

3.6 FUNCTIONS DELEGATED TO *COMMITTEES, PANELS AND WORKING PARTIES*

Panels are Committees for the purposes of the Local Government Act 1972 and have delegated powers of resolution as detailed below. Panels implement council policy and may make recommendations for changes to policy in their areas of interest to the Executive (if the matter is within its delegations), or to Council in consultation with the Executive. An exception to this rule is the Licensing Panel, which by the nature of its work, has power to make, vary or revoke policy and conditions relating to the types of licences within its remit.

Licensing Committee

1. The discharge on behalf of the Council of all licensing functions contained in the Licensing Act 2003 other than the determination of a licensing policy in accordance with section 5 of that Act.

Licensing Sub Committee(s)

1. An application for a personal licence if a police objection is made;
2. An application for a personal licence with unspent convictions;
3. An application for a premises licence/club premises certificate if a relevant representation is made;
4. An application for a provisional statement if a relevant representation is made;
5. An application to vary a premises licence/club premises certificate if a relevant representation is made;
6. An application to vary a designated premises supervisor if a police objection is made;
7. An application for the transfer of a premises licences if a police objection is made;
8. An application for an interim authority if a police objection is made;
9. An application to review a premises licence/club premises Certificate;
10. A decision to object when the Council is a consultee and not the relevant authority considering the application;
11. The determination of a police objection to a temporary event notice; and
12. A decision on whether a personal licence should be revoked where convictions come to light after grant and a police objection is made.

Taxi and General Licensing Panel

1. Determination of applications for the renewal of licences for hackney carriage vehicles where the licence has failed to be renewed in accordance with the policy relating to the restriction on the number of hackney carriage vehicles;
2. Determination of applications for hackney carriage and private hire vehicles licences where the vehicle to which the application relates falls outside the age limits prescribed by the policy relating to the age of vehicles;
3. Determination of applications for hackney carriage and private hire driver licences where the applicant has convictions falling within the periods prescribed by the adopted guidelines on convictions which recommend or merit refusal of the application or the issue of a formal warning (other than such a warning in respect of applicants having convictions falling solely within guidelines (a) and (i) which are delegated to the Chief Legal Officer);
4. Determination of appeals from the decision of the Chief Legal Officer in respect of matters delegated to that officer;
5. Determination of applications for public entertainment licences (or variations thereto) where the application relates to a licences (or variation) for closing hour later than 1.00 am other than those falling to be renewed by the Chief Legal Officer in accordance with the policy relating to nightclubs.*
6. The appointment of hackney carriage stands;
7. The fixing and variation of the table of fares relating to hackney carriages;
8. The making, determination, revocation and variation of policy and conditions relating to:-
 - 8.1 Public entertainment, theatre and cinema licensing*;
 - 8.2 Hackney carriage and private hire licensing;
 - 8.3 Permits for gaming machines, bingo and amusements with prizes;
 - 8.4 Registration as a lottery; and
 - 8.5 Street collection and house to house collection permits;
9. The variations of classifications for the screening of films*
10. Making a recommendation to the Council's Overview and Scrutiny Committee Social Well Being and Council (as the licensing authority) on the making, determination, revocation and variation of a licensing policy or statement with respect of the exercise of licensing functions under the Licensing Act 2003.

