



NEW FOREST NATIONAL PARK AUTHORITY

SCHEME OF DELEGATION TO ~~OFFICERS~~ & COMMITTEES & OFFICERS

~~(AND ASSOCIATED TERMS OF REFERENCE)~~

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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 section 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 (“the Scheme”) of Delegation to Officers & Committees (and associated Terms of Reference).
- 1.3 The Scheme is set out in 5 parts:
- Part 1:** delegations to the Chief Executive and Executive Director.
 - Part 2A:** delegations and terms of reference in respect of the Authority’s Resources, Audit and Performance Committee.
 - Part 2B:** delegations to and terms of reference of the Chief Executive’s Performance Management Panel.
 - Part 2C:** delegations to and terms of reference of the HR Case Review Panel.
 - Part 3:** delegations and terms of reference in respect of the Authority’s Standards Committee.
 - Part 4A:** delegations and terms of reference in respect of the Authority’s planning development control functions to the Planning Development Control Committee.
 - Part 4B:** delegations in respect of the Authority’s planning development control functions to officers.
 - Part 5:** designation and role of statutory officers
- 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 post holders as provided for by statute. The Authority has agreed the roles that should be performed by these post holders. The designations and roles are set out in Part 5 of the Scheme.
- 1.4 Definitions used and legislation referred to in this Scheme shall have the meanings set out in the Authority’s Standing Orders.

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 Core Strategy and Business 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 Protocols on Member/Officer Relations and Planning Matters, and ensure that, subject to certain limited exceptions, 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, sub-committee or panel, the Chairman of that committee, sub-committee or panel (and in any case where the Chairman is absent, the Deputy Chairman of the Authority, committee, sub-committee or panel, 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, sub-committee or panel 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 Parts 2, 3 and 4. Where there is any overlap or conflict between provisions in Part 1 and Part 2, 3 and 4, the provisions of Parts 2, 3 and 4 shall apply.
- 2.1.9 The delegation of authority in all Parts of this Scheme is subject in all cases to the right of the Authority (and of any committee or sub-committee or panel 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 or panel) considers this to be in the best interests of the Authority.

PART 1: DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE AND DIRECTOR

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 he/she considers necessary to give effect to any decision of the Authority, its committees, sub-committees, panels and other groups 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 the Executive Director or other officer deemed appropriate by the Chief Executive to discharge the functions hereby delegated to the Chief Executive, in her absence.
- 3.6 Act in relation to the appointment, termination, 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, he/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, sub-committee or panel.
- 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, sub-committee or panel at a formal meeting, the Chief

Executive is authorised to take such action or make such decision as he/she considers necessary to protect the Authority's interests, in consultation with the Chairman of the Authority (or in his/her 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 or panel, to the next meeting of that committee, sub-committee or panel.

- 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 omissions.
- 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 the Executive Director, instead of the Executive Director, in his absence or where he/she considers this to be in the interests of the Authority.

4 Delegation of functions to the Executive Director

- 4.1 The Executive Director 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, sub-committees and panels, within their Area of Responsibility as defined in paragraph 4.2. This authority includes power to:
 - 4.1.1 commit resources and incur expenditure within the Authority's approved budget;
 - 4.1.2 authorise any other officer of the Authority to act on his/her behalf in the exercise of any of the functions delegated;

