations 2005.

To acknowledge receipt of a Temporary Event Notice under Section 102 of the Licensing Act 2003 and, where appropriate, to serve counter-notice under Section 107 of the Act.

To determine applications for minor variations to Premises Licences/Club Premises Certificates.

In consultation with the Chairman of the Licensing Act Committee or in his/her absence the Vice-Chairman, authority to authorise applications for hypnotism subject to the standard conditions approved by the Committee.

Gambling Act 2005

To determine applications for permits for 3 or 4 gaming machines in premises licensed under the Licensing Act 2003.

To determine applications for premises licences under the Gambling Act 2005 where no representations have been received or representations have been withdrawn.

To determine applications for a variation to a licence under the Gambling Act 2005 where no representations have been received or representations have been withdrawn.

To determine applications for a transfer of a licence under the Gambling Act 2005 where no representations have been received from the Gambling Commission.

To determine applications for a provisional statement under the Gambling Act 2005 where no representations have been received or representations have been withdrawn.

To determine applications for club gaming/club machine permits under the Gambling Act 2005 where no objections have been made or objections have been withdrawn.

To determine applications for other permits under the Gambling Act 2005 where no representations have been made.

To cancel licensed premises gaming machine permits.

To grant a temporary use notice under the Gambling Act 2005 where no representations have been made.

PLANNING AND HIGHWAYS REGULATORY COMMITTEE

TO THE CHIEF OFFICER (REGENERATION AND PLANNING)*

In consultation with the Chief Executive, to instruct Counsel to advise and/or represent the Council.

To designate authorised officers for the purposes of Sections 196A, 196B, 214B, 214C, 219, 324 and 325 of the Town and Country Planning Act 1990 and Sections 88 and 88A of the Planning (Listed Buildings and Conservation Areas) Act 1990, who may then act on behalf of the Council under the relevant legislation in accordance with their designation as authorised officer

To set fees and charges for planning applications and any other services provided under the terms of reference of the Committee

TO THE CHIEF OFFICER (REGENERATION AND PLANNING)* AND ANY OTHER STAFF DESIGNATED BY HIM/HER IN WRITING

To determine applications under the provisions of Part III and VIII of the Town and Country Planning Act 1990 and Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990, having regard to the approved Development Plan and any relevant approved statement of policy, including proposals affecting Listed Buildings or in Conservation Areas EXCEPT for the following categories of development:

- Applications in the major category as defined by the DCLG which are recommended for approval and are the subject of any objections
- Applications recommended for approval which are departures from the Development Plan
- Applications made by the City Council or major applications made by the County Council
- Applications by Members or officers of the Council and other parties where considerations of probity indicate that a Committee decision is required
- Any application which the Chief Officer (Regeneration and Planning) considers should be determined by the Committee
- Any application which a member of the Council asks to be referred to the Committee

To secure compliance with associated conditions or legal agreements in respect of

any planning permission granted, to vary such conditions or agreements and to discharge any requirements of such agreements

To respond to consultations under the provisions of sections 42 and 43 of the Planning Act 2008 with the exception of responding formally to the Infrastructure Planning Commission or its successors in title under Sections 55 and 60 with the council's view on Statements of Community Involvement and Local Impact Reports.

To decline to determine applications for planning permission pursuant to Section 70A of the Town and Country Planning Act 1990

To determine requests for amendments to submitted or determined planning applications or other development related consents

To advertise and consult on advertising of planning and other like applications

In conjunction with the Chief Executive to contest appeals regarding matters within the terms of reference of the Planning and Highways Regulatory Committee

To serve notices for the preservation/repair of Listed Buildings or buildings/structures worthy of listing under the provisions of sections 3, 48 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990

To make and enforce Tree Preservation Orders and related provisions

To determine applications for Certificates of Lawful Use or Lawful Development under the provisions of Section 191- 94 of the Town and Country Planning Act 1990

To issue a screening opinion or a scoping opinion under the Provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

To waive the charge for the making of Revocation and Modification Orders in appropriate cases

