

North York Moors National Park Authority

23 March 2020

Periodic Review of Standing Orders, Financial Regulations and Scheme of Delegation

1. Purpose of the Report

- 1.1 To seek Members' approval of a small number of minor changes to the Financial Regulations and Scheme of Delegation, for final approval by the Authority AGM on 22 June.

2. Background

- 2.1 A review of Standing Orders, Financial Regulations, and the Scheme of Delegation was last carried out in 2018 and revised versions of all three documents were approved by Full Authority on 1 October 2018 and came into effect on 1 November 2018. It is sensible to carry out periodic reviews at appropriate intervals and that is the underlying purpose of this Report.
- 2.2 In accordance with Standing Order 28 any variation of Standing Orders shall be discussed and resolved over two Full Authority meetings. It is sensible to align any variation of Financial Regulations and the Scheme of Delegation with that process. It is therefore expected that the resolution of this Report shall be reported to the Authority AGM on 22 June for a final resolution on the changes.
- 2.3 The proposed changes in this Report were considered by FRASC on 3 February 2020, with a resolution to support the changes for consideration by Full Authority.

3. No Proposed Changes to Standing Orders

- 3.1 Officers are not aware of any necessary changes to Standing Orders.

4. Proposed Changes to Financial Regulations

- 4.1 At **Appendix 1** is the relevant extract from the Authority's existing Financial Regulations with two proposed changes highlighted.
- 4.2 The proposed changes are for the following reasons,

Paragraph 3.13 "Income"- to ensure changes are approved by the Chief Executive,
Paragraph 4.53 vi) "Purchase Orders"- to match paragraph 4.58 iii).

5. Proposed Changes to the Scheme of Delegation

- 5.1 At **Appendix 2** is the relevant extract of the Authority's existing Scheme of Delegation with three proposed changes highlighted.
- 5.2 The proposed changes are for the following reasons,

Annex B, Section 9 (A) - to clarify the "Items" included,
Annex C, Sections B & E - to remove references to "Director of Polyhalite" and add those powers to the "Director of Conservation" section,
Annex C, Section D - to remove duplicated paragraphs 7 and 9.

6. Financial and Staffing Implications

6.1 The proposals in paragraphs 4 and 5 of this Report would improve the operational effectiveness of the Financial Regulations and Scheme of Delegation.

7. Risks and Legal Implications

7.1 There are no significant risks or legal implications stemming from this Report.

8. Recommendation

8.1 To approve the proposals in paragraphs 4 and 5 of this Report, for final approval by the Authority AGM on 22 June.

Appendices for this Report

Appendix 1 – extract from existing Financial Regulations with proposed changes highlighted.

Appendix 2 – extract from existing Scheme of Delegation with proposed changes highlighted.

Background Papers for this Report

Existing Standing Orders

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FINAL, assuming RS/VB have confirmed these correct versions.

Appendix 1

Proposed changes to Financial Regulations (shown in brown)

Income

3.13 Fees and charges within the control of the Authority shall be subject to regular review by the Directors (with all changes approved by the Chief Executive Officer), except as provided in any specific agreements between the Authority and Third Parties.

Purchase Orders

4.53 vi) Purchase orders above £20,000 must be authorised by the Chief Executive Officer, the Chief Finance Officer or the Head of Corporate Services.

Proposed changes to the Scheme of Delegation (shown in brown)

Annex B, Section 9 (A)

(A) Items Delegated:

- a) Applications for planning permission (including Non Material Amendments);
- 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 (including CVC applications);
- d) Applications for listed building consent;
- e) Applications for Conservation Area consent;
- f) Applications for advertisement consent and advertisement removal powers;
- 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 obligations and variations to S106 obligations where that obligation or variation accords with the decision taken by the Planning Committee or decision taken under this Section 9;
- 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;
- t) Neighbourhood Plan applications, Neighbourhood Development Orders and Local Development Orders
- u) Making and Confirmation of Article 4 Directions.

Annex C, Sections B & E

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:

FINAL, assuming RS/VB have confirmed these correct versions.

- 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 £20,000 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 an immediate threat to moor or heath. All such Instruments to be reported to the next Conservation Committee.
11. Those powers at Section 12 of the Scheme of Delegation to the Chief Executive (National Park Officer) which relate to the Conservation service and where the Financial Regulations expressly authorise the Director of Conservation to act.
12. Those powers at Section 12 of the Scheme of Delegation to the Chief Executive (National Park Officer) which are reasonably required to satisfy the Authority's obligations in Schedule 3 of the Potash Section 106 Agreement dated 19 October 2015 between the Authority, York Potash Limited and other parties (and any obligations that are contained in Section 106 variations or supplements of that Agreement) or where the Financial Regulations expressly authorise the Director of Conservation to act.

~~E. Director of Polyhalite~~

- ~~1. Those powers at Section 12 of the Scheme of Delegation to the Chief Executive~~

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~~(National Park Officer) which are reasonably required to satisfy the Authority's obligations in Schedule 3 of the Potash Section 106 Agreement dated 19 October 2015 between the Authority, York Potash Limited and other parties (and any obligations that are contained in Section 106 variations or supplements of that Agreement) or where the Financial Regulations expressly authorise the Director of Polyhalite to act.~~

Annex C, Section D

D. Director of Park Services

1. To authorise and approve the variation of licences in relation to the provision of catering and other business opportunities at the National Park Visitor Centres.
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 £20,000 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 Park 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 requirement and where outputs have been agreed with the Chief Executive (National Park Officer).
6. 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 Park Services 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.
- ~~7.. To authorise management and maintenance works up to a ceiling of £20,000 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 Park Services Department~~
8. 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.
- ~~9. 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).~~
10. Those powers at Section 12 of the Scheme of Delegation to the Chief Executive (National Park Officer) which relate to the Park Services service and where the Financial Regulations expressly authorise the Director of Park Services to act.