- 4.1.3 consider and respond on behalf of the Authority to any consultation exercises undertaken by other agencies; and
 - 4.1.4 consider and respond to communications, complaints and requests from members of the public and others, whether further to statutory processes or otherwise.
- 4.2 The Executive Director's Areas of Responsibility are as follows:
- 4.2.1 The Authority's functions in relation to its statutory duties as the sole local planning authority for the National park, including spatial planning, environmental design, development control, planning enforcement and minerals and waste, the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park, access to the countryside, preparation of the National Park Management Plan and Health and Safety.
 - 4.2.2 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, project delivery comprising sustainable development fund management and all grant funded project posts, and the Authority's corporate functions in relation to its organisational development, risk management, communications strategy, ICT, Business Services functions including Member Services, administration, office facilities, and (in consultation with the Chief Finance Officer) financial strategy and systems.
 - 4.2.3 In carrying out these functions the Executive Director has responsibility for fostering the economic and social well being of local communities within the National Park.
- 4.3 Without prejudice to the generality of the powers delegated to the Director under paragraph 4.1 of this Scheme, it is hereby stated for the avoidance of doubt that the authority delegated includes the following specific powers:
- 4.3.1 The Executive Director is subject to the specific delegation of authority set out in Part 4 of this Scheme.
- 4.4 The Executive Director is authorised to:
- 4.4.1 approve the payment of any grant further to the Historic Buildings Grant Scheme;
 - 4.4.2 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;
 - 4.4.3 agree variations to the annual payments required under the terms of any such agreement;

- 4.4.4 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;
- 4.4.5 approve the payment of any grant recommended by the Sustainable Communities 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/she is not minded to approve. In the exercise of this authority, the Executive 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 Executive Director shall also report all decisions taken to withdraw or reclaim any grants made under this delegation to Members of the Authority.

PART 2A: DELEGATION OF AUTHORITY TO THE RESOURCES, AUDIT AND PERFORMANCE COMMITTEE

1 Membership and Quorum

- 1.1 The size of the Committee shall be determined and the requisite number of Members appointed at the Annual Authority meeting each year, or as soon as practicable thereafter.
- 1.2 In accordance with the provisions of Articles 13(3) and (4) of Schedule 7 to the 1995 Act, the members of the Committee shall include both local authority Members of the Authority and Members appointed to the Authority by the Secretary of State in as nearly as possible the same proportions as specified in Article 4 of the 2005 Order.
- 1.3 No business shall be transacted at a meeting of the Committee unless the meeting satisfies the quorum requirements set out in Standing Order 6.

2 Terms of Reference

2.1 General functions

The Committee shall have the following general functions:

- 2.1.1 to oversee budgets and financial matters, including all applications for external grant funding;
- 2.1.2 to oversee human resource matters;
- 2.1.3 to review performance against targets and budgets;
- 2.1.4 to monitor performance by analysis of complaints and plaudits;
- 2.1.5 to institute programmes for the development and improvement of the Authority's performance; and
- 2.1.6 to monitor and oversee the Authority's corporate governance arrangements.

2.2 Specific functions

Without prejudice to the general functions set out above, the Committee shall have the following specific functions:

2.2.1 Financial matters

- (a) to consider and make recommendations to the Authority on its overall Financial Strategy, including allocation of resources and budget priorities;
- (b) to oversee the preparation of detailed estimates of income and expenditure in accordance with the overall Financial Strategy and recommend approval of these budgets before the beginning of each financial year;
- (c) to approve the Authority's annual grant bid to Defra (if required);

- (d) to consider and approve the annual Treasury Management Strategy;
- (e) to monitor and manage the financial performance of the Authority in relation to agreed parameters; receive and review regular budgetary control reports from relevant officers; approve any virement to which the approval of the Authority is required;
- (f) to oversee the preparation of the Authority's annual accounts for approval by the Authority;
- (g) to consider and instruct officers to take any appropriate action arising from the District Auditor's Annual Governance Report and Opinion;
- (h) to consider and approve any virement between capital and revenue budgets in accordance with the Financial Regulations; and
- (i) to consider and approve exceptional additional budget provision in accordance with paragraph 6.10(ii) of the Financial Regulations and the utilisation of additional income in excess of £25,000 in accordance with paragraph 6.11 of the Financial Regulations.
- (j) to approve the taking forward of any applications for external grant funding over £50,000

2.2.2 Audit Committee role

To discharge the functions of an audit committee as follows:

- (a) to keep under review the effectiveness of the Authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements and amend as necessary;
- (b) to monitor that action is being taken on risk-related issues identified by auditors and inspectors and direct action as necessary;
- (c) to receive and approve the Authority's assurance statements, including the Statement on Internal Control, and ensure they properly reflect the risk environment; monitor the implementation of any actions required to improve the risk environment;
- (d) to approve (but not direct) internal audit's strategy, plan and monitor performance;
- (e) to review summary internal audit reports and the main issues arising, and direct and monitor such action as the Committee considers necessary;
- (f) to consider the annual report of the head of internal audit and direct and monitor the implementation of actions arising from the report that the Committee considers necessary;
- (g) to consider the reports of external audit and inspection agencies and ensure effective relationships between such agencies and other relevant bodies,

- (h) to review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit.

