

## SCHEME OF DELEGATION

### Introduction

1. The North York Moors National Park Authority has its purposes and duty laid down in statute, primarily in the Environment Act 1995, Part III as amended by the Natural Environment and Rural Communities Act 2006 Part 5. The purposes are;
  - (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the area
  - (b) promoting opportunities for the understanding and enjoyment of the special qualities of the area by the public

The duty is;

In pursuing its purposes...to seek to foster the economic and social well being of local communities within the Park

Nothing in this scheme permits any act that is not within the lawful powers of a National Park Authority.

2. This scheme of delegation is intended to permit swift and effective policy and decision making by Members and managerial and operational decision-making by officers within a framework of accountability to Government and local people.
3. The scheme has three parts:
  - a. Annex A delegates powers from the National Park Authority to Committees and Sub-committees and establishes terms of reference for Working and Liaison Groups which can advise the Authority. This framework gives ownership and oversight by a group of Members of specified areas of National Park Authority policy, staffing and operations. It is thus intended not only to facilitate informed and effective decision-making but also to foster understanding and communication between Members, officers and stakeholders.
  - b. Annex B delegates powers to the Chief Executive (National Park Officer) to execute business and take decisions within a policy and financial framework including statute law, Government policy circulars and guidance, the powers of the National Park Authority, the National Park Management Plan, Local Development Framework, Business Plan and Best Value Performance Plan or equivalents.
  - c. Annex C further delegates the powers of the Chief Executive (National Park Officer) to members of the Senior Management Team and all of those other officers duly authorised in writing.
4. The scheme should in general be operated so as to avoid multiple handling of business. In particular it will be unusual for Committees and Sub-committees to refer decisions upwards rather than taking them and reporting on them by minutes on the agenda of the next Authority meeting.
5. There is flexibility in the powers of main Committees to take decisions on matters not usually within their power if this is necessary for the expeditious handling of business.
6. Powers to incur expenditure or raise income for approved purposes, within policy and

budget, are substantially delegated but are subject to strict control by the DEFRA Financial Grant Memorandum, Financial Regulations and Finance Instructions. Officers are substantially empowered but are to keep Members properly informed and ensure accurate in-year reporting to the Performance Monitoring and Management Committee.

7. Reference in this scheme to statutory provisions should be taken to include any subsequent statutory modifications or re-enactment of those provisions.

**PLANNING COMMITTEE  
TERMS OF REFERENCE**

1. To exercise the National Park Authority's powers and duties in relation to all Town and Country Planning and Development Control matters arising from all current and extant planning legislation, except where these powers are delegated to officers.
2. To decide on the formation and review of the following policies:
  - The Local Development Plan
  - Traffic and Transport
  - Building conservation
  - The socio-economic well-being of the community.
3. To contribute to regional policy, including the Regional Spatial Strategy.
4. To consider and report to the Authority upon any matter which the Authority may from time to time refer to the Committee.
5. To determine any question considered by the Chief Executive (National Park Officer), after consultation with the Chairman, to be of sufficient urgency to require an early decision, although not of sufficient importance to warrant the calling of an Urgency Committee meeting.
6. To review and advise the National Park Authority in relation to the operation of the Planning Section, and to decide issues relating to that Section except where these have financial implications for which authorised budget provision does not already exist, or where the decision making power rests with the Authority or its Performance Monitoring and Management Committee.

ALL MEMBERS OF THE NATIONAL PARK AUTHORITY are Members of this Committee. Its significant powers in relation to policy reflect the fact that it is a Committee of the whole Authority. The extensive powers of the Planning Committee should only be retained if it remains a Committee of the whole Authority.

QUORUM = 9 (to include one Secretary of State & one Local Authority Member)

## **ACCESS AND INFORMATION COMMITTEE TERMS OF REFERENCE**

1. To oversee the achievement of the Authority's second statutory purpose and to monitor and review the work of the Information, Education and Visitor Services Department and Recreation and Park Management Department
2. To provide a forum for discussion of, and to decide policy issues related to, recreation and access management, volunteers, education, awareness and understanding. At the discretion of the Chief Executive (National Park Officer) major and/or contentious issues may be referred to the Authority.
3. To consider and advise upon such statutory responsibilities and delegated matters as may apply to the National Park Authority in these fields.
4. Access and Rights of Way  
  
