

North York Moors National Park Authority

25 June 2018

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

1. Purpose of the Report

- 1.1 To seek Members' final approval of changes to Standing Orders and the Scheme of Delegation, with the changes to Financial Regulations to be considered at later meetings, but with the finally-approved versions of all three documents to come into force on the same date.

2. Background

- 2.1 Full Authority on 19 March 2018 considered proposed drafts of revised Standing Orders, the Scheme of Delegation and Financial Regulations (Report attached at **Appendix 3**) and resolved that final approval of the same should be reported to this AGM, identifying any necessary further amendments that arise from comments by Members or Officers in the interim.
- 2.2 The revised Standing Orders and Scheme of Delegation are at Appendices 1 & 2 of this Report. Proposed further amendments that have arisen since 19 March are highlighted yellow (numbering and format will be tidied up once all substantive amendments are finalised). Revisions to Financial Regulations are more substantial and taking more time to finalise in view of the number of Officers involved and will be brought to Members at the September meeting following scrutiny at FRASC.

3. The “further” Amendments to Standing Orders

- 3.1 The “further” amendments are for the following reasons,

SO 3 a)- quorum for FRASC is presently stated in Annex A as “5”,
SO 12 g) & h)- on 19 March Members felt these should not be included,
SO 26 g)- on 19 March Members felt this should be removed to avoid contradiction with 13 g).

4. The “further” amendments to the Scheme of Delegation

- 4.1 The “further” amendments are for the following reasons,

Annex B, Section 1 iii) & Section 2- to retain adequate control over the non-statutory functions that are presently delivered under the NYCC Collaboration Agreement,
Annex B, Section 7 d) i & Section 13- on 19 March Members suggested that this should be widened to all external funding, but added that some additional threshold or qualification may be appropriate,
Annex B, Section 9 c)- to improve numbering,
Annex C, Section A 1- to recognise the greater significance of “Making and Confirmation of Article 4 Directions”,
Annex D, Section D2.3- to state the “purpose” of P.L.U.G.

5. Financial and Staffing Implications

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

6. Risks and Legal Implications

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

7. Recommendation

- 7.1 To approve the revised Standing Orders and Scheme of Delegation appended to this Report, for adoption by the Authority so that they come into force on the same date as the coming-into-force of the to-be-approved revised Financial Regulations, such date to be no later than the end of the present financial year.

Appendices for this Report

Appendix 1 - Standing Orders with proposed changes highlighted.

Appendix 2 - Scheme of Delegation with proposed changes highlighted.

Appendix 3 - Report from Full Authority on 19 March 2018.

Background Papers for this Report

Authority Standing Orders (revised in March 2010)

Authority Scheme of Delegation (revised in 2012)

FRASC Paper 5 February 2018 – Finance 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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Revised: ~~March 2012~~ June 2018

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 **as** .

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) ~~or Secretary~~ 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) ~~or Secretary~~ 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 ~~and shall either:-~~
 - ~~(i) leave out words;~~
 - ~~(ii) leave out words and insert or add others;~~
 - ~~(iii) insert or add words;~~~~but such omission, insertion or addition of words shall not have the effect of introducing a new proposal into, or of negating, the motion before the Authority.~~
- (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, **a vote upon** the motion as amended shall ~~take the place of the original motion and shall become the motion to which any further amendment may be moved~~ **be the resolution of that matter.**
- (i) A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder ~~and the consent of the Authority (to be signified without discussion), and after the proposer has asked for consent to its withdrawal no Member shall speak upon it unless such consent is refused.~~
- (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.