2.2.3 Human and other resources

- (a) to ensure and oversee the effective and efficient use of the Authority's human resources;
- (b) to approve policies, guidelines and strategies on human resources and any employment related matters;
- (c) in so far as such matters are not otherwise delegated to Officers, to oversee activities relating to the employment of the Authority's staff;
- (d) to ensure the Authority properly undertakes its responsibilities for its staff and others relating to welfare, health and safety, working time directive and pensions provision;
- (e) to participate as appropriate in any forum established for consultation with staff and their trade unions on human resourcing issues;
- (f) to ensure the effective and efficient management of the Authority's information technology systems and oversee the development and implementation of any related strategies;
- (g) to monitor the acquisition, disposal and management of property, or any other assets and the granting or taking of leases or licences in general; act on behalf of the Authority in relation to any planning applications it proposes to make.

2.2.4 Performance

- (a) to monitor and review the performance of the Authority having regard to any development or performance improvement plan, service level agreements, statutory or other performance indicators and operational plans, or agreed service standards and targets, and achievement of organisational, service, cross cutting and policy objectives;
- (b) to approve and make recommendations on the Authority's annual performance indicators;
- (c) to consider reports on any peer reviews, service level agreements and any other matters the Committee considers appropriate, including future national park performance assessment or analogous peer reviews, and to ensure the implementation of any actions arising;
- (d) to receive and consider reports on customer survey/satisfaction including complaints and plaudits; and
- (e) to agree any Performance Improvement Plans.

2.2.5 Corporate governance

To receive and consider any reports on the Authority's corporate governance framework.

2.3 Appointment of panels, working or task and finish groups

The Committee may at any time appoint, dissolve or amend the terms of reference of any panel, or other group relevant to the functions of the Committee and receive reports from it.

PART 2B: DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE'S PERFORMANCE MANAGEMENT PANEL

1 Status of the Chief Executive's Performance Management Panel

1.1 The Chief Executive's Performance Management Panel is a sub-committee of the Resources, Audit and Performance Committee.

2. Membership and Quorum

2.1 The Chief Executive's Performance Management Panel is a panel of Members comprising:

- (a) the Chairman of the Authority;
- (b) the Deputy Chairman of the Authority;
- (c) the Chairman of the Resources, Audit and Performance Committee or, in his or her absence, the Deputy Chairman of that Committee; and
- (d) the Chairman of the Planning and Development Control Committee or, in his or her absence, the Deputy Chairman of that Committee,

2.2 No business shall be transacted at a meeting of the Panel unless the meeting satisfies the quorum requirements set out in Standing Order 6.

3 Terms of reference

3.1 The Panel shall set objectives and review performance of the Chief Officer against these objectives.

3.2. Outcomes from meetings of the Panel shall be filed in the Chief Officer's personnel file, with any issues being reported to the Resources, Audit and Performance Committee as the Panel deems appropriate.

3.3 The above Panel be called and shall meet at least once every six months.

PART 2C: DELEGATION OF AUTHORITY TO THE HR CASE REVIEW PANEL

1 Status of the HR Case Review Panel

- 1.1 The HR Case Review Panel is a sub-committee of the Resources, Audit and Performance Committee.

2. Membership and Quorum

- 2.1 The Panel shall comprise three members of the Resources, Audit and Performance Committee (two local authority appointed members and one Secretary of State appointed member), as agreed by the Chairman of the Committee.
- 2.2 No business shall be transacted at a meeting of the Panel unless the meeting satisfies the quorum requirements set out in Standing Order 6.

