

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 13 SEPTEMBER 2007

AMENDMENTS TO THE SCHEME OF DELEGATION TO OFFICERS

Report by: Lindsay Cornish, Chief Executive and Kevin Gardner, Solicitor and Monitoring Officer

Summary:

The Scheme of Delegation to Officers of the Authority was approved at the Authority meeting on 21 September 2006 (Paper NFNPA 125/06).

The Scheme of Delegation needs to be amended to reflect the retirement of the Director of Understanding and Enjoyment and the re-allocation of his responsibilities and staff to the remaining senior managers in the Authority.

Amendments showing the new delegations have been made to Sections 4 and 5 of Part 1 of the Scheme attached as **Annex 1**. A further minor amendment placing authority to approve Historic Buildings Grants correctly with the Director of Strategy and Planning is also reflected in paragraph 5.1.2.

Recommendation:

That, subject to any comments from members, the revised Scheme of Delegation of Authority attached as Annex 1 to this report be approved.

Resources:

None

Papers:

- NFNPA 197/07:** Annex 1, Amended Scheme of Delegation of Authority to officers
Annex to Annex 1, Designation and role of statutory officers
- NFNPA 125/06:** Scheme of Delegation to officers – report to Authority on 21 September 2006

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New Forest National Park Authority

Scheme of Delegation of Authority to Officers

1 Introduction

- 1.1 Section 101(1) Local Government Act 1972 provides that, subject to any express provision contained in legislation, a local authority (which term includes a national park authority) may arrange for the discharge of any of their functions by a committee, sub-committee or officer of the authority, or by any other local authority.
- 1.2 In the exercise of its power under S.101(1), and to ensure efficiency in the management of resources and delivery of services, the New Forest National Park Authority (“the Authority”) has adopted this Scheme of Delegation to Officers. Part 1 sets out general delegations to the Chief Executive and Directors. Part 2 sets out specific delegations in respect of the Authority’s planning development control functions.
- 1.3 Certain specific statutory provisions require the Authority to designate certain officers to carry out particular roles, which give rise to specific responsibilities for those postholders as provided for by statute. The Authority has agreed the roles that should be performed by these postholders. The designations and roles are set out in the **Annex** to the Scheme.

2 Delegation of functions to officers – General Principles

- 2.1 In all cases, officers shall carry out the functions delegated to them by this Scheme in accordance with the following general principles:
 - 2.1.1 The objective for officers shall be to give effect to, and achieve the objectives of, the strategies and policies set out in the Management Plan and Corporate Plan (Best Value Performance Plan), and any other plan or policy adopted by the Authority.
 - 2.1.2 Officers shall comply with all procedures and protocols adopted by the Authority, including Standing Orders, Financial Regulations, the Staff Code of Conduct and Protocol on Member/Officer Relations, and ensure that any expenditure that is incurred is provided for within the Authority’s approved budget.

- 2.1.3 Officers shall maintain close liaison with the Chairman of the Authority or, where the function being exercised relates to a matter within the terms of reference of a committee or sub-committee, the Chairman of that committee or sub-committee (and in any case where the Chairman is absent, the Deputy Chairman of the Authority, committee or sub-committee, as the case may be).
- 2.1.4 Officers shall consult as far as practicable with any member who has a specific, local or specialist interest in the matter.
- 2.1.5 Officers shall consult as they consider appropriate with the relevant officer of any local authority whose service area is likely to be affected by the exercise of the delegated function.
- 2.1.6 Where the exercise of the function may give rise to legal or financial implications for the Authority, the officer shall consult the Solicitor and Monitoring Officer and/or Chief Finance Officer, as appropriate.
- 2.1.7 Officers shall consider whether the decision to be made or action to be taken is of such a nature that it ought to be referred to the Authority, a committee or sub-committee for consideration and/ or decision.
- 2.1.8 The delegation of authority in Part 1 of this Scheme is subject to the specific delegations in Part 2. Where there is any overlap or conflict between provisions in Part 1 and Part 2, the provision in Part 2 shall apply.
- 2.1.9 The delegation of authority in Parts 1 and 2 of this Scheme is subject in all cases to the right of the Authority (and of any committee or sub-committee where, but for this scheme of delegation, the function would ordinarily fall within its terms of reference) to discharge any function hereby delegated to any officer, instead of that officer, where the Authority (or committee or sub-committee) considers this to be in the best interests of the Authority.

