

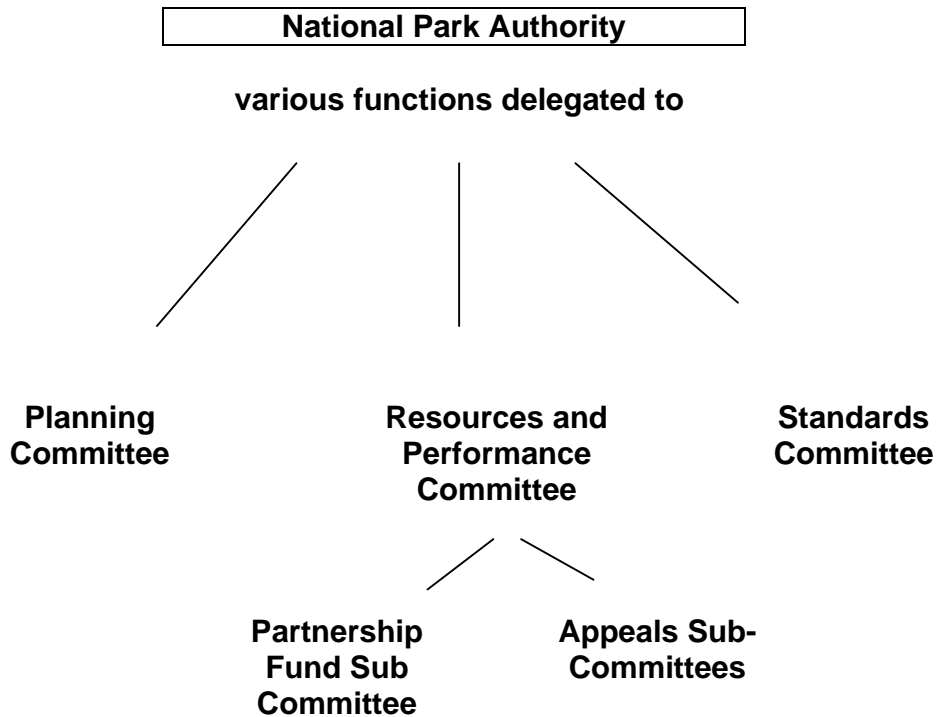


SCHEME OF DELEGATION

Adopted 12 June 2012
(revised 1 July 2014)

INTRODUCTION

This scheme of delegation of functions to Committees and the Chief Executive was adopted by the Exmoor National Park Authority at its meeting on 12 June 2012 (revised on 1 July 2014). The Authority's Committee structure is illustrated below.



The Authority also operates a number of deliberative and advisory panels and working groups in relation to its various functions. None of these panels and working groups has a decision making function. All matters arising from the work of these bodies which require a decision will be brought to the Authority or an appropriate Committee by the Chief Executive.

The Authority has also resolved to delegate various functions to the Chief Executive. Details of these appear in the Scheme of Delegation to the Chief Executive. Additionally some specific matters are delegated from time to time to the Chief Executive by the Authority or an appropriate Committee

SCHEME OF DELEGATION TO COMMITTEES

1. Planning Committee

Membership

- 1.1 The Committee shall comprise all members of the National Park Authority save that no member appointed to the Authority for the first time shall take up his seat until he/she has undergone a programme of training in the planning system approved by the Authority. All Members are required to attend a minimum of two obligatory Planning/ Development Management Training sessions in a 24-month period. Failure to do so will mean that a Member is ineligible to sit on the Planning Committee until such time as he/she has attended such a training session.

Functions

- 1.2 The Committee shall exercise the Authority's functions as follows:

- (1) as sole local planning authority for the area of the Park under Section 67 of the Environment Act 1995 in relation to planning control, development planning, including work arising from preparation of local development frameworks, strategic planning, regional spatial strategies and responding to consultations on planning policy statements, formal consultations on planning matters and changes to the legislative framework of the planning system
- (2) the Authority's delegated and other functions in relation to footpaths and bridleways under the Town and Country Planning Acts, the Highways Acts, the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act, 2000 and other legislation conferring order-making functions on the Authority.
- (3) as hazardous substances authority under the Planning (Hazardous Substances) Act 1990.
- (4) to delegate to the Chief Executive such of the Committee's functions as it considers desirable and expedient and to keep such delegation under review.

