

## Scheme of Delegation

### 1. Introduction

- 1.1. This Scheme of Delegation (the Scheme) is made by the North York Moors National Park Authority (the Authority) under Section 101 of the Local Government Act 1972. It 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 stakeholders.
- 1.2. The scheme has four parts:
  - a. Annex A outlines the powers held by the National Park Authority (Full Authority), ~~and~~ delegates powers from the Full Authority to Committees and Sub-committees and establishes terms of reference for Task and Finish Groups and ~~Forums~~ 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 ~~National Park Officer~~ (Chief Executive) 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, the statutory Local Development Plan, Business Plan and Annual Report or equivalents.
  - c. Annex C further delegates certain powers of the Chief Executive to members of the Senior Management Team and all of those other officers duly authorised in writing.
  - d. Annex D states the terms of reference for those groups set up under this Scheme such as Fora and Task and Finish groups which can advise the Authority and other Committees.
- 1.3. The Scheme should 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.
- 1.4. Reference in this Scheme to statutory provisions should be taken to include any subsequent statutory amendments or re-enactment of those provisions.

### 2. General Provisions

- 2.1 Any Committee to which the Authority's powers are delegated may sub-delegate them to a Sub Committee, Chief Executive and/or Senior Officer listed in Annex C. Any Sub Committee may also sub delegate powers to the Chief Executive and/or a Senior Officer. Any power conferred upon the Chief Executive may be exercised by an authorised officer listed in Annex C in his/her absence or at other times in accordance with any general directions of the Chief Executive.

- 2.2 Powers delegated to any Committee, Sub-Committee or Officer of the Authority shall always be exercised in compliance with the Authority's Standing Orders and Financial Regulations, except to the extent that they may be suspended in accordance with their terms. Conversely, this Scheme of Delegation operates to authorise Committees, Sub Committees and officers to take actions permitted to them by the Authority's Financial Regulations. Decisions taken under delegated powers shall be made in accordance with any applicable policies and strategies of the Authority, including its approved budget.
- 2.3 The Full Authority, Planning and Finance, Risk, Audit and Standards Committees shall be authorised to set up and appoint the Members of sub-committees agreed by the Full Authority and to delegate its powers and duties to the relevant Sub-Committees.
- 2.4 The Full Authority, Planning and Finance, Risk, Audit and Standards Committees are able to set up and appoint members to Task and Finish Group/s as and when required to discuss one or more topics or issues agreed by that Committee. That Committee will agree the scope and remit of the Group/s which will then advise and/or make recommendations to the Full Authority or the Committee which created it/them.
- 2.5 Before taking any decision under this Scheme the Chief Executive and any officer shall, to the extent he/she deems necessary and appropriate:
- (a) Consult with the Authority's Chair and/or the appropriate committee or Task and Finish Group Chair (or in his/her absence the Deputy Chair);
  - (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 or national authority whose service provision 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 Full Authority or to the appropriate Committee or Sub-Committee.
- 2.6 All delegations of responsibilities, powers and functions under this Delegation Scheme include power to authorise the execution or issuing of any document, or the taking of any other action, necessary to give effect to the decision, including affixing the Authority's seal to any document where necessary.
- 2.7 Committees, Sub-committees, Task and Finish Groups and Forumsa will consider and report to the Authority upon any matter which the Authority may from time to time refer to them

## A.1 National Park Authority (~~the Full~~ Authority)

The North York Moors National Park Authority (“the Authority”) is a National Park Authority established under the provisions of the Environment Act 1995 and shall exercise all the functions of a National Park Authority in accordance with the provisions of The National Parks and Access to the Countryside Act 1949, the Environment Act 1995, the Natural Environment and Rural Communities Act 2006 Part 5 and all other legislation relating to National Park Authorities.

The National Park 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

and its duty is;

In pursuing National Park 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.

The meetings of the Authority shall be conducted in accordance with the Authority’s Standing Orders. ~~At least one Full Authority meeting a year shall focus upon the scrutiny of officers’ delivery of the Authority’s Business Plan and overall progress on the Management Plan.~~

The Authority shall set the organisation’s strategy, maintaining overall oversight and scrutiny of the performance of the organisation to ensure there is effective scrutiny of the organisation’s work to deliver its Strategy, Business Plan and the National Park Management Plan and to act in accordance with its Values.