- ~~(l) A Member may move without comment at the conclusion of a speech of another Member, "That the Authority proceed to the next business", "That the question be now put", "That the debate be now adjourned" or "That the Authority do now adjourn", on the seconding of which the Chair shall proceed as follows:-~~
- ~~(i) on a motion to proceed to next business: unless in his/her opinion the matter before the meeting has been insufficiently discussed he/she shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;~~
- ~~(ii) on a motion that the question be now put: unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his right of reply before putting his/her motion to the vote;~~
- ~~(iii) on a motion to adjourn the debate or the meeting:- if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he/she shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.~~

Motions and Amendments

7. (a) Any Member of the Authority may give notice to the National Park Officer (Chief Executive) ~~or Secretary~~ 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) ~~or Secretary~~ 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) ~~Save in circumstances covered by paragraphs 12 (g) and (h) below,~~ every candidate nominated to represent the Authority in any capacity or for any position to be filled by the Authority shall be ~~selected at the Authority's Annual General Meeting~~ ~~openly proposed and seconded.~~
- (b) At the close of nominations the Chair shall state the names of the candidates who have been ~~nominated~~ ~~duly proposed and seconded~~ ~~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.

~~(g) Where the Chair and Deputy Chair of the Authority, having taken advice from the National Park Officer, are of the agreed opinion that a proposed appointment would benefit from a particular technical, professional or business knowledge or expertise, then that appointment may be selected, based on those relevant factors, by the Chair and Deputy Chair of the Authority acting together but subject to the appointment being non-party political and not involving political or local government bodies or representation.~~

~~(h) Where the Chair and Deputy Chair of the Authority, having taken advice from the National Park Officer, are of the agreed opinion that a proposed appointment arises that cannot reasonably await selection at the Authority's Annual General Meeting then that appointment may be selected, based on reasonable relevant factors, by the Chair and Deputy Chair of the Authority acting together but subject to the appointment being non-party political and not involving political or local government bodies or representation.~~

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) ~~or Secretary~~ 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) ~~or Secretary~~ 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 14 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 Chairman and Deputy Chairman 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 Chairman and Deputy Chairman 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, ~~subject to paragraph (5) of this Standing Order.~~
- (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.
- ~~(g) That when a matter is to be decided by a Committee or Sub-Committee of less than the whole Authority where the decision rests with the Chairman's casting vote it be referred to the Authority for decision, other than that Committee which is responsible for determining a complaint against a Member.~~
- (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.**

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.
- 2.6 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.
- 2.7 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.
- 2.8 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 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 = 8 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 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 ~~£10,000~~ £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 overall policies "Payment of Grants" provisions of the Financial Regulations 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 ~~Department~~

a) Public Rights of Way and Access

- i. To authorise orders to be made in accordance with the Highways Act 1980, Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990. To modify definitive maps and statements of public rights of way and to divert, extinguish or create public rights of way, except in cases where an objection is received from any person or body entitled under the relevant statute to be consulted before such orders are made. Any action taken to be reported to the next ~~Access and Information~~ Finance Risk Audit and Standards Committee 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 ~~Access and Information~~ ~~Finance Risk Audit and Standards Committee~~ 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 ~~Access and Information~~ ~~Finance Risk Audit and Standards Committee~~ 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 ~~Access and Information~~ ~~Finance Risk Audit and Standards Committee~~ 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 ~~£10,000~~ £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 ~~the~~ 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 ~~Access and Information~~ ~~Finance Risk Audit and Standards Committee~~ 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 ~~Access and Information~~ ~~Finance Risk Audit and Standards Committee~~. Such decisions must be reported to the next meeting of the ~~Access and Information~~ ~~Finance Risk Audit and Standards Committee~~ 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 ~~Access and Information~~ ~~Finance Risk Audit and Standards Committee~~ 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 ~~where the net cost to the Authority is less than £10,000, subject to there being budget provision in the estimates to cover the costs involved~~ 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.
 - iii. ~~Having taken advice from the Sustainable Development Fund panel, to determine applications for grant aid for the promotion of sustainable development from the Sustainable Development Fund up to a maximum of £40,000.~~
- d) **External Funding**
- i. ~~To accept offers of external funding where the purpose of the funding is in line with Business Plan priorities or has been approved by the Authority and subject to there being budget provision to cover any match funding requirements.~~
8. **Conservation**
- i) To determine applications for the felling or carrying out work on any tree subject to a Tree Preservation Order and to serve notices pursuant to Section 207 of the Town and Country Planning Act 1990.
 - ii) In response to notification under Section 211 of the Town and Country Planning Act 1990 to cut down, or carry out work on a tree within a Conservation Area, to take such action as is considered appropriate, including the agreement to fell and the making of a Tree Preservation Order.
 - iii) To authorise Tree Preservation Orders.

