

# North York Moors National Park Authority

1 October 2018

## Changes to Standing Orders, Scheme of Delegation and Financial Regulations

### 1. Purpose of the Report

- 1.1 To seek Members further and final approval of revised Standing Orders, Scheme of Delegation and Financial Regulations, with all three documents to come into force on 1 November 2018.

### 2. Background

- 2.1 Full Authority on 19 March 2018 considered drafts of revised Standing Orders, Scheme of Delegation and Financial Regulations, and approved minor amendments thereto. Full Authority (AGM) on 25 June approved final drafts of revised Standing Orders and revised Scheme of Delegation (**Appendices 1 & 2**). FRASC on 3 September approved a final draft of revised Financial Regulations (with paragraph numbering and cross-referencing corrected) (**Appendix 3**).
- 2.2 No further amendments to the draft Standing Orders and Scheme of Delegation have been suggested or are required since approval by Full Authority on 25 June. No further amendments to the draft Financial Regulations have been suggested or are required since approval by FRASC on 3 September.
- 2.3 All three documents are now presented for final approval by Members, for adoption by the Authority, for all three to come into force on 1 November 2018.

### 3. Financial and Staffing Implications

- 3.1 Adoption of these revised Standing Orders, Scheme of Delegation and Financial Regulations would improve the operational effectiveness of the same and would therefore reduce the use and cost of Staff time.

### 4. Risks and Legal Implications

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

### 5. Recommendation

- 5.1 To give further and final approval of revised Standing Orders, Scheme of Delegation and Financial Regulations, for adoption by the Authority, for all three to come into force on 1 November 2018.

#### Appendices for this Report,

**Appendix 1** – Revised Standing Orders

**Appendix 2** – Revised Scheme of Delegation

**Appendix 3** – Revised Financial Regulations

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**Standing Orders for the Regulations of the Business of the  
North York Moors National Park Authority**

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## **Meetings of the Authority**

1. (a) The Authority shall, in every year (after 1996), hold an annual meeting. The first meeting held after 31 May in any year (after 1996) shall be the annual meeting.
- (b) The Authority shall in every year after 1996 hold, in addition to the annual meeting, at least 3 other meetings for the transaction of general business.
- (c) In addition to the annual meeting of the Authority and any meetings convened by the Chair or by Members of the Authority under the provisions of Schedule 12 to the Local Government Act 1972, meetings for the transaction of general business shall be held on such days as may be determined by the Authority at its annual meeting, provided that any such date may be varied at a subsequent meeting.
- (d) In these Standing Orders "ordinary meetings" means a meeting described in paragraph (a), (b) or (c) above other than a meeting convened by the Chair or by Members of the Authority. The term "year" means the period from the annual meeting in one calendar year to the annual meeting in the next following year.
- (e) All meetings of the Full Authority, Committees or Sub-Committees shall be called at no less than 5 clear days notice in accordance with the Local Government Act 1972, as amended by Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002), save that the Urgency Committee can be called in accordance with the shorter notice provisions contained in Section 100 of the Local Government Act 1972.
- (f) No less than 5 clear days before the meetings, notice of the time and place of the intended meeting shall be published at the Authority's offices, and where the meeting is to take place, save that shorter notice of the Urgency Committee can be given in accordance with the shorter notice provisions contained in Section 100 of the Local Government Act 1972.

## **Chair and Deputy Chair of the Meeting**

2. (a) The first item of business on the agenda for the annual meeting shall be the election of a Chair and of a Deputy Chair for the ensuing year.
- (b) Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.
- (c) The Chair and Deputy Chair of the Authority undertake a role to represent the Authority at national (e.g. National Park 'family' meetings), regional or local meetings where attendance of the Chair or Deputy Chair is required.
- (d) The Deputy Chair of the Authority is able to deputise for the Chair.

## **Quorum**

3. (a) Save where expressly stated to the contrary in Annex A of the Scheme of Delegation, the Quorum of the Authority or its Committees, and Sub-Committees shall be one third or, if that is not a whole number, the next whole number of Members above that fraction of the total Membership provided that of those present, at least one Member is a Local Authority Member and at least one a Secretary of State Member.
- (b) If, during any meeting of the Authority, the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chair at the time the meeting is adjourned, or, if he/she, does not fix a time, to the next ordinary meeting of the Authority.

### **Minutes of the Authority**

4. (a) At a meeting of the Authority at which minutes of a previous meeting are submitted for approval as a correct record, the Chair shall move that those minutes be so approved.
- (b) Where in relation to any meeting of the Authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule.
- (c) No motion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment.
- (d) If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

### **Questions by Members**

5. (a) Subject to Standing Order 5(c), at a meeting of the Authority a Member may ask the Chair of the Authority any question relating to the business of the Authority.
- (b) At ordinary meetings of a Committee or Sub Committee, any Member of the Authority who is present may ask the Chair of that Committee or Sub Committee any question on any matter in relation to which that Committee or Sub Committee has delegated or referred functions.
- (c) The text of any question shall be submitted in writing to the National Park Officer (Chief Executive) not less than five clear days before the meeting at which the Member proposes to ask the question, subject to paragraph (d) of this Standing Order (urgent business).
- (d) The Chair of the meeting may allow the asking of a question which has not been submitted as required by paragraph (c) above, if he/she considers that it relates to urgent business. The text of any such question shall, if possible, be delivered to the National Park Officer (Chief Executive) not later than 10.00 am on the working day immediately before the meeting at which the question is to be asked.
- (e) After a question has been replied to, the Member who asked it may ask one supplementary question for the purpose of clarifying the reply which has been given. A Member asking such a supplementary question shall confine himself/herself to the substance of the original question, and shall not introduce any new matter which did not fall within the scope of the original question. In paragraphs (f)-(i) of this Standing Order, the word "question" shall include a supplementary question.
- (f) Every question shall be put and answered without discussion.
- (g) No motion shall be moved with reference to any question or reply to a question, although a decision of the Authority or Committee may be to call for papers to be brought to the next meeting.
- (h) If the Chair of a meeting is of the opinion that the question is out of order, or of a personal nature, or it is undesirable in the interests of the Authority, he/she shall so inform the Member and shall not allow the question to be put.
- (i) Questions asked in pursuance of the above paragraphs of this Standing Order shall be recorded in the minutes of the meeting, and the National Park Officer (Chief Executive) shall supply the questioner with a copy of the replies thereto within seven working days after the meeting.

## **Rules of Debate**

6. (a) All Members shall address the Chair. If two or more Members indicate, the Chair shall call on one of them to speak.
- (b) Whenever the Chair rises during a debate, all Members shall be silent.
- (c) The ruling of the Chair on points of procedure or order and his/her interpretation of the Standing Orders shall be conclusive and no debate upon his/her ruling shall be allowed.
- (d) Every motion or amendment shall be moved and seconded.
- (e) A Member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
- (f) A Member shall direct his/her speech to the question under discussion, or to an explanation, or to a point of order. Except with the consent of the Authority, a Member shall not speak for more than five minutes on any motion or amendment, except for the mover, who may speak for not more than 15 minutes. There shall be no limit on the length of time the Chair may speak.
- (g) Every amendment shall be relevant to the motion to which it is moved.
- (h) Any number of amendments may be moved, but when an amendment to an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment has been disposed of. If an amendment is rejected, other amendments may be moved to the original motion. If an amendment is carried by a vote, the motion as amended shall become the substantive motion.
- (i) A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder.
- (j) A Member shall not speak more than once on any motion or amendment, except in the exercise of the right of reply, or on a point of order, or by way of personal explanation.
- (k) A Member may raise and be heard forthwith on a point of order or personal explanation, but a personal explanation shall be confined to some material part of a speech by him/her which may have been misunderstood.

## **Motions and Amendments**

7. (a) Any Member of the Authority may give notice to the National Park Officer (Chief Executive) of a motion to appear on the agenda and, subject to such motion being:  
  
in writing;  
  
signed by the mover and seconder, and  
  
delivered to the National Park Officer (Chief Executive) not later than the ninth day before the meeting,  
  
the motion shall be included on the agenda for the next meeting of the Authority.
- (b) A motion or amendment shall not be discussed unless it has been proposed and seconded, and it shall, if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put to the meeting.

