



# Scheme of Delegation to Committees, Groups and Officers

## July 2018

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This document provides the terms of reference under which Northumberland National Park Authority cascades decision making to its committees, sub-committees and officers.

The document also describes the detailed delegation to officers of the Authority to empower them to take action to enable the Authority to deliver efficient and effective services in key areas including development management, property and human resource management.

In addition, this document provides the terms of reference for the Authority's working groups.

## SCHEME OF DELEGATION TO COMMITTEES AND OFFICERS

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## SCHEME OF DELEGATION

### Introduction

1. The Northumberland National Park Authority has its purposes and duty laid down in statute, primarily in the Environment Act 1995, Part III as amended by the Natural Environment and Rural Communities Act 2006 Part 5.

The National Park purposes, revised in the Environment Act 1995, are:

The Environment Act 1995 revised the original legislation and set out two statutory purposes for national parks in England and Wales:

1. Conserve and enhance the natural beauty, wildlife and cultural heritage
2. Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When national parks carry out these purposes they also have the duty to:

- Seek to foster the economic and social well-being of local communities within the national parks

The Cities and Local Government Devolution Act 2016: provides a power for English National Park Authorities to do “anything it considers appropriate for the purposes of the carrying out of any of its functions”.

2. This Scheme of Delegation is intended to permit swift and effective policy and decision making by members and managerial and operational decision-making by officers within a framework of accountability to Government and local people.
3. The scheme has four parts:

**Part A** delegates powers from the National Park Authority to its Committees and Sub-committees and establishes terms of reference for Groups which can advise the Authority.

**Part B** delegates powers to the Chief Executive (National Park Officer), hereafter called Chief Executive, to execute business and take decisions within a policy and financial framework including statute law, Government policy circulars and guidance, the powers of the National Park Authority, the National Park Management Plan, Local Development Framework, Business Plan and Operational Plan or equivalents.

**Part C** further delegates the powers of the Chief Executive to the Directors and Heads of Department and all of those other officers duly authorised in writing.

**Part D** details the scheme of delegation for Development Management, including onward delegation from the Authority to the Chief Executive, the Director of Park Management and the Head of Development Management

Note: The Financial Regulations and Finance Instructions details onward delegation from the Authority and Chief Executive to Officers on regular areas of work.

4. The Scheme should in general be operated so as to avoid multiple handling of business.
5. Powers to incur expenditure or raise income for approved purposes, within policy and budget, are substantially delegated but are subject to strict control by the Defra Financial Grant Memorandum, Financial Regulations and Finance Instructions. Officers are substantially empowered but must keep members properly informed and ensure accurate in-year reporting to the Authority.

6. Reference in this Scheme to statutory provisions should be taken to include any subsequent statutory modifications or re-enactment of those provisions.
7. This framework is intended not only to facilitate informed and effective decision-making but also to foster understanding and communication between members and officers.

## **Part A: Delegation of Powers to any Committees and Sub-Committees**

### **A 1 General Clauses**

- A 1.1 Powers delegated to any Committee or Sub-Committee of the Authority under these terms of reference shall always be subject to compliance with Standing Orders and/or Financial Regulations.
- A 1.2 Each Committee shall be authorised to appoint members to Sub-Committees agreed by the Authority and to delegate its powers and duties to those Sub-Committees.
- A 1.3 For the purpose of exercising any of their delegated powers, any Committee or Sub-Committee may authorise any officer of the Authority to act on their behalf under Section 223 of the Local Government Act 1972.  
*(Note: Section 223 enables any officer or member to prosecute / defend proceedings in court on behalf of the Authority even if they are not a solicitor.)*
- A 1.4 No general reference of a power, duty, function or other matter to a Committee, Group or Sub-Committee shall include any matter specifically referred to another Committee or Sub-Committee.
- A 1.5 Each Committee or Sub-Committee shall be responsible for the appointment of representatives on outside bodies within its terms of reference.
- A 1.6 A Committee or Sub-Committee may delegate powers and duties to the Chief Executive.
- A 1.7 A Committee or Sub-Committee may give such direction as it considers appropriate for action taken by or on behalf of the Chief Executive to be reported periodically.