To consider and determine such access and rights of way issues that are subject to outstanding objections or as may otherwise be considered appropriate by the Chief Executive (National Park Officer) including the determination of applications for Modification Orders under Part III of the Wildlife and Countryside Act 1981, applications for Public Path Orders under the Town and Country Planning Act 1990 and Highways Act 1980 and all matters in respect of the Countryside and Rights of Way Act 2000.
5. Estate Management  
  
To oversee the management of Authority owned and leased land and property that is listed as the responsibility of this committee in the Authority's Terrier.
6. Ranger, Field and Volunteer Service  
  
To oversee the provision of a cost-effective and well-motivated Ranger, Field and Volunteer Service including the delivery of grant schemes that have been approved by the National Park Authority.
7. Emergency Planning  
  
To review emergency planning for natural and other disasters that could affect the environment in the National Park (e.g. fire, oil pollution, but not matters covered in the risk management strategy for the Authority itself).
8. To determine any question considered by the NPO, after consultation with the Chairman, to be of sufficient urgency to require an early decision, although not of sufficient importance to warrant the calling of an Urgency Committee meeting. To consider and make recommendations upon all such matters as may be referred to it from time to time by the Authority.
9. To take special interest in the Authority's engagement with local communities

## **MEMBERSHIP**

Total:	10
Secretary of State and Secretary of State (Parish):	5
Local Authority:	5
Quorum: (to include one Secretary of State and one Local Authority Member	5
Substitutes:	4

## **PERFORMANCE MONITORING & MANAGEMENT COMMITTEE TERMS OF REFERENCE**

1. To monitor quarterly the performance against targets and budgets, especially those defined in the Business Plan and Best Value Performance Plan or equivalent and to set targets and budgets for future years within the budgeting priorities and framework agreed by the Authority.
2. To consider, take decisions on and advise the Authority in relation to any value for money studies, Audit Commission reports, performance indicators or comparative statistics which reflect upon the efficiency of the National Park Authority.
3. To decide on budgeting and financial matters, in accordance with the financial regulations, including virements provided that these are within the overall objectives, statutory powers and duties of the National Park Authority.
4. To develop and finalise the Business Plan and Best Value Performance Plan or equivalents, within the framework and priorities agreed by the National Park Authority.
5. To consider and respond to Audit Commission comments on the Best Value Performance Plan and Service Reviews or equivalents.
6. To consider reports detailing individual complaints and their outcome.
7. To decide any complaint referred to it by the Chief Executive (National Park Officer) and consider any complaint against the Chief Executive (National Park Officer) and decide whatever remedial action is appropriate including financial recompense.
8. To review all cases involving the Authority that are determined by the Local Government Ombudsman.
9. To determine the levels of allowances paid to Members of the National Park Authority having regard to the recommendations made by the Independent Remuneration Panel.
10. To oversee the development and monitoring of the National Park Management Plan.
11. To review the Risk Management Strategy for the Authority (including all information technology aspects) and effect insurances.
12. To consider, adopt and monitor corporate personnel policies and practices.
13. To exercise the powers and duties conferred on the Authority in relation to the Local Government Pensions Scheme.
14. To ensure that the Authority undertakes its responsibilities to its employees, volunteers, contractors and the general public pursuant to the Health and Safety at Work Act 1974 in relation to statements of safety policy, safety representatives and liaison
15. To ensure that the Authority has an effective and complete property terrier ascribing management responsibilities to Departments.

16. In so far as these powers are not delegated to officers, to exercise the powers and duties of the Authority with respect to the recruitment, training, transfer, dismissal, promotion, grading, determination of wages and salary scales and conditions of service of employees; the determination of the numbers and grades of all staff; the implementation of salaries, awards or conditions of consequential action with regard to employees not directly affected by an award.
17. To ensure that adequate arrangements are made for staff consultation.
18. To review and advise the National Park Authority and decide issues relating to the Corporate Services Department.
19. The Authority may delegate to this Committee the administration of appointments of staff to posts of Director level or above.
20. To consider and make recommendations upon all such other matters as may be referred to it from time to time by the Authority.
21. To determine any question considered by the NPO, after consultation with the Chairman, to be of sufficient urgency to require an early decision, although not of sufficient importance to warrant the calling of an Urgency Committee meeting.
22. To agree a programme of scrutiny for the Authority and establish temporary working groups for this purpose that may include any Member of the Authority and non Authority members. To agree action resulting from such investigations.
23. To oversee Treasury Management Policy and the Prudential Code for borrowing indicators.