- (c) A Member may not propose or second a motion or amendment on which he/she is disqualified from voting.

### **Confidential Business**

- 8. A Member or Officer of the Authority shall not:-
  - (a) disclose any information which has been reported to the Authority or a Committee or Sub-Committee and which is confidential information as defined by the provisions of Section 100A of the Local Government Act 1972; or
  - (b) without the permission of the Authority or the relevant Committee or Sub-Committee disclose any information which is identified as exempt information in a resolution of the Authority or a Committee or Sub-Committee to exclude the public in accordance with the provisions of Section 100A of the Local Government Act 1972.

### **Motions Affecting Persons Employed by the Authority**

- 9. If any question arises at a meeting of the Authority or a Committee or Sub Committee as to the appointment, promotion, dismissal, salary, superannuation, conditions of service or the conduct of any Officer or any person employed or appointed by the Authority, such question shall not be the subject of discussion until the Authority or Committee or Sub Committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A of the Local Government Act 1972, shall be exercised.

### **Conduct of Members**

- 10. (a) A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order and shall not impute motives or use offensive expressions to or about any other Member.
- (b) If any Member in the opinion of the Chair signified to the Authority, misconducts himself/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Authority, or by tedious repetition or unbecoming language, the Chair or any other Member may move "that the Member named be not further heard", and such motion if seconded shall be put and determined without discussion.
- (c) If the Member named continues such misconduct after a motion under the last previous paragraph has been carried, the Chair shall either:-
  - (i) move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
  - (ii) adjourn the meeting of the Authority for such period as he/she in his/her discretion shall consider expedient.

### **Points of Order or Explanation**

- 11. (a) A point of order shall relate only to an alleged breach of a Standing Order or statutory provision, and the Member shall specify the Standing Order or statutory provision and the way in which he/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.
- (b) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

### **Appointments by the Authority**

12. (a) Every candidate nominated to represent the Authority in any capacity or for any position to be filled by the Authority shall be openly proposed and seconded at the appropriate appointment meeting.
- (b) At the close of nominations the Chair shall state the names of the candidates who have been duly proposed and seconded and the number of vacancies to be filled if the number is limited
- (c) If the number of nominations does not exceed the number of vacancies, or if the number of vacancies is not limited, the Chair shall immediately put the appointment of the duly nominated candidates collectively as a substantive motion upon which no amendment may be moved.
- (d) If no nominations are received the Chair may, at his/her discretion, appoint a Member who subsequently volunteers.
- (e) If the number of nominations exceeds the number of vacancies there shall be an adjournment of the item to permit informed consultation, following which, if the number of nominations remains greater than the number of vacancies there shall be a secret ballot of the Members present at the meeting in which each Member of the Authority may vote for as many candidates as there are vacancies to be filled. Members are encouraged to give weight to the benefit of re-appointing Members to other bodies that only have occasional meetings, in order to allow the appointed Member to accrue adequate experience and knowledge of the other body and thereby improve representation of the Authority's position. No candidate shall be appointed unless the number of votes cast in his favour exceeds half the number of persons voting. If in any ballot no candidate receives the number of votes entitling him/her to be appointed, the names of those who receive no votes and the name of the one who receives the least number of votes shall be struck off the list and a fresh ballot be taken, and so on, until all the vacancies are filled. The Chair of the meeting in which appointments are selected does not have a casting vote in the event of tied voting.
- (f) Any ballot shall be conducted by the National Park Officer (Chief Executive) whose return shall be final and conclusive.

### **Voting**

13. (a) Every proposition shall, unless otherwise required by these Standing Orders or Statute, be determined by show of hands or, at the discretion of the Chair, by voices, and by a simple majority of those Members voting, unless a different majority is prescribed by these Standing Orders.
- (b) In taking the votes on any proposition, only those Members who are present in the room where the proposition is put from the Chair shall be entitled to vote.
- (c) After a proposition is put from the Chair but before any vote is taken, any three Members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each Member present gave his vote for or against the proposition or abstained from voting.
- (d) Where, immediately after a vote is taken at a meeting of the Authority, or a Committee or Sub-Committee of the Authority, any Member of that body so requires, there shall be recorded in the Minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.

- (e) A Member shall not vote on a determination of a planning application or similar regulatory matter where they are absent from any material part of the presentation and debate of the matter.
- (f) A Member shall not vote on a determination of a planning application where they have not fully completed any planning training requirement prescribed by the Authority.
- (g) The Chair of any Authority, Committee or Sub-Committee meeting shall have a casting vote on any matter at that meeting that would otherwise be a tied vote.

#### **General Disturbance**

- 14. (a) If a Member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If he/she continues the interruption the Chair shall order his/her removal from the room. In case of general disturbance in any part of the room open to the public, the Chair shall order that part to be cleared.
- (b) If, in the opinion of the Chair, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power vested in him/her may, without the question being put, suspend the meeting for a period not exceeding 60 minutes.

#### **Interests in Contracts and Other Matters**

- 15. Where a Member of the Authority has any personal interest in any matter coming before the Authority, or any of its Committees or Sub Committees , , that Members must observe the provisions of the Members' Code of Conduct in relation to the declaration of such interests and participation (or non-participation) in consideration of the matter.

#### **Disciplinary Action**

- 16. (a) No disciplinary action (within the meaning of Part II of the Local Authorities (Standing Orders) Regulations 1993) in respect of the Head of the Authority's Paid Service, except action described in paragraph (b), may be taken by the Authority, or by a Committee, Sub-Committee, or any other person acting on their behalf, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 3 of those Regulations.
- (b) The action mentioned in paragraph (a) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

#### **Canvassing of and Recommendation by Members**

- 17. (a) Canvassing of Members of the Authority, or any Committee or Sub-Committee of the Authority, directly or indirectly for any appointment under the Authority shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in any form of application.
- (b) A Member of the Authority shall not solicit for any person any appointment under the Authority but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment.

### **Relatives of Members or Employees**

18. (a) A candidate for any appointment under the Authority who knows that he/she is related to any Member or employee of the Authority shall disclose that relationship in his/her application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice.
- (b) Every Member and senior officer of the Authority shall disclose to the National Park Officer (Chief Executive) any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Authority.
- (c) The purport of this Standing Order shall be included in any form of application.
- (d) For the purpose of this Standing Order "senior officer" means any officer so designated by the Authority, and persons shall be deemed to be related if they are husband and wife, or civil partners, or if either of them or the spouse/civil partner of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse/civil partner of the other.

### **Record of Attendances**

19. Every Member attending a meeting of the Authority, or of any of its Committees or Sub-Committees of which he/she is a Member, shall sign his/her name in the attendance book or on the sheet provided for that purpose.

### **Sealing of Documents**

20. (a) The common seal of the Authority shall be kept in a safe place in the custody of the National Park Officer (Chief Executive) or Monitoring Officer.
- (b) The common seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a Committee or Sub-Committee to which the Authority has delegated its powers in this behalf, or has been authorised by an officer of the Authority under an appropriate delegated power, but a resolution of the Authority (or of a Committee or Sub-Committee where that Committee or Sub-Committee has the power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any contract, issuing a precept, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the authorisation.
- (c) The seal shall be attested by the National Park Officer (Chief Executive) (or other person duly authorised in writing by the National Park Officer (Chief Executive)) and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be authenticated by the person who has attested the seal.

### **Meetings of Committees and Sub-Committees**

21. (a) The Chair of a Committee or Sub-Committee or the Chair of the Authority may cause a special meeting of the Committee, Sub-Committee or Authority to be called at any time .
- (b) A special meeting of the Authority, a Committee or Sub-Committee shall be called on the request of at least one quarter of the whole number of Members of the Authority, Committee or Sub-Committee by notice in writing signed by them and given to the National Park Officer (Chief Executive) and specifying the business for which the meeting is to be called.

