

Peak District National Park Authority



STANDING ORDERS

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

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PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 1

MEETINGS AND PROCEEDINGS OF THE AUTHORITY

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**MEETINGS AND PROCEEDINGS
OF THE NATIONAL PARK AUTHORITY**

- 1.1 (1) The meetings and proceedings of the National Park Authority shall be conducted in accordance with the rules set forth in Schedule 2 of the National Park Authorities (England) Order (SI 1996 No 1243). The relevant parts of those rules are incorporated in these standing orders with amendments and indicated by reference.
- (2) The remainder of these Standing Orders are made for the regulation of the proceedings and business of the Authority pursuant to Article 9 of the National Park Authorities Order, Schedule 12 paras 39-44 of the Local Government Act 1972 (1972 Act) and the Local Authorities (Standing Orders) Regulations 1993 (SI 1993-203).

PART A ORDERS APPLICABLE TO AUTHORITY MEETINGS

DATES, TIMES AND VENUE OF MEETINGS

- 1.2 (1) The Authority shall in every year hold an Annual Meeting and at least three other meetings for the transaction of general business which as near as may be shall be held at regular intervals.
(NPA Order)
- (2) The first meeting held after 31 May in any year shall be the Annual Meeting.
(NPA Order)
- (3) The day for holding the Annual Meeting and any ordinary meetings of the Authority, in addition to any meetings convened by the Chair, Deputy Chair or Members shall be fixed by the Authority at the previous annual meeting at which the Authority shall approve a calendar of meetings of the Authority.
- (4) All meetings of the Authority shall commence at 10.00 am or at such other time as the Chair shall deem necessary for the satisfactory transaction of business.
- (5) All meetings of the Authority shall be held at the National Park Office, Aldern House, Bakewell or at such other places as the Chair shall determine.

CALLING OF MEETINGS

- 1.3 (1) The Chair of the Authority or, if the office of Chair is vacant, the Deputy Chair of the Authority may call a meeting of the Authority at any time.
(NPA Order)
- (2) If the Chair, or the Deputy Chair if the office of Chair is vacant, refuses to call a meeting of the Authority after a requisition for that purpose, specifying the nature of the important or urgent business, signed by five Members of the Authority, has been presented to him, or if, without so refusing, the Chair or, as the case may be, the Deputy Chair does not call a meeting within seven days after such requisition has been presented to him, any five Members of the Authority on that refusal or on the expiration of seven days as the case may be, may forthwith call a meeting of the Authority.
(NPA Order)

- (3) Five clear working days before a meeting of the Authority:
- (a) notice of the time and place of the intended meeting shall be published at the National Park Office and, where the meeting is called by Members of the Authority, the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and
 - (b) a summons to attend the meeting, specifying the business proposed to be transacted thereat and signed by the Chief Executive (National Park Officer) shall be left at or sent by post to the usual place of residence of every Member of the Authority with a copy to the proper officer of every Council for every principal area the whole or any part of which is within the National Park, the Countryside Agency and the Secretary of State for the Environment.

Provided that -

- (a) want of service of the summons on any Member of the Authority shall not affect the validity of a meeting; and
 - (b) no business shall be transacted at a meeting called by Members of the Authority other than that specified in the notice thereof
(NPA Order)
 - (c) Subject to section 100 B (4) of the 1972 Act; except in the case of business required by or under the NPA order or any other statutory provision to be transacted at the annual meeting of the Authority and other business brought before that meeting as a matter of urgency in accordance with Standing Orders, no business shall be transacted at a meeting of the Authority other than that specified in the summons thereto.
(NPA Order)
- (4) The proceedings of the Authority shall not be invalidated by any vacancy or defect in appointment of any Member.
(NPA Order)

ELECTION OF CHAIR & DEPUTY CHAIR OF THE AUTHORITY

- 1.4
- (1) The Authority shall at its Annual meeting elect a Chair and a Deputy Chair who shall continue in office until immediately after the election of the Chair and Deputy Chair at the next Annual Meeting unless they resign their respective office, or resign their membership of the Authority.
(NPA Order)
 - (2) The election to the offices of Chair and Deputy Chair shall normally be such that one of the offices shall be held by a Council Member and the other office held by a Secretary of State Member.
 - (3) On a casual vacancy occurring in the office of Chair or Deputy Chair of the Authority the vacancy shall be filled by the appointment by the Authority of one of its Members at their next meeting and the person so appointed shall hold office until the date upon which the person in whose place he is appointed would regularly have retired.
(NPA Order)

CONDUCT OF MEETINGS

- 1.5 (1) At a meeting of the Authority the Chair, if present, shall preside. (NPA Order)
- (2) If the Chair is absent from a meeting of the Authority the Deputy Chair, if present, shall preside. (NPA Order)
- (3) If both the Chair and the Deputy Chair of the Authority are absent such Member of the Authority as the Members present shall choose shall preside. (NPA Order)
- (4) All questions coming or arising before a meeting shall be decided by a majority of the Members present and voting thereon and in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote. (Local Government Act)
- (5) Mobile telephones, pagers, tablets and other such equipment must be switched to silent mode during meetings of the Authority so as not to disturb the conduct of the meeting. (NPA Meeting 6/12/13)
- (6) The Authority is not required by legislation to permit the recording or broadcasting of its meetings by sound, video, film, photograph or any other means this includes blogging or tweeting, posts on social media sites such as facebook or publishing on video sharing sites. However, in the interests of helping the wider public observe and understand Authority decisions, requests to record and report on meetings of the Authority and its Committees held in public will be allowed by the Monitoring Officer or their deputy, in consultation with the Chair of the meeting, providing it can be demonstrated that it will not disrupt the meeting and is carried out in accordance with any protocols and guidance issued by the Monitoring Officer. (NPA Meeting 6/12/13)
- (7) The Chair has discretion to withdraw or suspend this permission should he or she deem it necessary, for example if the recording is disrupting the conduct of the meeting, or where a member of the public participating in a meeting objects to being recorded. In order to assist the Chair to manage the meeting and respect the wishes of other members of the public who are present the recording must be carried out in such a way that everyone present is aware that the meeting is being recorded or reported. (NPA Meeting 6/12/13)
- (8) While the Local Government Act 1972 does not require an authority to record its meetings, subject to the availability of suitable recording equipment, the Authority will make a digital audio recording of all Part A discussions and decisions at meetings of the Authority and its Committees. Usually the recordings will only be held by the Monitoring Officer until the minutes of the meeting have been agreed by Authority or the relevant committee and then deleted. However the Chair of the meeting or the Monitoring Officer may agree that recording may be retained for a longer period if required. All requests from members of the public for copies of recordings will be dealt with in accordance with the provisions of the Freedom of Information/Environmental Information legislation. (NPA Meeting 6/12/13)
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CHAIR'S POWERS

- 1.6 In these Standing Orders the expression "Chair" means the Chair of the Authority, but any powers or duty assumed to the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

QUORUM

- 1.7 (1) Subject to the provisions of paragraph 45 of Schedule 12 of the 1972 Act no business shall be transacted at a meeting of the Authority unless:
- (a) at least the third of the whole number of members of the Authority are present; and
 - (b) of those present at least one is a local authority member and at least one is a Secretary of State member.
- (NPA Order)
- (2) If, during any meeting of the Authority, the Chair, after counting the number of persons present, declares that there is not a quorum present, the meeting shall stand adjourned to a date fixed by the Chair at the time the meeting is adjourned. If he does not fix a date the business remaining to be conducted shall be considered at the next meeting of the Authority.

ATTENDANCE BOOK

- 1.8 An attendance book shall be provided at every meeting of the Authority, in which every Member shall enter his name and from which book the attendance of the Members shall be registered and the same shall be binding on the Members of the Authority.
- (Local Government Act)

ORDER OF BUSINESS

- 1.9 The order of business at every meeting of the Authority shall, subject to any statutory requirements and to Order 1.27(5) below, be as follows:
- (a) to choose a person to preside if the Chair and Deputy Chair be absent;
 - (b) to deal with any business required by statute to be done before any other business of the Authority;
 - (c) to approve as a correct record and sign the Minutes of the last meeting of the Authority;
 - (d) to deal with any business expressly required by statute to be done;
 - (e) to introduce any business which by reason of special circumstances, the Chair of the meeting, after consultation with the Director of Corporate Resources, is of the opinion that the item should be considered as a matter of urgency, and then to resolve when such business shall be ordered on the Agenda;
 - (f) to dispose of business (if any) remaining from the last meeting;
 - (g) to consider motions in the order of which notice has been received;
 - (h) to answer questions asked pursuant to Order 1.19(1)(a);

- (i) other business, if any, specified in the summons;
- (j) to receive and consider the minutes and recommendations of Committees.

DURATION OF MEETING

- 1.10 Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for three hours will adjourn immediately. Remaining business will be considered at the next ordinary meeting.
- (NPA Meeting 5/10/12)

MINUTES

- 1.11 (1) Minutes of the proceedings of each meeting of the Authority shall, subject to paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next suitable meeting of the Authority by the person presiding thereat and any minute purporting to be so signed shall be received in evidence without further proof.
- (Local Government Act)
- (2) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of proceedings of meetings of the Authority may be recorded on loose leaves consecutively numbered, the minutes of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next suitable meeting of the Authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
- (Local Government Act)
- (3) Where in relation to any meeting of the Authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 of the Local Government Act 1972 the next following meeting of the Authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of (1) and (2) above (signing of minutes).
- (S.I 1993-203)
- (4) The Chair shall put the question "May the minutes of the meeting of the Authority held on the day of be approved as a correct record"?
- (5) No discussion shall take place on the minutes except on their accuracy and any question of their accuracy shall be raised by motion. If no such question is raised, or, if it is raised, then as soon as it is disposed of, the Chair shall sign the minutes.
- (6) Any question on the accuracy of the minutes of a Committee or Sub-Committee shall stand referred to the next meeting of the Committee or Sub-Committee and shall not be discussed at the meeting of the Authority.
- (7) A copy of the minutes of the proceedings at each meeting of the Authority shall be sent to the proper officer of the Council for every principal area the whole or any part of which is within the National Park, to the Countryside Agency and the Secretary of State for the Environment within thirty days of the date of the meeting at which those minutes were approved.
- (NPA Order)
- (8) Minutes of the proceedings purporting to be signed by the Chair following approval shall be received in evidence without further proof.
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- (9) Until the contrary is proved, a meeting of the Authority a minute of whose proceedings has been made and signed in accordance with this order shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.
(Local Government Act)

VOTING

- 1.12 (1) The mode of voting at meetings of the Authority shall be by show of hands and on the requisition of any Member of the Authority, supported by four other Members who signify their support by rising in their places, made before the vote on any question is taken, the voting shall be recorded so as to show whether each Member present and voting gave his vote for or against that question.
(NPA Order)
- (2) Where immediately after a vote is taken any Member so requires there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his vote for the question or against the question or whether he abstained from voting.
(S.I. 1993-203)
- (3) Where there are more than two persons nominated for any position to be filled (including any paid appointment and any Chairship, Deputy or Vice-Chairship) and of the votes given there is not a clear majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person. In the case of an equality of votes for two or more candidates the Chair shall have a second or casting vote.
- (4) The voting will take place by ballot when making an appointment to the positions of Chair and Deputy Chair of the Authority or Chair and Vice-Chair of a Committee or Sub-Committee. The voting may take place by ballot on other appointments, if the Authority so determines.
(Authority 15/3/13)

VARIATION IN ORDER OF BUSINESS

- 1.13 The order of business at any meeting of the Authority (other than business falling at sub-paragraphs (a), (b) and (c) in Order 1.9) may be varied either at the discretion of the Chair or by a resolution passed on a motion (which need not be in writing) duly moved and seconded which shall be moved and put without discussion.

NOTICES OF MOTION

- 1.14 Notice of every motion (other than a motion, which, under Order 1.17 may be moved without notice) shall be given in writing and signed by the Member or Members of the Authority giving the notice, and delivered at least 10 days before the next meeting of the Authority to the Director of Corporate Resources. It shall be dated, numbered in the order in which it is received, and entered into a book which shall be open to the inspection of every Member of the Authority.

MOTION TO BE SET OUT IN SUMMONS

- 1.15 The Director of Corporate Resources shall set out in the summons for every meeting of the Authority all motions of which notice has been duly given in the order in which they have been received, unless the Member giving such a notice intimated in writing,

when giving it, that he proposed to move it at some later meeting or has since withdrawn it in writing.

MOTIONS NOT MOVED

- 1.16 If a motion that is set out in the summons be not moved, either by a Member who gave notice thereof, or, by some other Member on his behalf, it shall, unless postponed by consent of the Authority, which shall be signified without discussion, be treated as withdrawn and shall not be moved without fresh notice.

SCOPE OF MOTIONS

- 1.17 Every motion shall be relevant to some matter in relation to which the Authority has powers or duties, or which affects the Peak District National Park.

MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

- 1.18 The following motions and amendments may be moved without notice:

- (1) appointment of the Chair of the meeting at which the motion is made;
- (2) motion in relation to the accuracy of the minutes;
- (3) that an item of business specified in the summons has precedence;
- (4) reference to a Committee;
- (5) appointment of a Committee or Member thereof occasioned by an item mentioned in the summons to the meeting;
- (6) receipt of reports or adoption of recommendations of Committees or officers and any consequent resolutions;
- (7) leave be given to withdraw a motion;
- (8) amendment to motions;
- (9) "that the Authority proceed to next business";
- (10) "that the question be now put";
- (11) "that the debate be now adjourned";
- (12) "that the Authority do now adjourn";
- (13) authorising the sealing of documents;
- (14) the suspension of the Standing Orders in accordance with Order 1.25;
- (15) motion under Section 100A of the Local Government Act 1972 to exclude the public;
- (16) that a Member named under Order 1.21(1) be not further heard or do leave the meeting;
- (17) to give the consent of the Authority where the consent of the Authority is required by these Standing Orders.

EXAMINATION OF COMMITTEE MINUTES

- 1.19 A Member of the Authority may without prior notice ask the Chair of a Committee any question upon a minute of a Committee or Sub-Committee when that minute is under consideration by the Authority.

FORMAL QUESTIONS

- 1.20 (1) A Member of the Authority may
- (a) if notice in writing has been given to the Director of Corporate Resources at least three days before an Authority Meeting ask the Chair of any Committee or Sub-Committee a question on any matter in relation to which the Authority has powers or duties or which affects the Peak District National Park;
 - (b) with the permission of the Chair, put to him or the Chair of any Committee any question relating to urgent business of which such notice has not been given, but a copy of any such question shall be delivered to the Director of Corporate Resources not later than 9.30 am on the day of the meeting.
- (2) Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer.
- (3) The Director of Corporate Resources shall send to every Member of the Authority a copy of every such question and of the reply within seven days of the meeting of the Authority at which the answer is given.

RULES OF DEBATE

Motions and Amendments

- 1.21 (1) A motion of amendment shall not be discussed unless it has been proposed and seconded, and, for Authority Meetings only, if notice has already been given in accordance with Order 1.13 it shall, if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put to the meeting.

Seconders' Speech

- (2) A Member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

Contents and length of speeches

- (3) A Member shall direct this speech to the question under discussion or to a personal explanation or to a point of order. No speech may exceed ten minutes except with the consent of the Chair.

When a member may speak again

- (4) A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
- (a) To speak once on an amendment moved by another Member.

- (b) If the motion has been amended since he last spoke, to move a further amendment.
- (c) If his first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he spoke was carried.
- (d) In exercise of a right of reply given by paragraph (11) or (13) of this Standing Order.
- (e) On a point of order.
- (f) By way of explanation of some material part of a speech by him which appears in the course of the debate to have been misunderstood.