To serve statutory notices in respect of any highway matter within the terms of reference of the Planning and Highways Regulatory Committee

To make observations on development and development plans proposed by neighbouring authorities

TO THE CHIEF EXECUTIVE AND ANY OFFICERS DESIGNATED BY HIM/HER IN WRITING

To make appropriate arrangements for the institution or defence of any legal proceedings relating to matters within the terms of reference of the Planning and Highways Regulatory Committee

To prepare any documentation necessary to bring into effect a decision of the Planning and Highways Regulatory Committee

In consultation with the Chief Officer (Regeneration and Planning) to issue, serve and withdraw Enforcement Notices, Stop Notices and Temporary Stop Notices, Planning Contravention Notices, Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act 1990

To make arrangements for the service of notices under Section 330 of the Town and

Country Planning Act 1990

STANDARDS COMMITTEE

TO THE MONITORING OFFICER

To determine in accordance with the Standards Committee's arrangements under the Localism Act 2011 whether an allegation of breach of the code of conduct should be investigated or no action taken.

To appoint an investigating officer as appropriate

To make arrangements for a hearing as appropriate.

****NB** The Chief Officer (Regeneration and Planning) post is currently vacant and delegations to that role now sit with the Planning Manager, Regeneration Manager and the Economic Development Manager.*

COUNCIL

Allocation of Seats to Political Groups 14 May 2018

Report of Chief Executive

PURPOSE OF REPORT

To advise Council of the calculations relating to the allocation of seats in accordance with the Local Government and Housing Act 1989 and the Council's agreed protocol, to allow Council to appoint to Committees as required at the annual meeting, as set out in Part 4, Section 1, Paragraph 1.2 of the Constitution.

This report is public

RECOMMENDATIONS

- (1) That in accordance with Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations, 1990, the City Council approves the calculations and allocation of seats set out in Appendices B and C of the report.
- (2) That the adjustments required to the groupings of committees, detailed in paragraph 3 and Appendix C of the report, be approved.

1.0 Introduction

- 1.1 Members are requested to approve the calculations set out in this report in order to make appointments to committees for 2018/19, which reflect the revised make-up of the Council.

2.0 Political Composition of the Council

- 2.1 The Council's political composition is set out below.

Labour	28
Conservatives	18
Green	7
Independent	2
Councillor Scott	1
Councillor Thynne	1
	57

2.2 Various appendices give full details of the calculations: **Appendix A** shows the methodology of Council's agreed calculation of PR; the calculations in relation to numbers from 1 to 15 are attached at **Appendix B** and **Appendix C** gives the grouping calculations used in this report.

2.3 If groups have submitted nominations for committee membership to Democratic Services in advance of this meeting, those nominations will be circulated at the start of the meeting.

3.0 Adjustments

3.1 Appendix C sets out the adjustments necessary as a result of the calculation. The Labour Group will pass one seat in the Overview and Scrutiny grouping to the Independent Group. For the Regulatory and Standing Committees of Council grouping, the Labour Group and the Green Group will each pass one seat in the grouping to one of the non-aligned independent Councillors, Councillors Scott and Thynne.

4.0 Conclusion

4.1 Members are requested to approve the calculations to enable appointments to committees to be made at this meeting.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)
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There are no direct implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a direct result of this report.

LEGAL IMPLICATIONS

This report has been prepared in accordance with the provisions of Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations 1990.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments.

BACKGROUND PAPERS

Contact Officer: Debbie Chambers Telephone: 01524 582057 E-mail: dchambers@lancaster.gov.uk
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METHOD OF CALCULATION

- 1 The following is provided as a reminder for Members of the method used to calculate proportional representation (PR) at Lancaster City Council:-
- 2 At its meeting on 11th May 2006 Council agreed the following protocol and groupings for the calculation of PR on the Council's Cabinet*, Overview & Scrutiny and Committees:
 - (i) the calculation be undertaken using 4 decimal places;
 - (ii) the allocation of a final seat to a Group with the same residual be to the largest under-represented Group provided that this does not result in the largest over-representation; and
 - (iii) In the event that the foregoing rules do not resolve the situation, either because of a tie, or because the allocation would result in the largest over-representation, the seat be allocated by drawing lots under the supervision of the Mayor.
 - (iv) the calculation should be undertaken in relation to the following groupings:
 - Overview and Scrutiny (2 x 9)
 - Regulatory and other timetabled Committees (1 x 20(Planning)*, 1 x 15 (Licensing Act), 1 x 9 (Licensing Regulatory) and 2 x 7 (Personnel and Audit)
 - Remaining Standing and Joint Committees to be calculated separately and individually.