2. Resources & Performance Committee

Membership

- 2.1 The Committee shall comprise 11 members of the Authority, made up as follows:

Somerset County Councillors	2
West Somerset District Councillors	2
Devon County Councillors	1
North Devon District Councillors	1
National members	3
Parish members	2

Substitute members are permitted but must be representatives of the group represented by the member who cannot attend.

Functions

2.2 The Committee shall exercise the following functions:

Personnel

- (1) To advise the Authority on the appointment of a suitable person to be National Park Officer who is referred to as the Chief Executive.
- (2) Subject to 3 and 4 below, to exercise all the Authority's personnel functions including administration, recruitment, training, discipline (including dismissal), determination of wage and salary scales, conditions of service and welfare of all full and part-time staff, health & safety at work and the legislation relating to industrial relations and pensions.
- (3) For the purposes of the hearing and determining of disciplinary grading and other appeals arising under the relevant conditions of service in respect of all the Authority's staff, a Sub-Committee to be styled the Appeals Sub-Committee shall be constituted as specified in para 3.1 below.
- (4) The Chief Executive is responsible for the appointment of all Authority staff save that in relation to the appointment of officers for the posts of Heads of Service and the Solicitor and Monitoring Officer, a panel of members shall be established who will, with the Chief Executive, interview appropriate candidates and tender advice to the Chief Executive. A panel established for this purpose will normally comprise the Chairman, Deputy Chairman and Chairman of the Resources & Performance Committee ensuring that there is at least one local authority member and at least one member appointed by the Secretary of State.
- (5) Without prejudice to the functions of the Chief Executive under s.4 of the Local Government & Housing Act, 1989 to consider matters of an organisational and administrative nature referred to it from time to time by the Authority.

Finance

- (6) To regulate and control the Authority's finances including balances and any capital or reserve funds, to prepare the annual budget, to make recommendations to the Authority on the annual forecast, estimates and budget, and to be responsible for borrowing transactions and the investment of funds.
- (7) To oversee the application of the Local Government Pension Scheme and the regulations made thereunder.
- (8) To ensure the Authority makes adequate insurance arrangements and to oversee its risk management arrangements.
- (9) To administer the Members' Allowances Regulations and related matters.
- (10) To arrange for the audit both internal and external of the Authority's accounts.
- (11) To make arrangements for the proper administration of the Authority's financial affairs as required by Section 151 of the Local Government Act 1972.
- (12) To approve the annual Statement of Accounts to meet the statutory deadlines.

Performance Management

- (13) To ensure proper arrangements are in place for securing economy, efficiency and effectiveness
- (14) To monitor and improve the Authority's performance against the criteria for sustainability
- (15) To ensure the Authority's business planning and performance framework is clearly set out together with the arrangements for monitoring, review and revision.
- (16) To ensure the Authority is complying with its Code of Corporate Governance and to consider the Annual Governance Statement.

Land and Property

- (17) (a) all matters relating to the Authority's land and property including any matter relating to the Authority's land and property referred to it by the Chief Executive and to make appropriate decisions.
- (b) To carry out an annual review of the Authority's land and property including in appropriate cases identified by the Authority or the Chief Executive, detailed reviews of particular sites or individual sites and to make appropriate decisions.

3. Appeals Sub-Committee

Membership

- 3.1 The Sub-Committee shall comprise 3 members of the Resources & Performance Committee, one of whom shall be a local authority member and one member appointed by the Secretary of State. The members shall be chosen by the Chief Executive in consultation with the Chairman of the Resources & Performance Committee, save that where the matter under appeal arises from a decision of the Resources & Performance Committee the members chosen to sit shall not be members of the Resources & Performance Committee but shall be other members of the Authority.

Functions

- 3.2 The Sub-Committee shall hear and determine all disciplinary and other appeals arising under the relevant conditions of service for all the Authority's staff.

4. Partnership Fund Sub Committee

Membership

- 4.1 The Sub-Committee shall comprise 7 Members of the Resources and Performance Committee, of whom at least one shall be a local authority Member and at least one shall be a Member appointed by the Secretary of State. The Members shall be the Chairman (who will preside at meetings) and Deputy Chairman of the Resources and Performance Committee and three Members chosen by the Committee. At least 3 Members of the Sub-Committee must be present in order to provide a quorum.