Audit Committee

1. *To monitor the adequacy and effectiveness of the Internal Audit service and internal control environment and to:*
 - (i) *approve an annual internal audit plan from the Audit and Fraud Prevention Manager*
 - (ii) *monitor progress against the plan through the receipt of periodic progress reports and an annual Internal Audit report and assess whether adequate skills and resources are available to provide an effective audit function;*
 - (iii) *receive and consider major Internal Audit findings and recommendations;*
 - (iv) *monitor the response to major findings and the implementation of key recommendations.*
2. *To monitor the adequacy of the Council's risk management, corporate governance and anti-fraud and anti-corruption arrangements.*
3. *To approve on behalf of the Council, the Annual Statement of Accounts, and the Statement of Internal Control.*
4. *To monitor the adequacy and effectiveness of the External Audit service and respond to its findings and to:*
 - (i) *discuss with the external auditor the nature and scope of the audit of the Council services and functions, and consider the external audit fee and terms of engagement;*
 - (ii) *receive and consider external audit reports and Management Letters and advise the Council as appropriate;*
 - (iii) *contribute to and monitor the Council's response to the external auditor's findings and the implementation of external audit recommendations*
5. *To monitor the effectiveness of working relationships between internal and external audit functions.*
6. *To refer to the appropriate overview and scrutiny committee any issues relating to the development or review of Council policy or the scrutiny of particular Executive or regulatory decisions.*

Planning Panel

- 6.14 Determination of applications for planning permission and consultation on planning applications or Crown proposals which shall include applications for the development or change of use of premises and matters relating to historic buildings SAVE THAT it shall not determine applications for planning permission which are made by the Council itself which shall be reserved to the Council.
- 6.15 Enforcement of all legislation relating to planning control.

- 6.16 Receiving and making representations from and to adjacent local authorities
- 6.17 Authorising the making of Directions pursuant to Article 4 of The Town and Country Planning (General Permitted Development) Order 1995 and agreements under Section 106 of the Town and Country Planning Act 1990.
- 6.18 Receiving the results of appeals under planning legislation and costs incurred and to receive annual reports to the Committee.
- 6.19 To administer the Council's Access Grant Scheme.
- 6.20 Implementing policy relating to development control, and recommending and implementing policies relating to the conservation of the built environment which shall include the administration of the Whitehaven Conservation Area Partnership Scheme.
- 6.21 Making orders for the revocation or modification of planning permission or for the discontinuance of use of land subject to the concurrence of the Policy Forum in any case where compensation shall thereby become payable.
- 6.22 Determining applications under the Land Compensation Act 1961 and granting certificates of alternative development and lawfulness.
- 6.23 Authorising Hazardous Substance consents and serving contravention Notices.
- 6.24 The naming of streets and numbering of houses.
- 6.25 Enforcement of legislation relating to privately owned dangerous buildings and the repair and/or demolition of privately owned buildings.
- 6.26 Determination of all issues relating to the creation, diversion, stopping up or interference (other than of a temporary nature) of highways, particularly consultation matters from the highway authority.
- 6.27 The making of tree preservation orders.
- 6.28 The designation of conservation areas
- 6.29 Determination of and enforcement of matters relating to the Building Regulations.

Appeals Panel

~~Where either Council procedures or statute provide for a second level of appeal, such appeals against the decision of the Appeals Panel will be heard by an ad hoc panel of 7 Members, selected by the Council, none of whom have had previous involvement with the case.~~

- 6.30 To act as a Complaints Panel to determine appeals under stage III of the Council's Complaints Procedure, with powers to award compensation to a maximum of £1,000 or such other limit as may be specified in Financial Regulations and in consultation with the Head of Finance and Business Development.
- 6.31 Determination of appeals against decisions under Section 64 of the Housing Act 1981.

- 6.32 Determination of appeals relating to homelessness applications, and to decisions relating to the Housing Register under Sections 202 and 164 of the Housing Act 1996.
- 6.33 Determination of appeals over benefits payments and discretionary allowances.
- 6.34 To act as an approval body in relation to decisions of the Personnel Panel where a further right of appeal to Members is provided, including matters relating to discipline and grievance and early retirement
- 6.35 To determine all appeals of a quasi-judicial nature against Council decisions which are not specifically delegated to another Panel.