### **Proceedings of Committees and Sub-Committees**

22. (a) The quorum of every Committee and Sub-Committee, unless a special quorum is otherwise prescribed, shall be in accordance with Standing Order 3(a) above, provided that in no case shall a quorum of a Committee or Sub-Committee be less than three Members and of those present at least one is a local authority member and at least one a Secretary of State member.
- (b) Any Authority Member may attend as an observer at meetings of Committees and Sub-Committees (except those Committees and Sub-Committees which the Authority may from time to time determine for the purposes of this Standing Order) to which he/she has not been appointed as Member, including meetings or items of business from which the public has been excluded. If given permission by the Chair of the meeting, a Member attending as an observer may speak (but not vote) on any matter.
- (c) Subject to the provision of Section 100A of the Local Government Act 1972, all Committee and Sub-Committee reports and all documents marked as "confidential", "exempt" or "not for publication" shall be treated as confidential until they become public in the ordinary course of the Authority's business.
- (d) No act of a Sub-Committee shall have effect until approved by the appointing Committee except to the extent that the Committee has itself power to act without the approval of the Authority and the power so to act has been conferred upon the Sub-Committee.
- (e) In addition to those Standing Orders which expressly relate to Committees or Sub-Committees, Standing Orders 4 and 6 to 15 inclusive, shall apply with any necessary modification to Committees and Sub-Committees.

### **Ex-officio Appointments**

23. (a) The Chair and the Deputy Chair of the Authority shall be ex-officio Members of all Committees, Sub-Committees except the Personnel Appeals and Chief Executive Review Panels.
- (b) The ex-officio Members are not permitted to vote at any Committee or Sub-Committee except under the provisions of Standing Order 23(e), but may propose or second a motion
- (c) The ex-officio Members are entitled to vote at Task and Finish Groups.
- (d) The ex-officio Members are entitled to take the Chair of any Committee, Sub Committee or Task and Finish Group and to act as Deputy Chair if so elected.

- (e) Where a substitute Member is entitled to attend a committee, sub-committee or Task and Finish group meeting and is unable to do so the ex-officio Member shall take on that role in a voting capacity and contribute to the quorum, provided that he/she is from the same group i.e. Secretary of State Member or Local Authority Member. Where both the Chair and Deputy Chair of the Authority would be eligible to act as a substitute Member under this Standing Order, the Chair shall take the first such position.

### **Financial Management**

24. The financial management of the Authority shall be undertaken strictly in accordance with the Financial Regulations.

### **Delegation to Officers**

25. Without prejudice to any directions of the Authority or any Scheme of Delegation approved by the Authority or any statutory provision to the contrary a Committee or Sub-Committee may delegate to an officer either generally or in respect of any particular matter any of the powers and duties which have been referred to that Committee or Sub-Committee.

### **Chair of Committees and Sub-Committees**

26. (a) The Chair and Deputy Chair of a Committee, or of any Sub-Committee which the Authority may from time to time determine for the purposes of this Standing Order, shall be appointed by the Authority in accordance with this Standing Order and may be removed by the Authority or may resign. If the Authority so decides, the appointment of the Chair and Deputy Chair of a Committee or Sub-Committee may be left for that body itself to decide.
- (b) The appointment of the Chair and Deputy Chair of a Committee or Sub-Committee shall be conducted in the same way as an appointment is required to be made by the Authority under Standing Order 12, sections (a) – (f).
- (c) Subject to paragraph (a) of this Standing Order, the Chair and Deputy Chair of a Committee or Sub-Committee appointed by the Authority shall hold office until the meeting of that Committee, Sub Committee or Task and Finish Group immediately following the Authority's Annual General Meeting after his/her appointment.
- (d) If the Chair and Deputy Chair of a Committee or Sub-Committee is absent from a meeting of the Committee or Sub-Committee, the Members present shall choose one of their number who is a Member of the Authority to preside over the meeting.
- (e) If the Chair of a Committee, Sub-Committee or Panel arrives at a meeting of the Committee, Sub-Committee or Panel after the time for which the meeting has been summoned, he/she shall preside over the meeting after any question under discussion on his/her arrival has been disposed of but not before then.
- (f) That when considered appropriate by a Committee, Sub-Committee or Task and Finish Group the matter under discussion may be referred to the Authority for decision.

### **Appointment of Substitutes to Committees**

27. The Authority may make arrangements for substitute membership of Committees, Sub-Committees and Task and Finish groups in accordance with such schemes as it may approve.

### **Variation and Revocation of Standing Orders**

28. Any motion to add to, vary or revoke these Standing Orders shall once proposed and seconded, be discussed by the Authority in advance of a final determination of the proposed changes at a subsequent Authority meeting. The agreed changes shall take effect when specified in the resolution or immediately in default of a time and date being specified.

### **Suspension of Standing Orders**

29. (a) Subject to paragraph (b) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.  
  
(b) A motion to suspend any of the preceding Standing Orders cannot be moved unless at least one-half of the whole number of the Members of the Authority are present.

### **Interpretation of Standing Orders**

30. The ruling of the Chair as to the interpretation or application of any of these Standing Orders, or as to any proceedings of the Authority, shall be final and shall not be challenged at any meeting of the Authority, any Committee or Sub-Committee.

### **Right of the Public to Speak at Meetings**

31. (a) Members of the public are able to attend and speak at meetings of the Authority's Planning Committee in accordance with the Authority's guidance on public speaking at Planning Committees for the time being in force.  
  
(b) The "Public Question Time" procedure only applies to meetings of the Full Authority.

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## 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 Fora 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 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 Fora 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 (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.

### **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.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**

7. Monitor the Authority's performance against targets, especially those defined in the Business Plan and Annual Report or equivalent.
8. 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.

### **Membership**

Total:	9
Secretary of State and Secretary of State (Parish):	4
Local Authority:	5
Independent person(s) (number to be decided at a later stage by the Authority)	
Quorum: (including one Secretary of State and one Local Authority Member)	5
First Tier Substitutes:	4
Second Tier Substitutes:	9

#### **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
First Tier Substitutes:	4
Second Tier Substitutes:	14

#### **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

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 (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 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 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 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, 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**

- 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 cannot be addressed by the imposition of conditions.
  3. There are material circumstances which in the opinion of the National Park Officer 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;
- 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 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.

(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
- viii) 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.

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), 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. 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 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-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**

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 £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.

**C. Head 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 £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 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 of Corporate Services to act.

**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.

**E. Director of Polyhalite**

1. 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 Polyhalite to act.

## Annex D – Task and Finish Groups and Fora

### 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)

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

Total (to include Chair and Deputy Chair 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

#### D1.2 Development Plan Group

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 Fora**

### **D2.1 Conservation and Land Management Forum**

#### **Purpose:**

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

#### **Terms of Reference:**

1. Provide a forum for the initiation of and consultation on ideas for the development of the Authority's First Purpose work.
2. Scrutinise progress on First Purpose work against the Authority's Business and Management Plans.
3. 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.
4. 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
5. The Lead Member 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 Forum**

### **Purpose:**

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

### **Terms of Reference:**

- 1. Provide a forum for the initiation of and consultation on ideas for the development of the Authority's Second Purpose work.
- 2. Scrutinise progress on Second Purpose work against the Authority's Business and Management Plans.
- 3. The Forum will liaise with the Local Access Forum.
- 4. 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.
- 5. The Lead Member 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:**

- c) 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: (Inc one Sec of State and one Local Authority Member) 3

# North York Moors National Park Authority

## Financial Regulations



Revised Date	Revised Sections
1 October 2018	All

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# 1. Introduction

## Purpose of Financial Regulations

- 1.1 This document sets out the Financial Regulations for the North York Moors National Park Authority (the Authority). These Regulations seek to ensure high standards of financial conduct.
- 1.2 These Regulations form an integral part of the procedural and control framework within which the Members and Officers of the Authority can ensure the best standards of financial management and administration in the discharge of the Authority's statutory duties. These Regulations are not intended to form barriers to the achievement of these duties.