## Membership

**All Members of the National Park Authority** are members of this Committee.

(Additionally, the Authority may decide to co-opt non-voting representatives to attend the National Park Authority meetings on a permanent or temporary basis. This provision is also delegated to all committees, sub-committees and Forums of the Authority.)

**Quorum = One third or, if that is not a whole number, the next whole number of Members above that fraction, of the total Membership** (to include one Secretary of State & one Local Authority Member)

## **A.2 Planning Committee**

1. Exercise the National Park Authority's powers and duties in relation to all Town and Country Planning and Development Management matters arising from all current and extant planning legislation, except where these powers are delegated to officers.
2. Decide on the formation and review of the policies relating to the following:
  - a) The Local Development Plan
  - b) Traffic and Transport except when discussions are more appropriately held at Full Authority
  - c) Building conservation
  - d) The socio-economic well-being of the community except when discussions are more appropriately held at Full Authority
3. Take decisions in relation to Forest Design Plans, hedgerow protection and other landscape related issues where the timing of the Full Authority meetings make this appropriate.

### **Membership**

**All Members of the National Park Authority** are members of this Committee.

**Quorum = One third or, if that is not a whole number, the next whole number of Members above that fraction, of the total Membership** (to include one Secretary of State & one Local Authority Member)

### A.3 Finance, Risk, Audit and Standards Committee

#### Finance, Risk Management and Audit

1. Decide on budgeting and financial matters, in accordance with the Authority's Financial Regulations, including virements provided that these are within the overall objectives, statutory powers and duties of the National Park Authority.
2. Monitor the performance against budgets and to set financial targets and budgets for future years within the budgeting priorities and framework agreed by the Authority.
3. Oversee on behalf of the Authority:
  - a) cash balances, capital or reserve funds, borrowing arrangements and the investment of any surplus funds in accordance with the Authority's policies and practices in relation to Treasury Management and the Prudential Code;
  - b) the effective scrutiny of treasury management strategies and policies;
  - c) the Local Government Superannuation Acts and associated regulations;
  - d) determination of the levels of allowances paid to Members of the National Park Authority having regard to the recommendations made by the Independent Remuneration Panel.
4. Consider, take decisions on and advise the Authority in relation to any value for money studies, auditors reports, performance indicators or comparative statistics which reflect upon the efficiency and effectiveness of the National Park Authority.
5. Act as the Audit Committee in accordance with the appropriate legislative requirements and regulations including but not limited to:
  - a) arranging for the audit, both internal and external, of the Authority's affairs, including financial controls and accounts;
  - b) receiving all external and internal audit plans and reports, and monitoring the implementation of audit recommendations.
  - c) meeting with the Authority's external auditors without officers present at least once a year
6. Review the Risk Management Strategy for the Authority (including all information technology aspects) and ensure the Authority makes adequate insurance arrangements.

#### Performance

~~Monitor the Authority's performance against targets, especially those defined in the Business Plan and Annual Report or equivalent~~

~~7. Maintain detailed monitoring and scrutiny of the performance of the organisation to ensure:~~

- ~~- There is a cycle of learning, adaptation and improvement across the organisation that supports its values,~~
- ~~- There is robust project management and review of major projects being undertaken by the organisation, particularly externally funded projects,~~
- ~~- The Authority delivers high standards of customer service and public consultation.~~

~~8. The Chair of Committee shall present a quarterly report to Full Authority on the activities of the Committee and the overall performance of the organisation.~~

~~7. Ensure the Authority delivers high standards of customer service and public consultation~~

## **Personnel**

9. To consider, adopt and monitor corporate personnel policies and practices.
10. To ensure that the Authority undertakes its health and safety responsibilities to its employees, volunteers, contractors and the general public by complying with the relevant ~~EU and~~ UK health and safety legislation.
11. To ensure that adequate arrangements are made for staff consultation.
12. Approve the staff Code of Conduct and any related documents for volunteers.

## **Standards and Ethics**

Without diminishing the responsibility of the Authority as a whole, the Committee will steer the organisation towards the highest ethical standards and the fullest possible compliance with Nolan Principles and the organisation's Values and Codes of Conduct. It will consider how best to communicate achievements in this sphere, and any failings, to the public.

On at least one occasion each year the Committee shall undertake an overall review of standards issues and report on any matters of significance to the Full Authority. This review will involve the Independent Person(s) who may, in addition, be consulted on individual issues as and when required.