Functions

4.2 The Sub Committee shall:

- (1) Be allocated by the Resources and Performance Committee a budget for each financial year which must not be exceeded.
- (2) Consider bids for Authority projects alongside proposals from communities, external groups, businesses or individuals taking account of the indicative areas approved each year by the Resources and Performance Committee.
- (3) Approve funding for projects the focus of which to be the achievement of National Park purposes with a weighting to projects that also provide community and economic benefits.
- (4) Submit the minutes of meetings containing details of approvals to the next meeting of the Resources and Performance Committee.

5. **Standards Committee**

Membership

5.1 The Committee shall comprise five members of the Authority.

5.2 The membership of the Committee shall consist both of Local Authority members of the Authority and at least one member appointed to the Authority by the Secretary of State.

Functions

5.3 The general functions of the Standards Committee are:

- (1) To promote and maintain high standards of conduct by members and officers.
- (2) To advise the Authority on the adoption and revision of a Code of Conduct pursuant to Section 27(2) Localism Act 2011.
- (3) To assist members to observe the Code of Conduct.
- (4) To consider and determine complaints against members under the Code of Conduct.
- (5) To determine the action(s), if any, to be taken where the Committee has determined that a member has failed to comply with the Code of Conduct.

5.4 Without prejudice to the general functions above the Standards Committee shall have the following specific duties:

- (1) To monitor the operation of the Code of Conduct.
- (2) To advise, train and arrange to train members on matters relating to the Code of Conduct.
- (3) To promote high standards of conduct within the Authority, through observation, advice and training.
- (4) To monitor complaints alleging non compliance with the Code of Conduct.
- (5) To hear and determine allegations of non compliance with the Code of Conduct, as requested by the Solicitor & Monitoring Officer.

- (6) To consider and advise on other matters relating to conduct, ethics and propriety as requested by the Solicitor & Monitoring Officer.
- (7) To consider dispensations other than where so many members have disclosable pecuniary interests in a matter that it would impede the transaction of business.

Quorum

- 5.5 The quorum of a meeting of the Standards Committee shall be three.

SCHEME OF DELEGATION OF POWERS TO THE CHIEF EXECUTIVE

- 6.1 The Chief Executive is authorised to act on behalf of the Authority in relation to any matters subject to the following over-riding provisions:

- (1) The overall policies approved by the Authority or any of its Committees or Sub-Committees.
- (2) Standing Orders including those regulating contracts.
- (3) Financial regulations.

- 6.2 Without prejudice to the above delegation, the Chief Executive is expected in appropriate cases to:

- (1) Maintain a close liaison with the Authority's Chairman and/or the appropriate Committee Chairman or Sub-Committee Chairman (or in his/her absence the Deputy Chairman).
- (2) Consult as necessary with any member who is known to have a specific, local or specialist interest in matter.
- (3) Consult with the Authority's Monitoring Officer and/or Section 151 Officer.
- (4) Consult with the relevant officer of any local authority whose service area is likely to be affected by the exercise of delegation.

NB: *Before exercising any delegated power the Chief Executive must consider whether the decision to be made is of such a nature that it ought to be referred for decision to the Authority or to the appropriate Committee or Sub-Committee.*

- 6.3 Any power conferred upon the Chief Executive may be exercised by an authorised officer in accordance with any general directions of the Chief Executive. In the absence of the Chief Executive any authorised member of the Leadership Team or the Solicitor and Monitoring Officer may exercise those functions delegated to the Chief Executive.

6.4 Personnel

- (1) The Chief Executive is authorised to act in relation to the appointment, dismissal, discipline and determination of all other matters relating to the employment of staff and the conditions upon which they are employed as are specified in the Personnel Policies and Procedures.
- (2) The Chief Executive may authorise staff to exercise such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary

evidence of this authority as may be appropriate for the execution of their duties and in respect of which the Authority has power.

6.5 Land and Property

Where either the capital payment/receipt does not exceed £50,000, or the annual rental does not exceed £20,000, the Chief Executive may,

- (1) After taking appropriate advice, authorise and approve the acquisition of land and property and the taking of leases, licences, dedications and easements of or over any land and property whether by way of valuable consideration or exchange.
- (2) Declare, and after taking appropriate advice, dispose of land surplus to requirements.
- (3) After taking appropriate advice, authorise and approve the disposal of land and property.
- (4) After taking appropriate advice, grant or vary leases, licences, dedication of or over any land and property.
- (5) Approve the sessional letting of property.