**The Cabinet is no longer a PR Cabinet, and the composition of the Planning Committee has since reduced to 15 Members.*

PR CALCULATION

		Labour	Conservative	Green	Independent Group	Cllr Scott	Cllr Thynne
1	=	1	-	-	-	-	-
2	=	1	1	-	-	-	-
3	=	2	1	-	-	-	-
4	=	2	1	1	-	-	-
5	=	2	2	1	-	-	-
6	=	3	2	1	-	-	-
7	=	4	2	1	-	-	-
8	=	4	3	1	-	-	-
9	=	5	3	1	-	-	-
10	=	5	3	1	1	-	-
11	=	5	4	1	1	-	-
12	=	6	4	1	1	-	-
13	=	6	4	2	1	-	-
14	=	7	4	2	1	-	-
15	=	7	5	2	1	-	-

Labour	28
Conservative	18
Green	7
Independent Group	2
Councillor Scott	1
Councillor Thynne	1

TOTAL	57
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As at May 2018

COMMITTEE GROUPING CALCULATIONS

1 OVERVIEW AND SCRUTINY GROUPING

The PR Calculation for a single 9 Member Committee is 5:3:1:0:0 and the grouping of Overview & Scrutiny Committee and Budget & Performance Panel is as follows:-

9 + 9 = 18 (-:- 57) = 0.3157 seats per Member.

L	28	x 0.3157	=	8.8396	=	9
C	18	x 0.3157	=	5.6826	=	6
G	7	x 0.3157	=	2.2099	=	2
I	2	x 0.3157	=	0.6314	=	1
Cllr Scott	1	x 0.3157	=	0.3157	=	0
Cllr Thynne	1	x 0.3157	=	0.3157	=	0

Using the PR calculation for two single 9 Member Committees, the Labour Group would have had 10 seats overall and the Independent group would not have a seat. The grouping gives the Labour Group 9 seats overall and the Independent Group 1 seat, so the Labour Group must pass a seat on either the Overview and Scrutiny Committee or the Budget and Performance Panel, to the Independent Group as a result of the grouping.

2 REGULATORY AND STANDING COMMITTEES OF COUNCIL GROUPING

The PR calculation for 15 Member Committees (Planning and Highways Regulatory and Licensing Act) is 7:5:2:1:0:0. The 9 Member Licensing Regulatory Committee is 5:3:1:0:0:0 and the 7 Member Committee calculation (for Personnel and Audit) is 4:2:1:0:0:0. The total seats to be allocated for the grouping comprising Planning and Highways Regulatory, Licensing Act, Licensing Regulatory, Personnel and Audit Committees are:-

15 + 15 + 9 + 7 + 7 = 53 (-:- 57) = 0.9298 seats per Member.

L	28	x 0.9298	=	26.0344	=	26
C	18	x 0.9298	=	16.7364	=	17
G	7	x 0.9298	=	6.5086	=	6
I	2	x 0.9298	=	1.8596	=	2
Cllr Scott	1	x 0.9298	=	0.9298	=	1
Cllr Thynne	1	x 0.9298	=	0.9298	=	<u>1</u>
						53

PR for this group of committees, if calculated on the basis of single committees, would have given the Labour Group 27 Members, the Conservative Group 17 Members. The Green Group 7 Members, the Independent Group 2 Members and the non-aligned independent Members (Councillors Scott and Thynne) would not receive a seat on any committee. However, when grouped, both the Labour Group and the Green Group are required to pass a seat in this grouping to one of the non-aligned independent Members.