- iv) To respond to consultations on proposals by the Forestry Commission, Highways, Environment Agency, utilities and other organisations .
- v) To respond to consultations on farming and land management and schemes in accordance with Authority policy especially the National Park Management Plan.
- vi) To respond to notifications under The Hedgerow Regulations 1997 and where appropriate make Hedgerow Retention Notices or give notice that hedgerows may be removed.
- vii) To Authorise Statutory Instruments in relation to section 42 of the Wildlife and Countryside Act 1981 as amended by the Natural Environment and Rural Communities Act 2006 in relation to the protection of Moor and Heath. All such Instruments to be reported to the next Conservation ~~Finance Risk Audit and Standards Committee~~ 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 Agreements and variations to S106 obligations** where that **Agreement 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 **part 7 of** the members' handbook.

12. **Financial Regulations**

To carry out those actions which the Financial Regulations **expressly** 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.

~~12~~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 of up to £10,000 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 ~~£10,000~~ £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. ~~Director~~ **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 ~~£10,000~~ £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

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. 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 and the granting or variation of grazing licences at The Moors Centre.
2. To fix and vary charges for events, exhibitions and to groups using the Education Service.
3. To engage consultants when considered necessary in the furtherance of National Park policies and objectives, always provided budget provision has been made to cover the costs involved.
4. To authorise management and maintenance works up to a ceiling of ~~£10,000~~ £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 ~~Information, Education and Visitor Management~~ 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 ~~Recreation and Park Management~~ 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 ~~£10,000~~ £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 ~~Recreation and Park Management~~ 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

19 March 2018

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

1. Purpose of the Report

- 1.1 To seek Members' comments on proposed changes to Standing Orders and the Scheme of Delegation,
- 1.2 To seek Members' further comments on revised Financial Regulations in light of the proposed changes to Standing Orders and the Scheme of Delegation.

2. Background

- 2.1 A review of Standing Orders, Financial Regulations, and the Scheme of Delegation was last carried out in 2010. A review and update is now appropriate in order to improve their operational effectiveness and to accord with the Authority's Annual Governance Statement. Various changes have been identified to update wording and references and to improve the operational effectiveness of all three documents.
- 2.2 In accordance with Standing Order 28 any variation of Standing Orders shall be discussed and resolved over two Full Authority meetings. It is sensible to align any variation of Financial Regulations and the Scheme of Delegation with that process. This Report shall be discussed by Full Authority on 19 March and Members' and Officers' comments incorporated into a further Report for adoption of agreed changes at the Authority AGM in June.

3. Proposed Changes to Standing Orders

- 3.1 At **Appendix 1** are the Authority's existing Standing Orders with proposed changes highlighted.
- 3.2 The main proposed changes are for the following reasons,

SO1- to include the shorter notice provisions contained in legislation,
SO6- to remove unnecessary and complicated provisions, that are adequately covered by the procedure/order powers of the Chair,
SO12- to improve the appointments process,
SO13- to clarify and include voting procedures already followed,
SO31- to clarify that Public Question Time only applies to Full Authority.

4. Proposed Changes to the Scheme of Delegation

- 4.1 At **Appendix 2** is the Authority's existing Scheme of Delegation with proposed changes highlighted.
- 4.2 Proposed changes are for the following reasons,

Annex B, Section 4- to include provisions from Financial Regulations,
Annex B, Section 6- to include provisions from Financial Regulations,
Annex B, Section 7c)- to include provisions from Financial Regulations,
Annex B, Section 9- to widen the delegation of planning powers,

Annex B, Section 12- to include provisions from Financial Regulations,
Annex C, Sections A6, B11, C5 & D10- to pass on the provisions from Financial Regulations,
Annex C, Section E1- to add the powers of the Director of Polyhalite,
Annex D, Section D2.3- to add P.L.U.G.