#### **MEMBERSHIP**

Total:	11
Secretary of State and Secretary of State (Parish):	5
Local Authority:	6
Quorum: (including one Secretary of State and one Local Authority Member)	5
Substitutes:	4

## **CHIEF EXECUTIVE (NATIONAL PARK OFFICER) REVIEW COMMITTEE**

A Committee with authority to review no less than annually, the performance of the Chief Executive (Chief Executive (National Park Officer)) against targets and management criteria established by mutual agreement. The Chair of the Authority is automatically a member of this Committee.

### **MEMBERSHIP**

Total:	3
Secretary of State:	1
Local Authority:	2
Quorum:	3

There are no ex-officio Members of this Committee

**PERSONNEL APPEALS PANEL  
TERMS OF REFERENCE**

1. To undertake the following functions where specified in the appropriate codes and procedures;
  - (a) to consider an appeal against a grading decision.
  - (b) to determine job evaluation appeals at stage 3 of the appeals procedure
  - (c) to consider an appeal against a disciplinary decision.
  - (d) to consider a grievance in accordance with the Grievance Procedure.
  - (e) to consider an appeal against a dispute decision in accordance with the Collective Disputes Procedure.
  - (f) to consider an appeal against a capability decision.
  - (g) to determine an appeal by the Chief Executive or a Director against their annual performance category rating.

NOTE: No Member who has previously been involved in the consideration of a particular case shall sit on the Appeals Panel which hears the appeal against the decision.

**MEMBERSHIP**

Total:	4
Secretary of State and Secretary of State (Parish):	2
Local Authority:	2
Quorum: (including one Secretary of State and one Local Authority Member)	3
Substitute:	4
There are no ex-officio Members of this Committee	

**URGENCY COMMITTEE  
TERMS OF REFERENCE**

1. To determine any question considered by the Chief Executive (National Park Officer), after consultation with the Chairman, to be of sufficient urgency to require early decision, although not of sufficient importance to warrant the calling of a special Authority meeting, such decisions to be subsequently reported to the Authority.
2. To determine any matter delegated to the Chief Executive (National Park Officer) which the Chief Executive (National Park Officer), after consultation with the Chairman, considers to be so controversial as to warrant reference to the Urgency Committee and can wait a meeting of that Committee.
3. To determine matters specifically referred by the Authority, to the Committee, for a decision.

**MEMBERSHIP**

Total:	4
Secretary of State and Secretary of State (Parish):	2
Local Authority:	2
Quorum: (including one Secretary of State and one Local Authority Member)	3
Substitutes:	4

**CONSERVATION COMMITTEE  
TERMS OF REFERENCE**

1. To oversee all aspects of the achievement of the Authority's first purpose other than those delegated to the Planning Committee.
2. To monitor and review the operation of the Conservation Department.
3. To oversee the management of Authority owned and leased land and property that is listed as the responsibility of this committee in the Authority's Terrier.
4. To provide a forum for discussion of, and to decide policy issues related to conservation of the natural environment, forestry, land and coastal management, agriculture, ecology and archaeology. Major and/or contentious issues may be referred to the Authority.
5. To consider and advise upon such statutory responsibilities and delegated matters as may apply to the National Park Authority in these fields.
6. To oversee the development and review of strategic technical documents pertaining to the conservation purpose of the Authority such as biodiversity action plans and landscape appraisals
7. To determine any question considered by the NPO, after consultation with the Chairman, to be of sufficient urgency to require an early decision, although not of sufficient importance to warrant the calling of an Urgency Committee meeting. To consider and make recommendations upon all such other matters as may be referred to it from time to time by the Authority.

**MEMBERSHIP**

Total:	9
Secretary of State and Secretary of State (Parish):	4
Local Authority:	5
Quorum: (including one Secretary of State and one Local Authority Member)	3

## **PRIMARY LAND USERS WORKING GROUP**

### **TERMS OF REFERENCE**

This Working Party, comprising representatives of the Authority and of public and private sector landowners and users in the National Park, may consider any matters of relevance and importance to such persons.

### **MEMBERSHIP**

Total:	6
Secretary of State and Secretary of State (Parish):	3
Local Authority:	3
Quorum: (including one Secretary of State and one Local Authority Member)	3
Other Bodies Representatives	

## **MEMBERS' TRAINING WORKING GROUP**

### **TERMS OF REFERENCE**

To review and make recommendations on Members' training and agree a programme of Member training and induction.