3 OTHER COMMITTEES/PANELS

Remaining Standing Committees currently constituted with a PR of 7 are the Appeals, Council Business and Standards Committees. The PR calculation for these is 4:2:1:0:0:0.

The Appraisal Panel is a member panel of seven members appointed on a PR basis, although not a formal Committee of Council. The PR calculation for the Panel is 4:2:1:0:0:0.

COUNCIL**Establishment of a Working Group
to Review the Constitution****14 May 2018****Report of the Monitoring Officer****PURPOSE OF REPORT**

To seek Council's approval to establish a working group to assist the Monitoring Officer with the review of the Council's Constitution, and to consider its terms of reference.

This report is public

RECOMMENDATIONS

- (1) That a Constitutional working group be established, comprising seven elected members proportionate to the Council's political balance, being four Labour, two Conservative and one Green Group members.**
- (2) That the terms of reference for the working group, set out in Appendix A, be approved.**
- (3) That, subject to acceptance of (1) and agreement of terms of reference, nominations be sought at this meeting to appoint a Chairman to the working group.**

1.0 Introduction

- 1.1 At the budget Council meeting on 28 February 2018, Members approved a budget of £20,000 for a review of the Council's Constitution to aid modernising governance. This followed on from a 'health-check' desktop review of the Constitution commissioned by the former Chief Officer, Legal and Governance, in late 2017. The desktop review was undertaken by legal consultants, Bevan Brittan. A representative from the firm met with several elected Members, the Chief Officers, Legal and Governance and Resources and the Democratic Services Manager at the start of the process to ask about any issues of particular concern and try and identify any matters which were likely to arise.
- 1.2 Bevan Brittan reported back in March and a meeting of the same Member group was called by the new Monitoring Officer, the Head of Legal and Democratic Services, to consider how to take the matter forward. Members felt that the review should be tackled as soon as possible, with a fully revised Constitution adopted prior to the 2019 elections.

Members agreed that a formally constituted group of members should be involved in the process.

1.3 Article 14 of the Constitution places a duty on the Monitoring Officer to monitor and review the Constitution to ensure that the aims and principles of the Constitution are given full effect.

1.4 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:

(a) observe meetings of different parts of the Member and Officer structure;

(b) undertake an audit trail of a sample of decisions;

(c) record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and

(d) compare practices in this Authority with those in other comparable Authorities or national examples of best practice.

1.5 One possible next step is for Council to set up a member body to assist the Monitoring Officer with the review. This report sets out the preferred option from those set out below.

2.0 Options considered

2.1 **OPTION 1:** To refer the matter to the Audit Committee

2.2 **OPTION 2:** To create a formal working group to assist the Monitoring Officer for the duration of the review.

3.0 Terms of Reference

3.1 Appendix A sets out the proposed terms of reference for the working group

4.0 Conclusion

4.1 Members are requested to consider the content of this report and approve the establishment of a Constitution Review Working Group to assist the Monitoring Officer with the review until it reaches a conclusion in 2019.

CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

FINANCIAL IMPLICATIONS

As stated in the report, a budget of £20,000 was agreed in the Council's 2018/19 budget for use to effect the review. It is not envisaged that any Chairman's allowance will be paid to the Chairman of this time-limited review Committee.

LEGAL IMPLICATIONS

The Council's Constitution is the document by which, in accordance with the law, the Council exercises all its powers and duties and a thorough review is now due to ensure that the Constitution is streamlined and fit for purpose going forward. Adoption and modification of the Constitution is a function of full Council, however the Constitution remains under review on an ongoing basis and Article 14 of the Council's Constitution makes provision for the regular review of the Constitution by the Monitoring Officer.