## A 2 Terms of Reference for the Authority, its Committees, Sub-Committees and Groups

### A.2.1 Northumberland National Park Authority

Northumberland National Park Authority was established under the Environment Act 1995 to administer Northumberland National Park. National Parks were designated under the National Parks and Access to the Countryside Act 1949 and Northumberland National Park was designated in 1956.

The National Park purposes, revised in the Environment Act 1995, are laid down in Paragraph 1 of the Introduction above.

Northumberland National Park Authority is the sole local planning authority for the area of Northumberland National Park.

#### Membership

Total membership	18
<hr/>	
Local Authority appointees	6
Northumberland County Council	
Secretary of State National appointees	6
Secretary of State Parish Council appointees	6
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Term of appointment	Varies with appointing body
<hr/>	
Quorum	6
(to include one Secretary of State and one Local Authority appointee)	

The Authority elects the Chairman and Deputy Chairman for the Authority, the Development Management Committee and the Review Group at each Annual Meeting for the forthcoming year. The Authority Chairman cannot be Development Management Committee Chairman or Review Group Chairman. The nature of the Authority's business is to set forward strategy and policy; scrutinise programmes of work and act as an audit committee; set budget plans and high level performance targets; set a risk management approach to provide appropriate levels of assurance; and monitor and review achievements.

The responsibilities of the Northumberland National Park Authority planning function (Development Management) are undertaken by the Development Management Committee. That is, all powers and duties in relation to all Development Management matters arising from all current and extant planning legislation, except where these powers are delegated to the Chief Executive and in turn delegated onwards to the Head of Development Management as detailed in the Development Management Scheme of Delegation (Part D below).

**Meetings to be held in public in accordance with Section 100A(4) of the Local Government Act 1972. Agenda and reports will be made available in accordance with Section 100B(1) of the Local Government Act 1972.**

## A.2.2 Development Management Committee Terms of Reference

The responsibilities of the Northumberland National Park Authority planning function are undertaken by the Development Management Committee. That is, all powers and duties in relation to all Development Management matters arising from all current and extant planning legislation, except where these powers are delegated to the Chief Executive and in turn delegated onwards to the Head of Development Management as detailed in the Development Management Scheme of Delegation (Part D below).

This includes:

- Determining development management matters, including planning applications, and any necessary decisions as to how they should be treated or handled within the requirements of the law; and
- Undertaking site visits where necessary,

Northumberland National Park Authority is the sole local planning authority for the area of Northumberland National Park and is also responsible for any planning applications which straddle the National Park boundary. The Northumberland National Park Authority is often a consultee on applications which might impact on the National Park.

### Membership

Total membership	9
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of which a minimum must be:

Local Authority appointees	2
Northumberland County Council	
Secretary of State Parish Council appointees	2
Secretary of State National appointees	2

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Quorum	5
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The Authority elects the Chairman and Deputy for the Development Management Committee at the Annual Meeting for the forthcoming year. The Chairman of the Authority cannot be the Chairman of Development Management Committee.

Training is a mandatory requirement for all members before becoming an active member of the Development Management Committee.

**Meetings to be held in public in accordance with Section 100A(4) of the Local Government Act 1972. Agenda and reports will be made available in accordance with Section 100B(1) of the Local Government Act 1972.**

### A.2.3 Authority Review Group Terms of Reference

The Authority Review Group scrutinises the work of the National Park Authority through a participative 'high support/high challenge' culture of working, that is, all members to adopt a positive approach to overcoming challenges and maximising opportunities when working with officers in the Review Group. The Review Group does not have decision making powers. Its recommendations and findings are communicated to the National Park Authority through reports from the Chief Executive.