The Committee has the following specific roles:

## **Complaints**

13. Monitor the Authority's Complaints Procedure and consider reports detailing individual complaints and their outcome.
14. Determine any complaint referred to it by the Chief Executive and decide whatever remedial action is appropriate including financial recompense.
15. Determine any complaint against the Chief Executive.
16. Review all cases involving the Authority that are determined by the Local Government Ombudsman.
17. Investigate or comment on any matters arising from the corporate Complaints Procedure relating to general ethical standards (unrelated to the Members' Code of Conduct) referred to it by the Full Authority or the Chief Executive.

## **Conduct of Members of the Authority**

18. Promote and maintain high standards of conduct by the members of the National Park Authority by:
  - a. Advising the Authority on the adoption or revision of a Member code of conduct.
  - b. Monitoring the operation of the Authority's Member Code of Conduct and assisting Members of the Authority to observe it.
  - c. Advising, training or arranging to train Members of the Authority on matters relating to the Authority's code of conduct.

19. Establish, implement and maintain processes and conduct hearings (within the terms set by the Full Authority) in relation to any allegations properly referred to the Committee that any Member of the Authority, has failed to comply with the Authority's Members' Code of Conduct. To Make findings in relation to such allegations; and impose sanctions, where appropriate, in accordance with the law, where a breach of the members' Code of Conduct has been found to have occurred. In exercising these functions the Committee is empowered to establish and maintain sub-committees or investigative processes as it sees fit in accordance with current law and involving the Independent Person(s) as required.
20. Review and make recommendations on Members' training ~~and agree a programme of Member training and induction.~~

### **Miscellaneous**

21. Grant (or refuse to grant) exemptions to officers in politically restricted posts to allow them to engage in political activities.
22. Act on behalf of the Authority in relation to any matters, powers or duties concerned with the securing, management and disposal of the resources, including land, property and other assets, necessary to fulfil the Authority's statutory purposes, agreed policies and strategic direction.
23. To ensure that the Authority has an effective and complete property terrier ascribing management responsibilities to Departments.

~~23-24.~~ Carry out a self-assessment effectiveness review annually.

### **Membership**

Total:	9
Secretary of State and Secretary of State (Parish):	4
Local Authority:	5
Independent person(s) <del>(number to be decided at a later stage by the Authority, as and when reasonably required)</del>	
Quorum: (including one Secretary of State and one Local Authority Member)	5
<del>First Tier Substitutes:</del>	<del>4</del>
<del>Second Tier Substitutes:</del>	<del>9</del>

#### **A.4 Urgency Committee**

1. To determine any question considered by the Chief Executive, after consultation with the Chair, to be of sufficient urgency and importance to require early Member decision and which can wait until a meeting of this Committee. Any such decisions taken by this Committee are to be subsequently reported to the Authority.

#### **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
<del>First Tier Substitutes:</del>	<del>4</del>
<del>Second Tier Substitutes:</del>	<del>14</del>

## A.5 Chief Executive (National Park Officer) Review Panel

1. A Committee with authority to review no less than annually, the performance of the Chief Executive against objectives which have previously been established through the Authority's Performance Appraisal Scheme. The Chair and Deputy Chair of the Authority and the Chair of the Finance, Risk, Audit and Standards Committee are automatically members of this Committee.

### Membership

Total: 3

~~At least one Secretary of State and one Local Authority Member~~ Chair, Deputy Chair and Chair of FRASC

Quorum: 3

There are no ex-officio Members of this Committee

## **A.6 Personnel Appeals Panel**

1. This Committee undertakes the following functions where specified in the appropriate codes and procedures;
  - (a) determines job evaluation appeals at stage 3 of the appeals procedure
  - (b) considers an appeal against a disciplinary decision.
  - (c) considers a grievance in accordance with the Grievance Procedure.
  - (d) considers an appeal against a dispute decision in accordance with the Collective Disputes Procedure.
  - (e) considers an appeal against a capability decision.
  - (f) determines 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	

## **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 (subject to section 2 below);

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~~), and the Chief Executive may add, remove or amend the non-statutory functions ascribed to the Chief Financial Officer in the Financial Regulations but must report this to the Chair of the Authority or the next meeting of the Finance Risk Audit and Standards Committee.

### **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 ~~£20,000~~ £40,000 or within any budget provision made for such works.
- (4) dispose of Authority assets in accordance with the “Disposal of Assets” provisions in the Financial Regulations.