3 Terms of reference

- 3.1 The Panel has delegated authority to determine, on behalf of the Authority, individual cases of appeal under the Authority's disciplinary and grievance procedures and such other matters relating to individual members of staff as require determination by the Authority.
- 3.2 The Panel shall meet as and when circumstances require.

Part 3: DELEGATION OF AUTHORITY TO THE STANDARDS COMMITTEE

1. Membership and Quorum

- 1.1 The Committee shall comprise five Members of the Authority, to be appointed at the Annual Authority meeting each year.
- 1.2 In accordance with the provisions of Articles 13(3) and (4) of Schedule 7 to the 1995 Act, the members of the Committee shall include both local authority Members of the Authority and Members appointed to the Authority by the Secretary of State in as nearly as possible the same proportions as specified in Article 4 of the 2005 Order.
- 1.3 No business shall be transacted at a meeting of the Committee unless the meeting satisfies the quorum requirements set out in Standing Order 6.

2 Terms of Reference

- 2.1 To oversee the discharge of the Authority's duty to promote and maintain high standards of conduct by Members.
- 2.2 To promote training and advice to Members on the Code of Conduct, relevant protocols adopted by the Authority, and related matters to enable high standards of conduct to be maintained
- 2.3 To advise the Authority on the revision or replacement of its Code of Conduct for Members and Co-opted Members, and on the review of protocols relevant to ethical standards.
- 2.4 To advise the Authority on the arrangements to be applied for the investigation and determination of allegations of failure to comply with the Code of Conduct for Members, including advice on the involvement of at least one independent person in those arrangements, and to handle and determine such allegations in accordance with the approved procedures.
- 2.5 To consider and determine an application by an individual Member for the grant of a dispensation under Section 33 of the Localism Act 2011, relieving the restrictions on participation in, and voting on, a matter in which the Member has a disclosable pecuniary interest
- 2.6 To make recommendations to the Authority on future schemes of Members' allowances.
- 2.7 The Committee may at any time appoint, dissolve or amend the terms of reference of any panel or other group relevant to the functions of the Committee and receive reports from it.

Part 4: DELEGATION OF AUTHORITY RELEVANT TO PLANNING AND DEVELOPMENT CONTROL

Part 4A: Delegation to Planning Development Control Committee

1. Membership and Quorum

- 1.1 The size of the Committee shall be determined and the requisite number of Members appointed at the Annual Authority meeting each year, or as soon as practicable thereafter.
- 1.2 In accordance with the provisions of Articles 13(3) and (4) of Schedule 7 to the 1995 Act, the members of the Committee shall include both local authority Members of the Authority and Members appointed to the Authority by the Secretary of State in as nearly as possible the same proportions as specified in Article 4 of the 2005 Order.
- 1.3 No business shall be transacted at a meeting of the Committee unless the meeting satisfies the quorum requirements set out in Standing Order 6.

2 Terms of Reference

2.1 Functions

The Authority is the sole local planning authority pursuant to Section 15 of the 2005 Order and Section 4A of the 1990 Act.

The exercise of the following functions of the Authority is delegated to the Committee, subject to paragraph 2.2 below.

- 2.1.1 to determine all matters relating to and applications for planning permission, lawful development certificates, planning policies and plans, footpath and bridleway creation, stopping up and diversion orders, advertisement consents, listed building consents, conservation area consents, tree preservation orders, tree work orders and hazardous substances consents under the 1990 Act; the Planning (Listed Buildings and Conservation Areas) Act 1990; the Planning (Hazardous Substances) Act 1990; the Planning and Compulsory Purchase Act 2004, the Town and Country Planning General Regulations 1992, the Habitat Regulations 1984, the Town and Country Planning (Tree Preservation) (England) 2012, Planning Act 2008, Localism Act 2011 and any related or amended statutes, including the determination of any application involving a departure from the development plan;
- 2.1.2 to take appropriate decisions on breaches of planning control including the service of enforcement notices, breach of condition notices, stop notices, temporary stop notices, prosecutions and injunctions under the 1990 Act and in respect of any contraventions under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Hazardous Substances) Act 1990, the Planning Compulsory Purchase Act 2004 and any related or amended statutes.
- 2.1.3 to resolve to serve Section 215 Notices (proper maintenance of land) under the 1990 Act;
- 2.1.4 to determine applications for Certificates of Appropriate Alternative Development under the Land Compensation Act 1961;