## Application of Financial Regulations

- 1.3 These Regulations apply to every Officer of the Authority and anyone acting on its behalf. Each person is responsible for ensuring that these Regulations are followed in carrying out his/her duties. Managers must ensure that their staff are aware of the existence and content of the Financial Regulations. Failure to comply with the Financial Regulations may lead to disciplinary action. For the purposes of these Financial Regulations the Head of Corporate Services shall have powers equivalent to a 'Director' for matters relating to Corporate Services. The references to the EU will be interpreted in an appropriate manner in relation to any new regulatory framework after the planned exit from the EU and during any transition period.

## Hierarchical Framework of Financial Regulations

- 1.4 The Financial Regulations are part of the Authority's overall financial framework. The hierarchy is as follows:
- 1.5 The **Financial Grant Memorandum** is issued by the Department of the Environment, Food and Rural Affairs (DEFRA). The Financial Grant Memorandum defines the controls, means of accounting for, and audit procedure relating to the payment of the National Park Grant from the DEFRA to the Authority.
- 1.6 **Standing Orders** are approved by the North York Moors National Park Authority and are the governing framework for the conduct of the Authority's business.
- 1.7 **Financial Regulations** are approved by the North York Moors National Park Authority and are contained within this document.
- 1.8 **Financial Instructions** are issued by the Chief Financial Officer (i.e. the person appointed for the proper administration the authority's financial affairs under s151 of the Local Government Act 1972) as and when necessary to address specific issues of financial administration. They derive authority from the Financial Regulations.
- 1.9 The **Finance Manual** is prepared and maintained as required by the Chief Financial Officer. The Finance Manual provides a comprehensive working reference for staff, detailing systems and procedures relating to all financial matters, including the use of the Finance System.

- 1.10 Where the regulations refer to the Chief Financial Officer this indicates the S151 post-holder.
- 1.11 All values in the financial regulations are to be considered as net of VAT.

## **Reviewing and Updating of Financial Regulations**

- 1.12 Review of these Regulations is an ongoing process, taking into account both the impact on operational remits and the influence of new best practice developments. However, there will be a formal review of these Regulations completed by the Chief Financial Officer.
- 1.13 Financial systems and accounting procedures will be subject to amendments over time relating to changes in statutory requirements, accounting practice or the introduction of new technology.
- 1.14 In the event of such changes the Chief Financial Officer shall inform the Chief Executive Officer in writing of the required amendments to the financial systems and procedures.
- 1.15 Amendments to these Regulations must be approved by the Authority following consideration of any necessary changes and a recommendation to do so by the Finance, Risk, Audit and Standards Committee (FRASC).

## **2. Financial Planning**

### **Budget Format**

- 2.1 The budget sets out the financial interpretation of the Authority's current and future programmes and activities as close as possible to the format laid down in the Financial Grant Memorandum.
- 2.2 Once approved, the budget provides the delivery plan to achieve the National Park purposes and objectives. It also provides a basis upon which the financial performance of the Authority can be monitored and against which the impact of policy can be measured.

### **Budget Holders**

- 2.3 Directors will be the Budget Holders for those elements of the expenditure and income arising from the agreed work programme for their departments.
- 2.4 Day-to-day management of specific budgets may be delegated by Budget Holders to Budget Managers.
- 2.5 All Directors are individually responsible for the proper financial management of resources allocated to them through the budget-making process and for the identification of income arising from activities within their operational areas. They are also responsible for the control of staff, and the security, custody and management of assets including plant, equipment, buildings, materials, cash and stores relating to their areas of responsibility.

- 2.6 Each Director shall ensure that their staff comply with the requirements contained in these Regulations and related Financial Instructions.

### **Budget Preparation**

- 2.7 The Authority's Business Plan establishes the priority actions that need to be supported by the allocation of financial resources during the preparation of the detailed annual budget. The Business Plan shall contain a Medium-Term Financial Strategy (MTFS).
- 2.8 This MTFS will form a basis for the budget that is prepared and approved each year, and wherever practicable, the future forecasts will be amended on a rolling basis to ensure that the MTFS covers the current year plus the following two financial periods.
- 2.9 The Business Plan will be revised every three years unless this is changed with the agreement of the full Authority.

### **Budget Setting**

- 2.10 The annual budget must be formally approved by the Authority prior to the commencement of the financial year i.e. before 1<sup>st</sup> April each year.
- 2.11 Throughout the year the budget is closely monitored and any virements can be approved as per the sections 2.24 – 2.32 below.
- 2.12 Officers are to ensure that all deadlines set out by the Financial Grant Memorandum are achieved for the completion, approval and submission of the budget and the final accounts.
- 2.13 Members will have the opportunity to review the budgeting process at any time if required via the scrutiny function of the FRASC.
- 2.14 Budget is approved by NPA and final accounts signed off by NPA to ensure full member control.

### **Expenditure against the Revenue and Capital Budget**

- 2.15 Expenditure may be incurred within the revenue and/or capital budget approved by the Authority in pursuing the aims for which the budget has been established, subject to any overriding requirements of the Authority.
- 2.16 If a proposed change in any policy is likely to affect the budget, a report to the Authority shall be prepared setting out clearly the full financial implications.

### **Monitoring of the Budgets**

- 2.17 Throughout the financial year each Budget Holder shall monitor income and expenditure against those specific budgets for which they are responsible.

- 2.18 Where an Officer orders goods or services which are to be charged against the budget(s) managed by another Officer they should gain the consent of that other Officer before committing any expenditure against that budget.
- 2.19 The Finance Team, under the direction of the Chief Financial Officer, shall provide financial advice to assist Budget Holders to fulfil their responsibilities, consulting the Chief Executive Officer in circumstances where it appears that significant variations to the approved budget will occur.
- 2.20 Budget Holders shall supply the Finance Team with sufficient information, as and when required, to enable accurate budget profiling and/or financial projections to be undertaken.
- 2.21 The budget monitoring statements, including a forecast for the full financial year, shall be submitted to each monthly Management Team meeting and to each quarterly meeting of the FRASC.
- 2.22 The Chief Financial Officer shall attend or send a representative, if appropriate, to the quarterly meeting of the FRASC as well as key budget review meetings of the Management Team. The Chief Financial Officer will be entitled to receive details relating to any aspect of the budget at any time in the year.
- 2.23 If it appears that net expenditure will be in excess of the approved revenue budget and that excess cannot be financed by virement the Chief Executive Officer shall, at the earliest opportunity, and following consultation with the Chief Financial Officer, report the matter to the Authority. If expenditure in excess of the approved budget is incurred due to an emergency, this expenditure must be reported to the Chief Financial Officer as soon as practicable and to the Authority as soon as possible thereafter.

## **Virement**

- 2.24 Virement is the transfer of budget provision between individually defined budget headings. It is a necessary facility to assist the effective management of budgets. When the Authority sets its overall budget for a given financial year it will approve a series of specific functional budgets.
- 2.25 Virements must be contained within the overall totals of the budget approved by the Authority.
- 2.26 The Chief Financial Officer shall ensure that virement is undertaken as necessary.
- 2.27 Any single virement for expenditure not exceeding £25,000 between approved budgets may be actioned by a Director, but this must be reported to the Chief Financial Officer.
- 2.28 Any single virement for expenditure exceeding £25,000 but less than £50,000 requires the approval of the Chief Executive Officer in consultation with the Chief Financial Officer.

- 2.29 Any single virement for expenditure exceeding £50,000 between approved budgets shall be subject to approval by the FRASC and reported to the Authority.
- 2.30 The prior approval of the Authority shall be required if the proposed virement includes one or more of the following:
- i) A change in policy.
  - ii) An addition to reoccurring commitments in future financial years other than those previously agreed by the Authority in relation to third party funding.
  - iii) Where the resources to be transferred were originally approved for financing capital expenditure.
  - iv) If required by the Chief Financial Officer or Chief Executive Officer.
- 2.31 No expenditure which is subject to grant aid, support from the Government or other external funding organisation shall, without specific prior approval of the FRASC, be incurred until written assurance is given that such funding is forthcoming.
- 2.32 No expenditure which requires the approval of a Government Department shall be incurred until approval has been received or a written assurance that such approval will be given in due course.