## 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 (including the settling of matters in order to prevent 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 relevant power and 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, Wellbeing and Park Management

### 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 Full Authority.
- 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 Full Authority.
- 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 Full Authority.
  - 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 Full Authority.
  - 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 ~~£20,000~~ £40,000, 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 any prevailing 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 Full Authority).
  - 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 Finance Risk Audit and Standards Committee. Such decisions must be reported to the next meeting of the Full Authority.
  - 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 Full Authority.)
  - 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 and in accordance with the "Payment of Grants" provisions of the Financial Regulations.
- 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.

**8. Conservation and Climate Change**

- 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 Full Authority.

## 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 and Listed Building & Conservation Areas legislation unless one or more of the following apply:
1. More than three non-confidential written representations, which are based on planning grounds and which are contrary to the proposed decision (which in the case of an approval cannot be addressed by the imposition of conditions), have been received from separate and independent households/organisations (excluding, and independent from, the applicant or applicant's agent) before the close of the relevant consultation period.
  2. A written representation, based on planning grounds, is received from a statutory consultee, a parish/town council or parish meeting which is contrary to the proposed decision and which in the case of an approval cannot be addressed by the imposition of conditions.
  3. There are material circumstances which in the opinion of the National Park Officer (~~CEO~~) or Director of Planning and in the best interests of the National Park, warrant referral to Committee.
- b) 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 to determine formal applications for overhead lines where a Parish Council, group of Parish Councils or private individual calls for the undergrounding of lines where officers do not consider proposed lines to be harmful to the character of the National Park.
- c) This delegation does not apply to the determination of applications made by or on behalf of Members or paid officers or employees of the Authority, or their immediate family for the following matters set out in section (A) below:
- i) planning permission;
  - ii) reserved matters approval;
  - iii) listed building consent;
  - iv) ~~conservation area consent~~;
  - v) advertisement consent;
  - vi) certificates of lawful use or development;
  - vii) consents affecting trees; or
  - viii) hazardous substances consents;

or to any determination to take no action in respect of any breach of planning control (paragraph (x) in Section (B) below) as it affects any such Member or officer or employee or their immediate family.

The exclusions in this whole sub-section c) do not apply to any matters that fall within Regulation 3 of the Town and Country Planning General Regulations 1992 or fall within the Town and Country Planning definitions of "Non-Material Amendment" and "Minor Material Amendment".

The exclusion in sub-section c) vi) ("certificates of lawful use or development") does not prevent the determination of such matters by the Authority Solicitor or by an external professional appointed by the Authority to carry out such determination.

### (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, and discharge of, S106 obligations where that obligation, discharge or variation accords with the decision taken by the Planning Committee, changes in the Development Plan, or a 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.

(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 and Listed Building & Conservation Areas 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/Director of Planning 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) Discontinuance Notices
- vii) Repairs Notices and urgent works and Building Preservation Notices

- 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~~ £1,000.

## 11. Members allowances and conference attendance

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

## 12. Financial Regulations

To carry out those actions which the Financial Regulations authorise the Chief Executive (~~National Park Officer~~) to perform.

## 13. External Funding

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.

## 14. 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/her 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)~~ Management Plan, 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 Senior Management Team or any other officer duly authorised in writing by a Director (shown at heading A-E below) as follows.

### A. Director of Planning

1. Those powers of decision-making at Section 9 of the Scheme of Delegation to the Chief Executive (~~National Park Officer~~), (with the exclusion of sub-section 9 (A) u (“Making and Confirmation of Article 4 Directions”)).
2. 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.
3. To authorise grant payments for building conservation and community projects in accordance with the “Payment of Grants” provisions of the Financial Regulations, where the Financial Regulations expressly authorise the Director of Planning to do so.
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).
6. Those powers at Section 12 of the Scheme of Delegation to the Chief Executive (~~National Park Officer~~) which relate to the Planning service and where the Financial Regulations expressly authorise the Director of Planning to act.

### B. Director of Conservation & Climate Change

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 & Climate Change 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 Senior 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 National Park 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~~ £40,000 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 & Climate Change 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 full Authority meeting 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 & Climate Change service and where the Financial Regulations expressly authorise the Director of Conservation & Climate Change 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 ~~ge~~ Limited and other parties and the Authority's obligations in Schedules 3 & 6 of the Potash Section 106 Agreement dated 25 May 2022 between the Authority and Cleveland Potash Limited (and any corresponding obligations that are contained in Section 106 variations or supplements of that Agreement those Agreements) or where the Financial Regulations expressly authorise the Director of Conservation & Climate Change to act.

