

North York Moors National Park Authority

26 March 2012

Revision of the Authority's Scheme of Delegation

1. Purpose of the Report

- 1.1 To recommend Members approval of the final draft version of the revised Scheme of Delegation parts 'Introduction', 'General Provisions' and 'Annexes A and D'.
- 1.2 To ask Members to approve a resolution regarding delegating certain powers to the Director of Park Services for an interim period until revisions to the existing Annexes B and C of the Scheme are finalised for Member discussion and approval.
- 1.3 To request that Members approve the addition of a responsibility to the Monitoring Officer post regarding the granting (or refusal to grant) dispensations to Members from requirements relating to certain interests as set out in the Code of Conduct.

2. Background

- 2.1 At the December Full Authority meeting, Members agreed a new structure for the Committees, Fora and Task and Finish groups for the Authority which would come into effect in June 2012 at the Annual General Meeting (AGM). At the 23 February Full Authority meeting, Members discussed a draft Scheme which would help bring about these changes and otherwise update the Scheme.
- 2.2 The Introduction, General Provisions and Annexes A and D have now been finalised with the input of County's legal advisors and **Appendix 1** includes this final version. Members are now asked to approve this version to allow the agreed new structure to be established and Members appointed to the Committees and groups at the AGM.
- 2.3 The complete, current Scheme can be found in Member's own copies of the Members' Handbook (Section 4.1 - 4.15) for comparison purposes.
- 2.4 Owing to the restructuring of the Authority's departments, the delegated powers of the old Directors of Information, Education and Visitor Services and Recreation and Park Management need to be transferred across to the new Director of Park Services in order that the operational business of the Authority can continue. This requires detailed changes to the Scheme of Delegation that have not yet been finished.
- 2.5 As an interim measure, Members are asked to pass the following resolution:

That:
 - a) Those delegated powers currently given to the Directors of Information, Education and Visitor Services and Recreation and Park Management are transferred to the new Director of Park Services.

- 2.6 As part of the discussions around standards and ethics it is proposed that the Monitoring officer takes on the following additional responsibility:
- a) The Monitoring Officer is also responsible for the granting (or refusing to grant) dispensations to Members of the Authority from requirements relating to certain interests set out in the Code of Conduct for Members and relevant legislation, after consultation with the Chair of the Authority and an Independent Person (from the committee dealing with standards issues).
- 2.7 This clause refers to Member requests to remain in a committee meeting, speak and vote on an item of business in which the Member has certain interests. In the current Scheme, these requests are put to the Standards Committee. While such requests are very rare, if made at all, owing to the potential issue of timeliness of when the request is made, the date of a committee meeting and the date of the new Finance, Risk, Audit and Standards Committee (FRASC) where the request would now be put, having a resolution by the FRASC may be impossible in time for the Member's committee meeting. It is therefore deemed to be more appropriate and timely for such requests to be put to the Monitoring Officer and dealt with as in 2.6 a) above.
- 2.8 There will need to be further changes to the Monitoring Officer and Section 151 (Treasurer) role owing to changes in the Localism Act and CIPFAs Code of best Practice regarding treasury management. These will be dealt with at a later stage as the requirements for the changes become clearer.

3. **Financial and Staffing Implications**

- 3.1 There are no financial or staff implications in making these proposed changes.

4. **Sustainability Appraisal**

- 4.1 A Sustainability Assessment is not required because the report is an administrative issues report.

5. **Legal Implications**

- 5.1 The revised committee and departmental structure needs to be reflected in our Scheme of Delegation to ensure that policy and decision making by Members and managerial and operational decision-making by officers continues within a framework of accountability to Government and stakeholders. The review of the Scheme has been conducted with full reference to the County Council's Legal Services department.

6. **Recommendations**

- 6.1 That:
- i. Members approve the final draft Scheme of Delegation (sections: 'Introduction', 'General Provisions' and 'Annexes A and D)
 - ii. Those powers currently delegated to the Directors of Information, Education and Visitor Services and Recreation and Park Management are transferred to the new Director of Park Services with immediate effect, and that:
 - iii. Members approve the wording in paragraph 2.6a) be included into the Monitoring Officer's role detailed in the Members' Handbook.

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 or Senior Officer listed in Annex C. Any Sub Committee may also sub delegate powers to the Chief Executive 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 = 8 (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 = 8 (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.

17. 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.
18. Review and make recommendations on Members' training and agree a programme of Member training and induction.

Miscellaneous

19. Grant (or refuse to grant) exemptions to officers in politically restricted posts to allow them to engage in political activities.
20. 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.
21. 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 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

A.7 Access and Rights of Way Panel

1. This committee considers and determines such access and rights of way issues that are subject to outstanding objections or as may otherwise be considered appropriate by the Chief Executive including:
 - a. the determination of applications for Modification Orders under Part III of the Wildlife and Countryside Act 1981
 - b. applications for Public Path Orders under the Town and Country Planning Act 1990 and Highways Act 1980;
 - c. all matters in respect of the Countryside and Rights of Way Act 2000 and
 - d. all matters in respect of the Highways Act 1980 and the Road Traffic Regulation Act 1984

Membership

Total:	7
Secretary of State and Secretary of State (Parish):	3
Local Authority:	4
Quorum: (to include one Secretary of State and one Local Authority Member	5
Substitute:	4

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

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:

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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:

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