Review Group meetings are open to all National Park Authority members to participate in. The review and scrutiny function is not a statutory requirement for National Park Authorities. The meetings are conducted as a working group i.e. not open to the public.

The Review Group draws membership from outside the National Park Authority's membership with two independent members being full members of the Review Group. In addition, the Review Group regularly invites partners, key stakeholders and statutory organisations to take part in the work.

The Review Group will work jointly with the Sill Advisory Board to evaluate strategic performance of the Sill Project.

#### Membership

Total membership	10
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of which a minimum must be

Local Authority appointees

Northumberland County Council

2

Secretary of State National appointees

2

Secretary of State Parish Council appointees

2

plus Independent Members

2

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Quorum (members)

4

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The Authority elects the Chairman and Deputy for Review Group at the Annual Meeting for the forthcoming year.

A minimum of three Review Group meetings per annum.

## A.2.4 Standards and Appeals Committee Terms of Reference

The Localism Act 2011 requires Northumberland National Park Authority to make local arrangements for setting a member Code of Conduct and for dealing with any complaints made regarding this code. In addition, the Authority requires a process, separate from the Executive (i.e. the staff and management), for resolving staff complaints. Northumberland National Park Authority has determined that both these needs are best delivered through a combined member Standards and staffing Appeals Committee.

An “independent person”\*, who is neither a member nor co-opted member of the Authority, will be appointed to provide advice to both the Standards and Appeals Committee and Monitoring Officer. The tenure of this appointment will be three years.

The Standards and Appeals Committee is delegated to:

- Promote and proactively maintain high standards of conduct for members;
- Help members follow the Authority’s Code of Conduct;
- Advise the Authority on the adoption or revision of the Authority’s Code of Conduct;
- Monitor the effectiveness of the Authority’s Code of Conduct;
- Arrange to train members on matters relating to the Authority’s Code of Conduct;
- Receive complaints about members at the appropriate stage;
- Conduct hearings into complaints about members;
- Investigate or comment on any matters relating to ethical standards referred to it by the Chief Executive or Monitoring Officer;
- Undertake its own communication activity; and
- Carry out such other functions as the Authority considers appropriate which will include hearing appeals regarding Monitoring Officer decisions on granting member dispensations from the operation of the Code of Conduct.

In relation to staffing appeals the Standards and Appeals Committee is delegated to:

- Hear and decide upon any issue relating to discipline, capability or redundancy of staff, any grievance issue and any other issue relating to a dispute over conditions of service;
- Hear and decide upon any appeal by a member of staff (except the Chief Executive) against a decision by an officer to discipline the member of staff including any decision to give a formal warning or to dismiss the staff member for any reason;
- Hear and make decisions upon any appeal by a member of staff (except the Chief Executive) against a decision made by the Authority or an officer as to his or her selection for redundancy;
- Hear and decide upon any grievance which a member of staff holds and which has not been settled to the satisfaction of the member of staff at officer level; and
- Carry out such other functions as the Authority considers appropriate which will include hearing appeals regarding politically restricted posts.

The Standards and Appeals Committee will undertake its functions where specified in the appropriate policies and procedures produced or adopted by the Authority for the purposes of resolving disputes or grievances. In the absence of any such procedures the Committee will ensure the procedures it does adopt are fair between the parties to the dispute or grievance and are consistent with any legal requirements.

## Membership

Total membership	5
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Secretary of State appointees (National and Parish)	3
Local Authority appointees (Northumberland County Council)	2

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Quorum	3
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(\*The independent person is able to attend all meetings and hearings dealing with the member code of conduct as an observer).

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Term of Appointment	Annually
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Where appropriate the Authority's human resources advisers, monitoring officer and legal advisers shall provide support to the Committee.