Changes to the Constitution will only be approved after hearing recommendations on a proposal from the Monitoring Officer and/or the Audit Committee. Full Council is responsible for approving any changes to the Constitution except as set out in (a) below:

(a) Exceptions –

- i. It has been delegated to the Audit Committee to agree amendments to the Financial Regulations and Contract Procedure Rules and the Constitution will be updated to reflect any such changes.
- ii. It has been delegated to the Council Business Committee to agree amendments to all parts of the Constitution other than the Articles (Part 2), Responsibility for Functions (Part 3), Financial Regulations and Contract Procedure Rules (Part 5 - Sections 1 and 2).
- iii. Textual or factual amendments required to keep the Constitution up to date, or agreed consequential amendments as a result of Council decisions, may be implemented by the Monitoring Officer.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted in the drafting of the report.

BACKGROUND PAPERS

Contact Officer: Debbie Chambers
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E-mail: dchambers@lancaster.gov.uk

PROPOSED TERMS OF REFERENCE**Composition:**

7 Members of the Council on a proportional basis, the Chair and Members of the Working Group appointed by the council until May 2019.

Changes may be made by Council during the year if required.

Substitute members may be agreed by the Working Group as required.

- To provide political and social policy to the constitutional review by the Monitoring Officer.
- To monitor the delivery of the administrative policy provided by the relevant chief officers and ensure it meets the social and political policy objectives.
- To agree the appointment of and receive evidence from constitutional experts.
- To approve the text of the amendments to the constitution to give effect to the administrative policy.
- To steer the constitutional review to completion.
- To assist the Monitoring Officer in recommending to full council a revised version of the constitution by March 2019.

COUNCIL

**Appointments to Outside Bodies, Partnerships and Boards
14 May 2018**

Report of Chief Executive

PURPOSE OF REPORT

To allow Council to consider its appointments to outside bodies, partnerships and boards, as set out in the report.

This report is public

RECOMMENDATIONS

- (1) That Council notes the changes that have occurred mid-year and confirms appointments to outside bodies as set out in Appendix 1, or makes amendments as required.
- (2) That appointments are made to three vacant places. One vacancy on each of the following bodies:
 - Domestic Abuse Reduction Group
 - Relate Lancashire; Lancaster District
 - Lancaster Ripley Church of England Education Trust

All appointments to be made by nomination and voting at this Council meeting.

- (3) That Council notes that all appointments made at the meeting will extend until the next City Council Elections in 2019.

1.0 Introduction

- 1.1 At its meeting in May 2015 Council agreed new appointments to all outside bodies and partnerships. The appointments were for a four year period until the next City Council elections, subject to confirmation at each Annual Council meeting, in line with the Council's Constitution (Part 6, Section 4 Paragraph 4.5).
- 1.2 There have been some changes during the year which are explained in paragraph 3.0 below.

2.0 Proposal

- 2.1 Attached at Appendix 1 is a list of all organisations to which Council has made an appointment and the details of the appointments made, whether by virtue of position on Cabinet or Committee, as ward councillor, or by nomination of Council.
- 2.2 Appointments were made to all bodies for a four year term, ending in May 2019. Should any appointments made on the basis of a Councillor's role be affected by changes to appointments to Cabinet or Committee Chairmanships, these will be referred directly to the relevant body.

3.0 Appointments, Changes and other Matters

- 3.1 Due to the recent resignations of former Councillor Lucy Atkinson there are vacancies on the following bodies:
- Domestic Abuse Reduction Group
 - Relate Lancashire; Lancaster District
- 3.2 In addition, Councillor Thynne recently resigned from Lancaster Ripley Church of England Education Trust. For Councillor's information, the Trustees meet four times a year in the Vestry at the Priory Church Lancaster. Meetings are held at 2.30pm, usually on the third Thursday in the months January, April, July and October.
- 3.3 The basis of appointment to all three outside bodies is by nomination and voting at Council. Members are therefore asked to receive nominations and make an appointment to each of these outside bodies. The appointments will extend until the next City Council Elections in 2019.
- 3.4 On 15 November 2017, Council resolved that four vacant places on the Board of the Dukes Theatre should not be filled at that time, "as any Member taking up a place on the board would be ineligible to take part in further discussions and voting on progress with the Canal Corridor North project, due to a conflict of interests." Hence the four places still remain vacant.
- 3.5 The Court of the University of Lancaster is being reformed and no appointments are being made at this time, therefore it has been removed from the list of outside bodies awaiting further instruction from the University. The Lancashire Visitor Economy Forum has been disbanded and removed from the list.

