

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 20 JULY 2006

SCHEME OF DELEGATION TO OFFICERS

Report by: Kevin Gardner, Solicitor and Monitoring Officer

Summary:

This report proposes and seeks approval for a revised Scheme of Delegation of Authority to Officers. Legislation enables the Authority to arrange for any of its functions to be discharged by officers. In April 2005 the Authority approved a high level and non-specific Scheme of Delegation. It approved a separate scheme of delegation in respect of planning functions in February 2006. Now that there is a full Senior Management Team and the Authority has taken on its full powers and responsibilities, it is appropriate to rationalise the Scheme(s) and provide greater clarity on roles and responsibilities.

Recommendation:

Subject to any comments members may have, to approve the Scheme of Delegation of Authority to Officers.

Resources:

Routine.

Other major implications:

None.

Papers:

NFNPA 109/06: Cover paper
NFNPA 109/06: Annex 1, Scheme of Delegation of Authority to officers
NFNPA 109/06: Annex 1, Annex, Designation and role of statutory officers

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 20 JULY 2006

SCHEME OF DELEGATION TO OFFICERS

Report by: Kevin Gardner, Solicitor and Monitoring Officer

1 Background

- 1.1 Legislation enables the Authority to arrange for any of its functions to be discharged by its officers. The making of such arrangements is a common feature of public bodies, ensuring that decisions are made and actions taken by officers with relevant expertise, to ensure that overall the Authority utilises its resources efficiently and effectively in the discharge of its functions.
- 1.2 The Authority currently has a relatively high level and non-specific scheme of delegation to officers which was created when the Authority was established in April 2005. Subsequently, a separate scheme of delegation was approved by the Authority in February 2006 in respect of planning functions.
- 1.3 There is a need to update and rationalise the Scheme of Delegation, and to provide greater clarity on roles and responsibilities now that the Authority has taken on its full powers and responsibilities and that there is a full management structure in place. The Scheme needs to be proportionate to the size of the Authority and reflect the fact that some areas of activity have yet to be defined and established.

2 Development of Draft Scheme

- 2.1 Following discussion between officers and consideration of schemes of delegation operated by other national park authorities, the draft scheme attached to this report has been prepared. The aim has been to bring together into one single document the functions delegated to the Chief Executive and the Directors, and the roles of the Solicitor and Monitoring Officer and Chief Finance Officer.

3 Main changes from existing Scheme

- 3.1 The legal framework within which the Authority is hereby exercising its powers is clarified (Paragraph 1.1 – 1.3).

- 3.2 It is stated that, as a general principle applying to the exercise of all delegated functions, the objective for officers will always be to give effect to, and achieve the objectives of, the strategies and policies adopted by the Authority, with specific reference to the Management Plan and Corporate Plan (Best Value Performance Plan) (paragraph 2.1).
- 3.3 The principle in the existing scheme requiring officers to comply with Standing Orders and Financial Regulations is extended to include the Protocol on Member/Officer Relations and Staff Code of Conduct (paragraph 2.2).
- 3.4 As in the existing scheme, the Chief Executive is given broad delegated authority to make decisions and take action as necessary to give effect to the Authority's decisions, plans and policies. It is clarified that this includes power to commit resources and incur expenditure provided this is within the Authority's approved budget (paragraph 3.2).
- 3.5 Provision is made for the discharge of the functions delegated to the Chief Executive when the Chief Executive is absent. The Chief Executive may nominate any Director for this purpose (paragraph 3.5).
- 3.7 Provision is made for urgent action to be taken by the Chief Executive in consultation with the Chairman, where delay for consideration at a formal meeting of the Authority would prejudice the Authority's interests. This is subject to a full report on the matter to the next Authority meeting (paragraph 3.13).
- 3.8 The Chief Executive is given authority to approve grants, loans and small ex-gratia payments (paragraphs 3.14 – 3.16).
- 3.9 The scheme approved in April 2005 placed practically all delegated authority with the Chief Executive. Now that the Director posts have been created, it is considered appropriate to clarify the scope of their delegated authority. The draft scheme gives them each a general authority to make decisions and take action as necessary to give effect to the Authority's decisions, plans and policies, within their respective areas of responsibility (which are specified at paragraph 4.3). This includes express power to commit resources and incur expenditure within the Authority's approved budget (paragraphs 4.1 – 4.3). The exercise of delegated powers by the Directors is subject to the right of the Chief Executive to discharge that function in their place, either where the Director is absent or where she considers this to be in the best interests of the Authority (paragraph 3.22).
- 3.10 The Director of Conservation and Enhancement is given authority to approve grants under the Sustainable Development Fund and Historic Buildings Grant Scheme (paragraph 5.2).

- 3.11 The Director of Understanding and Enjoyment is given authority to make management and access agreements under Section 39 Wildlife and Countryside Act 1981 (paragraph 5.3).
- 3.12 Part 2 sets out the planning development control delegations approved in February 2006. Terminology has been updated to clarify that decisions made by the Authority's legal adviser are now made by the Solicitor and Monitoring Officer, or other officer authorised by him for that purpose. Terminology regarding authorisation of other planning officers by the Director of Strategy and Planning to exercise planning functions has also been clarified to confirm that, in such circumstances, the Director remains accountable to the Authority for the discharge of those functions.
- 3.13 Certain specific statutory provisions require the Authority to designate certain officers to carry out particular roles, which give rise to specific statutory responsibilities for those postholders. The Authority has no discretion to vary the statutory responsibilities given to the designated postholders. These roles are the National Park Officer, the Head of Paid Service, Monitoring Officer and Chief Finance Officer. The designations and roles are set out in the Annex to the Scheme, so that the overall document provides a comprehensive statement of officers' responsibilities.

Recommendation:

Subject to any comments members may have, to approve the Scheme of Delegation of Authority to Officers.