Meetings will normally be held in public, as required on an ad hoc basis, in accordance with Section 100E(1) of the Local Government Act 1972. In the case of complaints made against members of the National Park Authority and staff hearings, the Committee will meet in private and in public as stipulated by national guidance, statute and best practice. Agenda and reports will be made available in accordance with Section 100E(1) of the Local Government Act 1972

Meetings to be held as required

Note:

- i. The Committee will appoint a Chairman and Deputy Chairman from its membership.
- ii. No member who has previously been actively involved in the consideration of a particular case shall sit on a hearing which considers that case.
- iii. Members of the Authority holding senior office (i.e. Chairman, Deputy Chairman, Review Group Chairman and Development Management Chairman) are excluded from being members of the Standards and Appeals Committee as they are likely to be conflicted-out on a high proportion of the hearings.

## A.2.5 Chief Executive and Directors Performance Review Committee Terms of Reference

- To review, no less than annually, the performance of the Chief Executive and Directors against targets and management criteria established by mutual agreement and in accordance with the Authority's Corporate Performance Management Scheme
- To set the remuneration of the Chief Executive in accordance with the Authority's agreed Corporate Performance Management Scheme
- To decide any complaints referred to it by the Chief Executive and consider any complaint against the Chief Executive and decide whatever remedial action is appropriate (including financial recompense)

### Membership

Total membership Three

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Chairman of the Authority  
Chairman of Review Group  
1 other member

The Authority Chairman and the Chairman of Review Group are automatically members of this Committee

The Chief Executive will be an advisor to the Review Committee when it is dealing with matters relating to Directors.

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Quorum Three members

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Meets on at least two occasions each year

Members will be provided with, and be expected to have received, appropriate training.

## A.2.6 The Sill Advisory Board

To oversee the continued development of The Sill including the operation of The National Landscape Discovery Centre the delivery of the Activity Programme. Through this ensuring that The Sill delivers The Authority's business plan aims and wider programme of work.

To oversee and scrutinise:

- Delivery of the objectives of the HLF Sill programme to 2021
- Progress against The Sill Business Plan
- Development and delivery of the annual activity programme for the Sill;
- Activity programme expenditure and revenue income

To provide **advice** to the executive on matters of:

- Sill activities
- Audience experience and development
- Sill satellite sites
- Funding and income
- Partnerships
- Internal delivery models
- How the operation of The Sill and the delivery of the Activity Programme is informing and changing how the Authority delivers its business.

All members are **expected** to:

- Provide public and internal leadership for The Sill Project;
- act as champions and advocates for The Sill Project; and
- help manage strategic relationships with key external partners.

### Membership

Total membership Ten

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Chairman of the Authority and five members

To include at least one member from the following: County Council, Parish Council and Secretary of State.

The Chairman of the Authority does not have to Chair the Sill Advisory Board.

### Skills Required

- Property and Estates
  - Finance and funding
  - Legal / contracting
  - Community / business interests
  - Activities / events / training / education/ engagement
  - Commercial / income generation
  - Evaluation and review
  - Marketing and communications
  - Partnership / relationship management
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Quorum Three members

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Term of Appointment Annually (No minimum or maximum term)

## 2.8 Finance and Audit Group Terms of Reference

The function of the Finance and Audit Group is to review Finance and Audit issues on behalf of the Authority and to recommend changes to the Authority where appropriate.

The aims of the Finance and Audit Group are to:

1. Review financial matters, in accordance with the Authority's Financial Regulations and Financial Procedures and The Accounts and Audit (England) Regulations current (2015) and subsequent versions.
2. To keep under review and recommend changes to the Authority's Financial Regulations and Financial Procedures.
3. To review financial performance and strategy, including the Medium Term Budget, within the context of the Business Plan priorities agreed by the Authority. Review the annual Budget and any use of general reserves to be approved by the Full Authority. Review the three-year Income Generation Plan.
4. To review the following items on behalf of the Authority and to recommend changes to the Authority where appropriate:
  - a) Treasury Management Policy including borrowing arrangements and the investment of any surplus funds;
  - b) Pension Scheme funding in line with the Local Government Superannuation Acts and associated regulations;
  - c) Procurement Policy as laid out in the Standing Orders Relating to Contracts.
  - d) Internal Audit reports and the annual Internal Audit Plan.
  - e) External Audit reports and the annual External Audit Plan.
  - f) Annual Statement of Accounts before submission to the Authority for approval