### **MEMBERSHIP**

Total:	5
Secretary of State and Secretary of State (Parish):	3
Local Authority:	2
Quorum: (including one Secretary of State and one Local Authority Member)	3

## **STANDARDS COMMITTEE**

### **TERMS OF REFERENCE**

To promote and maintain high standards of conduct by the Members of the Authority and to assist Members of the Authority to observe the Authority's code of conduct.

### **Specific Functions**

- a) Advise the Authority on the adoption or revision of a code of conduct.
- b) Monitor the operation of the Authority's code of conduct.

- c) Advise, and arrange to train Members of the Authority on matters relating to the Authority's code of conduct.
- d) Investigate or comment on any matters arising from the Complaints Procedure relating to ethical standards referred to it by the Performance Monitoring and Management Committee or the Chief Executive.
- e) Determine complaints referred by the Standards Board to the Committee for local determination.

There are no ex-officio Members of this Committee

### **MEMBERSHIP**

Total:	5
Secretary of State and Secretary of State (Parish):	1
Local Authority:	1
Independent Members <sup>3</sup>	
Quorum: (including one Secretary of State, one Local Authority Member and one Independent Member)	3
Substitutes	2

## **NATIONAL PARK MANAGEMENT PLAN WORKING GROUP**

### **TERMS OF REFERENCE**

The Working Group would make recommendations to the National Park Authority.

- 1) To oversee and 'manage' the review process.
- 2) To consider the detail of responses received from the consultation processes.
- 3) To explore in detail the current policy framework and, in light of (2) above, consider the necessity, for, and scope of, changes to it.

### **MEMBERSHIP**

Total (to include Chairman and Deputy Chairman of the Authority)	7
Secretary of State and Secretary of State (Parish):	3
Local Authority:	4
Quorum: (including one Secretary of State and one Local Authority Member)	3
Substitutes	4

## **RAF FYLINGDALES LIAISON GROUP**

### **TERMS OF REFERENCE**

To facilitate liaison between the North York Moors National Park Authority and RAF Fylingdales; an Integrated Land Management Plan (to include reference to possible future development and key maintenance work that would affect the appearance of the base) should form the basis of regular liaison.

### **MEMBERSHIP**

Total (to include two Members plus Authority Chairman, Authority Deputy Chairman and the Chairman of the Planning Committee)	5
Quorum: (including one Secretary of State and one Local Authority Member)	3
RAF Fylingdales Representatives	

## **DEVELOPMENT PLAN WORKING GROUP**

### **TERMS OF REFERENCE**

A Sub-Committee of the Planning Committee which considers and makes recommendations to Planning Committee as follows:

- i) oversee the processes involved in the Development Plan (including consultation techniques, timescales and evolution of the local Development Scheme);
- ii) enable detailed consideration of the development of the policy framework regarding the Development Plan; and
- iii) consider responses to the issues raised during the consultation process.
- iv) to review the need for joint working with other local authorities on the issue of development plans.

### **MEMBERSHIP**

Total:	9
Secretary of State and Secretary of State (Parish):	4
Local Authority:	5
Quorum: (including one Secretary of State and one Local Authority Member)	3
Substitutes	4

## **MOORS CENTRE PROJECT WORKING GROUP**

### **TERMS OF REFERENCE**

A Working Group with delegated powers to develop and approve the Authority's proposals for the Moors Centre.

To have responsibility for resolving specific issues concerning the detailed delivery of the Moors Centre Project ensuring that it stays on schedule and that communication with interested parties is effective. To allocate resources within the project and ensure that the necessary outputs are achieved. The Group has the ability to co-opt specialists during the project as necessary.

The Group has the authority to take decisions relating to the awarding of contracts in line with the Authority's Financial Regulations clause 5.6.6 or it's equivalent.

The Group shall cease to exist following a report to the Authority confirming that the project has been completed.

### **MEMBERSHIP**

Total:	5
Secretary of State and Secretary of State (Parish):	3
Local Authority:	2
Quorum: (including one Secretary of State and one Local Authority Member)	3

**SCHEME OF DELEGATION OF POWERS TO  
THE CHIEF EXECUTIVE (NATIONAL PARK OFFICER)**

1. In exercising all of the powers delegated to him under this scheme, the Chief Executive (National Park Officer) shall act 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;

and before taking any decision under this Scheme of Delegation the Chief Executive (National Park Officer) shall, to the extent he deems necessary and appropriate:

- (a) Consult with the Authority's Chairman and/or the appropriate committee or working group Chairman (or in his/her absence the Deputy Chairman);
- (b) Consult as necessary with any Member of the Authority who has a specific, local or specialist interest in the matter;
- (c) Consult with the relevant officer of any local authority whose service is likely to be affected by the exercise of delegation;
- (d) 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.