4.3 From time to time the Authority makes temporary delegations to individual officers for specific purposes. Whilst a new section could be added into the Scheme of Delegation to hold these, officers feel, because of their temporary nature, it is better and simpler to leave these specific delegations to be recorded and managed by the Chief Executive and Monitoring Officer.

5. **Financial Regulations**

5.1 The Authority's Financial Regulations interact with the Scheme of Delegation in particular and form the framework within which the Authority's financial business is conducted. They are an integral part of the procedural and control framework within which Members and Officers can ensure the best standards of financial management and administration in the discharge of the Authority's statutory duties.

5.2 The last update of the Financial Regulations was a 'light touch' one completed in April 2010.

5.3 Since the last update to the Regulations, there have been significant advances in the use of technology and some internal processes have been revised. This has resulted in the Regulations, while still being useable, requiring revisions to ensure that high standards of financial conduct continue over the coming years.

5.4 NYCC staff, via the Financial Collaboration Agreement, have undertaken much of the review work and have also looked at the financial regulations used by other NPAs as well as those of local authorities in this area. The full text of the proposed Financial Regulations is attached as **Appendix 3** and was considered by FRASC in February.

5.5 A number of changes were proposed including the methods, monetary limits and responsibilities for processes contained within the Regulations. The proposed changes are designed to enable the delegation of financial responsibility to the lowest appropriate level of management within the Authority.

5.6 Since FRASC in February, further changes are proposed for consideration (highlighted in **Appendix 3**). They are,

Paragraph 1.10- to leave review/update as reasonably required

Paragraph 4.11 vii)- to allow external legal advisers to be engaged in accordance with prevailing procurement exemptions

Paragraph 2.7 and throughout- to include appropriate recognition of the new "Head of Corporate Services" post.

6. **Incorporation of other Resolutions, Documents, Protocols and Procedures**

6. A range of other resolutions, documents, protocols and procedures, that do not warrant inclusion Standing Orders, Financial Regulations, or the Scheme of Delegation, have been adopted by the Authority from time to time and have been incorporated into the folder of 'other' Authority constitutional documents listed in the Members Handbook.

This is an ongoing process managed by the Chief Executive and Monitoring Officer and officers feels it is better and simpler to retain that arrangement rather than formally incorporate any reference to it in Standing Orders, Financial Regulations, or the Scheme of Delegation.

7. Miscellaneous Matters

- 7.1 Rather than specify a fixed review timeframe for Standing Orders, Financial Regulations, Scheme of Delegation, and related documents, it is officers' view that it is sufficient to leave that review process to officers' discretion, to carry out reviews as and when appropriate. An unintended consequence of adopting a fixed review timeframe may be that any failure to adhere to it could be used as a ground for a legal challenge against an Authority action.
- 7.2 The Whistleblowing Policy, Grievance Procedure and Complaints Procedure are in the process of being updated. The process should be completed this year. The updated Policy and Procedures will be added into the Members Handbook and appropriate training given.
- 7.3 As part of the collaboration arrangements between the Authority and NYCC, NYCC is soon to carry out a review of the Authority's Contract and Procurement procedures. The outcome of that review, and any affects it may have on constitutional documents, will be addressed in due course.

8. Financial and Staffing Implications

- 8.1 The proposals in paragraphs 3, 4 and 5 of this Report would improve the operational effectiveness of the Standing Orders, Financial Regulations, and Scheme of Delegation and would therefore reduce the use and cost of Staff time.

9. Risks and Legal Implications

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

10. Recommendation

- 10.1 To provide comments on the proposals in paragraphs 3, 4 and 5 of this Report.

Appendices for this Report

Appendix 1 - existing Standing Orders with proposed changes highlighted.

Appendix 2 - existing Scheme of Delegation with proposed changes highlighted.

Appendix 3 - updated Financial Regulations with further proposed changes highlighted.

Background Papers for this Report

Authority Standing Orders (revised in March 2010)

Authority Scheme of Delegation (revised in 2012)

FRASC Paper 5 February 2018 – Finance Regulations

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