### **Outturn**

- 2.33 The Chief Executive Officer and Chief Financial Officer shall report to the Authority on the outturn of income and expenditure, as soon as practicable after the end of the financial year.
- 2.34 The Directors shall be responsible for the authorisation of any revenue claim forms to the relevant organisation and, if necessary, the External Auditor, in accordance with any guidelines applicable to the claim in question.

## **3. Control of Resources**

### **Insurance**

- 3.1 The Head of Corporate Services will advise the North York Moors National Park Authority on appropriate arrangements for insurance cover, including liaison with partners where appropriate.
- 3.2 The Head of Corporate Services shall periodically review all insurances and risk.
- 3.3 The Head of Corporate Services in consultation with the Chief Executive Officer and legal services shall be authorised to defend, settle or compromise any uninsured claims against the Authority.

### **Audit**

- 3.4 The Chief Financial Officer shall ensure an adequate and effective framework of financial control procedures and internal audit of the financial activities of the Authority.

- 3.5 The Directors are responsible for the implementation of all internal control procedures to ensure the economic effective and efficient use of resources.
- 3.6 The Internal Auditor or their representative, shall have authority to enter at all times on any premises or land used by the Authority and to have access to all correspondence, documents, books or other records held by any Officer or the Chief Executive Officer and appertaining in any way to the activities of the Authority. The Internal Auditor shall be entitled to require such explanation as they consider necessary to establish the correctness of any matter under examination. The Internal Auditor shall have the authority to require any Officer including the Chief Executive Officer to produce cash, stores, or other Authority property under their control for inspection.
- 3.7 The Internal Auditor shall be notified immediately by the Chief Executive Officer of all financial irregularities or suspected irregularities, or any circumstances which may suggest the possibility of financial irregularities in the exercise of any of the Authority's functions. Such communications may be oral initially but must be confirmed promptly in writing.
- 3.8 The Internal Auditor shall determine the scope of any internal enquiries or investigations, subject to consultation with the Monitoring Officer to the Authority, the Chief Executive Officer and the Chief Financial Officer.
- 3.9 The Internal Auditor and the Monitoring Officer of the Authority, in consultation with the Chief Executive Officer and the Chief Financial Officer shall decide whether any matter under investigation should be referred for police investigation and take recovery action as appropriate on such matters.
- 3.10 The Internal Auditor or their representative shall at all times preserve the confidentiality of information received in discharging tasks under this section of the Financial Regulations.

## **Income**

- 3.11 The Chief Financial Officer shall approve the arrangements for the collection of all money due to the Authority.
- 3.12 All money received on behalf of the Authority shall, as soon as practicable, be banked for the credit of the Authority's account. Income may not be used to directly offset payments due.
- 3.13 Fees and charges within the control of the Authority shall be subject to regular review by the Directors, except as provided in any specific agreements between the Authority and Third Parties.
- 3.14 Proposals to write off individual debts shall be agreed by the Chief Financial Officer up to a limit of £5,000, or by the Authority in excess of that amount.

## **Petty Cash**

- 3.15 To assist designated Officers to make minor purchases when it is not always possible to submit orders, the Authority will maintain a petty cash float of £100 at the Head Office.
- 3.16 Petty cash purchases must not exceed £50 per item and must be supported by authenticated receipts.
- 3.17 No income, other than reimbursement of approved expenditure, may be paid into a petty cash account.

## **Banking Arrangements**

- 3.18 The Chief Financial Officer is responsible for the daily management and operation of the bank accounts and they should ensure that there are proper controls in the day-to-day running of the accounts.
- 3.19 Bank accounts shall stand in the name of North York Moors National Park Authority.
- 3.20 No bank account shall be opened or closed until a memorandum of authorisation is jointly agreed and signed by the Chief Executive Officer and the Chief Financial Officer. The memorandum shall justify the purpose and identify the name of the bank and its head office. This memorandum will then be retained on an appropriate file by the Chief Financial Officer, together with copies of correspondence.
- 3.21 There should be safe and efficient arrangements for the control of access to blank cheques and the preparation, signing and despatch of cheques.
- 3.22 Where appropriate, cheques shall be signed manually by authorised Officers with controls as to the number of signatories dependent upon the amount of the transaction (specified in Financial Instructions).
- 3.23 There should also be a monthly reconciliation of the Finance System with the bank statements.

## **Treasury Management**

- 3.24 The Authority adopts the key recommendations of CIPFA's Treasury Management in The Public Services: Code of Practice, as described in Section 4 of that Code.
- 3.25 Accordingly, the Authority will create and maintain, as the cornerstones for effective Treasury Management:
  - i) A Treasury Management Policy Statement (TMPS) stating the policies, objectives and approach to risk management of its Treasury Management activities.
  - ii) Suitable Treasury Management Practices (TMPs) setting out the manner in which the Authority will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 3.26 The Authority will be responsible for the implementation and monitoring of its Treasury Management Policies and Practices, but delegates the execution and

administration of Treasury Management decisions to the Chief Finance Officer who will act in accordance with the Authority's TMPS, associated TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

- 3.27 The Authority will receive reports on Treasury Management Policies, Practices and Activities including, as a minimum:
- i) An Annual Strategy Report in advance of the year.
  - ii) A Mid-Year Review.
  - iii) An Annual Report after the 31<sup>st</sup> March in the form described in the TMPs.
- 3.28 The Authority delegates to FRASC the responsibility of ensuring the effective scrutiny of the Treasury Management Strategies, Policies and Activities.
- 3.29 All money in the possession of the Authority shall be under the control of the Chief Executive.
- 3.30 The Chief Financial Officer shall periodically review TMPS and associated documentation and they shall make recommendations accordingly to the Authority.
- 3.31 Notwithstanding the other regulations relating to Treasury Management, the Chief Financial Officer shall ensure that the Treasury Management System is documented and ensure that Treasury Management reports are regularly provided to the Authority.

### **Voluntary/Unofficial Funds**

- 3.32 A Voluntary Fund is one which, although not officially owned by the Authority, is controlled or administered either wholly or in part by officers of the Authority.
- 3.33 The Chief Financial Officer shall be informed of the purpose and name of all Voluntary Funds maintained by Officers in the course of their duties with the Authority.
- 3.34 There is a responsibility on the part of the Authority to protect the interests of the donors and beneficiaries, and to safeguard the position of the members of officers concerned.
- 3.35 Appropriate financial controls shall be applied for the administration of these funds in order that all expenditure or income is properly accounted for.
- 3.36 An annual statement for each Voluntary Fund should be prepared each year. They should be audited by an independent person and a copy sent to the appropriate body.
- 3.37 The Chief Financial Officer shall be entitled to verify that the audit has been done and to carry out checks on the accounts as considered appropriate.

### **Custody of Assets**

- 3.38 The Head of Corporate Services is responsible for the custody of all buildings, equipment and stores of the Authority. They will ensure that there is proper security

of all assets under their control, in accordance with the Authority's Risk Management Policies.

- i) Maintaining an asset register of all properties owned or rented by the Authority. The register should record all know details of the properties.
- ii) Maintaining inventories of furniture, fittings, equipment and plant owned or leased by the Authority.
- iii) Maintaining proper records and custody of stocks and stores of the Authority's.

3.39 For financial purposes, the threshold for capitalisation of assets will be £5,000.

### **Disposal of Assets**

3.40 The Chief Executive Officer may authorise the disposal or write off of unrequired stock or inventory items, to a value of between £5,001 and £10,000 in each case. Above £10,000, disposals shall require the approval of the Authority.

3.41 Directors shall be authorised to dispose of or write-off stock and inventory deficiencies up to a limit of £5,000. The Chief Executive Officer may authorise deficiencies between £5,000 and £15,000. Above that figure, Authority approval shall be required.

3.42 The financial limits and procedures specified in these Regulations for the procurement of goods and services shall also apply to the disposal of any assets of the service.

3.43 All disposals of buildings and material assets shall be agreed by the Authority. For this purpose, a material asset should be defined as any single asset that, at the time of its proposed disposal, has an estimated disposal value exceeding £25,000. For material assets under this value that authorisation shall be delegated to Directors.