### C. Head 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 approve and sign contracts of employment for posts below Director level ~~up to and including grade D~~.
4. To authorise management and maintenance works up to a ceiling of ~~£20,000~~ £40,000 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)~~.
6. Those powers at Section 12 of the Scheme of Delegation to the Chief Executive ~~(National Park Officer)~~ which relate to the Corporate Services service and where the Financial Regulations expressly authorise the Head Director of Corporate Services to act.
7. 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.

### D. Director of Park Services Recreation & Wellbeing

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~~ £40,000 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 Recreation & Wellbeing 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 Recreation & Wellbeing 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 Senior Management Team.

~~7. 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.~~

~~8.7.~~ Those powers at Section 12 of the Scheme of Delegation to the Chief Executive (National Park Officer) which relate to the Park Services Recreation & Wellbeing service and where the Financial Regulations expressly authorise the Director of Park Services Recreation & Wellbeing to act.

## Annex D – Task and Finish Groups and Forums

### D.1 Task and Finish groups

#### General provisions

These groups are tasked with advising, reporting back and making recommendations where appropriate to the Full Authority or establishing committee on specific matters within their terms of reference.

#### ~~D.1.1 Management Plan Group (in abeyance as at 2018 2022)~~

~~Formed by the Full Authority, this Group considers and makes recommendations to Full Authority as follows:~~

- ~~1. — Oversee and ‘manage’ the review process.~~
- ~~2. — Consider the detail of responses received from the consultation processes.~~
- ~~3. — Explore in detail the current policy framework and, in light of (2) above, consider the necessity, for, and scope of, changes to it.~~
- ~~4. — Make recommendations to the Full Authority in respect of the above items.~~

#### **Membership**

<del>Total (to include Chair and Deputy Chair of the Authority)</del>	<del>7</del>
<del>Secretary of State and Secretary of State (Parish):</del>	<del>3</del>
<del>Local Authority:</del>	<del>4</del>
<del>Quorum: (including one Secretary of State and one Local Authority Member)</del>	<del>3</del>

#### **D1.1 Development Plan Group (in abeyance as at 2022)**

Formed by the Planning Committee, this Group considers and makes recommendations to Planning Committee as follows:

1. Oversee the processes involved in the Development Plan including the evolution of the local Development Scheme
2. Discuss prior to formal consideration of planning policy including consideration of draft documents, arrangements for consultation and consideration of comments received during consultation.
3. Discuss policy approaches and responses to planning consultation exercises, Government policy and other plans or strategies requiring a policy response or action.
4. Make recommendations to the Planning Committee in respect of the above items.

## 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

## D2 Forums

### D2.1 Conservation and Climate Change Land Management Forum

#### Purpose:

- a) To advise the Authority with regard to the North York Moors National Park's conservation and climate change activities First Purpose;
- b) To engage with those involved in managing the land and buildings of the National Park.

#### Terms of Reference:

- ~~1. To meet quarterly to provide Provide a forum for the initiation of and consultation on ideas for the development of the Authority's First Purpose work.~~
- ~~2.~~
- ~~3.1. Scrutinise and oversee progress on First Purpose work the delivery of the Authority's conservation and climate change activities set within the context of - against the Authority's organisation's Strategy and - Business Plan and Management Plans.~~
- ~~4.2. At least one meeting a year of the Forum will discuss primary land use issues, initiatives etc. Representatives of primary land use operations will be invited to attend To support the Full Authority in its oversight and scrutiny of the performance of the organisation to deliver its Strategy, Business Plan and Management Plan objectives.~~
- ~~5.3. At least one meeting a year to discuss progress of the Authority's First Purpose work against the Business and Management plans targets and desired outcomes To play an active role in assisting the Authority in developing the Authority's policies and strategies on First Purpose in relation to conservation and climate change issues.~~
- ~~6.4. The Lead Member shall be determined by the Members in the Group and is responsible for reporting back to the next Full Authority meeting on key issues, recommendations or project updates discussed within this Forum.~~

## Membership

National Park Authority Members:	6
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## D2.2 Awareness, Recreation and Business Wellbeing Forum

### Purpose:

- a) To advise the Authority with regard to the North York Moors National Park's Second Purpose recreation and wellbeing activities;
- b) To engage with participants, specialists and associated commercial interests.