Proviso

Provided that if a Member has moved a motion which has been referred to a Committee he shall have the right to speak immediately after the Chair of the Committee has moved the appropriate minute of the Committee and the right to the last speech before the Chair of the Committee replies to the debate.

Amendments to motions

- (5) An amendment shall be relevant to the motion and shall be either:
 - (a) to refer a matter to a Committee for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to insert or add words;
 - (d) to leave out words and insert or add others;but such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority.
- (6) Only one amendment may be moved and discussed at any time and no further amendment shall be moved until the amendment under discussion has been disposed of.
- (7) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

Alteration of motion

- (8) A Member may, with the consent of the Authority indicated without discussion:
 - (a) alter a motion of which he has given notice, or
 - (b) with the further consent of his seconder, alter a motion which he has moved;

if (in either case) the alteration is one which could be made as an amendment thereto.

Withdrawal of Motion

- (9) A motion or amendment may be withdrawn by the mover with the consent of his seconder and of the Authority which shall be signified without discussion, and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

Right of reply

- (10) The mover of a motion has a right of reply at the close of the debate on the motion immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

Motions which may be moved during debate

- (11) When a motion is under debate no other motion shall be moved except the following:
- (a) to amend the motion;
 - (b) to adjourn the meeting;
 - (c) to adjourn the debate;
 - (d) to proceed to the next business;
 - (e) that the question be now put;
 - (f) that a member be not further heard;
 - (g) by the Chair under Order 1.21(2) that a Member do leave the meeting;
 - (h) a motion under Section 100A of the Local Government Act 1972 to exclude the public.

Closure motions

- (12) A Member may move without comment at the conclusion of a speech of another Member:

"That the Authority proceed to the next business"; "that the question be now put"; "that the debate be now adjourned"; "that the Authority do now adjourn"; on the seconding of which the Chair shall proceed as follows:

- (a) On a motion "to proceed to next business", unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first give the mover of the original motion a right of reply and then put to the vote the motion "to proceed to next business".
- (b) On a motion that "the question be now put": unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first put to the vote the motion "that the question be now put", and, if it is passed, then give the mover of the original motion his right of reply under paragraph (11) of this Standing Order before putting his motion to the vote;

- (c) On a motion "to adjourn the debate or the meeting"; if in his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply on that occasion.

Points of order

- (13) A Member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and a Member shall specify the Standing Order or statutory provision and the way in which he considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him which may appear to have been misunderstood in the present debate.
- (14) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Respect for Chair

- (15) Whenever the Chair rises during a debate a Member then standing shall resume his seat and the Authority shall be silent.

DISORDERLY CONDUCT

- 1.22 (1) If at a meeting any Member of the Authority, in the opinion of the Chair notified to the Authority, misconducts himself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Authority, the Chair or any other Member may move "That the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.

Continuing misconduct by a named Member

- (2) If the Member named continues his misconduct after a motion under the foregoing paragraph has been carried the Chair shall:

either

move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

or

adjourn the meeting of the Authority for such period as he in his discretion shall consider expedient.

General disturbance

- (3) In the event of general disturbance which, in the opinion of the Chair, renders the due and orderly despatch of business impossible, the Chair in addition to any other power vested in him may, without question put, adjourn the meeting of the Authority for such a period as he in his discretion shall consider expedient.

EXCLUSION OF THE PUBLIC FROM MEETINGS AND DISTURBANCE BY MEMBERS OF THE PUBLIC

- 1.23 (1) The Authority or any Committee or Sub-Committee shall by resolution, exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or of the nature of the proceedings, that if members of the public were present during that item, confidential information, as defined in Section 100A(3) of the Local Government Act 1972, would be disclosed to them in breach of an obligation of confidence.
- (2) The Authority or any Committee or Sub-Committee may by resolution exclude the public from a meeting, upon a motion duly made and seconded being carried by a majority, whenever it is likely, in view of the nature of the business to be transacted or of the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in Section 100I of the Local Government Act 1972.
- (3) The business, the subject of the resolution, shall stand adjourned until all other business of the meeting has been transacted whereupon the public shall leave the meeting and the adjourned business shall be considered.
- (4) If a member of the public interrupts the proceedings at any meeting the Chair shall warn him. If he continues the interruption the Chair shall order his removal from the Meeting Room. In the case of general disturbance in any part of the Meeting Room open to the public the Chair shall order that part to be cleared.

RESCISSION OF PRECEDING RESOLUTIONS

- 1.24 No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been negatived within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order 1.13 bears the names of at least five Members of the Authority. When any such motion or amendment has been disposed of by the Authority, it shall not be open to any Member to propose a similar motion within a further period of six months. This order shall not apply to motions moved in pursuance of the recommendation of a committee.

VARIATION AND THE REVOCATION OF STANDING ORDERS

- 1.25 Except for those Standing Orders derived from statutory authority any motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Authority.

SUSPENSION OF STANDING ORDERS

- 1.26 (1) Except for those Standing Orders derived from statutory authority, and subject to paragraph (2) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- (2) A motion to suspend Standing Orders shall not be moved without notice (ie under Order 1.13) unless there shall be present at least one-half of the whole number of the Members of the Authority.

INTERPRETATION OF STANDING ORDERS

- 1.27 The ruling of the Chair as to the construction or application of any of these Standing Orders, or as to any proceedings of the Authority, shall not be challenged at any meeting of the Authority.

PART B ORDERS APPLYING TO AGENDAS AND REPORTS

PREPARATION AND PUBLICATION OF AGENDAS AND REPORTS

- 1.28 (1) An item of business may not be considered at a meeting of the Authority, Committee or Sub-Committee unless either:
- (a) A copy of the agenda including the item is open to inspection by members of the public for at least five clear days before the meeting or, where the meeting has been convened at shorter notice, from the time the meeting is convened; or
 - (b) By reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting, after consultation with the Director of Corporate Resources is of the opinion that the item should be considered at the meeting as a matter of urgency.
- (2) Reports for the Authority, Committees and Sub-Committees, where any part of the meeting is not open to the public shall be marked as follows:
- (a) Under Section 100A(4) of the Local Government Act 1972 (Exempt Information) the report shall be marked "Part B. Exempt Information. Not for Publication" and shall state the description, in the terms of Schedule 12A to the Local Government Act 1972, of the exempt information to which the report relates.
 - (b) Under Section 100A(2) of the Local Government Act 1972 (Confidential Information) the report shall be marked "Part B. Confidential. Not for Publication".
 - (c) Reports for other meetings not open to the public shall be marked "Not for Publication".
- (3) All items where it is likely that the public shall be excluded from the meeting shall be grouped at the end of the Agenda for the meeting and the Agenda shall indicate that the public are likely to be excluded from the meeting during the discussion of these items.
- (4) Copies of the Agenda for a meeting and copies of the reports for a meeting which relate to items during which the meeting is open to the public shall be open to inspection by members of the public after copies of the Agenda and reports are available to Members of the Authority and a reasonable number of such copies shall be available for the public at the meetings.
- (5) The minutes of meetings that were open to the public shall be available to the public after copies of the minutes are available to Members of the Authority.
- (6) Where the whole or part of a meeting has been open to the public copies of the list of background papers to the reports and copies of the background papers included in the list, excluding those papers that reveal confidential or exempt

information, shall be available for inspection by members of the public for four years.

- (7) Copies of the Agendas, reports, Minutes and background papers shall be available to the press on the same terms as they are available to the public.
- (8) A copy of the Agenda of every meeting of a Committee and of the standing Sub-Committees together with the reports of the officers shall be sent to every Member of the Authority so that he may be informed of all business arising thereat. (Local Government Act)
- 9) Before the publication of the Agenda, The Chair of the meeting, or in their absence, the Deputy/Vice Chair, may identify reports which require a decision at a meeting of the Authority, Committee or Sub-Committee but do not necessarily need to be discussed. Items which are proposed to be dealt with in this way must be grouped together and clearly identified on the published agenda as "Items not for discussion. Reports directly relating to a planning applications will not be identified as a "Not for discussion item"
- (10) If Democratic Services has not received written notice that one or more Members wishes to speak on an item identified on the agenda as not for discussion, each item will be considered in the order set out in the published agenda, with the recommendations set out in each report moved and seconded without debate and then put to vote.
- (11) Any notice under Standing Order 1.28(10) must be received by Democratic Services, by 12 noon on the day before the meeting stating the title and item number of the report it relates to. At the start of the meeting Chair must then advise those present that a valid notice has been received and that the item identified will be open to debate and discussion by members. (NPA Meeting 6/12/13)

PART C ORDERS GENERALLY APPLICABLE

DISCLOSABLE PECUNIARY INTERESTS OF MEMBERS

- 1.29
- (1) A Member must disclose and, unless permitted to remain as a result of the grant of a dispensation, withdraw from any meeting of Authority, a Committee or Sub-Committee if he/she is aware that they have a Disclosable Pecuniary Interest in any matter being considered. This requirement applies even if the Member would be absent from that part of the meeting where the matter in question is under consideration or they are not a member of that Committee or Sub-Committee.
 - (2) Even if a Member has already registered the Disclosable Pecuniary Interest or sent a pending notification to the Monitoring Officer to register such an interest the Member must still disclose the interest to the meeting by declaring the existence and nature of the interest.
 - (3) Where a Member does make a disclosure of a Disclosable Pecuniary Interest, which has not already been registered or sent to the Monitoring Officer to register, he/she must then notify it to the Monitoring Officer within the next 28 days, so that it can go on the Register of Interests. (NPA Meeting - 6/7/12)

PERSONAL AND PREJUDICIAL INTERESTS OF MEMBERS

- 1.30 (1) A Member must disclose any Personal or Prejudicial Interest to any meeting of Authority, a Committee or Sub-Committee if he/she is aware that they have such an interest in any matter being considered, by declaring the existence and nature of the interest.
- (2) A Member should withdraw from any meeting of an Authority, a Committee or Sub-Committee if he/she is aware that they have a Prejudicial Interest in any matter being considered, unless permitted to remain as a result of the grant of a dispensation
- (3) Where a Member does make a disclosure of a Personal or Prejudicial, which is not registered, nor sent to the Monitoring Officer to register, he/she must notify it to the Monitoring Officer within the next 28 days, so that it can go on the Register of Interests.

(NPA Meeting - 6/7/12)

INTEREST OF OFFICERS IN CONTRACTS AND OTHER MATTERS

- 1.31 (a) The Director of Corporate Resources shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Authority under Section 117 of the Local Government Act 1972 of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any Member of the Authority.
- (b) If it comes to the knowledge of an officer of the Authority that he has a pecuniary interest, direct or indirect, or a non-pecuniary or other interest in any contract that has been, or is proposed to be entered into by the Authority, he shall as soon as practicable give notice in writing to the Director of Corporate Resources of such an interest.
- (c) An officer of the Authority, who has a pecuniary, non-pecuniary, or other interest in any other matter concerning or to be determined by the Authority, shall as soon as practicable give notice in writing to the Director of Corporate Resources of such an interest.
- (d) The Director of Corporate Resources shall record in a book, to be kept for the purposes, particulars of any notices given under this Standing Order, such book to be kept open for inspection by any Member of the Authority.

Gifts and Hospitality - Officers

- (e) Offers of gifts or hospitality made to an officer, arising out of employment by the Authority, shall be accepted only in accordance with guidelines issued by the Director of Corporate Resources.
- (f) An officer of the Authority who receives such offers of gifts or hospitality shall, as soon as practicable give notice in writing to the Director of Corporate Resources.
- (g) The Director of Corporate Resources shall record in a book, to be kept for the purposes, particulars of any notices given under this Standing Order, such book to be kept open for inspection by any Member of the Authority.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

- 1.32 (1) Canvassing of Members of the Authority or any Committee of the Authority directly or indirectly for any appointment under the Authority shall disqualify the

candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in every advertisement inviting applications for appointments or in any form of application.

- (2) A Member of the Authority shall not solicit for any person any appointment under the Authority, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the Authority with an application for appointment.

RELATIVES OF MEMBERS OR OFFICERS

- 1.33 (1) A candidate for any appointment under the Authority who knows that he is related to any Member or Senior Officer of the Authority shall when making application disclose that relationship to the Director of Corporate Resources. A candidate who fails to disclose such a relationship shall be disqualified for the appointment, and if appointed, shall be liable to dismissal without notice. Every Member and officer of the Authority shall disclose to the Director of Corporate Resources any relationship known to him to exist between himself and any person whom he knows is a candidate for an appointment under the Authority. The Director of Corporate Resources shall report to the Authority or to the appropriate Committee any such disclosure made to him.
- (2) The purport of this Standing Order shall be included in any form of application.
- (3) For the purpose of this Standing Order "Senior Officer" means any officer under the Authority so designated by the Services Committee and persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

SEALING OF DOCUMENTS

- 1.34 (1) The Common Seal of the Authority shall not be affixed to any document unless the sealing is to give effect to a resolution of the Authority, a Committee or a Sub-Committee to which the Authority has delegated its powers. The Common Seal may be affixed without such prior specific authority to documents which are required to be sealed to implement or give effect to any decision made by an Officer to whom the Authority, a Committee or a Sub-Committee has delegated its powers to make that decision.
- (2) The seal shall be attested by one at least of the following persons present at the sealing viz by the Chief Executive (National Park Officer) or the Director of Corporate Resources, or by the Democratic Services Manager in the absence of both the Chief Executive (National Park Officer) and the Director of Corporate Resources. Any entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person or by persons who shall have attested the seal. *(Amended - Minute 63/09 Authority meeting 31/7/09)*

AUTHENTICATION OF DOCUMENTS

- 1.35 Where any document will be a necessary step in legal proceedings or shall be a legal agreement, contract, notice or order under hand on behalf of the Authority it shall, unless any enactment otherwise requires or authorises or the Authority shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Head of Law or in her absence, by the Director of Corporate Resources.

INSPECTION OF LANDS, PREMISES ETC

- 1.36 Unless specifically authorised to do so by the Authority or a Committee a Member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of his Membership of the Authority any right to inspect or to enter upon any land or premises which the Authority has the power or duty to enter.

STANDING ORDERS TO BE GIVEN TO MEMBERS

- 1.37 A printed copy of these Standing Orders, and of such statutory provisions as regulate the proceedings and business of the Authority shall be given to each Member of the Authority by the Director of Corporate Resources upon his appointment to the Authority.

MEMBERS' RIGHTS TO INSPECT DOCUMENTS - RULES OF PROCEDURE

- 1.38 (1) **Documents relating to Business at Meetings**
- (a) Any documents which are in the possession or under the control of the Authority and contain material relating to any business to be transacted at a meeting of the Authority or a Committee or Sub-Committee of the Authority shall, subject to (b) below, be open to inspection by any Member of the Authority.
 - (b) The right to inspect documents referred in (a) above does not permit a Member of the Authority to inspect a document which, in the opinion of the proper officer of the Authority, discloses exempt information of a description falling within any of paragraphs 1 to 5 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972.
- (2) **Other Documents**
- (a) An Authority Member wishing to inspect any document other than those covered by clause (1) above should make a written request to the appropriate Chief Officer and the Chair of the Committee concerned.
 - (b) If the Chief Officer is satisfied after consultation with the Chair that the request to inspect the document is reasonable, the document is to be produced for the Member's inspection.
 - (c) If the Member's request for inspection raises any legal issues, the Chair and the Chief Officer will consult the Director of Corporate Resources.
 - (d) If the matter is not resolved it is then to be referred to the appropriate Committee for decision.
- (3) **All Documents**
- (a) Where a document has been inspected by a Member, or a Chair and Chief Officer or a Committee are asked for a ruling on disclosure, the Chief Officer involved shall be given express indemnity by the Authority in respect of any claim in defamation which may be made against the Chief Officer if inspection of the document is permitted.