### Membership

Total Membership 9

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Members	7 (1 to be Chairman)
Director of Business Development	1
Head of Business Support (Chief Financial Officer/Section 151 Officer)	1

(Can call in the Chief Executive and additional Officers / Auditors / Consultants for specific detailed advice)

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Quorum	4 with at least 2 Authority Members 1 Officer
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Term of Appointment	No minimum or maximum term
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Meetings to be held 3 to 4 times a year as required

## **Part B: Delegation of Powers to the Chief Executive**

### **General delegation to the Chief Executive**

B-1 The Chief Executive is authorised to act on behalf of the National Park Authority in relation to any matters within the Authority's remit, subject to the following overriding provisions:

- a) Any action under delegated powers shall be in accordance with:
  - i) the overall policies approved by the National Park Authority or by the appropriate Committee or Sub-Committee under delegated powers;
  - ii) Standing Orders; and/or
  - iii) Financial Regulations.
- b) Before exercising any delegated power the Chief Executive should consider whether the decision to be made is of such a nature that it ought to be referred for decision to the appropriate Committee or Sub-Committee or the Authority.
- c) The Chief Executive may authorise urgent action requiring an immediate decision on any matter subject to consultation with the Chairman of the Authority or the Chairman of Development Management or Chairman of any other Committee or Sub-Committee to which the function is delegated, and to subsequently report to the Authority or appropriate Committee.
- d) This delegation of powers to the Chief Executive includes management of all human, financial and material resources made available by the Authority for purposes defined in its approved policies, plans and budget. Onward delegation by the Chief Executive to other officers on routine Financial and Development Management matters is detailed in the Authority's Development Management Scheme of Delegation (Part D) and Financial Regulations.

B-2 Without prejudice to these delegations the Chief Executive is expected in appropriate cases to:

- a) maintain a close liaison with the appropriate Committee or Group Chairman (or in his / her absence the Deputy Chairman); and/or
- b) ensure that the local member(s) (local authority or appointed) is / are advised of the exercise of delegated powers; and/or
- c) ensure that the appropriate Director, Heads of Department, Monitoring Officer and / or Chief Finance Officer (S151 Officer) is consulted and / or informed.

B-3 The Chief Executive may authorise an officer of the National Park Authority to exercise any power conferred upon the Chief Executive in his / her absence or at other times in accordance with any general directions of the Chief Executive.

### **Human Resources**

- B-4
- a) The Chief Executive is authorised to act in relation to the appointment, dismissal, discipline and determination of all other matters relating to the employment of staff and contract staff and the conditions upon which they are employed as are specified in the Human Resources Policies and Procedures of the Authority.
  - b) The appointment of staff to posts at Head of Department level or above is subject to approval by the Authority, which may then delegate these powers.

### **Entry and Inspection**

- B-5 The Chief Executive is authorised to approve the exercise of such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence or authority as may be appropriate to the execution of officers' or the Authority's duties and in respect of which the National Park Authority has power.

### **Property**

- B-6 The Chief Executive in consultation with the Chairman is empowered to determine when a property decision is not a major property decision.

- B-7 Where it is not a major property decision, within the provisions of the Financial Regulations concerning capital payments / receipts and / or annual rental / income, the Chief Executive is authorised to:-

- a) approve the acquisition and disposal of land and taking of leases, licences, dedications and easements of or over any land (including buildings); and
- b) approve the granting or variation in granting of leases, licences, dedication of or over any land.

- B-8 The Chief Executive is authorised to arrange for sessional lettings of premises for periods of less than 48 hours.

- B-9 The Chief Executive is authorised to approve the submission of planning applications for development by or on behalf of the National Park Authority.