3.44 No quotations or tenders for any other than the highest price shall be accepted without reference to the Authority and the Chief Executive Officer.

3.45 The approval of DEFRA is required before the proceeds from any disposal of assets which exceed £1,000,000 are used for any purpose.

3.46 The approval of the Authority will be required, however, specific approval from DEFRA may not be required for any disposal of land where the following apply:

- i) The Authority considers it will help secure the promotion or improvement of the economic, social or environmental well-being of its area; and
- ii) The difference (undervalue) between the unrestricted value of the interest to be disposed of (market value) and of the consideration accepted is £2,000,000 or less.

## 4. Systems and Procedures

### Procurement of Goods, Works and Services

- 4.1 The Directors shall be responsible for the procurement of all goods, works and services. Goods, works and services may only be procured if there is approved budgetary provision to cover the costs. Officers authorised to carry out procurement will at all times seek best value for money.
- 4.2 Every contract shall comply with all relevant applicable legislation and government guidance including:
- i) EU Law.
  - ii) Acts of Parliament.
  - iii) Statutory Instruments including, but without limitation, the Public Contracts Regulations 2015.
- 4.3 Where relevant, every contract shall specify that materials used, goods provided, services supplied or works undertaken (as the case may be) shall comply with applicable standards. Such standards are, in order of priority:
- i) EU Standards.
  - ii) British Standards implementing international standards.
  - iii) British Standards.
- 4.4 The Authority bases all significant contract awards on the basis of the most economically advantageous tender or quotation. This is defined as the optimum combination of whole life costs and benefits assessed against pre-determined evaluation award criteria which will normally be detailed in the Invitation to Tender (ITT) or equivalent documentation.
- 4.5 The criteria used to determine the most economically advantageous tender or quotation may be exclusively the purchase price – in effect the lowest tender or quotation.
- 4.6 In all cases where the Authority is following a tender or quotation process to secure an income, then these regulations should read ‘highest’ instead of ‘lowest’.
- 4.7 The following procedures shall be adhered to for the procurement of all goods, works and services. Where the total contract value for procurement is within the values in the first column of the table below, the award procedure in the second column is the minimum that must be followed:

<b>Total Contract Value</b>	<b>Award Procedure</b>
Up to £10,000	Invitation of quotations is not mandatory, but at least three quotations should be invited where it is considered that better value for money will be obtained by doing so.
Between £10,000 and £75,000	Written quotations shall be obtained (see Regulations 4.18 to 4.23 for detailed procedure).

Above £75,000	All items where the estimated value of a contract exceeds £75,000 shall be obtained by tender (see Regulation 4.24 to 4.46 for detailed procedure). All items where the estimated value of a contract exceeds the current EU Threshold will follow the appropriate EU Procedure.
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Table 1: Goods, Works and Services Procurement Limits

- 4.8 An official order must be created for all expenditure (subject to approved exemptions) and be approved by an approved Officer. This shall be issued in accordance with the Order Procedure in Regulation 4.53.
- 4.9 All expenditure should be under some form of contract. The choice of contract must be appropriate and proportionate to the value and nature of the task and could be verbal or written in nature. All contracts over £20 require a written contract in some form; (except acceptable under the credit card policy). Any contracts over the value of £10,000 must have a signed or sealed contract document. Officers should use discretion to use the correct form of contract and seek advice from the Procurement Service if required.
- 4.10 All officers should ensure they have full budget provision before entering any form of contract as noted in 4.1.
- 4.11 Decisions on procurement should not only consider cost, but the environmental impact of purchasing. The specification for goods and services should include environmental standards where appropriate and relevant to those goods and services. Suppliers should be asked to provide information on their environmental performance and be made aware of evaluation criteria to be used if required as part of the evaluation process.

### Exceptions to Procurement Procedures

- 4.12 In the following circumstances, and agreed by the Chief Executive Officer, quotations or tenders will not be required
- i) Purchases via Framework Agreements which have been established either by the Authority or by other public sector bodies or consortia (including National Parks UK (NPUK) or National Park England (NPE)).and where such Framework Agreements are lawfully accessible by the Authority. Contracts awarded from such Framework Agreements shall be awarded in accordance with the provisions of that Framework Agreement; or
  - ii) Purchases through a Government contract, or a contract of a contributing Local Authority or NPA which has been negotiated in accordance with that organisations own Standing Orders; or
  - iii) Purchases at public auction (including internet auction sites, e.g. EBay), if value for money will be achieved; or
  - iv) Purchases of goods and services of a special nature which can only be obtained within the required timescale from one supplier; or
  - v) Where the proposed contractor is on site, there is financial benefit in negotiating an extension for further work and subject to the cost of the

- further work not exceeding 10% of the value of the original work or £10,000 (whichever is greater); or
- vi) Repairs to or the supply of parts for existing proprietary machinery or plant where to obtain such supplies from an alternative supplier would invalidate the warranty or contractual conditions with the existing supplier; or
  - vii) If the Chief Executive Officer, after consultation with the Chair and Deputy Chair, considers that the work is of an emergency nature which is required to preserve the Authority's assets or to enable the Service to be maintained;

## **Waivers**

- 4.13 Specific exceptions to rules 4.7 and 4.18 to 4.38 are permitted in such circumstances that the Chief Executive Officer and the Monitoring Officer may agree.
- 4.14 Requests for Waivers need to specify the reasons for the request.
- 4.15 The Chief Finance Officer shall maintain a register of all requests made under this rule and the responses given to them.
- 4.16 For the following items an order will not be issued:
- i) Public utility services, rents and rates.
  - ii) Petty cash purchases (which must not exceed £20 per purchase).
  - iii) Any purchases made with a Corporate Credit Card.
  - iv) Any other items agreed by the Chief Executive Officer.
  - v) Items on accounts (e.g. Fuel)
- 4.17 All waivers must be reported to FRASC each quarter with justification given.

## **Quotation Procedure**

- 4.18 For those items for which quotations are required, a minimum of three written quotations should be obtained. A written quote may only be considered if:
- i) It has been received electronically through the E-Sourcing System; or
  - ii) (Where permitted by prior agreement from a Director) it has been received in a sealed envelope marked "Quote" and indicating the subject matter of the quote; and
  - iii) It has been opened after the expiry of the deadline for submissions and at the same time as other quotes for the same subject matter in the presence of at least two officers authorised to open quotes.
- 4.19 Before quotations are invited the most economically advantageous criteria must be recorded. Where no additional criteria have been set, then the lowest quotation must be accepted.
- 4.20 Where both price and quality are to be factors, the quality criteria must be identified and the weighting between price and quality approved by the Chief Financial Officer or Head of Corporate Services, is to be recorded before quotations are invited.

- 4.21 Quotations received electronically or by post shall be opened at the same time by Officers authorised by the Chief Executive. The E-Sourcing System shall maintain a permanent record of the quotations received. Paper quotations shall be kept on file for one year after the contract award.
- 4.22 If the most economically advantageous quotation is not recommended for acceptance, the written approval of the Chief Executive shall be obtained prior to awarding the work and this must be reported to the FRASC.
- 4.23 Subject to and within the limitations of the provisions for budgets and virements contained within these financial regulations, a quotation for a price in excess of £75,000 may only be accepted if the price to be accepted does not exceed the original budget by more than 10%. In this instance, the written approval of the Chief Executive Officer must be obtained prior to awarding the work.