Personnel Panel

- 6.35 To consider applications, conduct interviews for, and make appointments to posts of Chief Officers and posts reporting directly to Chief Officers, (other than posts providing direct clerical support to Chief Officers).
- 6.36 To be responsible for employee resource planning, exercise of control of staffing establishment and determination of grading of posts across the Council; and with all matters with corporate implications relating to pay and conditions of service which are covered by: -
 - (i) The National Agreement on Pay and Conditions of Service of the National Joint Council for Local Government Services (The “Green Book”)
 - (ii) The National Agreement on Pay and Conditions of Service of the Joint Negotiating Committee for Local Authority Craft and Associated Employees (The “Red Book”)
 - (iii) The Scheme of Salaries and Conditions of Service of the Joint Negotiating Committee for Chief Officers of Local Authorities (The “Blue Book”)

In accordance with such policies as may be decided by the Council from time to time.

- 6.37 To be responsible for all matters relating to the salary and conditions of service of the Head of the Paid Service, in accordance with such policies as may be decided by the Council from time to time.
- 6.38 To conduct hearings and determine any matters referred to the Panel in accordance with the Council's Disciplinary, Grievance and Redundancy Procedures.
- 6.39 To consider and determine matters relating to the discipline capability and redundancy of chief officers in accordance with the Joint Negotiating Committee for Chief Officers of Local Authorities' Conditions of Service, subject to Part 4H of the Constitution (Officer Employment Procedure Rules).
- 6.40 To determine applications for Early Retirement under the Council Early Retirement Scheme.

Grants Panel

- ~~6.41 Making recommendations to the Executive on: grants falling within the criteria of the Scheme of Assistance to Voluntary Organisations~~

- ~~6.42 Making recommendations to the Executive on grants falling within the criteria of the Local Arts Development Agency.~~
- ~~6.43 Making recommendations to the Executive on grants under the Scheme of Assistance to Elite Sportspeople,~~
- ~~6.44 Consideration and recommendations to the Executive on of grant applications under the three schemes above but which do not meet the scheme criteria.~~

3.7 Joint Consultative and Safety Panel

The Joint Consultative and Safety Panel is a forum for formal discussion and consultation between the Council and its employees. It is not a Committee for the purposes of the Local Government Act 1972. It has no delegated powers of resolution but may make recommendations for changes to policy in its areas of interest to the Executive (if the matter is within its delegations), or to Council in consultation with the Executive.

- 7.1 To provide a forum for discussion of issues of mutual concern between recognised Trade Unions and the Council as employer.
- 7.2 To develop and monitor the Council's Corporate Health and Safety Policies and Procedures.
- 7.3 Areas of mutual concern include, amongst others, working conditions (including health and safety); terms and conditions of employment; employee benefits; working relationships; employer/employee relations; consultation/involvement in policy which may affect employees.

3.8 Standards Committee

The Standards Committee will have the following terms of reference:

- (a) promoting and maintaining high standards of conduct by the Mayor and councillors
- (b) assisting the Mayor and councillors to observe the Council's Code of Conduct;
- (c) advising the Council on the adoption or revision of the Council's Code of Conduct;
- (d) monitoring the operation of the Council's Code of Conduct;
- (e) advising, training or arranging to train the mayor and councillors on matters relating to the Council's Code of Conduct;
- (f) granting dispensations to the Mayor and councillors from requirements relating to interests set out in the Members' Code of Conduct, in accordance with Regulations made by the Secretary of State;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer, in accordance with Regulations made by the Secretary of State;

- (h) the exercise of (a) to (g) above in relation to parish councils wholly or partly in the Borough and the members of those parish Councils;
- (i) Overseeing the Council's constitution;
- (j) Overseeing the Council's Complaints Procedure and issues relating to investigations by the Local Government Ombudsman.

PARISH REVIEW WORKING PARTY

1. To consider the results of the postal survey in 2000 of households in Whitehaven on the possible parishing of Whitehaven.
2. To consider whether a recommendation should be made on parishing of Whitehaven and on arrangements for publicising any such recommendation.
3. To make recommendations to Council on 1 and 2 above
4. To consider issues referred to the Council relating to Parish boundaries outside Whitehaven **in the period September 2002-May 2003, until May 2007**, with delegated authority to respond to such issues on the Council's behalf

TRANSPORT WORKING GROUP

To advise the Council on policies relating to strategic transport infrastructure affecting the Borough.