### **Legal and Procedural**

- B-10 The Chief Executive is authorised to:

- a) serve statutory notices to ascertain the legal interest of any person in land;
- b) initiate, defend or settle legal proceedings in the name of the Authority or an individual officer of the Authority at Common Law or under any enactment, statutory instrument, order or byelaw conferring functions upon the Authority or in respect of functions undertaken by the Authority and to lodge an appeal against any such decision. For the avoidance of doubt this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and Notices to Quit;
- c) empower officers of the Authority to prosecute or defend or appear in any legal proceedings by virtue of statutory provisions and to appear on behalf of the Authority at any inquiry, tribunal or other body responsible for matters affecting the Authority.

### **Grants and Loans**

- B-11 The Chief Executive is authorised to make, refuse, withdraw or reclaim grants and loans in all circumstances where the Authority has power so to act. In the exercise of this delegated power, he/she will:

- a) act in accordance with the overall policies and any scheme approved by the Authority or any of its Committees; and
- b) maintain a register of all decisions made. Such register to be open to inspection by any member of the Authority and any member of the public.

### **Conservation and Land Management**

- B-12 The Chief Executive is authorised to:
- a) refuse and accept all Forest Design Plans and to inform the Authority of any decisions on proposals for new planting of greater than 10ha within the National Park boundary; and
  - b) take any action available under the Hedgerows Regulations 1997.
  - c) Felling plans/licences
  - d) To agree and extinguish woodland management agreements

### **Development Management**

- B- 13 The Chief Executive is authorised to determine all planning and related applications and to carry out duties relating to such applications as required by The Town and Country Planning Acts, The Planning (Listed Buildings And Conservation Areas) Act 1990 and other associated legislation, apart from in those circumstances set out in Development Management Scheme of Delegation (Part D).

### **Response to Proposals affecting the National Park or the Authority**

- B-14 The Chief Executive is authorised to determine an Authority response in line with the Authority's policies on any national or local government proposal affecting the National Park including those concerning the Authority's powers, duties, functions and responsibilities.

### **Variations from Decisions of Authority or Committee Meetings**

- B-15 The Chief Executive is authorised to action a decision of an Authority or Committee Meeting where any variation from that decision is insignificant and has no implications for the Authority.

### **Document Signatures**

- B- 16 The Chief Executive shall sign on behalf of the Authority, where appropriate, notices, orders, deeds or documents necessary to give effect to matters and recommendations of committees presented to and approved by the Authority or give effect to any matter dealt with by a Committee or Sub-Committee of the Authority under their delegated powers or where any such document is a necessary step in the legal or parliamentary proceedings on behalf of the Authority or in which the Authority is concerned. Provided that any such notices, orders, deeds or documents may be signed in the Chief Executive's name and on his/her behalf by any person designated by him for that purpose or any of them.