- 2.1.5 to authorise the preparation of planning obligations under Section 106 of the 1990 Act;
- 2.1.6 to undertake all functions relating to the protection of important hedgerows under The Hedgerows Regulations 1997;
- 2.1.7 to authorise the requisition of information as to interests in land in connection with all functions delegated to the Committee;
- 2.1.8 to respond as consultees on issues relating to:
- (a) protection of the rights of public use of highways;
 - (b) maintenance and review of the definitive map and statement of footpaths and bridleways;
 - (c) reclassification of roads used as public paths;
 - (d) limestone pavement orders;
 - (e) minerals waste; and
 - (f) any other matters relevant to the Committee's area of responsibility
- 2.1.9 to make recommendations to the Authority on fees and charges within the Committee's area of responsibility.

2.2 Applications on behalf of the Authority

If the Committee is unwilling to approve an application made on behalf of the Authority, or wishes to impose conditions which are unacceptable to the Authority, the application shall be submitted to a meeting of the Authority for determination. The Chief Executive (National Park Officer) or other person authorised by him/her shall prepare a report for the meeting.

2.3 Appointment of panels, working or task and finish groups

The Committee may at any time appoint, dissolve or amend the terms of reference of any panel, or other group relevant to the functions of the Committee and receive reports from it.

PART 4B: Delegation to Officers

- 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, other than those for a Certificate of Lawful Use (Existing Development) (see section 4 below) which are referred by Members of the New Forest National Park Authority;
 - (iii) applications, other than those for Certificate of Lawful Use (Existing Development) (see section 5 below), 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 Executive Director; and
 - (vii) applications on which the Executive Director, in his/her absolute discretion, takes the view would be more properly determined by Members
 - (viii) applications made under the Commoners' Dwelling Scheme.
- 2. Applications which the Executive Director considers to be major applications or of sufficient scale to affect the objectives of the development plan 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.**
- 4. All applications for Certificate of Lawful Use (Existing Development) which are referred by Members of the NFNPA will be determined by the Planning Development Control Committee if the Member is not content for the final determination to be made by the Authority's Solicitor and Monitoring Officer.**
- 5. All applications for Certificate of Lawful Use (Existing Development), will be determined by the Authority's Solicitor and Monitoring Officer, notwithstanding that there may be a contrary Parish Council view if that view, in the opinion of the Authority's Solicitor and Monitoring Officer, is not evidence based.**
- 6. All applications for Certificate of Lawful Use (Proposed) will be determined by the Authority's Senior Planning Officers, Planning Officers or Solicitor and Monitoring Officer.**

Source	Power Delegated	Delegation To (SEE ATTACHED SCHEDULE OF OFFICER DELEGATIONS – AUTHORISED OFFICERS MAY AUTHORISE ANOTHER OFFICER IN WRITING TO ACT ON HIS OR HER BEHALF)
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.	
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	
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	
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)	

Source	Power Delegated	Delegation To (SEE ATTACHED SCHEDULE OF OFFICER DELEGATIONS – AUTHORISED OFFICERS MAY AUTHORISE ANOTHER OFFICER IN WRITING 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	
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	
	To refuse applications submitted under the Act where:-	
	(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	
	(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 Executive Director does not consider would be prudent to decide under his or her delegated Authority be reported to the Committee for a decision	