### **Tender Procedures**

- 4.24 For those items for which tenders are required a notice advertising the opportunity shall be published through the E-Sourcing System (and in the European Journal if required by European Legislation). If considered appropriate, a local newspaper and a suitable professional or trade journal or website may also be used. The form of advertising shall take into account the value, location and subject matter of the contract. The notice shall specify brief details of the contract, how the tender documents may be obtained and the closing date for receipt of tenders by the Company.
- 4.25 Before tenders are invited, the most economically advantageous criteria must be recorded in writing, and the approval of the Chief Executive or Chief Finance Officer must be obtained in advance. Where no additional criteria have been set, then the lowest tender must be accepted.
- 4.26 Where both price and quality are to be factors, the quality criteria must be identified and the weighting between price and quality agreed by the Chief Executive or Chief Finance Officer is to be recorded before tenders are invited.
- 4.27 In some circumstances, it is appropriate to allow all contractors who responded to the advertisement to complete a full tender – this is an ‘Open Tender’ process. In other circumstances, contractors who expressed interest may be evaluated against a set of criteria to produce a short list of contractors who will be invited to complete a full tender – this is a ‘Restricted Tender’ process.
- 4.28 When a Restricted Tender process is used, the criteria which are to be applied in evaluating expressions of interest to produce the short list must be recorded in writing before the expressions of interest are considered. The criteria must include an assessment of the Tenderer’s financial strength, professional ability, and health and safety competence.
- 4.29 After expressions of interest have been received they will be evaluated to produce the tender list. The tender list should have an appropriate number of contractors for

the purposes of competition, relevant to the market involved. This number should be authorised by the relevant Director before undertaking the procurement. (NB There are special rules regarding EU contracts – advice should be sought from the Procurement Advisor where EU Rules apply).

- 4.30 Where an invitation to tender is required, every notice of such invitation shall state that no tender will be received except where it has been received electronically through the E-Sourcing System. However, where permitted in exceptional circumstances agreed by the Director a tender may be received in a sealed envelope marked “Tender” and indicating the subject matter of the tender. Such envelopes shall not bear any identification of the tenderer and shall remain in the custody of the Chief Executive until the time stated for opening.
- 4.31 Tenders shall be opened electronically on the E-Sourcing System by an Officer authorised by the Chief Executive Officer. An electronic record of the tenders must be maintained on the E-Sourcing System. A recommended format for recording any tenders not received via the E-Sourcing System is available from the Procurement Advisor.
- 4.32 Where tenders are to be evaluated on the basis of the most economically advantageous, the evaluation model to be used to score the quality criteria referred to must be recorded prior to the tenders being published.
- 4.33 No tender other than the most economically advantageous tender shall be accepted unless the written approval of the relevant Director has been sought and obtained before the bid is accepted until the Authority or the FRASC has considered a report from the Chief Executive Officer outlining why the preferred contractor is being recommended.
- 4.34 No tender shall be accepted unless three persons have completed the tender for the contract or with the agreement of the Chief Executive Officer.
- 4.35 Any tenders not received on time shall be rejected by the Chief Executive Officer unless he/she is satisfied there is adequate evidence of submission or posting in time for delivery by the due date and the other tenders have not been opened. The tender may be opened to ascertain the name and address of the tenderer but no details of the tender shall be disclosed.
- 4.36 Persons tendering may only submit a revised offer when invited to do so following post-tender negotiation. Such post-tender negotiation may only happen when permitted by law and where the Chief Executive Officer considers added financial or other benefits may be obtained. The post-tender negotiation shall only be conducted by a team of Officers approved by at least two of the following: the Chief Executive Officer, the Legal Adviser and the Chief Financial Officer.
- 4.37 Subject to and within the limitations of the provisions for budgets and virements contained within these financial regulations, a tender where the preferred tender price exceeds the original budget may only be accepted if the price to be accepted does not exceed the original budget by more than 10%, and the value does not

exceed the relevant EU threshold. If the value exceeds the relevant EU threshold, a Director must seek tenders in accordance with rule 4.39.

- 4.38 Officers should be aware that it is illegal to benefit personally from purchases made on the Authority's behalf and that financial inducements to the personal benefit of the Officer are illegal. The Authority's purchasing arrangements should not be used under any circumstances to obtain goods or services for private or personal consumption.

## **OJEU Tenders**

- 4.39 Tenders for contracts which exceed the EU Threshold shall be invited and awarded in accordance with the Public Contracts Regulations 2015 (PCRs).
- 4.40 Before an OJEU tender is requested the evaluation criteria to be applied to the OJEU tender must be recorded in writing in the ITT evaluation model. The evaluation criteria must be identified and the weighting between price and quality established and stated in the ITT sent to participants.
- 4.41 Irrespective of the procurement process being undertaken an OJEU notice must be published through the E-Sourcing System.
- 4.42 All participants invited to submit OJEU tenders shall be provided in all instances with identical instructions and information.
- 4.43 Where considered appropriate, the Directors, in consultation with the Procurement Advisor may permit participants to submit variant OJEU tenders (i.e. tenders which do not comply with some or all of the requirements of the primary tender). The same opportunity to submit variant OJEU tenders shall be given to all participants. Variant OJEU tenders shall only be considered if the participant also submits a compliant primary tender.
- 4.44 The evaluation of the OJEU tender submissions shall be carried out by Officers who are considered appropriate having regard for the subject matter and value of the contract.
- 4.45 The Procurement Advisor shall identify which of the following OJEU tender processes shall be used to invite tenders for contracts with a value in excess of the relevant EU threshold:
- i) The Open Procedure
  - ii) The Restricted Procedure
  - iii) The Competitive Procedure with Negotiation
  - iv) The Competitive Dialogue Procedure
  - v) The Innovation Partnership Procurement
  - vi) Negotiated Procedure without Prior Publication
  - vii) Framework Agreement
  - viii) Dynamic Purchasing System
  - ix) Electronic Auctions
  - x) Electronic Catalogues
  - xi) Light Touch Regime

- 4.46 The identified process shall be used for the invitation of OJEU tenders in accordance with the requirements of the PCRs.

### **Goods and Services Procured by Third Parties**

- 4.47 Where the Authority has engaged a Third Party to manage a project and that management will involve the procurement of goods or services to be paid for directly by the Authority, the third party must ensure that the Authority's Financial Regulations are followed unless an exception described in Regulation 4.12 applies.
- 4.48 If the Third Party managing a project is to procure additional goods and services which the Third Party will pay for directly and then pass those costs onto the Authority, then those costs must be included in the original price agreed for the Third Party's contract or the procurement of those additional goods and services must follow the Authority's Financial Regulations.
- 4.49 In circumstances where the Authority is managing a project where a grant or other external funding is received, the terms of such grant or other external funding must be applied in accordance with the terms of such grant or external funding. Those conditions will override these regulations. However, in circumstances where the Authority's regulations are more restrictive than the funding body, then these regulations will apply.

### **Contract Procedures**

- 4.50 For all items over £10,000 a contract in writing is required as per 4.9. Such a contract should be authorised on behalf of the Authority by an authorised representative and shall include details regarding:
- i) The work to be done.
  - ii) The price to be paid, with a statement of discounts or other deductions.
  - iii) The period within which the contract is to be performed.
  - iv) Liquidated damages on contracts which exceed £50,000 for all building works to be paid by the contractor where they fail to complete the contract on time.
  - v) A performance bond must be required for every contract exceeding £400,000 except where the Directors consider it unnecessary, after consultation with the Chief Executive.
  - vi) Recompense where the contractor fails to deliver goods or services specified in the contract, for the Authority to make good the default to replace the purchase from another contractor and recover the cost from the contractor.
  - vii) Insurance cover to the limit specified by the Head of Corporate Services for public liability purposes.
- 4.51 Every contract shall comply with relevant European Legislation.

### **Leasing Contracts**

- 4.52 The Chief Executive shall advise on the negotiation of terms for, and authorise the leasing of, any assets which the Authority, or a Director within the context of their

budgetary responsibility, has decided to acquire where the sole purpose of the designated lease is to finance the transaction, with the proviso that if the Chief Financial Officer is dissatisfied with the financial implications of the final terms agreed he will submit a report to the Authority.