- (b) In the case of any document containing personal information, any decision by a Chair and Chief Officer or a Committee to permit inspection shall be subject to the condition that before the document is produced for inspection the permission of the original author of the document shall be obtained.
- (c) Members and officers are advised that where information of a possible defamatory nature is contained in a document inspection of which by a Member of the Authority is permitted, such inspection is allowed on the clear understanding that neither the document nor its contents should be passed on to any other party.
- (d) Nothing in these rules shall prevent a Member of the Authority passing a document or the purport of a document produced in accordance with this order to a Local Government Commissioner, but responsibility for any action arising from such publication shall rest solely with that Member.
- (e) Nothing in these rules shall be deemed to affect the right of any Member of the Authority to inspect any document where such right is provided by any other statute or regulation.

PART D ORDERS APPLYING TO COMMITTEES OF THE AUTHORITY

APPOINTMENT OF COMMITTEE CHAIRS & VICE CHAIRS

- 1.39
- (1) The Authority at the Annual Meeting in each year shall appoint two Members to be Members of and to be the Chair and Vice Chair of each of the Standing Committees appointed under Standing Order 1.38.
 - (2) The appointments to the offices of Chairs and Vice Chairs of each of the Standing Committees shall normally be such that one of the offices shall be held by a Council Member and the other office held by a Secretary of State Member.
 - (3) Such Members shall continue in office until immediately after the election of the Chairs and Vice Chairs at the next Annual Meeting unless they resign their respective offices, or resign their membership of the Authority.
 - (4) Such Members shall also continue in office, until the next Annual Meeting, on being re-appointed to the Authority at the expiry of their current term of Authority membership.
 - (5) On a casual vacancy occurring in the office of Chair or Vice Chair of the Standing Committees the vacancy shall be filled by the appointment by the Authority of one of its Members at their next meeting and the person so appointed shall hold office until the date upon which the person in whose place he or she is appointed would regularly have retired.

APPOINTMENT OF STANDING COMMITTEES

- 1.40
- (1) The Authority shall in each year appoint Standing Committees and the Members thereof and may at any other time appoint such other Committees, as are necessary to carry out the work of the Authority. The number of Members appointed to each Standing Committee shall consist of both Council Members and Secretary of State appointed Members and shall as near as possible (using whole numbers) be in the same proportion as the membership of the Authority.

- (2) The Authority shall have the following Standing Committees:

Planning Committee
Audit Resources & Performance Committee

- (3) Membership of each Standing Committee shall be as follows:

- (i) The Chair and Deputy Chair of the Authority (ex-officio).
- (ii) The Chair and Vice Chair of the Standing Committee (previously appointed by the Authority under Standing Order 1.39).
- (iii) The Chair of the other two Standing Committees (previously appointed by the Authority under Standing Order 1.39 (ex-officio).
- (iv) The remaining Members of the Authority shall be appointed to the Standing Committees as follows:

Members shall be appointed to the Planning Committee by the allocation of a number of places to the constituent councils and to the Secretary of State appointed National and Parish Members in such proportions as are determined at each Annual meeting. The remaining Members will be appointed to the Audit Resources & Performance Committee.

- (4) In the absence of the Chair of a Standing Committee the Vice-Chair of that Committee may attend meetings of the other Standing Committees.

SUB-COMMITTEE MEMBERSHIP

- 1.41 The number of Members appointed to each Sub-Committee shall be determined by the Authority, or the appointing Committee where appropriate and shall consist of both Council Members and Secretary of State appointed Members and shall as near as possible (using whole numbers) be in the same proportion as the membership of the Authority.

(Environment Act)

CONTINUITY OF APPOINTMENTS

- 1.42 (1) Where any Member retires from the Authority at the end of their current term of office and their appointment is renewed by either the Secretary of State or a Council, membership of any Committee, Sub-Committee or Advisory Group shall continue until the date upon which such membership would normally have expired.
- (2) Where any Member ceases to be a Member of the Authority either during or at the end of their current term of office and is not re-appointed to the Authority, the vacancies that have arisen on any Committee, shall be filled by that Member's successor until the date upon which such Committee membership would normally have expired. Where more than one new appointment is made at the same time, by the Secretary of State or a particular Council, the Members so appointed shall decide between themselves the filling of the vacancies subject to maintaining the agreed proportional balance on the Committees.

CONVENING OF MEETINGS OF COMMITTEES AND SUB-COMMITTEES

- 1.43 All meetings of Committees and Sub-Committees shall be summoned by the National Park Officer.

QUORUM OF COMMITTEES AND SUB-COMMITTEES

- 1.44 (1) Except where authorised by a statute or ordered by the Authority, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the Committee (including ex-officio Members) is present.

Provided that in no case shall the quorum of a Committee be less than three Members.

- (2) Except as aforesaid or otherwise ordered by the Committee which has appointed it, business shall not be transacted at a Sub-Committee unless at least one quarter of the whole number of the Sub-Committee (including ex-officio and co-opted Members) is present.

Provided that in no case shall the quorum of a Sub-Committee be less than two Members.

- (3) For the purpose of calculating the quorum if the number of the Committee or Sub-Committee is not divisible by four the quorum shall be one-fourth of the highest number below the number of the Committee or Sub-Committee which is divisible by four.

- (4) No business shall be transacted at meeting of a committee of a sub-committee unless those present includes at least one local authority member and at least one Secretary of State member.

(Environment Act)

EX-OFFICIO MEMBERSHIP OF COMMITTEES AND SUB-COMMITTEE

- 1.45 (1) The Chair and Deputy Chair of the Authority shall be ex-officio members of every Committee unless elected to serve thereon by vote of the Authority.
- (2) The Chair and Vice-Chair of any Committee which appoints a Sub-Committee shall be ex-officio members of that Sub-Committee unless they signify to the Committee that they do not wish to serve.

MEMBERS RIGHTS TO ATTEND AND SPEAK AT COMMITTEES AND SUB-COMMITTEES

- 1.46 (1) Observation of proceedings:
- (i) Any Member not appointed to a particular Committee or Sub-Committee may, attend a meeting to observe the proceedings of the meeting, including that part of the meeting where exempt or confidential information is being considered.
- (ii) A Member with a disclosable pecuniary or prejudicial interest under the Code of Conduct in any matter being considered by the meeting may not be present as an observer during consideration of that matter.
- (2) Representations -notice required:

A Member wishing to make a representation to a meeting under (4) and (5) below is required to give prior notice to the Director of Corporate Resources, no later than 12.00 noon two working days before the meeting.

(3) Representation for exempt and confidential matters

A Member with a disclosable pecuniary or prejudicial interest under the Code of Conduct in a matter where confidential or exempt information is being considered at a meeting may not make a representation at the meeting on that matter and must not be present at the meeting during consideration of that matter.

(4) Representations by non – Committee Members:

(i) A Member not appointed to a particular Committee or Sub-Committee who has a local or specialised interest in any matter under consideration, including a matter where exempt or confidential information is being considered, having given notice, may attend and make a representation to a meeting.

(ii) The Member shall not participate in the debate nor vote on the matter.

(iii) Where such a Member has a prejudicial interest, under the Code of Conduct, in a matter under consideration in the public part of the meeting, having given notice, they may make a representation to the meeting on that matter. The member must then leave the room after they have made their representation.

(5) Representation by Committee Members with a disclosable pecuniary interest.

Where a Member of a Committee or Sub-Committee and any Member at an Authority meeting, has a disclosable pecuniary interest, under the Code of Conduct, in any matter under consideration in the public part of the meeting, they may not make a representation at the meeting on that matter and must not be present at the meeting during consideration of that matter unless they have been granted a dispensation.

(6) Representations by Committee Members with a prejudicial interest:

(i) Where a Member of a Committee or Sub Committee and any Member at an Authority meeting, has a prejudicial interest, under the Code of Conduct, in any matter under consideration in the public part of the meeting, having given notice, may attend and make a representation to a meeting on that matter.

(ii) The Member must leave the room after they have made their representation to the meeting.

(7) Time limit on making representations:

(i) A Member shall be permitted to make a representation to the meeting for three minutes before the debate opens, but shall not participate in the debate nor vote on the matter.

(ii) The Chair of the meeting shall have discretion to allow a Member to answer questions or clarify points raised by other Members following the representation.

(8) Attendance at meeting to answer questions or give evidence.

(i) Where the public are invited to attend a meeting for the purposes of answering questions or giving evidence on a matter under consideration in the public part of a meeting, a Member, at the request of the Chair of the meeting, may attend the meeting for the purposes of answering questions or giving evidence on that matter. The Member shall not participate in the debate nor vote on the matter.

(ii) Where the Member has a discloseable pecuniary or prejudicial interest in the matter under consideration they must leave the room after they have answered the questions or given their evidence.

SPECIAL MEETINGS OF COMMITTEES

1.47 The Chair of a Committee or Sub-Committee or the Chair of the Authority may call a special meeting of the Committee or Sub-Committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee, delivered in writing to the Director of Corporate Resources but in no case shall less than three Members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat.

DECISIONS CONTRARY TO THE AUTHORITY'S POLICIES

1.48 (1) Where following consideration of any matter a Committee or a Sub-Committee is proposing to make a decision which would be a departure from Policy and/or the Officer recommendation (other than minor acceptable exceptions), final determination of the matter shall be deferred until the next meeting of the Committee or Sub-Committee. During the deferment, the relevant officers will prepare a further report for the Committee or Sub-Committee on their provisional views for consideration at the next meeting. The officers' report will cover:

- i. the policy implications e.g. whether the decision is a major departure from the development plan or other key policy
- ii. the budget implications
- iii. a risk assessment
- iv. an assessment of the robustness of the provisional reasons, including recommendations on any conditions

(2) The Senior Manager advising a Committee or Sub-Committee shall, through the Chair of the meeting, inform the meeting either before or immediately after a vote is taken that this Standing Order applies to that decision and that only a recommendation to a future meeting of the Committee or Sub-Committee can be made at that time.

STANDING ORDERS TO APPLY TO COMMITTEES AND SUB-COMMITTEES

1.49 (1) The Standing Orders PART A Numbered 1.2(4), 1.2(5), 1.3, 1.4, 1.5, 1.6, 1.7(2), 1.8, 1.10, 1.11(1)(2)(3)(4)(5) and) 1.12, 1.13, 1.18, 1.22, 1.23, 1.24, 1.25, 1.27 and PART C Nos 1.29 - 1.38 shall, with any necessary modification, apply to all Committee and Sub-Committee meetings and Standing Order 1.21 may be applied by the Chair, Vice-Chair or other person presiding at any time during a meeting at his discretion.

(2) Every Committee is authorised to take up all references by the Authority to the preceding Committee which may not have been fully discharged.

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 2

CONTRACTS

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2.1 Application and Exemption of Orders

- (i) Every contract whether made by the Authority or by a Committee to which the power of making Contracts shall have been delegated, shall comply with these Standing Orders and no exceptions to any of the following provisions shall be made otherwise than by direction of the Authority or by such a Committee.
- (ii) Every contract shall comply with the EC Treaty and with any relevant legislation of the EC for the time being in force in the United Kingdom.
- (iii) The provisions of these standing orders are subject to directives issued by the European Economic Community from time to time relating to public works, public supply and service contracts. These directives contain procedures for advertising and awarding of public sector supplies, construction and service contracts and must be followed.
- (iv) Any contract which exceeds £30,000 shall require all tenderers to have been vetted by the Head of Finance for financial viability and by the relevant Director or Assistant Director or Head of Service for technical competence.

2.2 Contracts not exceeding £30,000

Where a proposed contract does not exceed £30,000 in value or amount, the Chief Executive or relevant Director, or Assistant Director or Head of Service may, subject to Standing Order 2.12(i), enter into such contract with such persons as that person considers competent for the purpose, provided that, where practicable, at least three alternative quotations shall be invited by the Chief Executive or relevant Director or Assistant Director or Head of Service before entering into such contract. Such quotations shall all be opened at the same time. All contracts over £20,000 should follow the tender process in 2.5 – 2.8.

2.3 Contracts over £30,000 – Tendering Procedure

- (i) All contracts which exceed £30,000 in value or amount for the supply of goods or materials or the execution of any works require either:
 - (a) at least ten days' public notice inviting tenders in one or more local newspapers circulating in the area and also in such trade journals (if any) as the appropriate officer may consider desirable; or
 - (b) tenders from not less than three persons capable of supplying the goods or materials or executing the work, at least one of which persons shall, wherever practicable, be a local contractor.
- (ii) Tenders may not be required in the following circumstances:
 - (a) where there is a contract for a serial programme of works and the contractor has been awarded a contract competitively as above, and the proposed contract forms part of this serial programme. The terms should be negotiated with the contractor on the basis of the rates and prices contained in the initial contract.
 - (b) where there is an annual or periodic contract for the supply of materials or services (awarded competitively as above) the terms should be negotiated with the contractor on the basis of rates and prices contained in the initial contract.

2.4 Contracts over £150,000 – approval of list of tenderers

Where a proposed contract for the execution of works exceeds £150,000 in value or amount, the list of persons invited to tender shall be approved by the Chief Executive or relevant Director or Assistant Director.

2.5 Requirements of Invitations to Tender

Where, in pursuance of Standing Order Nos 2.3 and 2.4, either public invitation to tender is given or a person is invited to tender, every notice of such invitation or the conditions of tender shall state;

- (a) the address from which tender forms can be obtained and the closing date and time for the receipt of tenders;
- (b) that no tender will be accepted unless it is enclosed in the special envelope bearing the distinctive label which will be supplied with the tender forms by the issuing officer;
- (c) that no name, mark or wording which might indicate the sender should appear on the cover of the special envelope bearing the tender.
- (d) that tender envelopes should bear the correct postage, be properly sealed and addressed to the Head of Finance;
- (e) that proof of posting will not be accepted as proof of delivery if the tender fails to arrive at the address shown on the tender envelope label before the closing date and time fixed for the receipt of that tender;
- (f) that the Authority does not bind itself to accept the lowest or any tender;
- (g) that failure to comply with any of the foregoing requirements may render a tender liable to disqualification.

2.6 Receipt of Tenders

Tender envelopes shall remain unopened in the custody of the Head of Finance until the time appointed for their opening.

2.7 Late Tenders

No tenders received after the fixed date and time shall be considered.

2.8 Opening of Tenders

- (i) Tenders shall be opened at one time, which shall be as soon as possible after the closing time fixed for the receipt of such tenders, and only in the presence of a Panel of Officers comprising the Head of Finance or his/her deputy and the relevant Director or Assistant Director or Head of Service.
- (ii) All tenders received shall be recorded in the tender book.

2.9 Alteration of Tenders

Persons tendering shall not be allowed to alter their tenders after the date fixed for the receipt thereof, but arithmetical errors may be corrected and, if a tender has been accepted before such an arithmetical correction, the acceptance shall be confirmed if the alteration has not increased the amount but otherwise the Chief Executive or relevant Director or Assistant Director, in consultation with the Director of Corporate

Resources shall have a discretion whether or not to confirm acceptance at the altered price, but such discretion shall only be exercised where the tender concerned would still be the most favourable to the Authority in relation to other tenders received.