2. Any power conferred upon the Chief Executive (National Park Officer) may be exercised by an authorised officer listed in Annex C in his absence or at other times in accordance with any general directions of the Chief Executive (National Park Officer).

3. **Personnel**

- (a) Except as indicated in (b) below the Chief Executive (National Park Officer) 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 Handbook.
- (b) The appointment of staff to posts at Director level or above is subject to approval by the Authority, which may then delegate these powers.
- (c) The Chief Executive (National Park Officer) may authorise staff and contractors to exercise such powers of entry, inspection and survey of land, buildings or premises as may be appropriate and may issue any necessary evidence as authority for these purposes.

4. **Property**

The Chief Executive (National Park Officer) may

- (1) after taking appropriate advice, authorise and approve the granting, securing or variation of leases, licences, dedications of and any rights over any land.
- (2) arrange for sessional lettings of premises for periods of less than 48 hours.

- (3) to authorise management and maintenance works on Authority owned, leased or rented land and property up to a ceiling figure of £10,000 or within any budget provision made for such works.

5. **Legal and Procedural**

The Chief Executive (National Park Officer) 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 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, defend or appeal in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act, 1972 and to issue fixed penalty notices by virtue of the provisions of the Environmental Protection Act 1990 and to appear on behalf of the Authority at any court, inquiry, tribunal or other body responsible for matters affecting the Authority
- (d) to authorise withdrawal from court proceedings.

6. **Grants and Loans**

The Chief Executive (National Park Officer) 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 (National Park Officer) 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 registers of all grants made. Such register to be open to inspection by any member of the Authority and members of the public.

7. **Recreation and Park Management Department**

a) **Public Rights of Way and Access**

- i. To authorise orders to be made in accordance with the Highways Act 1980, Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990. To modify definitive maps and statements of public rights of way and to divert, extinguish or create public rights of way, except in cases where an objection is received from any person or body entitled under the relevant statute to be consulted before such orders are made. Any action taken to be reported to the next Access and Information Committee.
- ii. To authorise the confirmation of orders in accordance with the Highways Act 1980, the Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990 to modify Definitive Maps and Statements, to divert, extinguish or create public rights of way provided that there are no unwithdrawn objections within the prescribed time limit.

Any action taken to be reported to the next Access and Information Committee.

- iii. To authorise the temporary diversion of rights of way in accordance with the Highways Act 1980. Any action taken to be reported to the next Access and Information Committee.
- iv. To determine applications to extend the period for restoring footpaths and bridleways following ploughing or disturbance of the surface and the authorisation of other works disturbing footpaths and bridleways in accordance with the Highway Act 1980 and in default of restoration to take all necessary steps for making good the surface and to deal if necessary with encroaching crops to ensure that the line on the ground of any public right of way is indicated so as to be apparent to members of the public, and to recover the costs incurred.
- v. To take action under the Highways Act 1980 to deal with obstructions to public rights of way and where considered appropriate, recover the costs incurred.
- vi. To determine applications under Section 147 of the Highways Act 1980 for the erection of gates on bridleways and gates and stiles on footpaths subject to consultation with such organisations as are considered to be appropriate in each case. Any action taken to be reported to the next Access and Information Committee.
- vii. To make temporary closure orders and temporary notices in respect of public rights of way for up to six months in accordance with Section 14 of the Road Traffic Regulation Act 1984 (as amended).
- viii. To erect signposts and place way marks on public rights of way in accordance with the Countryside Act 1968.
- ix. To undertake maintenance and improvement work to public rights of way, footbridges and bridle bridges as may be required up to the value of £10,000, subject to there being budget provision in the estimates to cover the costs involved.
- x. To remove unauthorised signs deterring the use of public rights of way in accordance with Section 57 of the National Parks and Access to the Countryside Act 1949.
- xi. To undertake the necessary consultations procedures with North Yorkshire County Council and the Redcar and Cleveland Borough Council as Highway Authorities in accordance with the agency agreements.
- xii. To authorise the sharing or waiving of charges for public path orders in cases of significant public benefit.
- xiii. To submit observations to Forest Enterprise following notifications of intent to sell woodland provided that this does not result in the negotiation of Section 39 (Wildlife and Countryside Act 1981) Management Agreements to protect access (to be reported to the next Access and Information Committee).
- xiv. To determine applications for public path order fees to be waived on the grounds of financial hardship, in consultation with the Chairman of the Access and Information Committee. Such decisions must be reported to the next meeting of the Access and Information Committee.
- xv. To determine applications for long term access restrictions for reason of land management or public safety. (Action taken to be reported to the next Access and

Information Committee.)