Part 1: General Delegation of Authority to the Chief Executive and Directors

3 Delegation of Functions to the Chief Executive

The Chief Executive is hereby authorised to:

- 3.1 Undertake the day-to-day management and control of the Authority, its officers, resources, premises and services.

- 3.2 Make such decisions and take such action as she considers necessary to give effect to any decision of the Authority, its committees and sub-committees, or to ensure the efficient and effective co-ordination and discharge of the Authority's functions, including power to commit resources and incur expenditure within the Authority's approved budget.
- 3.3 Prepare, sign, issue and serve any statutory or other notice.
- 3.4 Authorise any other officer of the Authority to act on her behalf in the exercise of any of the functions delegated to her.
- 3.5 Authorise any Director to discharge the functions hereby delegated to the Chief Executive, in her absence.
- 3.6 Act in relation to the appointment, dismissal, discipline and determination of all matters relating to the employment of staff.
- 3.7 Commence, defend, participate in or settle any legal proceedings in any case where, in consultation with the Solicitor and Monitoring Officer, she considers this necessary to protect the interests of the Authority, including the power to take all such procedural or other steps incidental to such proceedings.
- 3.8 In consultation with the Solicitor and Monitoring Officer, authorise any officer of the Authority to prosecute or defend or appear in any legal proceedings further to Section 223 Local Government Act 1972.
- 3.9 Authorise staff to exercise such powers of entry, inspection and survey of land, buildings or premises and to issue evidence of such authority.
- 3.10 Sign any order or document necessary to give effect to any decision of the Authority, committee or sub-committee.
- 3.11 In consultation with the Solicitor and Monitoring Officer, agree any term, condition or provision within any legal documentation to protect the interests of the Authority.
- 3.12 Consider and determine any review of, or appeal against, a decision made by a Director, in connection with statutory or other requirements.
- 3.13 In cases where action or decision is required urgently in a matter not within the scope of the functions delegated, but where, in the Chief Executive's view, the interests of the Authority would be prejudiced by such action or decision awaiting consideration of the Authority, committee or sub-committee at a formal meeting, the Chief Executive is authorised to take such action or make such decision as she considers necessary to protect the Authority's interests, in consultation

with the Chairman of the Authority (or in his absence, the Deputy Chairman).

In any such case a report of the action taken or decision shall be made to the next meeting of the Authority or, where the matter falls within the terms of reference of a committee or sub-committee, to the next meeting of that committee or sub-committee.

- 3.14 Subject to paragraph 5.2, make, refuse, withdraw or reclaim grants and loans in all circumstances where the Authority has power to act, subject to a register of all decisions made being maintained, such register to be open to inspection by any member of the Authority or member of the public and subject to the further proviso that those grants which are withdrawn or reclaimed under this delegation are reported back to members of the Authority.
- 3.15 Approve an ex-gratia payment of up to £1,000 to any person who has suffered a direct identifiable loss as a result of the Authority's actions or failure to act.
- 3.16 Reimburse the costs of damage to an officer's personal property, up to a maximum of £500 in any one case, provided that it is shown that the damage arose in the course of the officer's duties without negligence or carelessness on the officer's part.
- 3.17 Certify a copy of a document in the custody of the Authority to enable it to be used in legal or other proceedings in place of the original.
- 3.18 Certify a copy resolution, order, report or minute as a true copy for use as evidence in legal proceedings.
- 3.19 Appoint professional consultants, subject to specific financial provision being available within the Authority's approved budget.
- 3.20 Appoint members to the New Forest Access Forum.
- 3.21 To attest the common seal of the Authority.
- 3.22 Discharge any function hereby delegated to any Director, instead of that Director, in the Director's absence or where she considers this to be in the interests of the Authority.

4 Delegation of functions to the Directors – General

- 4.1 The provisions in this section apply to the following posts: Director of Conservation, Recreation and Sustainable Development; Director of Corporate Services; Director of Information and Visitor Services; Director of Strategy and Planning; ("the Directors").

