



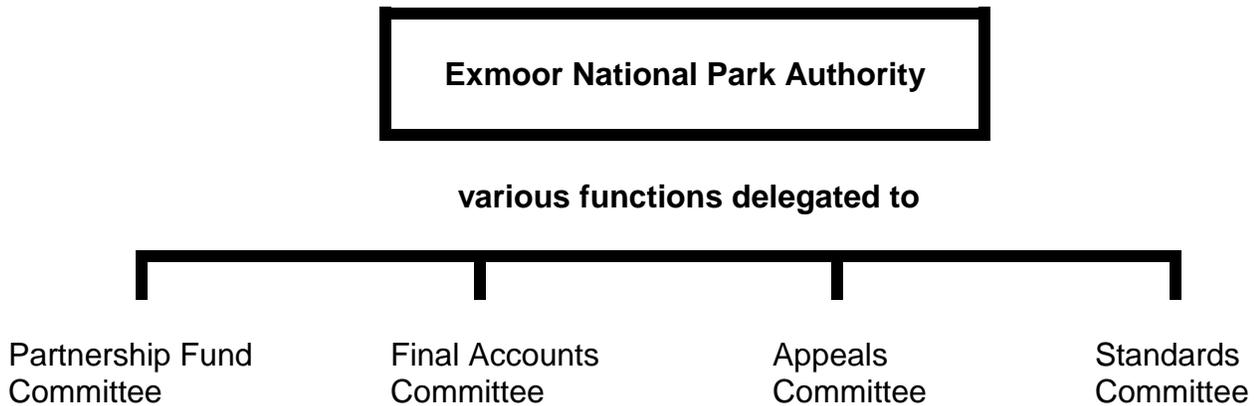
## **SCHEME OF DELEGATION**

**Adopted** 03 October 2017

## SCHEME OF DELEGATION TO COMMITTEES

Exmoor National Park Authority originally adopted this scheme of delegation of functions to Committees at its meeting on 3 March 2015.

The Authority's Committee structure is illustrated below:



### 1. **Appeals Committee**

#### Membership

- 1.1 The Committee shall comprise 3 members of the Authority, of whom at least one shall be a local authority member and at least one shall be a member appointed to the Authority by the Secretary of State. The members shall be chosen by the Chief Executive in consultation with the Chairperson and Deputy Chairperson of the Authority.

#### Functions

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

### 2. **Final Accounts Committee**

#### Membership

- 2.1 The Committee shall comprise at least 5 Members of the Authority, of whom at least one shall be a local authority member and at least one shall be a member appointed to the Authority by the Secretary of State. The Members shall be the Chairperson of the Authority (who shall preside at meetings) and the Deputy Chairperson of the Authority and at least 3 Members chosen by the Authority. At least 3 Members of the Committee must be present in order to provide a quorum, of whom at least one shall be a local authority member and at least one shall be a member appointed to the Authority by the Secretary of State.

#### Functions

- 2.2 Annually to receive and approve the annual Statement of Accounts in accordance with statutory deadlines.

### 3. **Partnership Fund Committee**

#### Membership

- 3.1 The Committee shall comprise 7 Members of the Authority, 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 Deputy Chairperson of the Authority (who shall preside at meetings) and 6 other Members chosen by the Authority. If the Deputy Chairperson of the Authority is absent, the Members present shall choose one of their number to preside as Chairperson for that meeting. At least 3 Members of the Committee must be present in order to provide a quorum, of whom at least one shall be a local authority member and at least one shall be a member appointed to the Authority by the Secretary of State.

#### Functions

- 3.2 The Committee shall:

- (1) Be allocated by the Authority 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 Authority.
- (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 Authority.

### 4. **Standards Committee**

#### Membership

- 4.1 The Committee shall comprise 5 members of the Authority, of whom at least one shall be a local authority member and at least one shall be a member appointed to the Authority by the Secretary of State. At least 3 Members of the Committee must be present in order to provide a quorum, of whom at least one shall be a local authority member and at least one shall be a member appointed to the Authority by the Secretary of State.

#### Functions

- 4.3 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.

4.4 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.

### **ADVISORY PANELS AND WORKING GROUPS**

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 that requires a decision will be brought to the Authority or an appropriate Committee or Sub Committee by the Chief Executive.

### **SCHEME OF DELEGATION TO THE CHIEF EXECUTIVE**

The Authority originally adopted this scheme of delegation of functions to the Chief Executive at its meeting on 3 March 2015. These were reviewed and adopted in its meeting of 03 October 2017.

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.
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 Chairperson and/or the appropriate Committee Chairperson or Sub-Committee Chairperson (or in their absence the Deputy Chairperson).
  - (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.*

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.

#### 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.

#### 5. Land and Property

The Chief Executive is authorised to:

- Acquire or renew any interest in or over land including buildings where the purchase price does not exceed £20,000 or the annual rental does not exceed £10,000.
- Dispose of or grant an interest in or over land including buildings provided that the consideration is the best that can reasonably be obtained in all the circumstances.
- In exceptional circumstances and in furtherance of National Park purposes, the Chief Executive is authorised to:
  - Dispose of an interest in or over land including buildings for a consideration less than the best that can reasonably be obtained in all the circumstances where the estimated best obtainable value is less than £5,000.
  - Grant an interest in land including buildings for a consideration less than the best that can reasonably be obtained in all the circumstances where the estimated best obtainable value is less than £2,500.

This delegation includes transfers, leases, licences, easements and wayleaves.”

#### 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.

## 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 Authority. Such requests must be accompanied by sound planning reasons and if such reasons are not present the Deputy Chairperson of the Authority and the Deputy Chairperson (Planning) acting together, or if either of them is absent together with the Chairperson of the Authority may decline 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 Chief Executive considers that the application ought more properly to be referred to the Authority 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 Authority. The Chief Executive may delegate responses to consultations or requests to the appropriate member of the Leadership Team or the Solicitor and Monitoring Officer.

*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.*

## 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.

## 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 Authority at the earliest opportunity.