

ITEM 15

EXMOOR NATIONAL PARK AUTHORITY

14 NOVEMBER 2006

SCHEME OF DELEGATION

Report of the Head of Business Management

Purpose of Report:

To seek the approval of the Authority to amendments to the Scheme of Delegation

Legal Implications (including Human Rights Act 1998 and Equality Issues):

Environment Act 1995

Financial and Risk Implications:

None

Business Plan

D/22.01 Support Services – Corporate leadership and management.

RECOMMENDATION:

It is recommended the Authority ADOPTS the revised Scheme of Delegation as set out in the attached Appendix.

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1. Members will recall that a raised Scheme of Delegation was adopted by the Authority at its meeting on 6 June 2006.
 - 1.1 Two issues have come to light that require the scheme to be amended:
 - The delegation to the Resources Committee has to include the approval of the annual accounts which the Authority has previously agreed to ensure that the situation deadlines are met.
 - The delegation of the National Park Officer /Chief Executive in respect of a capital payment for property should have read £50,000 not £5,000.
 - The attached Appendix incorporates these two amendments and is recommended for Adoption

Charles Burrows
Head of Business Management
6 November 2006



APPENDIX

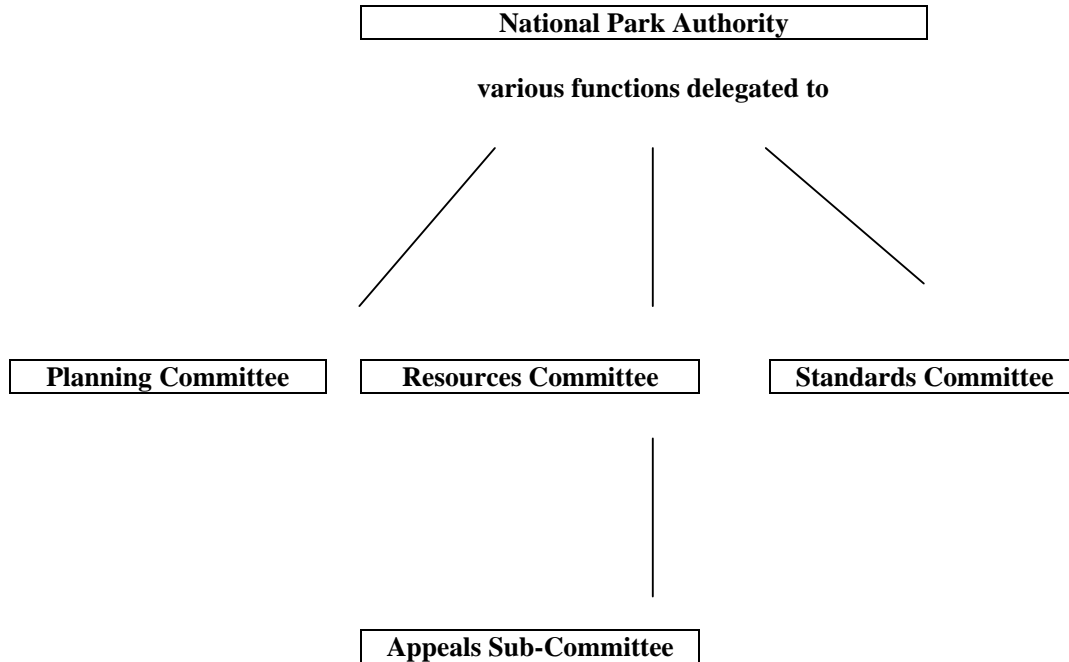
SCHEME OF DELEGATION TO COMMITTEES

AND TO

THE NATIONAL PARK OFFICER/CHIEF EXECUTIVE

INTRODUCTION

This scheme of delegation of functions to Committees was adopted by the Exmoor National Park Authority at its meeting on The Authority's Committee structure is illustrated below.



Notes:

- (1) The Authority has also resolved to delegate various functions to the National Park Officer/ Chief Executive. Details of these appear in the Scheme of delegation to the National Park Officer / Chief Executive.
- (2) 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 enjoy decision making functions. 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 National Park Officer / Chief Executive. Some matters are delegated to the National Park Officer/Chief Executive by the Authority.

SCHEME OF DELEGATION TO COMMITTEES

1. Planning Committee

- 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 has undergone a programme of training in the planning system approved by the Authority. All members of Planning Committees are required to attend refresher training annually.

1.2 Functions

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 National Park Officer such of the Committee's functions as it considers desirable and expedient and to keep such delegation under review.

2. **The Resources Committee**

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.

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/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 National Park Officer / 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 National Park Officer/Chief Executive interview appropriate candidates and tender advice to the National Park Officer/Chief Executive. A panel established for this purpose will normally comprise the Chairman,

Deputy Chairman and Chairman of the Resources 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 National Park Officer/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 deadline.

Performance Management

13. To ensure the Authority observes its Best Value functions under the Local Government Act, 1999 and other relevant legislation relating to best value.
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.