4.0 Monitoring of Attendance

- 4.1 At its meeting on 17 December 2014, Council considered a method of monitoring Members' attendance at the outside bodies they have been appointed to. Council resolved:
- (1) *That Councillors appointed to outside bodies inform Democratic Services of the meetings they have attended throughout the year.*
 - (2) *That officers include details of attendance in each report to Annual Council to inform Members when appointments to outside bodies are reconfirmed.*
- 4.2 Appendix 2 contains attendance details supplied by Members. Some Members did not respond and there is no information by their names.

5.0 Conclusion

5.1 Council is asked to consider its appointments to outside bodies, partnerships and boards as set out in this report.

CONCLUSION OF IMPACT ASSESSMENT

(including Health and Safety, Equality and Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

There are no direct implications as a result of this report.

FINANCIAL IMPLICATIONS

Members of outside bodies are entitled to travel expenses, which are currently being funded from within existing budgets.

LEGAL IMPLICATIONS

There are no legal implications as a direct result of this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments.

BACKGROUND PAPERS

Representations on Outside Bodies file.

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**APPENDIX 1: SCHEDULE OF APPOINTMENTS TO OUTSIDE BODIES,
PARTNERSHIPS AND BOARDS**

APPOINTMENTS MADE BY VIRTUE OF ROLE/POSITION

APPOINTMENTS MADE BY CABINET

BID Company Ltd
 Community Safety Partnership (Cabinet Member and reserve)
 Growth Lancashire Limited (Cabinet Member and reserve)
 Health and Wellbeing Partnership (Cabinet Member and reserve)
 Lancashire Leaders Meeting (Leader of the Council)
 Lancashire Waste Partnership
 Lancaster Community Fund Grants Panel (1 place; the other place is by nomination and voting at Council)
 Lancaster Business Improvement District (BID) Management Group
 LGA Coastal Issues Special Interest Group
 Morecambe Bay Partnership
 Museums Advisory Forum (+ member of O/S)
 Yorkshire Dales National Park Board

APPOINTMENTS MADE BY OVERVIEW & SCRUTINY (one appointment unless otherwise stated)

Homelessness Forum
 Lancaster, Morecambe and District Fairtrade Group (Change of name from Lancaster and Morecambe Fairtrade District Steering Group)
 Museums Advisory Forum (+ Cabinet Member)

APPOINTMENTS MADE BY OTHER COMMITTEES

Organisation	Basis of Appointment
Crook O'Lune Advisory Committee	1 rep from Planning Committee (and ward Members, see below)
North West Local Authority Employers' Organisation	Chair of Personnel Committee (Vice Chair of Personnel Committee as substitute)

APPOINTMENTS HELD BY WARD COUNCILLORS

Organisation	Ward (All Ward Councillors unless otherwise stated)
Crook O'Lune Advisory Committee	Lower Lune Valley – one Member by nomination and Halton ward Member (plus a rep from the Planning Committee, see above)
Friendship Centre Management Committee	Castle; one rep by nomination
Marsh Community Centre Management Committee	Marsh; one representative by nomination
Heysham Mossgate (Community Facilities) Company Limited	Heysham South (one representative by nomination)

**SCHEDULE OF APPOINTMENTS TO OUTSIDE BODIES,
PARTNERSHIPS AND BOARDS**

APPOINTMENTS MADE BY NOMINATION TO COUNCIL – (one appointment unless otherwise stated)