BUDGET WORKING PARTY

To advise the Executive on matters to be included in the Council's Revenue Budget, including responding to consultations with internal and external stakeholders.

LOCAL PLAN WORKING PARTY

- A) To oversee the process of Local Plan review and replacement through:
- Consideration of the emerging legal, policy and best practice contexts for the plan together with the needs of the Borough.
 - Making recommendations to the Council's Executive on the overall form, and content of the replacement Local Plan including all strategic issues, policies and proposals.
 - Maintenance of an approved timetable and programme of work towards formal adoption of the Replacement Plan.
 - Consideration of the means, extent and timing of consultation with stakeholders and the local community to ensure inclusiveness and consistency with best practice.
 - Consideration of formal objections/expressions of support at the appropriate stages and to make recommendations to the Council's Executive for any changes to go forward to the Local Plan Inquiry.
 - Consideration of arrangements for a Local Plan Inquiry including recommendations as regards advocacy or other specialist services.
 - Consideration of monitoring arrangements for implementation and plan review consistent with C below.

- B) *To consider all national/regional/sub-regional planning policy guidance and related material. To advise the Council's Executive on such issues when a formal corporate view is required.*
- C) *To consider the future work programme involved in moving towards a new Local Development Framework approach to plan-making.*

NUCLEAR WORKING PARTY

1. *The overarching purpose of the Group is to maintain knowledge and information levels of environmental, social and economic aspects of the nuclear industry in order that the Council's policies on these important matters consistently represent the best interest of community and advise the Executive on policy relating to the nuclear industry and its impact on Copeland.*

Liaison and Research

- 2. *In carrying out its duties under 1. above the Group will as and when necessary:*
 - i. *liaise with all the industry stakeholders.*
 - ii. *liaise with other local authorities, regional and central government and other governmental agencies.*
 - iii. *make recommendations on research.*

Relationship with Portfolio Holders

- 3. *The Group will support the work of portfolio holders that have specific responsibilities in relation to the nuclear industry. In doing so the Group will:*
 - i. *take into account the needs of the portfolio holder in undertaking the Council's Executive responsibilities in relation to the industry.*
 - ii. *consult with relevant portfolio holders on the preparation of policy recommendations.*

Areas of Focus

- 4. *Areas of focus falling within the terms of reference are:*
 - i. *public and worker safety.*
 - ii. *the role of local communities in influencing and guiding decisions both in a UK and international context.*
 - iii. *activity occurring on nuclear sites in Copeland.*
 - iv. *activity occurring on nuclear sites elsewhere and its potential impact on Copeland.*
 - v. *county, regional, national and international policy in relation to energy, environmental and safety issues affecting the nuclear industry in Copeland.*
 - vi. *environmental issues arising from the nuclear licensed sites in Copeland.*

- vii. *safety issues arising from the nuclear licensed sites in Copeland.*
- viii. *national and international policy in relation to managing and funding the nuclear industry and energy industry as a whole.*
- ix. *socio economic impact of the nuclear industry.*
- x. *community support from the nuclear industry.*
- xi. *community engagement and involvement in decisions affecting the industry.*
- xii. *Scrutiny of the industry.*

MEMBER TRAINING AND DEVELOPMENT PANEL

1. *To consider, approve and as necessary to amend details of the Member Training and Development Programme **for 2003/04 2006/07** and beyond.*
2. *To consider and approve arrangements for assessment of Member training and development needs, including self-assessment.*
3. *To consider and approve proposals for induction training and mentoring for new Members following ~~the May 2003~~ **May 2007** elections, including arrangements for joint delivery of training with other local authorities and other partners.*
4. *To oversee and monitor further progress towards achieving accreditation to the North-West Employer's Organisation Member Training and Development Charter.*
5. *To monitor and review progress in delivering and maintaining a comprehensive Member Training and Development programme, reporting to ~~the appropriate PDG and/or the~~ **Executive** as necessary.*