3. Appeals Sub-Committee

- 3.1 The Sub-Committee shall comprise 3 members of the Resources 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 National Park Officer/Chief Executive in consultation with the Chairman of the Resources Committee, save that where the matter under appeal arises from a decision of the Resources Committee the members chosen to sit shall not be members of the Resources Committee but shall be other members of the Authority.
- 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. Standards Committee

Membership

1. The Committee shall comprise three members of the Authority and four independent members.

2. The membership of the Committee shall consist of, and include, both local authority members of the Authority and at least one member appointed to the Authority by the Secretary of State.
3. The Chairman of the Committee shall be one of the independent members

Functions

4. The general functions of the Standards Committee are:
 - a) to provide and maintain high standards of conduct by Authority members.
 - b) to assist members of the Authority to observe the Authority's Code of Conduct.
5. Without prejudice to its general function the Standards Committee shall have the following specific functions:-
 - a) to advise the Authority on the adoption and revision of a Code of Conduct;
 - b) to monitor the operation of the Authority's Code of Conduct;
 - c) to advise, train and arrange to train members of the Authority on matters relating to the Authority's Code of Conduct;
 - d) to formulate and recommend changes to protocols dealing with member/officer relationships and the "whistleblowing" protocol.

Guidance by the Standards Board for England

6. In the exercise of its functions the Standards Committee must take account of any guidance issued by the Standards Board for England.

SCHEME OF DELEGATION OF POWERS TO THE NATIONAL PARK OFFICER / CHIEF EXECUTIVE

1. The National Park Officer / Chief Executive is authorised to act on behalf of the Authority in relation to any matters subject to the following over-riding provision :

Any action under delegated powers shall be in accordance with:

 - (i) The overall policies approved by the Authority or any of its Committees or Sub-Committees;
 - (ii) Standing Orders including those regulating contracts;
 - (iii) Financial regulations.
2. Without prejudice to the above delegation the National Park Officer /Chief Executive is expected in appropriate cases to:
 - (i) 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 Vice-Chairman and with both local authority members and members appointed by the Secretary of State and/or,
 - (ii) Consult as necessary with any member who has a specific, local or specialist interest in the matter,

- (iii) Consult with the relevant officer of any local authority whose service area is likely to be affected by the exercise of delegation,
 - (iv) Consult with the Authority's Monitoring Officer and/or Chief Finance Officer.
- NB: *Before exercising any delegated power the National Park Officer/ 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 National Park Officer / Chief Executive may be exercised by an authorised officer in his absence or at other times in accordance with any general directions of the National Park Officer/ Chief Executive. In the absence of the National Park Officer/Chief Executive the Head of Business Management, the Head of Planning and Community, the Head of Conservation and Land Management or the Solicitor and Monitoring Officer may exercise those functions delegated to the National Park Officer / Chief Executive.
4. Personnel
- (a) The National Park Officer/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.
 - (b) The National Park Officer/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 as authority as may be appropriate to the execution of his duty and in respect of which the Authority has power.
5. Property
- (1) Where either the capital payment does not exceed £50,000 or the annual rental does not exceed £20,000 the National Park Officer/Chief Executive may,
 - (a) after taking appropriate advice, authorise and approve the acquisition of land and the taking of leases, licences, dedications and easements of or over any land (including buildings) whether by way of valuable consideration or exchange;
 - (b) declare land surplus to requirements;
 - (c) after taking appropriate advice, authorise and approve the disposal of land and the granting or variation in granting of leases, licences, dedication of or over any land.
 - (2) The National Park Officer/Chief Executive may arrange for sessional lettings of premises for periods of less than 24 hours.
6. Legal and Procedural
- The National Park Officer/Chief Executive is authorised:
- (a) to serve statutory notices to ascertain the legal interest of any person in land;
 - (b) to 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.

- (c) to 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

The National Park Officer/Chief Executive is authorised to act on behalf of the Authority in relation to any matter arising under the Planning Acts subject to the following provisions:

- (1) Any action under delegated powers shall be in accordance with the Development Plan, other material planning considerations and any relevant policy adopted by the Authority.
- (2) The National Park Officer/Chief Executive shall not act under these delegated powers if:
 - (i) a statutory consultee (e.g. parish/district council, highway authority, Environment Agency) has a contrary view to the recommendation, received within the consultation period;
 - (ii) a Member of the Authority makes a request 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 may decline to entertain a member's request.
 - (iii) a Member of the Authority / or staff is personally involved in the application;
 - (iv) the application is submitted by the National Park Authority;
 - (v) the application is for Major Development or one requiring an Environmental Impact Statement;
 - (vi) the National Park Officer considers that the application ought more properly 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).

For the purpose of 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 and any rules and orders made under those Acts.

8. Grants and Loans

The National Park Officer/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 National Park Officer / 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, such register to be open to inspection by any member of the Authority and any member of the public.