Arnside and Silverdale AONB Unit – Councillor Goodrich
Board of the Lancaster District Chamber of Commerce – Councillor Hughes
Board of Trustees of the Lancaster Charity (6) – Councillors Brookes, Clift, Cozler, Denwood, Kay and Redfern.
Domestic Abuse Reduction Group – **Vacant**
Dukes Playhouse Board of Directors (4) – **Places left vacant: See paragraph 3.4**
Forest of Bowland AONB Advisory Committee – Councillor Parkinson
Furness Line Community Railway Partnership – Councillor Yates
Fylde, Lancashire and Wyre Children’s Partnership Board – Councillor Brown
George Fox School Educational Charity – Councillor Leyshon
Headlands to Headspace (H2H) Board – Councillor Yates
Health Scrutiny Committee – Councillor Hartley
Heysham Nuclear Power Station Local Community Liaison Council (9) – Councillors Biddulph, Brayshaw, Bryning, Burns, Cooper, Gardiner, Hartley, Pattison and Wild
James Bond/Henry Welch Trust – Councillor Warriner
Lancashire Tourism Forum – Councillor Sands
Lancaster Canal Regeneration Partnership – Councillor Hanson
Lancaster and Skipton Rail User Group – Councillor Yates
Lancaster Community Fund Grants Panel (1 place; the other place is a Cabinet appointment) – Councillor Barry
Lancaster District CVS - Councillor Parr
Lancaster Ripley Church of England Education Trust (2) Councillor Bryning and **1 Vacancy**
Lancaster University Council - Councillor Warriner
Landscapes for Life – Councillor Goodrich
Lune Park Children’s Centre – Councillor Brown
North Lancashire Citizens Advice Bureaux Board (3 places, Morecambe, Lancaster and Rural) – Councillors Biddulph, Thynne and Whitaker
North West Home Safety Council - Councillor Pattison
Preston and Western Lancashire Racial Equality Council – Councillor Novell
Rainbow Centre (formerly Age Concern, Morecambe and Heysham) (2) – Councillors Hall and Pattison
Relate Lancashire – Lancaster District – **Vacancy**
Reserve Forces and Cadets Association for the N. West of England and the Isle of Man – Councillor Bryning
The Community Rail Partnership (formerly Leeds-Morecambe and Settle-Carlisle Railway Development) – Councillor Bryning

Appendix 2: Outside Body Attendance – 2017/2018

Body	Councillor	Attendance
Arnside and Silverdale AONB Unit	N Goodrich	
Board of Trustees of Lancaster Charity	D Brooks	4 + 2
	I Clift	5
	C Cozler	1
	S Denwood	5
	A Kay	
	R Redfern	4
Board of the Lancaster District Chamber of Commerce	B Hughes	2 + various events
Community Safety Partnership	B Hughes	6
	E Blamire (res)	
Crook O'Lune Advisory Committee	J Parkinson	0 **
	C Brayshaw	0 **
	K Frea	0 **
Domestic Abuse Reduction Group - vacancy	-	-
Dukes Playhouse Board of Directors – 4 vacancies	-	-
Forest of Bowland AONB Advisory Committee	J Parkinson	
Friendship Centre Management Committee	D Brookes	10
Furness Line Community Railway Partnership	P Yates	
Fylde, Lancaster and Wyre Children's Partnership Board	T Brown	
George Fox School Educational Charity	J Leyshon	1
Growth Lancashire Limited	J Hanson	
	E Blamire (res)	0 ****
H2H Landscape Partnership Board	P Yates	
Health and Wellbeing Partnership	A Warriner	2
	D Clifford (res)	0 ****
Health Scrutiny Committee	C Hartley	5
Heysham Mossgate Co Ltd	A Biddulph	5
Heysham Nuclear Power Station LCLC	A Biddulph	0 *
	C Brayshaw	1
	A Bryning	4
	N Burns	
	B Cooper	
	A Gardiner	
	C Hartley	0
	M Pattison	
	J Wild	
Homelessness Forum	T Brown	
Kings Own Royal Regiment Museum – ex officio member	E Scott	1
Lancashire Leaders' Meeting	E Blamire	
Lancashire Waste Partnership	B Hughes	6
Lancaster Canal Regeneration Partnership	J Hanson	
Lancaster, Morecambe and District Fairtrade Group	C Jackson	1