Source	Power Delegated	Delegation To (SEE ATTACHED SCHEDULE OF OFFICER DELEGATIONS – AUTHORISED OFFICERS MAY AUTHORISE ANOTHER OFFICER IN WRITING 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	
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.	
9. Town and Country Planning Act 1990 Planning (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	
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	
	Remarks: In the event of a disagreement, notification to be given that prior approval is required	

Source	Power Delegated	Delegation To (SEE ATTACHED SCHEDULE OF OFFICER DELEGATIONS – AUTHORISED OFFICERS MAY AUTHORISE ANOTHER OFFICER IN WRITING 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	
12. Town and Country Planning Act 1990 (s.106)	To enter into planning obligations in respect of land	
13. Town and Country Planning Act 1990 (s.106A) and Town and Country Planning Act 1971 (s.52)	To determine applications for discharge or modification of planning obligations under Section 106 of the Town and Country Planning Act 1990 and agreements made under Section 52 of the Town and Country Planning Act 1971 and issue of the notice of decisions	
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	
15. Town and Country Planning Act 1990 (s.106)	To allocate developer contributions to relevant projects up to a value of £10,000 per individual allocation	
16. 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)	

Source	Power Delegated	Delegation To (SEE ATTACHED SCHEDULE OF OFFICER DELEGATIONS – AUTHORISED OFFICERS MAY AUTHORISE ANOTHER OFFICER IN WRITING TO ACT ON HIS OR HER BEHALF)
17. Town and Country Planning Act 1990 s.215	To serve notices to require proper maintenance of land	
18. Planning (Listed Buildings and Conservation Areas) Act 1990 s.31(1)	To serve Building Preservation Notices	
19. Planning (Listed Buildings and Conservation Areas) Act 1990 s.4(1)	To serve a Building Preservation Notice by affixing it to the building	
20. Town and Country Planning Act 1990 (s.187A)	Service of Notices for compliance with conditions on planning consent	
21. 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	
22. 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	
23. Town and Country Planning Act 1990 (s.94)	To serve completion notices	
24. 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	
25. Planning (Listed Buildings and Conservation Areas) Act 1990 (s.54(5))	To give notice of intention to carry out the works	
26. Planning (Listed Buildings and Conservation Areas) Act 1990 (s.55(2))	To give notice requiring payment of the expenses of the works	
27. 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	
28(i) Town and Country Planning Act 1990 (s.191 and 193)	To determine applications for a Certificate of Lawfulness of Existing Use or Development	

Source	Power Delegated	Delegation To (SEE ATTACHED SCHEDULE OF OFFICER DELEGATIONS – AUTHORISED OFFICERS MAY AUTHORISE ANOTHER OFFICER IN WRITING TO ACT ON HIS OR HER BEHALF)
28(ii) Town and Country Planning Act 1990 (s.192 and 193)	To determine applications for a Certificate of Lawfulness of Proposed Use or Development	
29. 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	
30. 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	
31. 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	
32. 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	
	(ii)To recover expenses reasonably incurred by the Authority	
33. 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	
34. 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	

Source	Power Delegated	Delegation To (SEE ATTACHED SCHEDULE OF OFFICER DELEGATIONS – AUTHORISED OFFICERS MAY AUTHORISE ANOTHER OFFICER IN WRITING TO ACT ON HIS OR HER BEHALF)
35. 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	
36. Town and Country Planning Act 1990 Town and Country Planning (Tree Preservation) (England) Regulations 2012	To make, modify, confirm, decide not to confirm, vary and revoke tree preservation orders	
37. Town and Country Planning Act 1990 Town and Country Planning (Tree Preservation) (England) Regulations 2012	Issue of notices requiring replanting of trees subject to a Tree Preservation Order	
38. Town and Country Planning Act 1990 Town and Country Planning (Tree Preservation) (England) Regulations 2012	To seek injunctions to restrain actual or apprehended breach of a Tree Preservation Order	
39. Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990, Town and Country Planning (Tree Preservation) (England) Regulations 2012	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	
40. Town and Country Planning Act 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990, s.69 Town and Country Planning (Tree Preservation) (England) Regulations 2012	To determine whether or not to object to prior notification of an intention to do works to a tree within a conservation area	
41. Town and Country Planning Act 1990 (s. 225)	To take action and issue a Notice in respect of the removal or obliteration of placards and posters, as he or she deems appropriate	