2.10. Acceptance of Tenders

- (i) Where tenders have been received a tender may, without prejudice to any other method of acceptance decided upon by the Authority or Committee, be accepted as follows:
 - (a) where a tender exceeds £30,000 in value or amount and does not exceed £150,000, by the Chief Executive or relevant Director or Assistant Director with the decision recorded in the tender book;
 - (b) where a tender exceeds £150,000 in value or amount, by the Chief Executive or relevant Director or Assistant Director in consultation with the Chair of the appropriate Committee. The tender action taken, the list of tenders received and the reasons for selection of the winning tender shall be reported to the appropriate Chair.
- (ii) A tender other than the lowest, if payment is to be made by the Authority, or other than the highest if payment is to be received by the Authority, shall only be accepted after approval from the Chief Executive or a relevant Director or Assistant Director.

2.11 Application to Sub-Contract

Where the contract provides for the nomination by the Chief Executive or relevant Director or Assistant Director of a sub-contractor or supplier for the execution of work or for the supply of goods or materials estimated to exceed £20,000 in value or amount, the following provisions shall apply:

- (i) As far as is practicable, tenders shall be invited by the Chief Executive or relevant Director or Assistant Director from not less than three persons considered competent for the purpose and a record kept of the reasons for exclusion of other potential sub-contractors.
- (ii) The procedure to be followed in respect of the invitation, receipt and opening of tenders shall be the same as specified in Standing Order Nos 2.5, 2.6, 2.7, 2.8 and 2.9.
- (iii) The lowest tenderer shall be nominated as the sub-contractor or supplier, by the Chief Executive or relevant Director or Assistant Director.
- (iv) The foregoing provisions of this Standing Order shall not apply:
 - (a) to the supply of goods, materials or services specified in the main contract which are only obtainable from one specialist supplier; or
 - (b) where the Chief Executive or relevant Director or Assistant Director considers that, as a matter of urgency, it would be in the interests of the Authority, and in accordance with the practice prevailing in the profession, not to invite tenders before nominating a sub-contractor or supplier.

2.12 **Form and Content of Contracts**

(i) **Contract in writing**

Every contract shall be in writing and shall specify the work, materials or things to be furnished, had or done, the price to be paid, with a statement of discounts or other deductions, and the time or times within which the contract is to be performed.

Where, after consultation with the Head of Finance, the Chief Executive or relevant Director or Assistant Director considers it to be appropriate there shall be provision for liquidated damages or other sufficient security for due performance.

(ii) **Contracts exceeding £30,000**

Where a contract exceeds £30,000 in value or amount it shall be the subject of a formal contract prepared or approved by the Director of Corporate Resources and where such contract is for the execution of work it shall provide for liquidated damages to be paid by the contractor in case any of the terms of the contract are not duly performed. The Director of Corporate Resources may, after consultation with the Chief Executive or relevant Director or Assistant Director, direct that adequate security shall be taken in appropriate cases.

(iii) **Specification of goods and materials**

Where an appropriate British Standard Specification, British Standard Code of Practice issued by the British Standards Institution or Government Departmental Specification is current at the date of tender, every contract shall require that, as the case may be, all goods and materials used or supplied and all workmanship shall be at least in accordance with that standard or specification.

(iv) **Indemnity and insurance**

In any contract for the execution of any work or for the supply of goods or materials, the Contractor shall be required to indemnify the Authority against:

- (a) any claim which may be made in respect of Employers' Liability against the Authority or the contractor by any workmen employed by the contractor or any sub-contractor in the execution of the works;
- (b) any claim for bodily injury to or damage to property of third parties;

and the contractor shall, when required by the Director of Corporate Resources produce satisfactory evidence of insurance against such claims.

(v) **Cancellation**

A clause shall be inserted to secure that the Authority shall be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or foreborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Authority, or if the like acts shall have been done by any person employed by him/her or acting on his/her behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Authority the contractor or any person employed by him/her or acting on his/her behalf shall have committed

any offence under the Bribery Act 2010, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.

2.13 Environmental Purchasing Policy

Products and services shall be competitively priced, readily available and fit for their intended purposes, bearing in mind health and safety or other legislative requirements.

When purchasing products or services, encouragement will be given to those:

- from suppliers with accredited environmental practices;
- that are produced and distributed using resources responsibly, with a minimum of hazardous substances and without testing on animals;
- that minimise waste, energy consumption or other adverse environmental impacts in their use and disposal; and
- that are produced or made available locally.

Where this policy would result in costs more than 10% (or £10,000 in a particular transaction) above those for otherwise satisfactory products, authority to exercise the environmental preference must be given by the Chair of the relevant Committee. In all cases, expenditure must be contained within overall budget estimates.

Decisions will normally be based on the information made available by suppliers or by the trade and consumer press.

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 3

FINANCIAL REGULATIONS

CONTENTS

Financial Regulations

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FINANCIAL REGULATIONS

A. GENERAL

- A1. The Chief Finance Officer shall be the responsible officer for the proper administration of the financial affairs of the Authority in accordance with Section 151 of the Local Government Act 1972 and all accounting procedures, systems and records of the Authority and its officers shall be determined by the Chief Finance Officer.
- A2. The Chief Finance Officer is the responsible officer under Section 114 of the Local Government Finance Act 1988 for reporting to the Authority if the Authority:
- (a) has made or is about to make a decision which involves or would involve the Authority in incurring expenditure which is unlawful;
 - (b) has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Authority; or
 - (c) is about to enter an item of account the entry of which is unlawful.

In addition, the Chief Finance Officer is under a duty to report to the Authority if it appears to him/her that the expenditure of the Authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

In preparing such a report the Chief Finance Officer shall, so far as practicable, consult the Chief Executive and the Director of Corporate Resources.

- A3. No item having financial consequences shall be placed on a committee agenda without obtaining the Chief Finance Officer's financial assessment.
- A4. The Chief Finance Officer will support these financial regulations by the issue of more detailed instructions to the Chief Executive from time to time.
- A5. The Chief Executive shall be responsible for ensuring that all standing orders, financial regulations, and any other financial instructions the Chief Finance Officer may issue from time to time, are complied with by all employees of the Authority.
- A6. The Chief Finance Officer shall report any serious breach of Financial Regulations to the Audit Resources and Performance Committee.

B. INCOME

- B1. Deleted (Authority 5/10/2012)
- B2. The Chief Finance Officer shall have discretion to write off bad debts up to a limit of £10,000 in each case. Larger sums will be referred to the Audit Resources and Performance Committee.
- B3. No sale of goods or services on credit beyond the normal invoice period shall be made without prior consultation with the Head of Finance.
- B4. No new proposal which generates income to the Authority should be implemented without clearance from the Head of Finance as to any VAT implications.

C. EXPENDITURE AND ORDERS FOR WORK, GOODS AND SERVICES

- C1. The ordering of goods and services and the procedure for payment of accounts, shall be in accordance with financial procedures as laid down in the Authority's Financial Procedures and advice given by the Chief Finance Officer from time to time.
- C2. Official orders shall be issued for all work, goods and services except for such items as recurring charges, periodic payments, petty cash purchases and any other exception approved by the Chief Finance Officer.
- C3. An Assistant Director, Head of Service or Planning Team Manager may authorise the placing of orders for routine consumable expenditure up to the amounts provided in the detailed annual budget, provided that such orders conform to standing orders, financial procedures and these regulations. Expenditure, either in the form of an individual item or combination of items which form a scheme or project, within the agreed policies and programmes:
- (a) Over the value of £30,000 must be the subject of a business case agreed with the relevant Director or Assistant Director and the Chief Finance Officer.
 - (b) Over the value of £50,000 must be the subject of a business case consulted with the Resource Management Team
 - (c) All other expenditure over £150,000 requires the authority of the relevant committee.
- C4. Official orders shall be in a form approved by the Chief Finance Officer and be signed personally by the Chief Executive or by officers authorised by him/her in accordance with the Schedule of Delegated Authorities. Responsibility for orders lies with the Chief Executive.
- C5. The Chief Finance Officer has a duty under law to make payments, whether or not provision has been made in the budget, in the following cases:
- (a) Payments specifically required by statute.
 - (b) Payments under a Court Order.
 - (c) Payments under a contract properly made by the Chief Executive or by the officer authorised by him.
- C6. No invoice shall be passed for payment until the Chief Executive, or his/her authorised delegatee, is satisfied that it is in accordance with the Authority's Regulations.
- C7. Official orders shall not be raised for any personal or private purchases, nor shall personal or private use be made of Authority contracts, unless agreed by the Chief Executive in conjunction with the Chief Finance Officer and Head of Human Resources & Performance as part of an employee scheme.

D. SALARIES, WAGES AND PENSIONS

- D1. The payment of salaries, wages or other emoluments and pensions shall be made only by the Chief Finance Officer, or under arrangements approved by him/her.
- D2. The Chief Executive shall arrange to notify the Chief Finance Officer, in any form the Chief Finance Officer may require, of all appointments, resignations, absences or any other changes which may affect the pay or pension of an employee or ex-employee.

E. CONTRACTS AND AGREEMENTS

- E1. All contracts shall be made in accordance with Standing Orders – Part 2 - relating to Contracts.
- E2. No officer shall authorise work to be undertaken or goods to be supplied which are required to be the subject of a formal contract or other legal agreement until a document in a form approved in accordance with Schedule 7 F-14 is completed and signed by the contractor. For Property matters Schedule 7 D-6 and 7 D-7 apply.
- E3. The Head of Finance shall be consulted on the arrangement of leasing agreements under which the Authority is the lessee. Disposal of leased assets which are not land and property are subject to the prior approval of the Chief Finance Officer; where leases relate to land and property approval should be obtained in accordance with Schedule 7 D-7. This regulation applies also to any other form of agreement intended to defer payment or provide for payment by instalments.

F. REVENUE BUDGETS

- F1. Annual revenue budgets shall be prepared jointly by the Chief Executive and the Chief Finance Officer in accordance with the directions of the Authority, after taking account of any guidance from Members in the process of agreeing priorities for resources.
- F2. The Chief Finance Officer and Chief Executive shall make a joint budget report to the Authority.
- F3. Transfers of funds – virements - from one budget head to another may be made by the Head of Finance at the request of the Chief Executive. Any transfer over £15,000 must have the approval of the Chief Finance Officer having agreed it with the Chair and Vice-Chair of the Audit Resources and Performance Committee.
- F4. It is the responsibility of the Chief Executive to ensure that budget heads are not overspent. A significant variance from budget of either income or expenditure shall be reported by the Chief Executive, after consultation with the Chief Finance Officer, to the Audit Resources and Performance Committee as soon as possible during the year; or as part of the Outturn Report if such an overspend is not certain until the closedown process at year end. A significant variance for reporting purposes under this paragraph is defined as a £60,000 variance from the original expenditure or income budget, before any further financing or income is taken into account.
- F5. Any request for supplementary budgets shall be made to the Audit Resources and Performance Committee only after consultation with the Chief Finance Officer.
- F6. Deleted (Authority 5/10/2012)
- F7. Additional income may be used to finance additional expenditure where that income has been received as a grant/contribution towards that expenditure subject to complying with F4.
- F8. Deleted (Authority 5/10/2012)
- F9. Any other additional income above £15,000 may not be used to finance additional expenditure unless virement of the funds is agreed as per F3 above.
- F10. When a committee wishes to incur expenditure not included in the estimates, or to overspend any item, the committee may approve such expenditure up to a maximum of £10,000.

G. CAPITAL EXPENDITURE

(i.e. the acquisition or enhancement of fixed assets which will have a long term value to the Authority, e.g. land, purchasing existing buildings or erecting new ones, furniture and equipment, vehicles.)

- G1. Approval of the Audit Resources and Performance Committee is required before any commitment is made in respect of any capital project, the total cost of which exceeds £150,000.
- G2. Any capital expenditure is subject to Financial Regulation C3.
- G3. Any increase of more than 10% in the gross cost of a capital project authorised by committee as in paragraph G1 above shall be reported to the Audit Resources and Performance Committee, unless the increase is less than £60,000.

H. PRESENTATION OF ACCOUNTS

- H1. In accordance with the Accounts & Audit Regulations 2011, the Authority shall prepare a statement of accounts. The Chief Finance Officer shall be responsible for submitting the accounts of the Authority to the Authority Meeting or appropriate Committee.

I. INTERNAL AUDIT

- I1. In accordance with the Accounts & Audit Regulations 2011, the Authority is required to ensure its financial management is adequate and effective and that it has a sound system of internal control.
- I2. The Chief Finance Officer shall determine the Authority's accounting system and the form of the accounts and supporting accounting records, subject to any instructions given by the Authority providing these instructions comply with the Accounts and Audit regulations.
- I3. Internal Audit are authorised to appraise the adequacy of procedures employed by the Chief Executive to secure economy, efficiency and effectiveness in the use of resources.
- I4. The Head of Internal Audit or his/her authorised representative, shall have a right of access at all times to such records and documents, including computer data, of the Authority as appear to him/her to be necessary for the purposes of the audit and shall be entitled to require from any officer of the Authority such information and explanation as he/she thinks necessary for that purpose. The Head of Internal Audit shall provide relevant reports and advice to the officers concerned.
- I5. Cases of suspected fraud, misappropriation of money, materials or equipment, or any mismanagement of money or other assets, or any other irregularities, will be reported immediately to the Chief Finance Officer and the Monitoring Officer, who will take appropriate action in line with both the Authority's Anti-Fraud and Corruption Policy, and the Confidential Reporting Policy.
- I6. The Chief Finance Officer shall approve any new systems for the maintenance of financial records, or records of assets of the authority or any changes to such systems.

J. BANKING AND IMPREST ACCOUNTS

- J1. The Chief Finance Officer shall operate banking accounts in accordance with the banking agreement made by the Authority. Payment will be made out of the Authority's bank account by means of cheques bearing the Chief Executive's printed facsimile signature,

by cheques or other authorisations bearing signatures authorised by the Chief Finance Officer, or by electronic transfer using systems and system procedures approved by the Chief Finance Officer.

- J2. The Chief Finance Officer is authorised to open banking accounts for accounting officers' Imprest accounts as and when required. No other employee may open a bank account on behalf of the Authority.
- J3. Imprest accounts shall be operated in accordance with the Chief Finance Officer's instructions. Imprest holders shall not allow Imprest accounts to become overdrawn, unless agreed by the Head of Finance.
- J4. All disbursements from the Imprest account shall be supported by adequate vouchers and records which shall be available for inspection at any time.

K. INVESTMENTS AND BORROWING

- K1 The Authority maintains a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities; and adopts suitable Treasury Management Practices, setting out the manner in which the organisation will manage and achieve those policies and objectives.
- K2 The Authority receives reports on its treasury management policies, practices and activities, including as a minimum, an annual strategy and plan in advance of the year, and an annual report after its close.
- K3 The Authority delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Budget Monitoring Group, and for the execution and administration of treasury management decisions to its Chief Finance Officer, who will act in accordance with the organisation's policy statement and Treasury Management Practices, and CIPFA's Standard of Professional Practice on Treasury Management.
- K4 The Authority nominates its Audit Resources and Performance Committee to be responsible for ensuring effective scrutiny of the Treasury Management strategy and policies.
- K5 The Authority's borrowing limits will be approved annually at an Authority meeting based on the advice of the Chief Finance Officer.

L. STORES AND INVENTORIES

- L1. The Chief Executive shall be responsible for the safe custody of stores and inventory items, and the maintenance of records in accordance with advice issued from time to time by the Chief Finance Officer.
- L2. Significant stores discrepancies will be subject to internal audit scrutiny. The Head of Finance shall annually write-off and dispose of obsolete stores and equipment in consultation with the Chief Finance Officer using the discretion available under B2.