Body	Councillor	Attendance
Lancaster and Skipton Rail User Group	P Yates	
Lancaster Community Fund Grants Panel	J Barry	2
	M Pattison	
Lancaster District CVS	J Parr	
Lancaster Ripley Church of England Education Trust	A Bryning	4
	O Thynne	0 resigned
Landscapes for Life	N Goodrich	
LGA Coastal Issues Special Interest Group	D Clifford	
Lune Park Children's Centre	T Brown	
Management Group of Lancaster BID Management Group	J Hanson	
Marsh Community Centre Management Committee	J Barry	20
Morecambe Bay Partnership	J Hanson	
Museums Advisory Forum	D Clifford	0 **
	J Ashworth	0 **
North Lancashire Citizens' Advice Bureaux Board	A Biddulph	6
	O Thynne	5
	D Whitaker	
N W Local Authority Employers' Organisation – vacancy	C Jackson (sub)	0 ****
Preston and Western Lancashire Racial Equality Council	R Novell	
Rainbow Centre	J Hall	0 *
	M Pattison	
Relate Lancashire – Lancaster District – vacancy	-	-
Reserve Forces and Cadets Association	A Bryning	0 ***
The Community Rail Partnership	A Bryning	2
Yorkshire Dales National Park Board	M Pattison	

* No contact from Outside Body

** No meetings held

*** Invitation and information by email but meetings held near Liverpool

**** Substitute/Reserve

COUNCIL

**Appointment to the Lancashire
Police and Crime Panel
14 May 2018**

Report of the Chief Executive

PURPOSE OF REPORT

To advise Council regarding making an appointment to the Lancashire Police and Crime Panel.

This report is public

RECOMMENDATION

- (1) That Council notes that the political balance in Lancashire, following local elections in May 2018, was unknown at the time of drafting this report.
- (2) That, the Council puts forward a Labour Member for appointment to the Lancashire Police and Crime Panel for the municipal year 2018/19 to enable the Council to be represented at the Annual General Meeting of the Panel on 2 July 2018.

1.0 Introduction

- 1.1 A Police and Crime Panel (PCP) for Lancaster was established as a formal Joint Committee of the 15 local authorities for the Lancashire Police force area in 2012. The arrangements, procedural rules and terms of reference of the Panel, put forward by the County Council as Panel co-ordinators, were agreed by Lancaster City Council on 14 May 2012.
- 1.2 PCPs were established in accordance with the Police Reform and Social Responsibility Act 2011. The legislation provides that a 'balanced appointment objective' must be met, as far as is reasonably practicable. This means that the members of the Panel, when taken together, should represent the political make up and represent all parts of the relevant local authorities for the police area. Blackburn with Darwen, as the host authority, will instruct other authorities of the appointments to be made.
- 1.3 For 2017/18, Council appointed Councillor Brendan Hughes to the Panel. Councillor Hughes is the Cabinet Member with special responsibility for Community Safety as well as Clean and Green.

2.0 Proposal

- 2.1 At the time of drafting this report the local government elections on 3 May 2018 have not been held, therefore it is not known if Lancaster City Council will be asked to appoint one or two members. It has usually been one just one Labour Group Member although there has been at least one year when the City Council has been able to appoint one Labour and one Conservative member, depending on political balance in the County area as a whole.
- 2.2 It is possible that Democratic Services will have received instructions from Blackburn with Darwen Council, after agenda publication. If the Council has been invited to appoint two Members to the Panel for 2018/19 it will be reported at the meeting and two appointments can be made together.

3.0 Conclusion

- 3.1 The Panel's AGM will be held in Blackpool on 2 July 2018. Appointing at this meeting will enable Lancaster City Council to be represented at that meeting.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None.

LEGAL IMPLICATIONS

There are no legal implications arising directly from this report.

FINANCIAL IMPLICATIONS

There are no financial implications for the authority. The administration costs of the panel are paid by the Home Office to Blackburn-with-Darwen Council as the host authority and reimbursement for travel expenses can be claimed from Blackburn-with-Darwen.

OTHER RESOURCE IMPLICATIONS

Human Resources; Information Services; Property; Open Spaces: None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments.

BACKGROUND PAPERS

None.

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