- xvi. To appoint a Local Access Forum in accordance with the Countryside and Rights of Way Act 2000 and to undertake the functions of an Access Authority and a Relevant Authority as established in Part I of that Act.

b) Specialist Recreation

- i. To authorise in accordance with the Road Traffic Act 1988 the holding of motor vehicle trials on a public footpath or bridleway.
- ii. To deal with consultations under the provision that the Motor Vehicles (Competitions and Trials) Regulations 1969 in respect of proposed motoring events in accordance with the Authority's current policies.
- iii. After taking appropriate advice to authorise and approve the granting or variation of licences relating to specialist recreational activities on Authority owned land.
- iv. To respond to consultations for specialist recreational activities that relate to National Park Authority land, public rights of way or access land.

c) Grant Aid

- i. To determine applications for grant aid for conservation and recreation works under any scheme approved by the Authority where the net cost to the Authority is less than £10,000, subject to there being budget provision in the estimates to cover the costs involved.
- ii. To authorise the raising of accounts for the recovery of the appropriate amounts and seek recovery as a debt if necessary, in cases where the conditions attached to grant aid are not being complied with.
- iii. Having taken advice from the Sustainable Development Fund panel, to determine applications for grant aid for the promotion of sustainable development from the Sustainable Development Fund up to a maximum of £40,000.

d) External Funding

- i To accept offers of external funding where the purpose of the funding is in line with Business Plan priorities or has been approved by the Authority and subject to there being budget provision to cover any match funding requirements.

8. Conservation

- i) To determine applications for the felling or carrying out work on any tree subject to a Tree Preservation Order and to serve notices pursuant to Section 207 of the Town and Country Planning Act 1990.
- ii) In response to notification under Section 211 of the Town and Country Planning Act 1990 to cut down, or carry out work on a tree within a Conservation Area, to take such action as is considered appropriate, including the agreement to fell and the making of a Tree Preservation Order.
- iii) To authorise Tree Preservation Orders.

- iv) To respond to consultations on proposals by the Forestry Commission, Highways, Environment Agency, utilities and other organisations .
- v) To respond to consultations on farming and land management and schemes in accordance with Authority policy especially the National Park Management Plan.
- vi) To respond to notifications under The Hedgerow Regulations 1997 and where appropriate make Hedgerow Retention Notices or give notice that hedgerows may be removed.
- vii) To Authorise Statutory Instruments in relation to section 42 of the Wildlife and Countryside Act 1981 as amended by the Natural Environment and Rural Communities Act 2006 in relation to the protection of Moor and Heath. All such Instruments to be reported to the next Conservation Committee.

9. **Town and Country Planning**

- a) The Chief Executive (NPO) is authorised to act on behalf of the National Park Authority in taking decisions conferred on the Authority by the Town and Country Planning legislation provided that:
  - 1. No objections, on planning grounds, have been received in writing to any proposal that the National Park Officer intends to approve, unless that objection can be overcome by the imposition of conditions on that approval.
  - 2. No positive support on planning grounds has been received in writing to any proposal that the National Park Officer intends to refuse.
  - 3. There are no material circumstances which in the opinion of the National Park Officer/Chief Planning Officer and in the best interests of the National Park, warrant referral to the Committee.
- b) This delegation also applies to applications made by or on behalf of members or employees of the Authority or their immediate family (with the exception of the Chairman and Deputy Chairman of the Planning Committee) providing that all the criteria set out in 9. a) 1-3 above are met and after consultation with the Chairman or Deputy Chairman of the Planning Committee.