M. INSURANCES

- M1. The Chief Executive shall be responsible for effecting all necessary insurances.
- M2. The Chief Executive shall consult the Chief Finance Officer and the Director of Corporate Resources before giving any indemnity on behalf of the Authority.

- M3. Claims against the Authority by its employees where there is no legal liability may be settled by the Director of Corporate Resources to a limit of £1,000 in any case, in respect of damage to or loss of personal property occurring in the course of their duties subject to an assessment of the extent of any contributory negligence, the settlement to be on the following basis:
- (a) For repairs to clothing or other property - full cost.
 - (b) For replacement of clothing or other property (where repair was impracticable) - three quarters of reasonable replacement cost.

N. PROPERTY

- N1. It shall be the responsibility of the Chief Executive to maintain a property database, in a form approved by the Chief Finance Officer, for all properties currently owned or used by the Authority.
- N2. Where there is no contractual obligation, expenditure on property rented to the Authority above £10,000 shall be subject to the approval of the Assistant Director Land Management.
- N3. Lessees and/or other prospective occupiers of Authority land shall not be allowed to take possession or enter the land until a lease or agreement, in a form approved in accordance with Schedule 7 F – 14 has been signed.
- N4. The Chief Executive is responsible for ensuring the proper security of all buildings and other assets under his/her control.
- N5. The Director of Corporate Resources shall have custody of all title deeds.
- N6. No Authority asset shall be subject to personal use by an employee unless approved by the Director of Corporate Resources.

O. SALES OF ASSETS

- O1. Sale of the Authority's assets should be at open market value, or at a valuation agreed by the District Valuer. Market value will usually be determined by auction or public notice and submission of quotations using the tender process in Part 2, although this may be waived for values under £10,000 subject to the approval of the relevant Director or Assistant Director.
- O2. Sales under £10,000 in value may be approved by the relevant Assistant Director or by a Head of Service in consultation with the relevant Director.
- O3. Sales over £10,000 and up to £30,000 in value may be approved by the Chief Executive in consultation with the Chief Finance Officer.
- O4. Sales over £30,000 require approval from the Audit Resources and Performance Committee.
- O5. Disposal of land and property is subject to the conditions of delegation in Section 7.D-3

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 4

**DELEGATION TO COMMITTEES,
SUB-COMMITTEES AND ADVISORY GROUPS**

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DELEGATION TO COMMITTEES, SUB-COMMITTEES & ADVISORY GROUPS

A. AUTHORITY MEETING

1. The Authority meeting shall exercise all the powers, duties and functions of the Authority, that are not specifically delegated to a Committee under this part of Standing Orders.
2. Any arrangements made by the Authority for the discharge of any of its functions by a Committee, Sub-Committee or an officer shall not prevent the Authority meeting from exercising those functions
3. For the avoidance of doubt, within the delegation scheme, the following powers, duties and functions are specifically reserved to be exercised by the Authority meeting:
 - (a) The approval of the Standing Orders for the conduct of the business of the Authority.
 - (b) Election of the Authority Chair and Deputy Chair
 - (c) Appoint of Committees Chairs + Vice Chairs and Member representatives
The appointment of Members to Committees, Sub committees and Advisory Groups
 - (d) The approval of a Calendar of Meetings for the discharge of the business of the Authority.
 - (e) The appointment of Members or officers to outside bodies.
 - (f) The appointment of Independent Members to the Standards Committee.
 - (g) The consideration of statutory reports from:
 - the Monitoring Officer under S5 Local Government and Housing Act 1989.
 - the Chief Finance Officer under S.114 Local Government Finance Act 1988.
 - the Local Government Ombudsman issued under the Local Government Act 1974.
 - the Head of Paid Service under S4 Local Government and Housing Act 1989
 - (h) The approval of the Annual Budget, the issuing of a levy under the Local Government Finance Act 1988 if required.
 - (i) Approval of Annual Treasury Management Policy Statement
 - (j) The exercise of the Authority's powers of borrowing.
 - (k) The determination of all constitutional and funding issues affecting the Authority and its Members.
 - (l) The approval of the Members' Allowances Scheme.
 - (m) The approval of the Members' Code of Conduct & relevant Protocols.
 - (n) The approval of the Members' annual training programme.
 - (o) The approval of employment policies including health and safety, industrial relations and related issues.

- (p) The appointment and dismissal of the Chief Executive (National Park Officer), Monitoring Officer and Chief Finance Officer and Directors.
- (q) Disciplinary proceedings concerning the Chief Executive (National Park Officer), Monitoring Officer and Directors.
- (r) The approval of the strategies, policies plans and programmes that guide the Authority in the discharge of its powers and duties.
- (s) The approval of the Authority's Performance Management framework and the Authority's Performance Improvement Programme.
- (t) Approval of the Annual Performance and Business Plan
- (u) The approval of the Corporate Risk Assessment Strategy and the Asset Management Plan.
- (v) The adoption of a Local Development Scheme and Local Development Documents prepared under the Planning and Compulsory Purchase Act 2004, and reviews of the documents.
- (w) The adoption of the National Park Management Plan under the Environment Act 1995.
- (x) The approval of the Authority's Publication Scheme under the Freedom of Information Act 2000.
- (y) To determine an Authority response on any proposals that affect the National Park or the Authority, its powers, duties, functions and responsibilities, particularly but not exclusively, from central, regional or local government, neighbouring authorities, partnerships and other external bodies except where the Chief Executive considers that such response should be determined by officers, or a Committee or Sub-Committee.
- (z) The determination of any matters which have been referred for decision by any Committee of the Authority.

B. URGENT BUSINESS ITEMS SUB-COMMITTEE

- (a) Matters requiring urgent decision which cannot wait for the next meeting of the Authority, a Committee or Sub-Committee, but do not justify calling a special meeting.
- (b) Matters of detail in cases where it is expedient for the general principle only to be decided by the Authority, a Committee or Sub-Committee.
- (c) Matters specifically referred to the Sub-Committee for a decision by the Authority, a Committee or Sub-Committee.

Items of business must fall within the above terms of reference. Consideration must also be given to:

- (i) The public and political sensitivity of any items.

- (ii) Whether the Authority, a Committee or Sub-Committee should be given the opportunity to make a decision.
- (iii) Whether the matter can be left to the next appropriate meeting.

C. APPEALS PANEL

- a) To hear and determine appeals by an employee (excluding the Chief Executive and Head of Paid Service) who elect to have their appeal against a decision to dismiss the employee (for reasons of conduct or capability or redundancy) heard by members.
- b) The Panel's decision is binding on the Authority.
- c) The membership of the Panel is 4 Council Members and 4 Secretary of State Members (National and Parish).
- d) The quorum for the Panel is 3 members.

(Authority Meeting 01/07/11)

D. LOCAL JOINT COMMITTEE

- (a) To establish regular methods of negotiation and discussion between the Authority and its employees, in order to prevent differences and to resolve them should they arise. No question on an individual's grading shall be within the scope of the Local Joint Committee.
- (b) To consider any relevant matter referred to it by a Committee of the Authority, or by any representative meeting of the Employees.
- (c) To consider matters relating to the application of the terms and conditions of service and to the education and training of Employees of the Authority.
- (d) To receive and seek to settle grievances referred to the Local Joint Committee under the Authority's staff grievance procedure
- (e) To consider any matters referred to the Local Joint Committee by the Health and Safety Committee set up under Safety Representatives and Safety Committee's Regulations 1978 by S.2(7) of the Health and Safety at Work etc Act 1974.
- (f) The Local Joint Committee may refer any question coming before it for consideration by, or for the advice of, the East Midlands Provincial Council. It shall inform the Provincial Council of any decision or recommendation of the Local Joint Committee which appears to the Local Joint Committee to be of more than local interest. Any recommendation to be referred to the East Midlands Provincial Council shall be approved by the Authority and by a representative meeting of the appropriate Trade Union, prior to its submission.
- (g) To discharge such other functions as may, from time to time, be specifically assigned to the Local Joint Committee.

E. STRATEGIC ADVISORY GROUP

- (a) To consult with the Chief Executive and Senior Management on the strategic management of the Authority.
 - (b) To consider issues at a strategic level prior to policy papers being considered by the
-

Authority.

- (c) To consider responses to strategic consultations, opportunities for engaging in strategic meetings or strategic publications ensuring best input by Members to this work.
- (d) To advise on the communication of strategic matters to staff, Members and outside organisations.
- (e) Executive action to be taken by the Chief Executive or by reference to a meeting of the Authority or a relevant Committee.

F. PLANNING COMMITTEE

To exercise the powers and duties of the Authority:

1. DEVELOPMENT MANAGEMENT

- (a) As local planning authority and mineral planning authority in respect of all matters relating to development control.
- (b) As local planning authority in respect of all matters relating to listed buildings.
- (c) As local planning authority in respect of all matters relating to certificates of appropriate alternative development; pipe lines; limestone pavements; hazardous substances.
- (d) In respect of all matters relating to design briefs, Authority's Design Guide and Design Guidance notes or appendices.
- (e) In respect of all matters relating to the consideration and designation of Neighbourhood Forums, Neighbourhood Areas, Neighbourhood Development Orders, Neighbourhood Development Plans and Community Right to Build Orders.
- (f) Consideration of the Annual Monitoring Report for the Local Development Framework.
(Authority Meeting 03/02/12)

2. CONSERVATION AREAS

All matters relating to Conservation Areas.

3. GRANTS

- (a) All matters relating to grants in respect of listed buildings and conservation areas.
- (b) All matters relating to wildlife & countryside grant aid for development approved by the Authority, in accordance with any overall policy.

4. GENERAL

- (a) The appointment of temporary Task Teams relevant to the functions of the Committee and the receipt of reports.
- (b) The attendance of Members of the Committee at conferences, seminars or other meetings relevant to the functions of the Committee.

- b) To make any appropriate recommendations to the Authority, its Committees or Sub-Committees.
- e) To determine an Authority response on any proposals that affect the National Park or the Authority, its powers, duties, functions and responsibilities, particularly but not exclusively, from central, regional or local government, neighbouring authorities, partnerships and other external bodies where the proposals are relevant to the functions of the Committee and where the Chief Executive considers that such response should be determined by the Committee.

(Authority Meeting 01/07/11)

G AUDIT RESOURCES & PERFORMANCE COMMITTEE

To exercise the powers and duties of the Authority in relation to:

1. FINANCE

The operational financial affairs of the Authority, including the Annual Statement of Accounts; insurance; external funding; Authority grant schemes; trading operations; Members Allowances payments.

2. HUMAN RESOURCES

All human resources matters in accordance with the Authority's employment and other policies, including training and development, health and safety, industrial relations and related issues, the Local Government Superannuation Acts and regulations.

3. ASSET MANAGEMENT

All matters relating to the management of the Authority's land holdings and buildings including acquisition and disposal by agreement or by compulsory purchase within the policies of the Authority and the Asset Management Plan.

The provision of equipment for the exercise of the Authority's functions.

4. INFORMATION COMMUNICATIONS TECHNOLOGY

All matters relating to information communications technology in accordance with the Authority's Information Management Strategy.

5. AUDIT & CORPORATE GOVERNANCE

a) Internal and external Audit matters

b) Matters relating to the Authority's corporate governance framework which do not fall within the remit of the Standards Committee, including the Annual Governance Statement and the Annual Governance Report.

6. PERFORMANCE MANAGEMENT

a) To agree the Authority's set of Performance Indicators and to monitor the performance of the Authority within the Performance Management Framework including the Corporate Risk Assessment Strategy and Register.

b) To scrutinise the performance of the Authority through the appointment of Scrutiny groups and Micro Scrutiny inquiries and the receipt of reports.

c) To agree a framework for the handling of complaints about the Authority's services

and to monitor its operation.

7 STANDARDS

- (a) To promote and maintain high standards of conduct by Members.
- (b) To advise the Authority on the adoption or revision of the Members' Code of Conduct.
- (c) To advise on training or arrangements to train Members on matters relating to the Code of Conduct.
- (d) To monitor the operation of the Members' Code of Conduct.
- (e) To grant dispensations to Members from requirements relating to interests set out in the Members' Code of Conduct up to a maximum of 4 years.
- (f) To consider reports from the Monitoring Officer, or the Independent Persons(s) and all other matters
- (g) To approve procedures for the proper investigation by the Monitoring Officer of allegations of misconduct. relating to the Code of Conduct.
- (h) To determine any action to be taken against a Member who has been the subject of an investigation in accordance with the procedures

7. IMPLEMENTATION

- a) To exercise the Authority's statutory powers and duties in pursuance of the Authority's statutory purposes, set out below.
- b) The exercise of such powers and duties exclude:
 - matters specifically reserved to be exercised by the Authority
 - matters delegated to another Committee or sub-committee
 - matters that the Chief Executive considers should be referred to a meeting of the Authority for determination
- c) The Authority's statutory purposes are to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and to promote opportunities for the understanding and enjoyment of the National Park's special qualities and the duty to seek to foster the economic and social well-being of local communities within the National Park.

8. GENERAL

- a) To authorise any Member or officer of the Authority to institute or defend any court proceedings for the benefit or protection of the Authority or the National Park or its residents.
- b) To make any appropriate recommendations to the Authority, its Committees or Sub-Committees.
- c) The appointment of temporary Task Teams relevant to the functions of the Committee and the receipt of reports.
- d) The appointment of Members of the Committee to attend conferences, seminars or other meetings relevant to the functions of the Committee.

- e) To determine an Authority response on any proposals that affect the National Park or the Authority, its powers, duties, functions and responsibilities, particularly but not exclusively, from central, regional or local government, neighbouring authorities, partnerships and other external bodies where the proposals are relevant to the functions of the Committee and where the Chief Executive considers that such response should be determined by the Committee.

(Authority Meeting 04/02/11)

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 5

CHIEF OFFICERS

CHIEF OFFICERS

National Park Officer

- 5.1 The Authority shall, after consultation with Natural England, appoint an officer, to be known as the National Park Officer, to be responsible to the Authority for the manner in which the carrying out of its different functions is co-ordinated. (Environment Act 1995)
- 5.2 Additional responsibilities shall not be assigned to the National Park Officer except after consultation between the Authority and the Countryside Commission. (Environment Act)

Appointments

- 5.3 Where the Authority proposes to appoint a chief officer, and it is not proposed that the appointment be made exclusively from among its existing officers. They shall -
- (a) draw up a statement specifying -
 - (i) the duties of the officer concerned, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- 5.4 (1) Where a post has been advertised as provided in Order 5.3(b), the Authority shall:
- (a) interview all qualified applicants for the post, or
 - (b) select a short list of such qualified applicants and interview those included on the short list.
- (2) Where no qualified person has applied, the Authority shall make further arrangements for advertisement in accordance with Order 5.3 (b).
- 5.5 Every appointment of a chief officer shall be made by the Authority or may be delegated to a committee or sub-committee.
- (1993 Regulations)

Disciplinary action

- 5.6 (1) No disciplinary action (within the meaning of Part II of the Local Authorities (Standing Orders) Regulations 1993) in respect of the Authority's Head of Paid Service, except action described in paragraph (2), may be taken by the Authority, or by a committee, sub committee or any other person acting on their behalf, other than in accordance with a recommendation in a report made by a designated independent person under regulation 3 of those Regulations.
- (2) The action mentioned in paragraph (1) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action, and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- (1993 Regulations)

Meaning of Chief Officer

- 5.7 In this Part of the Standing Orders "Chief Officer" includes the Head of Paid Service, Monitoring Officer, the Treasurer and non-statutory chief officers, within the meaning of
-

Section 2(7) of the Local Government Housing Act 1989, being officers directly responsible to the National Park Officer (otherwise than persons whose duties are solely secretarial, clerical or support services).