## **Part C: Delegation of Powers to Directors and Heads of Department**

### **C 1 General delegation to the Directors and Heads of Department**

- C-1.01 The Directors and Heads of Department are authorised to act on behalf of the Chief Executive in relation to any matters hereby delegated, subject to the following overriding provisions:
- a) the overall policies approved by the National Park Authority or by the appropriate Committee under delegated powers;
  - b) Standing Orders;
  - c) Financial Regulations; and
  - d) Development Management Scheme of Delegation
- C-1.02 Before exercising any power, the Director and/or Head of Department will consider whether the decision to be made is of such a nature that it ought to be referred for decision to the Chief Executive.
- C-1.03 The following powers may be exercised by Heads of Department or any other officer duly authorised in writing by the Head of Department or the Chief Executive.
- C-1.04 These delegations may be rescinded in whole or in part by the Chief Executive at any time.
- C-1.05 Heads of Department are authorised to act in determining the management of the human, financial and material resources made available to their Department, for the purposes defined in the Authority's approved policies, plans and budget, and except as otherwise provided in this Scheme of Delegation.
- C-1.06 Without prejudice to these delegations, each Head of Department is expected to liaise in appropriate cases with the Chief Executive and in appropriate cases to:
- a) maintain a close liaison with the appropriate Committee or Group Chairman (or in his / her absence the Deputy Chairman); and/or
  - b) ensure that the local members (local authority or appointed) are advised of key actions exercised under delegated powers; and/or
  - c) ensure that the Monitoring Officer and / or Chief Finance Office (S151 Officer) is consulted or informed where appropriate.
- C-1.07 In the absence of a Head of Department, another officer may exercise any power conferred on the Head of Department in his / her absence or at other times with approval from the Chief Executive.
- C-1.08 Heads of Department are authorised to act in relation to the appointment of all staff at below Head of Department level (including contract staff) and apply the Authority's personnel and management policies to all staff in their Department. When nominated under the disciplinary and capability policy, Heads of Department may be authorised to act in relation to discipline and dismissal of staff.
- C-1.09 Heads of Department are authorised to make or refuse financial grants in all circumstances where the Authority has power so to act. In exercise of this delegated power, he / she will:
- a) act in accordance with the overall policies, budgets and any scheme approved by the Authority or any of its Committees / Sub-Committees; and
  - b) maintain a register of all decisions made. Such register to be open to inspection by any member of the Authority and any member of the public.
- C-1.10 Heads of Department are authorised to take decisions on behalf of the Authority in all areas where they have sole managerial and professional responsibility.

## **Part D: Development Management Scheme of Delegation**

### **D-1 Development Management Committee**

The Development Management Committee shall exercise the functions as follows:

1. As a planning authority and mineral planning authority for Northumberland National Park under the Town and Country Planning Act 1990 as amended or revoked and re-enacted, and any Statutory Instrument or Regulations made there under;
2. As the relevant authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended or revoked and re-enacted, and any Statutory Instrument or Regulations made there under; and
3. As the relevant authority for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and all related matters.

### **D-2 Delegation to the Head of Development Management**

The Head of Development Management is authorised to act on behalf of the Chief Executive and exercise delegated authority to determine any matter arising under:

- a. The Town and Country Planning Act 1990;
- b. The Planning (Listed Buildings and Conservation Areas) Act 1990; and
- c. Any Statutory Instrument or Regulation made there under;
- d. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Except as follows:

- i) All proposals submitted by or on behalf of the Authority for its own developments, or for development on Authority owned land where one or more written objections have been received;
- ii) in respect of applications notified on the weekly list, where a member of the Authority indicates in writing within 10 working days of the publication of the list, a material planning reason for the matter to be considered by the Authority. The member shall provide a written reason for that particular application to proceed to the Authority using direct reference to planning policy;
- iii) the relevant Parish Council or other statutory consultee makes a written representation, based upon material planning consideration which is in conflict with the proposed decision, which the Head of Development Management considers cannot be dealt with by the imposition of a condition or conditions;
- iv) any application which the Head of Development Management knows is made by or relating to a property owned by or let to a member of the Authority or a senior officer<sup>1</sup> or officer working in the planning and policy departments of the Authority or by or their spouse / partner of the above member or officer;
- v) there are distinctive written representations, from more than three households/ organisations, based upon material planning considerations in substantial conflict with the proposed decision, which the Head of Development Management considers cannot be dealt with by the imposition of a condition or conditions;
- vi) any application which the Head of Development Management considers are contrary to the adopted Development Plan but which are recommended for approval;

- vii) Legal action, other than the issue, service, or withdrawal of a Planning Contravention Notice, a Section 330 Notice, a Breach of Condition Notice, or a Temporary Stop Notice; or
- viii) The Head of Development Management believes that the matter should be considered by the Authority by reason of significant public interest, a conflict between the Authority's adopted planning policies and other material planning considerations.

**Notes**

<sup>1</sup> Senior Officer refers to the Chief Executive, Directors, Heads of Department, the Monitoring Officer and Chief Financial Officer.