Items Delegated:

- a) Applications for planning permission;
- b) Applications for approval of reserved matters after grant of an outline planning permission;
- c) Submission of details required by a condition on a permission or consent;
- d) Applications for listed building consent;
- e) Applications for Conservation Area consent;
- f) Applications for advertisement consent;
- g) Applications for certificates of lawful use of development;
- h) Notifications under the General Development Order;
- i) Applications for screening opinions or scoping opinions relating to Environment Impact Assessments;
- j) applications for proposals by electricity companies;
- k) Applications by Government departments and crown estates (Circular 18/84 applications);

- l) Consultations by neighbouring planning authorities;
  - m) determination of conditions and outstanding matters following approval of planning applications by the Planning Committee where the decision is in accordance with the decision taken by the Committee;
  - n) Approval of further reasons for refusal on applications refused by the Planning Committee;
  - o) Approval of the detailed terms of S106 Agreements where that Agreement accords with the decision taken by the Planning Committee;
  - p) Applications for consent to carry out work on trees covered by Tree Preservation Orders or notifications to carry out work on trees in Conservation Areas;
  - q) Final determination of matters previously considered by the Planning Committee but where the period for consultation had not expired and where any views received subsequent to the Committee meeting can be dealt with by means of a condition or where the matters and issues raised have been already discussed by the Committee;
  - r) Applications for hazardous substance consent.
  - s) Determination as to whether an Environmental Impact Assessment is required;
- b) The Chief Executive (National Park Officer) is authorised to act on behalf of the National Park Authority in taking decisions in relation to enforcement and related action conferred in the Town and Country Planning Legislation in relation to the following matters, provided that;
1. The enforcement action conforms to the Authority's adopted policies and procedures;
  2. There are no material circumstances which in the opinion of the National Park Officer/Chief Planning Officer and the best interests of the National Park would warrant referral to Committee;

Items to be delegated;

- i) Enforcement Notices
- ii) Stop Notices including temporary Stop Notices
- iii) Section 215 Notices (untidy site)
- iv) Listed Building Enforcement Notices
- v) Breach of Condition Notices
- vi) Planning Contravention Notices
- vii) Advertisement Discontinuance Notices
- viii) Repairs Notices and urgent works
- ix) Requisitions for information
- x) No further action recommendations
- xi) Applications for pre-conditions (subject to normal constraints set out in planning application delegation scheme)
- xii) Tree Replacement Notices
- xiii) Prosecutions in a Magistrates Court and any other legal action necessary in relation to enforcement proceedings.

10. **Complaints**

To determine complaints in accordance with the Authority's complaints procedure and agree remedies for complainants subject to the remedy either:

- a) Falling within other powers delegated to the Chief Executive (National Park Officer) or
- b) Consisting of payment of not more than £500.

11. **Members allowances and conference attendance**

To determine members attendance at conference and allowances in accordance with the procedures set out in part 7 of the members' handbook.

12. **General Delegated Powers**

The Chief Executive (National Park Officer) is also authorised to make any decision or take any action on behalf of the Authority in relation to any of its functions, duties or powers in cases where, in his judgement:

- (a) A decision is required so urgently that it is not practicable to summon a meeting of the Urgency Committee in accordance with National Park Policy; or
- (b) The matter is not of sufficient importance to warrant the calling of a meeting of the Authority or of the appropriate Committee or Sub-Committee.

Delegation of Chief Executive (National Park Officer)'s Powers to Officers

These delegations are subject to conditions regarding compliance with approved policies (the Business Plan, Best Value performance Plan (or equivalent), statutory plans etc.) Standing Orders and Financial Regulations. The Chief Executive (National Park Officer) must be kept closely informed and consulted if he can be contacted within the timescale about any actions which may be controversial. The delegations may be rescinded in whole or in part by the Chief Executive (National Park Officer) at any time. The following powers of the North York Moors Chief Executive (National Park Officer) may be exercised by Directors in the Management Team or any other officer duly authorised in writing by a Director (shown at heading A-E below) as follows.

**A. Chief Planning Officer**

1. Those powers of decision-making at Section 9 of the Scheme of Delegation to the Chief Executive (National Park Officer).
2. To engage consultants when considered necessary in the furtherance of NP policies and objectives, always provided budget provision has been made to cover the costs involved.
3. To authorise grant payments for building conservation and community projects of up to £10,000.
4. To accept offers of external funding with a value up to the level set in the Authority's Financial Regulations where the purpose of the funding is in line with Business Plan priorities or has been approved by the Authority, subject to there being budget provision to cover any match funding requirements and where outputs have been agreed with the Chief Executive (National Park Officer).
5. In the absence of the Chief Executive (National Park Officer) to authorise a Tree Preservation Order to be made under Part VIII of the Town and Country Planning Act 1990 and where there appears to be an immediate threat to a tree(s).

**B. Director of Conservation**

1. To authorise such agreements and grants as are appropriate in relation to programmes and schemes that have been approved by the National Park Authority for conservation purposes

except that any agreement which the Director of Conservation has personally been involved in negotiating shall be concluded by the Chief Executive (National Park Officer) or, in his/her absence, by another member of the Management Team.