(1993 Regulations)

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 6

PROPER OFFICERS

CONTENTS

Standing Order

6.1 NATIONAL PARK OFFICER

Head of Paid Service

Resignation of Chairman or Deputy Chairman and Members.

Receipt of notice of Member's resignation of office.

Calling of ordinary & extraordinary meetings.

6.2 TREASURER

Chief Finance Officer

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6.3 DIRECTOR OF CORPORATE RESOURCES

Circulation of Agendas and Reports.

Supply of copies of documents to the Press.

Written summary of proceedings.

Identification of documents withheld from Members.

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Public Notice of Ombudsman's Report.

6.5 HEAD OF LAW

Monitoring Officer

Receipt of & registration of Member's interests.

6.6 AUTHORS OF REPORTS

Preparation of list of Background papers

Identification of Background Papers

6.7 GENERAL DELEGATION

PROPER OFFICERS OF THE AUTHORITY

The following officers of the Peak District National Park Authority shall be the Proper Officers designated to perform the functions and comply with the obligations of the legislation listed below and any statutory amendments or additions thereto:

6.1 The National Park Officer shall be the Head of Paid Service within the meaning of the Local Government and Housing Act 1989 and the Proper Officer in relation to the following provisions:

<u>LEGISLATION</u>	<u>FUNCTION</u>
<u>The National Park Authorities (England) Order 1996</u>	
Article 5	Receipt of notice of resignation of Chairman or Deputy Chairman.
Article (6)	Receipt of notice of Member's resignation of office.
Article (9) Schedule 2 para 4(2)	Calling of extraordinary meetings.
Article (9) Schedule 2 para 6	Calling of meetings.

6.2 The Treasurer of the Authority shall be the officer responsible for the proper administration of the Authority's financial affairs under the Local Government Act 1972; the Chief Finance Officer under the Local Government Finance Act 1988 and shall be the Proper Officer in relation to:

<u>LEGISLATION</u>	<u>FUNCTION</u>
<u>Local Government Act 1972</u>	
Section 115	Receipt of Monies due from officers.
Section 146	Declarations and Certificates with regard to securities.
<u>Local Government Finance Act 1988</u>	
Section 116	Calling of meetings.

6.3 The Director of Corporate Resources shall be the Proper Officer in relation to:

<u>LEGISLATION</u>	<u>FUNCTION</u>
<u>Local Government Act 1972</u>	
Section 100B(2)	Circulation of Agendas and Reports.
Section 100B(7)(c)	Supply of copies of documents to the Press.
Section 100C(2)	Written summary of proceedings.
Section 100F(2)	Identification of documents withheld from Members.

Section 229(5) Certification of photographic copies of documents.

Section 238 Certification of bye-laws.

Local Government Act 1974

Section 30 Public Notice of Ombudsman's Report.

6.5 The Head of Law shall be the Monitoring Officer under the Local Government and Housing Act 1989 and the proper officer for:

Localism Act 2011

Section 29 Maintenance of the register of Member's Interests and the register of gifts and hospitality

6.6 The author of any Report submitted to a Chief Officer for meetings of the Authority, any Committee or Sub-Committee, shall be the Proper Officer in relation to:

Section 100D(1)(a) Preparation of list of Background Papers.

Section 100D(5)(a) Identification of Background Papers.

6.7 General Delegation

The Proper Officer functions of the officer listed in Column 1 below may, in his absence or if he is otherwise unable to act, be carried out by the officer listed in Column 2

Column 1

Column 2

National Park Officer

Director of Corporate Resources

Treasurer

Deputy Treasurer for the time being of Derbyshire County Council.

Director of Corporate Resources

Head of Law

Monitoring Officer

Democratic Services Manager

In the event of both such officers being absent or otherwise unable to act the Proper Officer functions shall be carried out by any other appropriate officer designated in writing by the National Park Officer for a limited or defined period.

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 7

DELEGATION OF POWERS TO THE CHIEF EXECUTIVE

<u>PART A</u>	<u>GENERAL CONDITIONS OF DELEGATION</u>
7.A-1.	Exercise of Powers
	<p>The following delegated powers shall be exercised by the Chief Executive in accordance with</p> <p>(a) the Standing Orders of the Authority;</p> <p>(b) the Financial Regulations of the Authority;</p> <p>(c) the appropriate, policies and internal procedures.</p>
7.A-2.	Consultation
	<p>Where any matter involves professional or technical considerations not within the sphere of competence of the relevant officer that officer shall consult with the appropriate professional or technical officer of the Authority before authorising action.</p>
<u>PART B</u>	<u>GENERAL ESTABLISHMENT AND PERSONNEL POWERS</u>
7.B-1.	Administration of Powers
	<p>All general establishment and personnel powers shall be administered in accordance with the Authority's Human Resources policies and procedures and appropriate National and Local Conditions of Service.</p>
7.B-2.	Establishment & appointments
	<p>(a) To approve changes to the staff establishment, below Assistant Director posts, including making temporary posts permanent, to achieve agreed policies and programmes within the approved annual staff budget.</p> <p>(b) To approve additional temporary posts funded from income, external funding and temporary allocation of non-staff budgets.</p>
	<p><u>For all posts below Assistant Director level :</u></p> <p>(a) To appoint or authorise the appointment of all employees including secondment, making internal promotions and the temporary appointment of contractors or agency staff:</p> <p style="padding-left: 40px;">(i) to permanent established posts or temporary posts</p> <p style="padding-left: 40px;">(ii) to existing or new posts funded from income and external funding and temporary allocation of non-staff budget</p> <p>(b) To make temporary appointments, including the appointment of contractors or agency staff to cover:</p> <p style="padding-left: 40px;">(i) a vacancy arising out of an employee being absent through maternity leave or long-term sickness.</p> <p style="padding-left: 40px;">(ii) for an appropriate period to cover a recruitment handover</p> <p style="padding-left: 40px;">(iii) vacancies arising out of secondments</p>

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	<p>(c) To authorise the payment of market supplements and recruitment incentives where there is proven recruitment difficulty in accordance with the agreed principles.</p> <p>(d) To authorise the payment of overtime to employees.</p> <p>(e) To authorise the payment of honoraria to employees.</p> <p>(f) To change the job titles of established posts below the level of Assistant Director.</p> <p>(g) To determine salary grades of posts through the job evaluation process.</p> <p>(h) To implement as a consequence of Authority decisions changes to the establishment structure in accordance with the Authority's managing change policy including the approval of redundancy and redundancy payments where appropriate.</p>
7.B-3.	Pay Awards and Conditions of Service
	To implement any pay awards and conditions of service agreed by national negotiating bodies on behalf of the Authority where no discretionary action is involved.
7.B-4.	Superannuation
	To authorise the payment of any pensions, gratuities, grants, etc provided for in the Superannuation Acts and Regulations subject to the pensions etc being in accordance with the Acts, Regulations or agreed policy of the Authority
7.B-5.	Car Loans
	To make loans to officers for the purchase of cars for the purposes of their employment in accordance with the policy approved by the Authority, from time to time.
7.B-6.	Removal and Lodging Expenses
	To authorise the payment of removal and lodging expenses to newly appointed, promoted or transferred employees in accordance with the Authority's scheme.
7.B-7.	Leave of Absence for Employees
	<p>(a) To authorise special leave of absence without pay in line with the Flexible Working Policy and guidance notes.</p> <p>(b) To authorise leave of absence with or without pay for a period not exceed 18 days or 36 half days in any period of 12 months:</p> <ul style="list-style-type: none"> (i) to perform jury service. (ii) to undertake magisterial duties. (iii) to serve on a judicial panel or tribunal. (iv). to attend meetings or conferences, as a member of a public body including essential commitments as a School Governor (v) to attend meetings of or arranged by National or Provincial Joint Councils.

	(c) To authorise leave of absence with pay for up to five half days in any year for a union representative to participate in union activities, as guided by ACAS Code of Practice.
	(d) To authorise unpaid release for staff to carry out public, civic and community duties and other duties of a voluntary or charitable nature, where such release is operationally possible and does not affect the Authority's provision of services.
	e) To approve applications for flexible retirement below Assistant Director posts
7.B-8.	Training and Development for Employees
	(a) To agree an annual corporate and vocational training and development programme to meet identified needs within the approved budget.
	(b) To authorise the attendance at courses and conferences and other events including the payment of fees and other expenses.
	(c) to authorise the undertaking of: <ul style="list-style-type: none"> (i) courses of study for appropriate qualifications. (ii) courses or other training events, or work experience in relation to personal development. (iii) courses or other training events for specific personal specialist needs. including the payment of fees and other expenses (If a replacement employee is required specific Committee authority will be necessary).
	(d) to approve applications for an interest free study loan up to a total cumulative value of £100,000 and for a maximum loan period of 5 years. (Audit Resources & Performance Committee 03/06/11)
7.B-9.	Grievance and Discipline
	To take appropriate action in accordance with the employees Grievance and Disciplinary Procedures adopted by the Authority.
7.B-10.	Additional Employment for Employees above Scale H
	To authorise employees above Scale H to engage in any other business or take up any additional appointment of a casual nature so long as such work does not prejudice their service with the Authority. Authorisation for the Chief Executive to be given by the Chair and Deputy Chair of the Authority.
<u>PART C</u>	<u>GENERAL</u>
7.C-1.	Response to Proposals Affecting the National Park or the Authority
	To determine an Authority response in line with the Authority's policies on any central, regional or local government proposal affecting the National Park including those concerning the Authority's powers, duties, functions and responsibilities where at least the appropriate Chair and Deputy or Vice Chair should be consulted.

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7.C-2.	External Funding Applications & offers
	<p>a) In consultation with the Chair of the relevant committee to make applications to external bodies or organisations for finance or grant aid up to any value.</p> <p>b) To accept offers of finance or grant aid up to £200,000 for funding including completing any agreements</p>
7.C-3.	Authority Grant and Award Schemes Applications
	<p>a) To determine applications for grants under the Authority's grant schemes where the cost to the Authority is £30,000 or less.</p> <p>b) To authorise Environmental Quality Mark Awards</p>
7.C-4.	Recovery of Grant Aid
	To authorise the raising of accounts for the recovery of the appropriate amounts and seek recovery as a debt if necessary, in cases where the conditions attached to the grant aid made by the Authority have not been complied with. Such action to be taken following consultation with the Chief Finance Officer.
7.C-5.	Variation from Decisions of Authority or Committee Meetings
	To authorise action on a decision of an Authority or committee meeting where any variation from that decision is insignificant and has no implications for the Authority.
7.C-6	Local Government Ombudsman – Local Settlement
	To agree Local Settlement compensation payments up to the sum of £5,000 in settlement of a Local Ombudsman case.
<u>PART D</u>	<u>PROPERTY</u>
	All property powers shall be administered in accordance with the Authority's Asset Management Plan and in consultation with the staff identified in this plan.
7.D-1.	Acquisition of land & property
	<p>To acquire or renew any interest in or over land, including buildings and to accept surrender of interests and serve notices to terminate interests on terms to be approved by the Head of Law:</p> <p>a) where the purchase price does not exceed £150,000 or;</p> <p>b) the total rental, over the term does not exceed £150,000 or;</p> <p>c) in the case of a periodic tenancy the overall rental charge does not exceed £150,000 and the tenancy is reviewed by officers at three yearly intervals.</p> <p>This delegation includes transfers, leases, licences, easements and way-leaves.</p>

7.D-2.	Compulsory acquisition of land & property
	To acquire land & property using powers under s226 of the Town and Country Planning Act 1990, s89 of the National Parks and Access to the Countryside Act 1949, or s47 of the Planning (Listed Buildings and Conservation Areas) Act 1990, where the value of the land or property does not exceed £30,000
7.D-3.	Disposal of land & property
	To dispose of or terminate an interest in or over land including buildings on terms to be approved by the Head of Law: a) where the sale value does not exceed £150,000 or b) where the total lease value over the term does not exceed £150,000 and the term is less than 7 years, or c) In the case of a periodic tenancy the overall rental charge does not exceed £150,000 and the tenancy is reviewed by officers at three yearly intervals This delegation includes transfers, leases, licences, easements and way-leaves.
7.D-4.	Applications for Planning Consent
	To make applications under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 for planning and listed building consent for development of the Authority's properties. where the capital value of the proposed works does not exceed £150,000. .
<u>PART E</u>	<u>DEVELOPMENT PLANNING</u>
7.E-1.	Agriculture and other Countryside Grant Schemes
	To respond to notifications and consultations and to raise formal objections under the provisions of Agriculture and other Countryside Grant schemes .
7.E-2.	Forestry Acts
	(a) To submit observations to the Forestry Commission and raise formal objections on their Forestry Grants Schemes and on felling licence applications or notifications where no Tree Preservation Order exists. (b) To submit observations to the Forestry Commission where a Tree Preservation Order is in force.
7.E-3.	Environment Enhancement Scheme Agreements
	To complete Environment Enhancement Scheme Agreements where the total cost to the Authority is less than £150,000 and the annual amount no greater than £30,000.
7.E-4.	Tree Preservation and Hedgerow Protection Orders
	(a) To make Tree Preservation Orders and confirm unopposed Orders under the

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	<p>Town and Country Planning Act 1990, Sections 198 to 201.</p> <p>(b) To make Hedgerow Protection Orders under the Environment Act 1995.</p> <p>(c) To determine applications for consents under Tree Preservation Orders.</p>
7.E-5.	Development not in accordance with the Development Plan
	To deal with all matters relating to classification of departures from the development plan and reference of departures to the Secretary of State.
7.E-6.	Directed Decisions of Secretary of State
	To refuse applications on which a direction of refusal has been made by the Secretary of State under Articles 25 and 26 of The Town and Country Planning (Development Management Procedure) (England) Order 2010
7.E-7.	General Development Order - Notification of Agricultural, Mineral and Forestry Proposals
	To respond to notifications and to decide whether planning applications should be required as a result of notifications received under the Town and Country Planning (General Permitted Development) Order 1995.
7.E-8.	Planning, Advertisement and Listed Building Applications
	<p>(1) Within the Authority's policies to determine all applications for planning consent, listed building consent, conservation area consent, overhead electricity lines and consent under the Advertisement Regulations other than those in the following categories:</p> <p style="padding-left: 40px;">(i) Residential development proposing a net increase over existing commitments of more than two new build dwellings or the conversion of traditional buildings to more than four units of accommodation.</p> <p style="padding-left: 40px;">(ii) Commercial or industrial development proposing a net increase over existing commitments of more than 1,000 sq m floor area.</p> <p style="padding-left: 40px;">(iii) New sites for the extraction of minerals or the disposal of waste.</p> <p style="padding-left: 40px;">(iv) The extension of existing sites for mineral extraction and waste disposal with an increase in site area greater than 0.1ha.</p> <p style="padding-left: 40px;">(v) New telecommunications masts over 15 metres in height</p> <p style="padding-left: 40px;">(vi) Individual free standing wind turbines over 15 metres in hub height</p> <p>Provided that any delegated action above shall be subject to the following provisions:</p> <p>(a) That all new applications are reported in the week of receipt, or as soon as possible thereafter, in a list to be circulated to all Members.</p>