### Terms of Reference:

- ~~1. To meet quarterly to provide a forum for the initiation of and consultation on ideas for the development of the Authority's Second Purpose work.~~
- ~~2.1. Scrutinise and oversee progress on the delivery of the Authority's recreation and wellbeing activities set within the context of the Second Purpose work against the organisation's Strategy, and Business Plan and Management Plans.~~
- ~~3.2. The Forum will liaise with the Local Access Forum to support the Full Authority in its oversight and scrutiny of the performance of the organisation to deliver its Strategy, Business Plan and Management Plan objectives.~~
- ~~4.3. At least one meeting a year to discuss progress of the Authority's Second Purpose work against the Business and Management plans targets and desired outcomes. To play an active role in assisting the Authority in developing the Authority's policies and strategies in relation to recreation and on Second Purpose and wellbeing issues.~~
- ~~5.4. The Lead Member shall be determined by the Members in the Group and is responsible for reporting back to the next Full Authority meeting on key issues, recommendations or project updates discussed within this Forum.~~

### Membership

National Park Authority Members: 6

## D2.3 Primary Land Users Working Group

### Purpose:

- ~~e) To advise the Authority with regard to the North York Moors National Park's First and Second Purposes;~~
- ~~d) To engage with public and private sector landowners and users in the national park.~~

### 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

Sec of State and Sec of State (Parish) 3

Local Authority

3

Quorum:

3

(Inc one Sec of State and one Local Authority Member)

## **D2.3 Management Plan Stakeholder Forum**

### **Purpose:**

Stakeholder Forum will meet annually to share information with **representatives and stakeholders**, consider progress of the Management Plan and identify pressures and challenges which may warrant a future change in the Plan's direction.

The following bodies will be invited to join the Annual Stakeholder Forum:

- 1.Natural England
- 2.Environment Agency
- 3.Forestry England
- 4.Forestry Commission
- 5.North Yorkshire Council
- 6.Redcar & Cleveland Borough Council
- 7.Yorkshire Wildlife Trust
- 8.Yorkshire Water
- 9.The Moorland Association
- 10.National Trust
- 11.Howardian Hills AONB
- 12.Esk Valley Farmers Group
- 13.Tees Wildlife Trust
- 14.Woodland Trust
- 15.White Rose Forest
- 16.Yorkshire Gardens Trust
- 17.Black Faced Sheep Breeders Association.
- 18.Tees Archaeology
- 19.Confederation of Forest Industries
20. East Yorkshire Rivers Trust
21. Tees Rivers Trust
- 22.Yorkshire Derwent Catchment Partnership
- 23.North Yorkshire & York Local Nature Partnership
- 24.Tees Valley Nature Partnership
- 25.The RSPB
- 26.North York Moors Tourism Network
- 27.SUSTRANS 28
- 28.Tees Health
29. Youth Hostel Association
- 30.Youth Council representative
- 31.Make It York
- 32.Newport Community Hub
- 33.York and North Yorkshire LEP
- 34.Historic England
- 35.North Yorkshire Moors Association
- 36.YNYER Housing Partnership
- 37.Housing Strategy Manager YNYER Partnership
- 38.Tees Valley LEP Creative Places Manager, TVCA
39. Country Land and Business Association
- 40.National Farmers Union (NFU)
- 41.Community First Yorkshire

The Management Plan Stakeholder Forum will be chaired by a Member of the National Park Authority and Members will be appointed to attend the meeting to represent the NPA:

### Membership

National Park Authority Members: 4

Representatives from external groups As Required

### D2.4 Equality, Diversity and Inclusion Group (EDI Group)

#### Purpose:

- a. To provides external insight for, and challenge to, the Authority on disabled access in the National Park and wider equality, diversity and inclusion issues affecting the Authority.

#### Terms of Reference:

1. To meet quarterly to provide a forum for the consideration of the challenges to National Parks on equality, diversity and inclusion issues.
2. To ensure that the Authority is properly linked with existing equality, diversity and inclusion groups that cover the National Park area.
3. To support the Full Authority in its oversight and scrutiny of the performance of the organisation to deliver its Strategy, Business Plan and Management Plan objectives.
4. To play an active role in assisting the Authority in developing the Authority's policies and strategies on equality, diversity and inclusion issues.
5. The Lead Member shall be determined by the Members in the Group and is responsible for reporting back to the next Full Authority meeting on key issues, recommendations or project updates discussed within this Forum.

### Membership

National Park Authority Members: 3

Representatives from external groups As Required