- 4.2 Each of the Directors is hereby authorised to make such decisions and take such action as they consider necessary to give effect to any decision of the Authority, its committees and sub-committees, within their Area of Responsibility as defined in paragraph 4.3. This authority includes power to:
- 4.2.1 commit resources and incur expenditure within the Authority's approved budget;
 - 4.2.2 authorise any other officer of the Authority to act on his/her behalf in the exercise of any of the functions delegated;
 - 4.2.3 consider and respond on behalf of the Authority to any consultation exercises undertaken by other agencies; and
 - 4.2.4 consider and respond to communications, complaints and requests from members of the public and others, whether further to statutory processes or otherwise.
- 4.3 The Directors' Areas of Responsibility are as follows:
- 4.3.1 Director of Strategy and Planning: the Authority's functions in relation to spatial planning, environmental design and development control, and preparation of the National Park Management Plan.
 - 4.3.2 Director of Conservation, Recreation and Sustainable Development: the Authority's functions in relation to the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park, and to the enjoyment of its special qualities, including biodiversity, climate change, commoning and farming issues, landscape, cultural heritage, rural and sustainable development including tourism and transport, and recreation including countryside access.
 - 4.3.3 Director of Information and Visitor Services: the Authority's functions in relation to the promotion of opportunities for the understanding and enjoyment of the special qualities of the National Park, including education, interpretation, information and outreach projects and the Authority's functions in relation to its communications strategy.
 - 4.3.4 Director of Corporate Services: the Authority's functions in relation to business support services including human resources, office facilities, IT and (in consultation with the Chief Finance Officer) financial strategy and systems.

5 Delegation of functions to the Directors – Specific

Without prejudice to the generality of the powers delegated to the Directors under paragraph 4.2 of this Scheme, it is hereby stated for the avoidance of doubt that the authority delegated includes the following specific powers:

- 5.1 The Director of Strategy and Planning is subject to the specific delegation of authority set out in Part 2 of this Scheme.
- 5.2 The Director of Strategy and Planning is authorised to:
 - 5.2.1 approve the payment of any grant further to the Historic Buildings Grant Scheme.
- 5.3 The Director of Conservation, Recreation and Sustainable Development is authorised to:
 - 5.3.1 approve the payment of any grant recommended by the Sustainable Development Fund Panel, and to refer to the Authority for decision any case where payment of a grant is recommended by the Panel, but which he is not minded to approve. In the exercise of this authority, the Director shall maintain a register of all decisions made, such register to be open to inspection by any member of the Authority or member of the public. The Director shall also report all decisions taken to withdraw or reclaim any grants made under this delegation to Members of the Authority;
 - 5.3.2 make management and access agreements under Section 39 of the Wildlife and Countryside Act 1981 and other relevant provisions, involving one-off lump sum compensation or acknowledgement payments of up to £5,000, or annual or other payments which will average less than £750 per annum over the life of the agreement;
 - 5.3.3 agree variations to the annual payments required under the terms of any such agreement;
 - 5.3.4 determine applications to exclude or restrict access, and to make directions under Sections 24, 25 and 26 of the Countryside and Rights of Way Act 2000, with the exception of long term directions of over six months' duration.

Part 2: Delegation of Functions relating to Planning Development Control

- 1. The delegations set out below shall be subject to the following exceptions which shall be referred to the Committee for a decision:**
 - (i) applications which are contrary to the approved or draft development plan or other planning policies but which are recommended for approval;
 - (ii) applications which are referred by Members of the New Forest National Park Authority;
 - (iii) applications where, within the specified consultation period, the parish council has submitted views which are contrary to the officer recommendation and has asked for the application to be referred;
 - (iv) applications from Members or officers of the New Forest National Park Authority;
 - (v) applications submitted by or on behalf of the New Forest National Park Authority for its own developments;
 - (vi) applications which are of significant local interest or impact at the discretion of the Director of Strategy and Planning; and
 - (vii) applications which the Director of Strategy and Planning does not consider it would be prudent to decide under officers' delegated authority.