	<p>(b) That any Member can by written notice, stating clear material planning reasons, ask that an otherwise delegated application be determined by the Committee. If such a request is made the Head of Planning may, in consultation with the Chair of the Committee, ask for further information before judging whether or not the application should be withdrawn from delegation. The Head of Planning will inform the Member the reasons for a decision not to withdraw an application from delegation.</p> <p>(c) Applications shall not be determined in a manner substantially contrary to the planning views of the relevant local authority, Town Council, Parish Council or Parish Meeting, provided that those views are based on material planning considerations relevant to the application and are consistent with planning policies. In interpreting the word ‘substantially’ this clause shall not prevent either the approval or refusal of applications where the consultee response is either ‘no comment’ or ‘no objections’, or the approval of applications where objections can be overcome by the imposition of conditions or amendments to the proposal. If the consultee response is either ‘support’ or ‘oppose’ the application, or other similar simple expression in favour or against, and is contrary to the proposed officer determination the consultee will be expected to also provide material planning reasons for its view. In addition this clause shall not prevent the determination of applications where differences of view are solely on design issues, for example single, small-scale isolated issues. Cases will be considered with reference to the Authority’s adopted Design Guide.</p> <p>(d) Applications shall not be determined when more than three substantial planning objections or representations are received which are contrary to the intended decision. In interpreting the word ‘substantial’ this clause shall not prevent the determination of applications where objections do not relate to material planning considerations, or can be overcome by the imposition of conditions, or where the objections or representations are solely on basic design issues.</p> <p>(e) That all decisions are reported to Members for information on a monthly basis on the Authority’s website..</p>
	(2) To determine applications and requests for non-material amendments.
	(3) To sign all decision notices pursuant to a resolution or under this delegation.
	(4) To refuse applications on the basis of inadequate information supplied by the applicant.
	(5) To discharge conditions on planning and advertisement permissions and listed building consents, including determination of formal applications for discharge.
	(6) To grant applications which are for the renewal of unimplemented planning permissions.
7.E-9.	Control of Demolition
	To exercise the Authority’s powers and responsibilities in respect of the control of demolition.
7.E-10.	Enforcement Action
	To decide not to pursue enforcement action in cases of breaches of planning control where:

Standing Orders – Part 7: Chief Executive Delegation

	<p>(a) The unauthorised development does not conflict with the Authority’s approved policies; and</p> <p>(b) The effect of the breach is considered not to be significantly harmful to public amenity or safety or the existing use of land or buildings meriting protection in the public interest. and</p> <p>(c) There is no substantial neighbourhood objection. “Substantial” shall be interpreted as more than 3 objections to the unauthorised development provided those objections relate to material planning considerations. In interpreting the word “substantial” this clause shall not prevent a decision being made not to pursue enforcement action where the objections are solely on design issues.</p>
7.E-11.	Neighbouring Authority and Agency Consultations
	Except where officers consider that these are of major significance, to respond in line with the National Park Authority’s policies to consultations, received from neighbouring authorities and agencies, on planning applications and on policy documents and to lodge objections where appropriate.
7.E-12.	Hazardous Substances
	To administer the Authority’s powers and duties relating to hazardous substances under the Planning (Hazardous Substances) Act 1990 including the determination of applications for hazardous substance consent, claims for deemed consent and the issue of hazardous substance contravention notices.
7.E-13.	Environmental Impact Assessment and Review of Mineral Planning Permissions
	<p>(a) To determine the requirement for an Environmental Impact Assessment including decisions as to all matters relating to screening and scoping of EIA</p> <p>b) To advise the statutory bodies of the requirement for an EIA.</p> <p>(c) Following agreement in principle by the Committee, to agree detailed schemes for mineral planning permissions under the Environment Act 1995, schedules 13 and 14.</p>
7.E-14.	Fly Posting
	To exercise the powers of the Authority under s225, s225A to s225K of the Town and Country Planning Act 1990.
7.E-15.	Goods Vehicle Operators Licensing Regulations
	To make representations and to lodge holding objections on applications.
7.E-16.	Caravan Rallies
	To consider the annual draft programme of caravan rallies for the National Park submitted by the Clearing Houses and to make recommendations to the Clearing Houses on changes and improvements to the draft programme

7.E-17.	Agricultural Operations
	To determine the requirement for action under Section 42 of the Peak District National Park Authority Restriction of Agricultural Operations (Order 2002).
7.E-18.	Agreements under s52 of the Town and Country Planning Act 1971 and S106 of the Town and Country Planning Act 1990
	(a) To authorise entry into and agree the terms of agreements under S106 of the Town and Country Planning Act 1990 for development where applications are determined under delegated powers.
	(b) To authorise the variation and/or modification of the terms of agreements under s52 of the Town and Country Planning Act 1971 and s106 of the Town and Country Planning Act 1990.
	(c) To authorise the rescission/discharge of agreements under s52 of the Town and Country Planning Act 1971 and s106 of the Town and Country Planning Act 1990.
7.E-19.	Planning Contravention Notices and Requisitions for Information.
	To issue Planning Contravention Notices and requisitions for information under s330 of the Town and Country Planning Act 1990 and s16 of the Local Government (Miscellaneous Provisions) Act 1976
7.E-20.	Applications made under the Localism Act 2011.
	To process applications made for Neighbourhood Forums, Neighbourhood Areas, Neighbourhood Development Orders, Neighbourhood Development Plans and Community Right to Build Orders. To approve (but not refuse) applications for designation of Neighbourhood Forums.
7.E-21.	Review of Minerals Planning Permissions.
	To serve written notice on owners of land or the operator, for the submission of new conditions. To determine, in respect of periodical reviews of minerals planning permissions: (a) whether or not the Authority will carry out a first, second or subsequent periodic review and to set the dates for that review,. (b) whether it is expedient to treat as a single site for the purposes of the review, the aggregate of the land to which two or more mineral permissions relate, (c) requests for postponement of minerals reviews, (d) whether or not to extend the period for submission of a new Environmental Statement, and (e) reviews where no Environmental Statement is required (subject to consultation with the Heads of Law and Finance in cases it is proposed to apply conditions which are different from those applied for and the effect of the new conditions,

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	except insofar as they are restoration or aftercare conditions, is to restrict working rights in respect of the site)
<u>PART F</u>	<u>CORPORATE RESOURCES</u>
7.F-1.	Enforcement Action
	<p>(a) To authorise the issue of enforcement notices, stop notices, temporary stop notices, listed building enforcement notices and breach of condition notices in relation to development in breach of planning control. Before a stop notice is issued consultations shall be held with the Chief Finance Officer to consider the implications of the payment of compensation.</p> <p>(b) To authorise applications to the Courts for injunctions under Section 187B of the Town and Country Planning Act 1990</p> <p>(c) To issue notices under s215 of the Town and Country Planning Act 1990. (Untidy land and buildings).</p> <p>(d) To authorise the withdrawal of enforcement notices, stop notices, temporary stop notices, listed building enforcement notices, breach of condition notices and s215 notices.</p> <p>(e) To exercise the power to waive or relax the requirements of an enforcement notice under s173A of the Town and Country Planning Act 1990.</p> <p>(f) To apply to the magistrates court for a planning enforcement order under s171BA of the Town and Country Planning Act 1990</p> <p>(g) To authorise the execution of works in default under s178 Town and Country Planning Act 1990 where the cost can be accommodated within current budgets or where the cost is expected to be recovered from the landowner.</p>
7.F-2.	Article 4 Directions
	<p>Following consultation with the Chair and Vice Chair of the Planning Committee to exercise the powers of the Authority:</p> <ul style="list-style-type: none"> • to make modify and cancel Article 4 Directions • to confirm unopposed Article 4 Directions <p>Confirmation of opposed Article 4 Directions to be considered by the Planning Committee</p> <p style="text-align: right;">(Authority Meeting 01/07/11)</p>
7.F-3.	Control of Advertisement Regulations
	To take action where required under the Town & Country Planning (Control of Advertisements) Regulations 2007 and to issue Discontinuance Orders.
7.F-4.	Mineral Development - Article 7 Directions
	To make Directions, under Article 7 of the Town and Country Planning (General Permitted Development) Order 1995, in respect of mineral exploration and removal of materials from mineral working deposits.

7.F-5.	Works to preserve Listed Buildings
	To issue notices under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (subject to a report on action taken to the next appropriate meeting of the Committee).
7.F-6.	Building Preservation Notices
	To authorise the issue of notices under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7.F-7.	Recovery of Costs
	To institute legal proceedings for the recovery of costs incurred for works undertaken in accordance with powers under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
7.F-8.	Entry on land
	To authorise the entry of persons to land and buildings in connection with the Authority's functions under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Wildlife and Countryside Act 1981 and any other statutory provisions that permit entry to land for investigation purposes.
7.F-9	Certificates of Lawfulness of Development
	a) To determine applications for certificates of lawfulness under Section 191 and 192 of the Town and Country Planning Act 1990 (as amended).
	b) To determine applications for certificates lawfulness under The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014
7.F-10.	Planning Contravention Notices, Requisitions for Information
	To issue Planning Contravention Notices and requisitions for information under s330 of the Town and Country Planning Act 1990 and s16 of the Local Government (Miscellaneous Provisions) Act 1976. (Concurrent power with the Head of Planning).
7.F-11.	Proceedings to enforce Planning Control
	(a) To institute prosecuting proceedings for: <ul style="list-style-type: none"> the breach of an enforcement notice. the breach of a stop notice. the breach of a listed building enforcement notices. the breach of planning contravention notice requirements. the breach of the requirements of a notice requesting information under s330 of the Town and Country Planning Act 1990. unauthorised works to listed buildings. the breach of advertisement control. failure to comply with a breach of condition notice. failure to comply with a notice requiring maintenance of land under s215 of the Town and Country Planning Act 1990.

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	<p>the breach of the requirements of notices under s16 of the Local Government (Miscellaneous Provisions) Act 1976. contravention of a Tree Preservation Order. damage to trees in a Conservation Area.</p> <p>(b) To institute proceedings to require compliance with an agreement made under s 106 of the Town and Country Planning Act 1990</p> <p>(c) To institute other proceedings pursuant to decisions of the Authority or Committee or delegated decisions of officers to enforce the Authority's powers of planning control.</p>
7.F-12.	Trespass
	To take legal proceedings in respect of trespass or threat of trespass to the Authority's land.
7.F-13.	Proceedings affecting the Authority's Interests
	(a) To defend any court action appearing adversely to affect the Authority's interests.
	(b) To make applications to a court in relation to the renewal of leases and tenancies of the Authority's properties.
7.F-14.	Notices, Orders, Contracts and Agreements
	To sign orders, contracts, agreements and notices (except for planning and listed building determinations) pursuant to a resolution or policy of the Authority or its committees or authorised by an appropriate officer under the Officer Delegation Scheme.
7.F-15.	Proceeding relating to Access Land.
	To commence proceedings under Section 14 of the Countryside and Rights of Way Act 2000 in respect of false or misleading notices relating to access land and to take legal action under Section 39 of the Act to secure court orders for the removal of obstructions to access land and court orders not to obstruct access to access land at any time.
7.F-16.	Members' Attendance at Courses and Conferences etc
	To agree Member attendances at external, courses, conferences and other events as an approved duty.
7.F-17	Outside Bodies
	(a) Where a vacancy or a new appointment arises on an outside body in between Authority meetings, in consultation with the appropriate Chair, Deputy or Vice-Chair, to nominate a Member to attend meetings until the appointment is considered at the next Authority meeting.
	(b) To authorise the attendance of a substitute, in consultation with the appointed Member.

7.F-18	Reference to Chief Finance Officer In Standing Orders
	Head of Finance by specific prior agreement of the Chief Finance Officer except where statute prohibits delegation.
7.F-19	Local Government Ombudsman – Local Settlement
	To agree Local Settlement compensation payments up to the sum of £5,000 in settlement of a Local Ombudsman case.
7.F-20	Recording of Meeting and Proceedings of the Authority
	To consider and determine requests to record the meetings and proceedings of the Authority.
<u>PART G</u>	<u>OPERATIONS</u>
7.G-1.	Charges.
	<p>To fix and vary all non planning related charges within statutory powers with the following financial limits:</p> <p>(a) revised or new income generating proposals with projected annual charges of up to £30,000 delegated to Heads of Services (HOS) and Director or Assistant Director for Chief Exec’s unit in consultation with the Chief Finance Officer.</p> <p>(b) revised or new income generating proposals with projected annual charges of between £30,000 and £50,000 delegated to HOS with business case for consideration and approval by Director or Assistant Director for Chief Exec’s unit and CFO and to include consultation with the Chair and Vice Chair of ARP.</p> <p>(c) revised or new income generating proposals with projected annual charges of over £50,000 up to the limit £150,000 delegation from members subject to a business case for consideration and approval by Resources Management Team and to include consultation with Chair and Vice Chair of ARP.</p> <p>(d) delegation to implement the national fee structure for Planning fees.</p>
7.G-2.	Public Rights of Way
	<p>(a) To respond to consultation enquiries from other statutory authorities concerned with creation, alteration or closure of public rights of way. Any formal objection made shall be reported to the next meeting of the relevant Committee.</p> <p>(b) To complete Public Path Creation Agreements under Section 25 of the Highways Act 1980.</p> <p>(c) To complete Public Path Diversion Orders under S.119 of the Highways act and Orders under S.257 of the Town and Country Planning Act 1990.</p> <p>(d) To create concession footpaths on the Authority’s land.</p> <p>(e) To dedicate, concession footpaths on the Authority’s land as public rights of way.</p> <p>(f) to authorise the making of experimental, temporary or permanent Traffic</p>

Standing Orders – Part 7: Chief Executive Delegation

	<p>Regulation Orders under the Road Traffic Regulation Act 1984</p> <p>In the case of unresolved objections to a proposed Order, a report to be made to the relevant Committee.</p>
7.G-3.	<p>Access Land: Exclusion or Restriction of Access, carrying out of works and Dedication of Access Land.</p>
	<p>(a) To authorise directions under Section 69 of the National Parks and Access to the Countryside Act 1949 suspending access to land comprised in Access Agreements or Orders in the event of the risk of fire by reason of any exceptional weather conditions.</p> <p>(b) To authorise directions under Section 24 of the Countryside and Rights of Way Act 2000 to exclude or restrict access to land for the purpose of land management.</p> <p>(c) To authorise directions under Section 25 of the Countryside and Rights of Way Act 2000 to exclude or restrict access to land to avoid the risk of fire or danger to the public.</p> <p>(d) To authorise directions under Section 26 of the Countryside and Rights of Way Act 2000 to exclude or restrict access to land in order to conserve flora, fauna or geological or physiographical features or preserve scheduled monuments or other features of historic interest.</p> <p>Before giving a direction under section 24, 25 or 26 of the Countryside and Rights of Way Act 2000 so as to exclude or restrict access indefinitely, or for over 6 months, the Director shall consult the Chair and Vice Chair of the relevant Committee. Cases where the Local Access Forum disagrees with officer recommendations or contentious cases are to be reported to the relevant Committee for determination.</p> <p>(e) To authorise the completion of agreements for works with landowners or occupiers under Section 35 of the Countryside and Rights of Way Act 2000.</p> <p>(f) To authorise the issue of notices under Sections 36 and 37 of the Countryside and Rights of Way Act 2000 and to authorise the carrying out of works on access land and the recovery of costs</p> <p>(g) To authorise a person to enter land under Section 40 of the Countryside and Rights of Way Act 2000.</p> <p>(h) To authorise the dedication of the Authority's land as access land under S.16 of the Countryside and Rights of Way Act 2000.</p>
7.G-4.	<p>Land Disposal and Works – Consultation</p>
	<p>To respond to any consultations received by the Authority from any local authority, statutory undertaker, public body or agency relating to land disposals and site works.</p>

Approved: National Park Authority Meeting 17 December 2010 Minute 76/10 and amended 5 October 2012, 15 March 2013, 3 October 2014.