Source	Power Delegated	Delegation To (SEE ATTACHED SCHEDULE OF OFFICER DELEGATIONS – AUTHORISED OFFICERS MAY AUTHORISE ANOTHER OFFICER IN WRITING TO ACT ON HIS OR HER BEHALF)
42. Town and Country Planning Act 1990 (s. 225)	To enter land and remove or obliterate unauthorised signage and recover the costs reasonably incurred in the removal of any such signage	
43. Town and Country Planning Act 1990 (s. 225)	To charge a fee of £50 where action is taken to remove unauthorised signage	
44. 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	
45. Local Government Act 1972 s.101	Development by County or District Council of their own land - to respond to Consultations	
46. 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	
47. 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	
48. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.5)	To issue notices of authority to remove all or part of a hedgerow	

Source	Power Delegated	Delegation To (SEE ATTACHED SCHEDULE OF OFFICER DELEGATIONS – AUTHORISED OFFICERS MAY AUTHORISE ANOTHER OFFICER IN WRITING TO ACT ON HIS OR HER BEHALF)
49. 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	
50. Environment Act 1995 (s.97) Hedgerow Regulations 1997(Reg.5)	To withdraw hedgerow retention notices in respect of hedgerows	
51. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.7)	To prosecute for the unlawful removal of a hedgerow	
52. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.8)	To issue notices requiring the planting of a replacement hedgerow	
53. Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.11)	To seek an injunction to prevent the actual or apprehended removal of a hedgerow	
54. Environment Act 1995 (s.97) Regulations 1997 (Regs.13 and 14)	To seek a warrant to enter premises	
55. 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	

Source	Power Delegated	Delegation To (SEE ATTACHED SCHEDULE OF OFFICER DELEGATIONS – AUTHORISED OFFICERS MAY AUTHORISE ANOTHER OFFICER IN WRITING TO ACT ON HIS OR HER BEHALF)
56. Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 Planning (Hazardous Substances) Act 1990 Environment Act 1995 (s.97) Hedgerow Regulations 1997 (Reg.12)	Authorisation to Enter Premises	
57. Town and Country Planning (General Permitted Development Order 1995 (as amended)	To determine whether expedient to make and to make immediate Article 4 Directions	
58. Localism Act 2011 and Neighbourhood Planning Regulations 2012	To formally designate a Neighbourhood Plan Area	

PART 5: DESIGNATION AND ROLE OF STATUTORY OFFICERS

1. Chief Executive

- 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 he/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/her that any proposal, decision or omission by the Authority, or any committee, sub-committee (including a joint committee on which the Authority is represented) or panel, 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/she 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, panels, 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/her behalf in the exercise of any of the functions delegated to him/her further to Part 2 of the Scheme of Delegation;

3.6.5 retain an up-to-date copy of, keep under review and make such amendments, in agreement with the Chairman or Deputy Chairman, to the Authority's Standing Orders and Scheme of Delegations to Officers & Committees (including associated Terms of Reference) as he/she deems necessary to ensure their ongoing fitness for purpose; ~~and~~

~~3.6.6~~ make any amendments to the Authority's Financial Regulations and Standing Orders as to Contracts as are required by legislation; and

~~3.6.6~~ 3.6.7 consider and determine whether a dispensation should be issued under section 33 of the Localism Act 2011 where all or the majority of members have a disclosable pecuniary interest in an item of business to be considered at a meeting of the Authority or one of its Committees or Sub-committees.-

4. Chief Finance Officer

4.1 The role of Chief Finance Officer is as set out in s151 of the Local Government Act 1972 (as amended) and as agreed at the March 2006 NPA meeting in accordance with Report NFNPA 72/06.

4.2 The Chief Finance Officer may authorise virements in accordance with paragraph 6.7 of the Financial Regulations.