- 2. Applications which the Director of Strategy and Planning considers to be major applications or of sufficient scale to affect the objectives of the Regional Spatial Strategy shall be determined by the full Authority which will receive a recommendation from the Planning Development Control Committee.**

- 3. All enforcement action taken in terms of delegations 29 to 32 is to be carried out in consultation with the Chairman of the Committee or if the Chairman is not available in consultation with the Deputy Chairman of the Committee and after having taken the appropriate legal advice.**

Source	Power Delegated	Delegation To
1. Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning and Compulsory Purchase Act 2004	After having ensured that all statutory requirements have been complied with, and after considering all representations received, to approve all types of applications submitted under the Acts.	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
2. Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning and Compulsory Purchase Act 2004	After having ensured that all statutory requirements have been complied with, and after considering all representations received, to refuse all types of application submitted under the Acts where he or she is satisfied that the proposals are contrary to the provisions of the appropriate development plan documents, planning policy guidance and circulars, do not comply with relevant adopted Authority standards or would be contrary to established planning practice and would cause demonstrable harm to an interest of acknowledged importance	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
3. Local Government Act 1972 s.101	To decide deemed reasons for refusal where notification has been received from the relevant Government Department of an appeal on the grounds of non-determination	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
4. Town and Country Planning Act 1990 (s.70A and s.70B)	To decline to determine an application for planning permission (applies where a similar application has been dismissed on appeal within 2 years)	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
5. Planning (Listed Buildings and Conservation Areas) Act 1990 (s81A and s81B)	To decline to determine an application for relevant consent	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf

Source	Power Delegated	Delegation To
6. Planning (Hazardous Substances) Act 1990	To approve applications for hazardous substance consent, to impose conditions and to agree minor amendments to previously approved proposals	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
	<p>To refuse applications submitted under the Act where:-</p> <p>(1) He or she is satisfied that the proposals are contrary to the provisions of the development plan, planning policy guidance and circulars, do not comply with relevant adopted local authority standards or would be contrary to established planning practices and would cause demonstrable harm to an interest of acknowledged importance; and</p> <p>(2) The refusal would accord with the advice by him or her on Health and Safety implications in respect of the application and that applications which the Director of Strategy and Planning does not consider would be prudent to decide under his or her delegated Authority be reported to the Committee for a decision</p>	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
7. Town and Country (General Regulations) 1992 (Regs.3 and 4)	To approve applications submitted under Regulations 3 and 4, after having ensured that all the statutory regulations have been complied with and after considering all representations received, subject to such conditions as he or she deems it appropriate to impose	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
8. Town and Country (General Regulations) 1992 (Regs.3 and 4)	To approve minor variations to consents issued under these regulations provided the changes are not material or do not increase the impact of the development on any individual or interested groups.	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf

Source	Power Delegated	Delegation To
9. Town and Country Planning Act 1990 (Listed Buildings and Conservation Areas) Act 1990	To deal with minor modifications to approved plans, and to vary or to discharge conditions imposed on consents	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
10. Town and Country Planning Act 1990 (s.55) Town and Country Planning Act (Demolition of Buildings) Direction 1992 Town and Country Planning (General Permitted Development Order) 1995	To determine whether prior approval is required for the demolition of buildings, or whether further details should be submitted on the method of demolition	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
11. Town and Country Planning Act 1990 (s.55 as amended) and Town and Country Planning (General Permitted Development Order) 1995	To decide whether prior approval is required and if so to determine if approval should be given Remarks: In the event of a disagreement, notification to be given that prior approval is required	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
12. Town and Country Planning Act 1990 (s.106)	To enter into planning obligations in respect of land	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
13. Town and Country Planning Act 1990 (s.106A)	Determination of applications for discharge or modification of planning obligations and issue of the notice of decisions	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf

Source	Power Delegated	Delegation To
14. Town and Country Planning Act 1990 (s.106)	To consider applications for the exercise of discretion that is allowed within the terms of a planning legal agreement and to determine the application	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
15. Town and Country Planning Act 1990 (s.171C)	Service of Planning Contravention Notices (requires information on operations on land and persons with an interest in the land, where there is a suspected breach of planning control)	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
16. Town and Country Planning Act 1990 s.215	To serve notices to require proper maintenance of land	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
17. Planning (Listed Buildings and Conservation Areas) Act 1990 s.31(1)	To serve Building Preservation Notices	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf

Source	Power Delegated	Delegation To
18. Planning (Listed Buildings and Conservation Areas) Act 1990 s.4(1)	To serve a Building Preservation Notice by affixing it to the building	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, or the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
19. Town and Country Planning Act 1990 (s.187A)	Service of Notices for compliance with conditions on planning consent	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
20. Water Industry Act 1991 Town and Country Planning Act 1990 (s.183)	To determine if it is expedient, and to issue and serve Stop Notices	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
21. Town and Country Planning Act 1990 (s.171E to s.171H) Town and Country Planning (Temporary Stop Notice) (England)	To determine whether or not to issue a Temporary Stop Notice	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
22. Town and Country Planning Act 1990 (s.94)	To serve completion notices	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf

Source	Power Delegated	Delegation To
23. Planning (Listed Buildings and Conservation Areas) Act 1990 (s.54(1))	To authorise execution of works urgently necessary for the preservation of an unoccupied Listed Building	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
24. Planning (Listed Buildings and Conservation Areas) Act 1990 (s.54(5))	To give notice of intention to carry out the works	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf, in consultation with the Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf
25. Planning (Listed Buildings and Conservation Areas) Act 1990 (s.55(2))	To give notice requiring payment of the expenses of the works	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
26. Town and Country Planning (General Permitted Development Order) 1995	To determine if prior approval is required and if so to determine if approval should be given for agricultural and forestry development	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
27. Town and Country Planning Act 1990 (s.191-193)	To determine applications for a Certificate of Lawful Use or Certificate of Lawful Development	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf

Source	Power Delegated	Delegation To
28. Town and Country Planning Act 1990 (s.172) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.38)	To determine whether it is expedient to take enforcement action	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
29. Town and Country Planning Act 1990 (s.172) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.38 and s.74)	Issue and service of enforcement notices	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
30. Town and Country Planning Act 1990 (s.173A) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.38 and s.74)	Variation to, or withdrawal of, enforcement notice	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
31. Town and Country Planning Act 1990(s.178) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.42 and s.74)	(i) Execution of works required by an enforcement notice	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf, in consultation with the Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf
	(ii) To recover expenses reasonably incurred by the Authority	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf

Source	Power Delegated	Delegation To
32. Town and Country Planning Act 1990 (s.178) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.42(3) and s.74(3)) Public Health Act 1936 (s.275)	To sell materials removed in executing works required by an Enforcement Notice	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf, in consultation with the Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf
33. Town and Country Planning Act 1990 (s.187B) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.44A and s.73(3))	To seek an injunction	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
34. Town and Country Planning Act 1990 (s.97 and 99) Planning (Listed Buildings and Conservation Areas) Act 1990 (s.23) and (s.74(3))	To make an order to revoke or modify Planning Consent, Listed Building Consent or Conservation Area Consent	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
35. Town and Country Planning Act 1990(s.198, 199 and 201)	To make, modify, confirm, decide not to confirm, vary and revoke tree preservation orders	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf, or the Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf
36. Town and Country Planning Act 1990 (s.207)	Issue of notices requiring replanting of trees subject to a Tree Preservation Order	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf

Source	Power Delegated	Delegation To
37. Town and Country Planning Act 1990 (s.214A)	To seek injunctions to restrain actual or apprehended breach of a Tree Preservation Order	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf
38. Town and Country Planning Act 1990 (s.198 and s.211) and Planning (Listed Buildings and Conservation Areas) Act 1990, s.69	To determine applications to do works to trees that are subject to protection by a Tree Preservation Order, and to impose such conditions on any consent as he or she deems appropriate	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
39. Town and Country Planning Act 1990(s.211) and Planning (Listed Buildings and Conservation Areas) Act 1990, s.69	To determine whether or not to object to prior notification of an intention to do works to a tree within a conservation area	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
40. Planning (Listed Buildings and Conservation Areas) Act 1990 (s.89) Town and Country Planning Act 1990 (S.330(1) and S.330(2)) Miscellaneous Provisions Act 1976 (s.16)	To require information on interests in land and its use	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf, in consultation with the Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
41. Local Government Act 1972 s.101	Development by County or District Council of their own land - to respond to Consultations	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf

Source	Power Delegated	Delegation To
42. Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Hazardous Substances) Act 1990, (including Regulations hereunder) Local Government (Miscellaneous Provisions) Act 1976 Local Government Act 1972 s.101 and s.222	To initiate, defend, conduct and settle legal proceedings on behalf of the Authority in respect of any of the functions of the Authority which are delegated to the Committee	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf
43. Town and Country Planning (Environmental Impact Assessment) Regulations 1999	To make a decision in respect of any issue required to be made under the regulations	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
44. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.5)	To issue notices of authority to remove all or part of a hedgerow	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
45. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.5)	To issue hedgerow retention notices in respect of hedgerows falling within the definition of an important hedgerow	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
46. Environment Act 1995 (s.97) Hedgerow Regulations 1997(Reg.5)	To withdraw hedgerow retention notices in respect of hedgerows	Director of Strategy and Planning or officer authorised in writing by him or her to act on his or her behalf
47. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.7)	To prosecute for the unlawful removal of a hedgerow	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf

Source	Power Delegated	Delegation To
48. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.8)	To issue notices requiring the planting of a replacement hedgerow	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf
49. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.11)	To seek an injunction to prevent the actual or apprehended removal of a hedgerow	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf
50. Environment Act 1995 (s.97) Regulations 1997 (Regs.13 and 14)	To seek a warrant to enter premises	Solicitor and Monitoring Officer or officer authorised in writing by him to act on his behalf
51. Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Hazardous Substances) Act 1990 Planning and Compulsory Purchase Act 2004	In respect of any function which is delegated to the Committee, to enter premises for the purposes of the Acts and any amending statutes or regulations made pursuant to the Acts	The Director of Strategy and Planning or officer authorised in writing by him or her to act on his behalf
52. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.12)	Authorisation to Enter Premises	The Director of Strategy and Planning or officer authorised in writing by him or her to act on his behalf

Annex

Scheme of Delegations of Authority to Officers

Designation and role of Statutory Officers

1. National Park Officer
 - 1.1 The Chief Executive is designated to carry out the role of national park officer further to Paragraph 14 of Schedule 7 to the Environment Act 1995.
 - 1.2 In this capacity the Chief Executive is responsible to the Authority for the manner in which the carrying out of its different functions is co-ordinated.
2. Head of Paid Service
 - 2.1 The Chief Executive is designated to carry out the role of the head of the paid service further to Section 4 of the Local Government and Housing Act 1989. In this capacity the Chief Executive is responsible for preparation of a report to the Authority setting out her proposals in respect of various matters, where she considers it appropriate to do so. The matters are:
 - 2.1.1 the manner in which the discharge by the Authority of its different functions is co-ordinated;
 - 2.1.2 the number and grades of staff required by the Authority for the discharge of its functions;
 - 2.1.3 the organisation of the Authority's staff; and
 - 2.1.4 the appointment and proper management of the Authority's staff.
 - 2.2 It shall be the duty of the Authority to consider any report of the head of paid service within three months of its issue.
3. Monitoring Officer
 - 3.1 The Solicitor and Monitoring Officer is designated to carry out the role of the monitoring officer further to Section 5 of the Local Government and Housing Act 1989.
 - 3.2 In this capacity the Solicitor and Monitoring Officer has a duty, if at any time it appears to him that any proposal, decision or omission by the Authority, or any committee or sub-committee (including a joint committee on which the Authority is

represented), **office-holder** or employee has given rise to or is likely to or would give rise to a contravention of the law, maladministration or injustice, to prepare a report to the Authority with respect to that matter.

3.3 In preparing any report, the Solicitor and Monitoring Officer is required to consult with the Chief Executive (as head of paid service) and Chief Finance Officer.

3.4 As soon as practicable after a report has been prepared, a copy shall be sent to each member of the Authority. The Authority shall then consider the report within 21 days. Implementation of the proposal or decision the subject of the report shall be suspended until the end of the first business day following the conclusion of consideration of the report by the Authority.

3.5 In this capacity, the Solicitor and Monitoring Officer is also responsible for the conduct of investigations into matters referred by ethical standards officers further to Section 60(2) Local Government Act 2000, and for making reports about those matters to the Standards Committee. He will also receive and act upon any reports received from ethical standards officers and any recommendations made by case tribunals, and advise the Standards Committee accordingly.

3.6 In addition to the statutory responsibilities referred to, the Solicitor and Monitoring Officer shall:

3.6.1 ensure the provision of good quality legal advice to the Authority, its committees, sub-committees, Members and officers to enable it to discharge its functions effectively and within the law;

3.6.2 contribute to the promotion and maintenance of high standards of conduct and probity by supporting and advising the Standards Committee;

3.6.3 advise members on their responsibilities under the Members' Code of Conduct and local protocols; and

3.6.4 authorise any other officer of the Authority to act on his behalf in the exercise of any of the functions delegated to him further to Part 2 of the Scheme of Delegation.

4. Chief Finance Officer

4.1 The role of Chief Finance Officer is as agreed by the Authority in March 2006 in giving approval to the Authority's Financial Regulations.