2. To make such grants as are appropriate in relation to:
  - a. Archaeology
  - b. Farmland
  - c. Wildlife
  - d. Woodland

in connection with research or survey, provided that such grants have not been negotiated by the authorising officer.

3. To accept offers of external funding with a value up to the level set in the Authority's Financial Regulations where the purpose of the funding is in line with Business Plan priorities or has been approved by the Authority subject to there being budget provision to cover any match funding requirements and where outputs have been agreed with the Chief Executive (National Park Officer).
4. To respond to consultations on proposals by the Forestry Commission, Highways, Environment Agency, utilities and other organisations .
5. In the absence of the Chief Executive (National Park Officer) to respond to notifications under the Hedgerow Regulations 1997.
6. To engage consultants when considered necessary in the furtherance of NP policies and objectives, always provided budget provision has been made to cover the costs involved.
7. In the absence of the Chief Executive (National Park Officer) to authorise a Tree Preservation Order to be made under Part VIII of the Town and Country Planning Act 1990 and where there appears to be an immediate threat to a tree(s).
8. To respond to applications for consent to carry out work on trees covered by Tree Preservation Orders or notifications to carry out work on trees in Conservation Areas;
9. To authorise management and maintenance works up to a ceiling of £10,000 and the granting or variation of leases, licences, dedications on Authority owned or leased land or property that is listed in the Authority's terrier as the responsibility of the Conservation Department.
10. In the absence of the Chief Executive (National Park Officer) to authorise Statutory Instruments in relation to section 42 of the Wildlife and Countryside Act 1981 as amended by the Natural Environment and Rural Communities Act 2006 where there appears to be a immediate threat to moor or heath.. . All such Instruments to be reported to the next Conservation Committee.

C. Director of Corporate Services

1. To authorise sessional lettings of premises for periods of less than 48 hours and fix the charges accordingly.
2. To confirm the offer of employment to successful interview candidates.
3. To sign contracts of employment for posts up to and including grade D.
4. To authorise management and maintenance works up to a ceiling of £10,000 and the granting or variation of leases, licences, dedications on Authority owned or leased land or property that is listed in the Authority's terrier as the responsibility of the Corporate Services Department
5. To accept offers of external funding with a value up to the level set in the Authority's Financial Regulations where the purpose of the funding is in line with Business Plan priorities or has been approved by the Authority, subject to there being budget provision to cover any match funding requirements and where outputs have been agreed with the Chief Executive (National Park Officer).

D. Director of Information, Education and Visitor Services

1. To authorise and approve the variation of licences in relation to the provision of catering and the granting or variation of grazing licences at The Moors Centre.
2. To fix and vary charges for events, exhibitions and to groups using the Education Service.
3. To engage consultants when considered necessary in the furtherance of National Park policies and objectives, always provided budget provision has been made to cover the costs involved.
4. To authorise management and maintenance works up to a ceiling of £10,000 and the granting or variation of leases, licences, dedications on Authority owned or leased land or property that is listed in the Authority's terrier as the responsibility of the Information, Education and Visitor Management Department
5. To accept offers of external funding with a value up to the level set in the Authority's Financial Regulations where the purpose of the funding is in line with Business Plan priorities or has been approved by the Authority, subject to there being budget provision to cover any match funding requirement and where outputs have been agreed with the Chief Executive (National Park Officer).

E. Director of Recreation and Park Management

1. Those powers of decision-making at Section 7 a), b) and c) of the Scheme of Delegation to the Chief Executive (National Park Officer) except that any offer of grant aid which the Director of Recreation and Park Management has personally been involved in negotiating shall be concluded by the Chief Executive (National Park Officer) or, in his/her absence, by another member of the Management Team.
2. To authorise management and maintenance works up to a ceiling of £10,000 and the granting or variation of leases, licences, dedications on Authority owned or leased land or property that is listed in the Authority's terrier as the responsibility of the Recreation and Park Management Department
3. To engage consultants when considered necessary in the furtherance of National Park policies and objectives, always provided budget provision has been made to cover the costs involved.
4. To accept offers of external funding with a value up to the level set in the Authority's Financial Regulations where the purpose of the funding is in line with Business Plan priorities or has been approved by the Authority, subject to there being budget provision to cover any match funding requirements and where outputs have been agreed with the Chief Executive (National Park Officer).