6.6 Legal and Procedural

The Chief Executive is authorised to

- (1) Serve statutory notices to ascertain the legal interest of any person in land.
- (2) Institute, defend or settle legal proceedings in the name of the Authority or an individual Officer of the Authority at Common Law or under any enactment, statutory instrument, order or byelaw conferring functions upon the Authority or in respect of functions undertaken by them and to lodge an appeal against any such decision. For the avoidance of doubt this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and Notices to Quit.
- (3) Authorise Officers of the Authority to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972 and to appear on behalf of the Authority at any inquiries, tribunal or other body responsible for matters affecting the Authority.

6.7 Planning

- (1) The Chief Executive is authorised to act for the Authority on all matters which relate to its role as Local Planning Authority.
- (2) These delegations are subject to the following provisions:
- (3) The Chief Executive shall not act under these delegated powers to determine an application submitted to the Authority if:
 - (i) A statutory consultee (e.g. parish/district council, highway authority, Environment Agency) has a view contrary to the recommendation of planning officers and which is received within the consultation period, excepting in relation to applications for the following (which shall be delegated decisions):
 - Certificates of proposed or Existing Lawful Use and Development

- Hedgerow Removal Notices
 - Tree Applications – TPOs and Conservation Area Proposals
 - Advertisements
 - Prior Notification and Prior Approval applications
 - Non-material and Minor Material Amendment applications
 - Householder applications (unless a parish/town council expresses a view contrary to the recommendation of planning officers and which is received within the consultation period)
 - Clearance of planning conditions
- (ii) A Member of the Authority makes a request in writing that the application be considered by the Planning Committee. Such requests must be accompanied by sound planning reasons and if such reasons are not present the Chairman and Vice Chairman of Planning Committee acting in concert, or if either of them is absent then the Chairman of the Authority or Deputy Chairman as appropriate may decline to entertain a member's request. For the avoidance of doubt applications for certificates of proposed or existing lawful use and development are always delegated to the Chief Executive as they involve legal rather than planning issues.
- (iii) A Member of the Authority is personally involved in the application.
- (iv) The application relates to land or property of a member of the Planning or Leadership Team or a member of that team is personally involved in the application.
- (v) The application is submitted by the National Park Authority.
- (vi) The National Park Officer considers that the application ought more properly to be referred to the Committee for decision (e.g. where there are a significant number of local objections or where matters raise particularly controversial or complex policy considerations).
- (4) For the avoidance of doubt the Chief Executive shall be able to act under delegated powers in respect of responding to consultations and or requests from other planning authorities, bodies, groups and Government Departments, unless the issues raised are of such significance that in the view of the Chief Executive they should be considered by the Planning Committee.

NB: For the purpose of this Paragraph 7, the Planning Acts mean the Town & Country Planning Act, 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning (Consequential Provisions) Act 1990, Planning and Compulsory Purchase Act 2004, Localism Act 2011 and any rules and orders made under those Acts.

6.8 Grants and Loans

The Chief Executive is authorised to make or refuse grants and loans in all circumstances where the Authority has power so to act. In the exercise of this delegated power, the Chief Executive will:

- (1) Act in accordance with the overall policies and any scheme approved by the Authority or any of its committees and sub-committees.
- (2) Consult appropriately with any member of the Authority.
- (3) Maintain a register of all decisions made.

6.9 Footpaths and Bridleways

The Authority's functions in relation to footpaths and bridleways (including arrangements for the creation of permissive paths) under the Town & Country Planning Acts, the Highways Acts, the Wildlife & Countryside Act 2000 and other legislation conferring order making functions on the Authority (including those delegated from Devon and Somerset County Councils), are delegated to the Chief Executive. The Chief Executive shall in appropriate cases:

- (1) Circulate information to all Members at the time of consultation prior to making any Order.
- (2) Consult with the Authority's Monitoring Officer and/or the Head of Conservation and Access
- (3) Consult with the appropriate officer of any other local authority who has an interest in the matter.

In the absence of the Chief Executive, the Head of Conservation and Access or the Solicitor and Monitoring Officer may exercise the Footpaths and Bridleway functions delegated to the Chief Executive.

The Chief Executive shall ensure that any action in relation to order making procedures and those relating to the creation of permissive paths shall be reported to the Planning Committee at the earliest opportunity.