## **Purchase Orders**

- 4.53 All purchase orders must be prepared in the Finance System:
- i) Purchase orders will be automatically sequentially numbered by the Finance System.
  - ii) If any purchase order fails to provide complete or accurate coding or descriptive narrative, it will be withheld and the originator informed.
  - iii) A single copy of the completed purchase order will be dispatched to the supplier. The Authority will retain an electronic copy within the Finance System. The detailed procedures for the creation, authorisation and retention of purchase orders are described in the Finance Manual maintained by the Chief Financial Officer.
  - iv) Purchase orders may only be authorised by Budget Holders or those Officers nominated by the Directors. They will be allowed to authorise orders up to a maximum value of £5,000 but must be within their available budget. The Finance System will be configured to reflect these authorisations and restrict Officers to the areas of the budget for which they are responsible.
  - v) Purchase orders above this value but below £20,000 must be authorised by a Director.
  - vi) Purchase orders above £20,000 must be authorised by the Chief Executive Officer or the Chief Finance Officer.
  - vii) Goods and services that require a purchase order must have one raised, otherwise the invoice will not be paid.

## **Corporate Credit Cards**

- 4.54 The issue and use of corporate credit cards will be subject to prior agreement by the Chief Executive.
- 4.55 Where a purchase by credit card is permitted, the Officer making use of the facility must complete a requisition in the format determined by the Chief Executive and provide adequate supporting documentation for each purchase.
- 4.56 No personal payments (i.e. anything that is not related to the work of the authority) for goods or services using a corporate credit card will be permitted.

## **Processing of Creditor Payments**

- 4.57 It is a requirement that at least two Officers shall be involved in the authorisation of all expenditure.
- 4.58 No Officer authorising an order can authorise payment of the resulting invoice, but may certify that the goods have been received. This is subject to the following:
- i) Directors, or an Officer approved by the Director, will authorise invoices under the value of £5,000.

- ii) Invoices of a value between £5,000 and £20,000 will be authorised for payment by either a Director, the Chief Financial Officer or the Chief Executive Officer.
- iii) Invoices of a value greater than £20,000 will be authorised for payment by the Chief Financial Officer, the Chief Executive Officer or the Head of Corporate Services.

4.59 It is the duty of the Officer authorising the payment to ensure that:

- i) Each account has been checked against an official order, where appropriate.
- ii) The account has not previously been passed for payment.
- iii) The goods have been received, the work carried out or the service rendered satisfactorily.
- iv) Any payments being made before the entire contract is complete must comply with the payment schedule.
- v) Appropriate entries have been made in inventory and stock records as required.
- vi) The arithmetic is correct and appropriate discounts have been deducted.
- vii) Prices and charges are correct and have been checked against contracts or quotations.
- viii) If an account passed for payment is alleged not to have been paid, full enquiries are made prior to passing the copy invoice for payment to ensure the account has not been paid or is awaiting payment in the system.

### **Payment of Grants**

4.60 The awarding and payment of all grants by the Authority must follow the agreed process for administering and authorising the particular Grant Scheme. The process in operation for each scheme must be agreed in writing by the Chief Executive Officer before any commitment to pay out a Grant under the scheme is made.

4.61 The following principles should be included in the detailed process for all Grant Schemes:

- i) The scheme must clearly fulfil statutory purposes or contribute to the duty.
- ii) The decision to award a grant must be made before works have commenced.
- iii) In every case, the Authority should receive proof that the terms of the grant award have been complied with.
- iv) In every case, the Authority should receive evidence that value for money has been achieved.

4.62 The authorisation limits for payment of creditors that are defined by these regulations will apply for the processing of all grant claims.

4.63 At the point where a commitment to pay out a grant is made, that commitment must be recorded in the Finance System.

## **Payment of Salaries and Pensions**

- 4.64 The Chief Executive Officer shall have overall responsibility of the payment of salaries and pensions.
- 4.65 The Chief Executive Officer shall be authorised to agree arrangements to pay all salaries, wages, superannuation benefits, compensation and other emoluments properly payable by the Authority.
- 4.66 The Head of Corporate Services shall ensure that the Authority uses a payroll system ensuring that any changes in pay details are properly recorded and implemented. Such changes would include:
- i) Appointments, resignations, dismissals, suspensions, secondments and transfers.
  - ii) Absences from duty for sickness or other reasons apart from approved leave within normal entitlements.
  - iii) Changes in remuneration such as annual increments, pay award and promotion.
  - iv) Changes in hours of work and/or duties or any other factors affecting rates of pay or total pay.
  - v) All information necessary to maintain records of service, superannuation, income tax, national insurance and other statutory or non-statutory obligations concerning employee records.
- 4.67 The Chief Executive Officer shall ensure that proper controls are in place in the payment process to minimise the risk of fraudulent activity.
- 4.68 All staff will be paid by direct credit transfer into their personal bank accounts.
- 4.69 Advances of pay outside the provisions of the normal payroll may be actioned in the following circumstances:
- i) Where an employee has commenced work but pay records cannot be processed in time for the pay run, and where delay until the following pay date may cause hardship.
  - ii) To remedy error or difficulty in processing the payroll.
  - iii) Where there are exceptional circumstances justifying an advance to an individual employee.
- 4.70 There should be procedures to ensure that advances of pay are properly processed through the payroll system, and that where appropriate any action to recover payments made in excess of the amounts due is made at the earliest opportunity.

## **Travelling and Subsistence Allowances**

- 4.71 Staff authorised to make journeys in the execution of their duties are eligible to claim travel and subsistence expenses in accordance with their terms and conditions of employment.

4.72 Claims for travelling and subsistence should be made during the month after the expenditure is incurred and should be submitted on a form approved for the purpose by the Chief Executive Officer.

4.73 The policy and process of claiming is detailed in the HR Policies.

### **Gifts, Loans and Sponsorship**

4.74 Gifts of money, and gifts or loans of other property may be accepted if they will enable the Authority either to enhance or extend the service which they would normally be able to provide.

4.75 Gifts, loans and sponsorship can be accepted from any genuine source which has well intentioned reasons for wishing to support specific projects.

4.76 The Authority should, however, take care in deciding whether or not to accept offers. There are some cases where the acceptance of gifts, loans or sponsorship would be inappropriate:

- i) Where the provider seeks endorsement of a product or service in order to gain preferential treatment in supplying or contracting goods and service to the Authority.
- ii) Where the provider seeks to influence the direction of a particular policy, decision or operation.

4.77 The Authority should not enter arrangements to support activities which cannot be readily discontinued, since funding by the donor could be withdrawn at any time.

4.78 Where offers of gifts, loans or sponsorship are made from more than one provider in a competing market care should be taken to demonstrate an even handed approach in accepting and/or rejecting any offer.

4.79 The Authority should ensure that priority is given to meeting the needs of the Authority rather than those of the sponsor, and should be careful to avoid the following:

- i) Association with companies already in a contractual agreement to provide goods or service to the Authority, which could be construed by competitors as preferential treatment.
- ii) Projects of limited benefit in operational terms or which could distract effort from tackling agreed priorities.
- iii) Offers which could involve the Authority in additional costs.
- iv) Offers with conditions attached.
- v) Offers of equipment which is incompatible with that in use by the Authority to the extent that its introduction would bring costs outweighing benefits.

4.80 The Chief Executive Officer has the responsibility of ensuring that a record of all gifts, loans and sponsorships received is maintained.

4.81 The Chief Executive Officer should periodically report details of gifts, loans and sponsorships to the Authority. Amounts above £5,000 should be referred to the Authority for approval before they are accepted.

### **Retention of Financial Records**

4.82 The time periods that records should be kept are as follows:

Responsibility of the Head of Corporate Services:

- i) Permanent – Pension Records (if no longer managed by NYCC).  
Responsibility with the Head of Corporate Services.
- ii) 7 years – Payroll information including amendment sheets, timesheets and copies of P60's.

Responsibility of the Chief Finance Officer:

- iii) 6 years – All other financial records, including VAT records, summary cash books, expenditure tabulations, expenditure vouchers, copy remittance advices, paid cheque lists, income journals, income vouchers, receipt books, paying-in slips, insurance files and order books.

4.83 Financial records in storage must be properly and logically stored in order to protect them from deterioration and spoilage and easily facilitate their retrieval. The appropriate members of staff should be aware of where the documents are located and how they are referenced and stored.

4.84 Where financial records are due for disposal it is important that they are disposed of in a secure manner depending on the nature of the documents.

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