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 7

DELEGATION OF POWERS TO OFFICERS

OFFICER DELEGATION SCHEME

DELEGATION OF POWERS TO OFFICERS

The powers to exercise the functions of the Peak District National Park Authority delegated to me under S.101 Local Government Act 1972 shall be exercised by officers of the Authority in accordance with this Officer Delegation Scheme.

**Jim Dixon
Chief Executive
Peak District National Park Authority
14 October 2014**

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<u>PART A</u>	<u>CONDITIONS OF DELEGATION</u>						
7.A-1	Exercise of Powers						
	The following powers shall be exercised in accordance with (a) the Standing Orders of the Authority; (b) the Financial Regulations of the Authority; (c) the appropriate, policies and internal procedures.						
7.A-2	Consultation						
	Where any matter involves professional or technical considerations not within the sphere of competence of the relevant officer that officer shall consult with the appropriate professional or technical officer of the Authority before authorising action.						
<u>PART B</u>	<u>ESTABLISHMENT AND PERSONNEL</u>						
7.B-1	Administration of Powers						
	All general establishment and personnel powers shall be administered in accordance with the Authority’s Human Resources policies and procedures and appropriate National and Local Conditions of Service.						
7.B-2	Establishment						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;">(a) To approve changes to the staff establishment, below Assistant Director posts, including making temporary posts permanent, to achieve agreed policies and programmes within the approved annual staff budget.</td> <td style="width: 50%; vertical-align: top;">(a) where proposals are permanent changes or temporary changes for a period of more than 2 years delegated to RMT; where proposals are temporary changes to the establishment for 2 years or less delegated to: Director or Assistant Director in consultation with Head of Human Resources and Head of Finance</td> </tr> <tr> <td style="vertical-align: top;">(b) To approve additional temporary posts funded from income, external funding and temporary allocation of non-staff budgets.</td> <td style="vertical-align: top;">(b) where proposals are for a period of more than 2 years delegated to RMT; where the proposals are for a period of 2 years or less delegated to: Director or Assistant Director in consultation with Head of Human Resources and Head of Finance</td> </tr> <tr> <td style="vertical-align: top;">(c) To extend fixed term contract posts for up to 3 years where the posts are fully externally funded from specified sources.</td> <td style="vertical-align: top;">(c) Director or Assistant Director in consultation with Head of Human Resources and Head of Finance</td> </tr> </table>	(a) To approve changes to the staff establishment, below Assistant Director posts, including making temporary posts permanent, to achieve agreed policies and programmes within the approved annual staff budget.	(a) where proposals are permanent changes or temporary changes for a period of more than 2 years delegated to RMT; where proposals are temporary changes to the establishment for 2 years or less delegated to: Director or Assistant Director in consultation with Head of Human Resources and Head of Finance	(b) To approve additional temporary posts funded from income, external funding and temporary allocation of non-staff budgets.	(b) where proposals are for a period of more than 2 years delegated to RMT; where the proposals are for a period of 2 years or less delegated to: Director or Assistant Director in consultation with Head of Human Resources and Head of Finance	(c) To extend fixed term contract posts for up to 3 years where the posts are fully externally funded from specified sources.	(c) Director or Assistant Director in consultation with Head of Human Resources and Head of Finance
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(c) To extend fixed term contract posts for up to 3 years where the posts are fully externally funded from specified sources.	(c) Director or Assistant Director in consultation with Head of Human Resources and Head of Finance						
	Deputies Chief Executive and Director of Corporate Resources						

Appointments for all posts below Assistant Director level		
<p>(a) To appoint or authorise the appointment of all employees including secondment, making internal promotions and the temporary appointment of contractors or agency staff:</p> <p>(i) to permanent established posts or temporary posts.</p> <p>(ii) to existing or new posts funded from income and external funding and temporary allocation of non-staff budget.</p>	<p>Chief Executive, Director, Assistant Director or Head of Service in accordance with Human Resources Procedures</p>	<p><u>Deputies</u> Chief Executive or Director</p>
<p>(b) To make temporary appointments, including the appointment of contractors or agency staff to cover:</p> <p>(i) a vacancy arising out of an employee being absent through maternity leave or long-term sickness.</p> <p>(ii) for an appropriate period to cover a recruitment handover.</p> <p>(iii) vacancies arising out of secondments.</p>	<p>Chief Executive, Director, Assistant Director or Head of Service in accordance with Human Resources Procedures</p>	<p><u>Deputies</u> Chief Executive or Director</p>
<p>(c) To authorise the payment of market supplements and recruitment incentives where there is proven recruitment difficulty in accordance with the agreed principles.</p>	<p>Chief Executive, Assistant Director, Director or Head of Service after approval by Resource Management Team</p>	<p><u>Deputies</u> Chief Executive in consultation with Head of Human Resources, Head of Finance and Director of Corporate Resources</p>
<p>(d) To authorise the payment of overtime to employees.</p>	<p>Director, Assistant Director Head of Service or Team Manager where post has delegated budget responsibility</p>	<p><u>Deputy</u> Relevant Director or Chief Executive.</p>
<p>(e) To authorise the payment of honoraria to employees.</p>	<p>Director of Planning, Assistant Director or Head of Service in consultation with Head of Human Resources and Head of Finance</p>	<p><u>Deputies</u> Chief Executive/Director</p> <p>Director of Corporate Resources for Head of Human Resources and Head of Finance</p>

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	(f) To change the job titles of established posts below the level of Assistant Director.	Director of Planning, Assistant Director or Head of Service with Head of Human Resources	<u>Deputies</u> Relevant Director or Chief Executive with Head of Human Resources
	(g) To determine salary grades of posts through the job evaluation process.	Head of Human Resources	<u>Deputy</u> Director of Corporate Resources
	(h) To implement, as a consequence of Authority decisions, changes to the establishment structure in accordance with the Authority's managing change policy including the approval of redundancy and redundancy payments where appropriate.	Director, Assistant Director or Head of Service after approval by Resource Management Team	<u>Deputies</u> Chief Executive in consultation with Head of Human Resources, Head of Finance and Director of Corporate Resources
7.B-3	Pay Awards and Conditions of Service		
	To implement any pay awards and conditions of service agreed by national negotiating bodies on behalf of the Authority where no discretionary action is involved.	Head of Human Resources	<u>Deputy</u> Director of Corporate Resources
7.B-4	Superannuation		
	To authorise the payment of any pensions, gratuities, grants, etc provided for in the Superannuation Acts and Regulations subject to the pensions etc being in accordance with the Acts, Regulations or agreed policy of the Authority	Head of Finance	<u>Deputy</u> Director of Corporate Resources
7.B-5	Car Loans		
	To make loans to officers for the purchase of cars for the purposes of their employment in accordance with the policy approved by the Authority, from time to time.	Head of Finance	<u>Deputy</u> Director of Corporate Resources
7.B-6	Removal and Lodging Expenses		
	To authorise the payment of removal and lodging expenses to newly appointed, promoted or transferred employees in accordance with the Authority's scheme.	Relevant Director, Assistant Director or Chief Executive with Head of Human Resources	<u>Deputies</u> Chief Executive or Director of Corporate Resources with Head of Human Resources
7.B-7	Leave of Absence for Employees		
	(a) To authorise special leave of absence without pay in line with the Flexible	Director for Head of Service	<u>Deputy</u> Director or Chief

	Working Policy and guidance notes.		Executive
	(b) To authorise leave of absence with or without pay for a period not exceed 18 days or 36 half days in any period of 12 months: (i) to perform jury service. (ii) to undertake magisterial duties. (iii) to serve on a judicial panel or tribunal. (iv) to attend meetings or conferences, as a member of a public body including essential commitments as a School Governor (v) to attend meetings of or arranged by National or Provincial Joint Councils.	Chief Executive for Director or Assistant Director Heads of Service, Planning Team Managers or Assistant Director for other staff	
	(c) To authorise leave of absence with pay for up to five half days in any year for a union representative to participate in union activities, as guided by ACAS Code of Practice.		
	(d) To authorise unpaid release for staff to carry out public, civic and community duties and other duties of a voluntary or charitable nature, where such release is operationally possible and does not affect the Authority's provision of services.	Director-for Head of Service Chief Executive for Director or Assistant Director Heads of Service, Planning Team Managers or Assistant Director for other staff	<u>Deputy</u> Director or Chief Executive
	(e) To approve applications for flexible retirement below Assistant Director posts.	Resources Management Team	
7.B-8	Training and Development for Employees		
	(a) To agree an annual corporate and vocational training and development programme to meet identified needs within the approved budget.	Head of Human Resources with the Training & Development Officer after approval by Strategic Management Team	

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	(b) To authorise the attendance at courses and conferences and other events including the payment of fees and other expenses.	Assistant Director, Head of Service or Team Manager within delegated budget	<u>Deputies</u> Director, Assistant Director or Chief Executive
	(c) to authorise the undertaking of: (i) courses of study for appropriate qualifications. (ii) courses or other training events, or work experience in relation to personal development. (iii) courses or other training events for specific personal specialist needs. Including the payment of fees and other expenses (If a replacement employee is required specific Committee authority will be necessary).	Assistant Director, Head of Service or Team Manager within delegated budget	<u>Deputies</u> Director, Assistant Director or Chief Executive
	(d) to approve applications for an interest free study loan up to a total cumulative value of £100,000 and for a maximum loan period of 5 years.	Head of Human Resources with Head of Finance	Director, Assistant Director or Chief Executive
7.B-9	Grievance and Discipline		
	To take appropriate action in accordance with the employees Grievance and Disciplinary Procedures adopted by the Authority.	Chief Executive, Director, Assistant Director, Head of Service or Team Manager in accordance with roles identified in Procedures	<u>Deputies</u> Chief Executive, Director, Assistant Director, or Head of Service in accordance with roles identified in Procedures
7.B-10	Additional Employment for Employees above Scale H		
	To authorise employees above Scale H to engage in any other business or take up any additional appointment of a casual nature so long as such work does not prejudice their service with the Authority. Authorisation for the Chief Executive to be given by the Chair and Deputy Chair of the Authority.	Head of Service Assistant Director, or Relevant Director or Chief Executive	<u>Deputies</u> Relevant Director or Chief Executive
<u>PART C</u>	<u>GENERAL</u>		
7.C-1	Response to Proposals Affecting the National Park or the Authority		
	To determine an Authority response in line with the Authority's policies on any central, regional or local government proposal affecting the National Park	Assistant Director or Head of Service	<u>Deputies</u> Relevant Director or Chief Executive

	including those concerning the Authority's powers, duties, functions and responsibilities where at least the appropriate Chair and Deputy or Vice Chair should be consulted.		
7.C-2	External Funding Applications		
	(a) In consultation with the Chair of the relevant committee to make applications to external bodies or organisations for finance or grant aid up to any value.	<p>Applications up to £30,000: Head of Service or team manager with Assistant Director Policy and Partnerships or Inward Investment Officer and Head of Finance</p> <p>Applications between £30,000 and £50,000 Director or Assistant Director with Assistant Director Policy and Partnerships or Inward Investment Officer and Head of Finance</p> <p>Applications over £50,000 subject to business case to RMT for approval</p>	<u>Deputies</u> Director or Chief Executive with Inward Investment Officer and Head of Finance
	b) To accept offers of finance or grant aid up to £200,000 for funding including completing any agreements	<p>Acceptance up to £200,000: Director, Assistant Director or Chief Executive with Head of Finance</p> <p>Acceptance over £200,000: Committee approval required</p>	
7.C-3	Authority Grant and Award Schemes		
	To determine applications for grants under the Authority's grant schemes where the cost to the Authority is £30,000 or less.	Relevant Assistant Director, Head of Service or Team Leader	<u>Deputies</u> Chief Executive or relevant Director or Assistant Director
	To authorise Environmental Quality Mark Awards.	Assistant Director Land Management	<u>Deputies</u> Chief Executive
7.C-4	Recovery of Grant Aid		
	To authorise the raising of accounts for	Relevant Head of	<u>Deputies</u>

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	the recovery of the appropriate amounts and seek recovery as a debt if necessary, in cases where the conditions attached to the grant aid made by the Authority have not been complied with. Such action to be taken following consultation with the Chief Finance Officer.	Service or Team Leader (in consultation with the Chief Finance Officer through the Head of Finance)	Chief Executive or relevant Director
7.C-5	Variation from Decisions of Authority or Committee Meetings		
	To authorise action on a decision of an Authority or committee meeting where any variation from that decision is insignificant and has no implications for the Authority.	Relevant Director, Assistant Director or Chief Executive in consultation with Head of Law	<u>Deputies</u> Chief Executive in consultation with Director of Corporate Resources
<u>PART D</u>	<u>PROPERTY</u>		
	All property powers shall be administered in accordance with the Authority's Asset Management Plan and in consultation with the staff identified in this plan.		
7.D-1	Acquisition of land & property		
	<p>To acquire or renew any interest in or over land, including buildings, on terms to be approved by the Head of Law.</p> <p>To accept surrender of interests and serve notices to terminate interests,</p> <p>a) where the purchase price does not exceed £150,000 or;</p> <p>b) the total rental over the term does not exceed £150,000 or;</p> <p>c) in the case of a periodic tenancy the overall rental charge does not exceed £150,000 and the tenancy is reviewed by officers at three yearly intervals.</p> <p>This delegation includes transfers, leases, licences, easements and way-leaves.</p>	<p>Up to £30,000 (capital and additional annual revenue cost or total rental payments over the term) Estates manager or property support manager in consultation with Head of Finance</p> <p>Between £30,000 and £50k (capital and additional annual revenue cost or total rental payments over the term) subject to a business case approved by: Assistant Director Land Management and Head of Finance in consultation with Chair and Vice Chair of ARP and asset management member representative</p> <p>Over £50,000 (capital and additional annual revenue cost or total rental payments over the term) subject to business case to RMT for approval – to include consultation with chair and vice chair of ARP and asset management member representative</p>	
7.D-2	Compulsory acquisition of land & property		
	To authorise the acquisition of land &	Resource	

	<p>property using powers under s226 of the Town and Country Planning Act 1990, s89 of the National Parks and Access to the Countryside Act 1949, or s47 of the Planning (Listed Buildings and Conservation Areas) Act 1990, where the total value of the land or property does not exceed £20,000.</p> <p>Making, signing and sending Orders and confirmations.</p>	<p>Management Team</p> <p>Head of Law or Assistant Solicitor</p>	<p><u>Deputy</u> Director of Corporate Resources</p>
7.D-3	Disposal of land & property		
	<p>To dispose of or terminate an interest in or over land including buildings on terms to be approved by the Head of Law.</p> <p>a) where the sale value does not exceed £100,000 or</p> <p>b) where the total lease value over the term does not exceed £100,000 and the term is less than 7 years, or</p> <p>c) In the case of a periodic tenancy the overall rental charge does not exceed £100,000 and the tenancy is reviewed by officers at three yearly intervals</p> <p>This delegation includes transfers, leases, licences, easements and way-leaves.</p>	<p>Up to £30,000 (capital and additional annual revenue cost and/or rental charges) Estates manager or property support manager</p> <p>Between £30,000 and £50,000 (capital and additional annual revenue cost and/or rental charges) subject to a business case approved by: Assistant Director Land Management and Head of Finance in consultation with Chair and Vice Chair of ARP and asset management member representative</p> <p>Over £50,000 (capital and additional annual revenue cost and/or rental charges) subject to business case to RMT for approval – to include consultation with chair and vice chair of ARP and asset management member representative</p>	<p><u>Deputies</u> Chief Executive</p>

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		The authorisation shall not be given by the person who has carried out the negotiations.	
		Formal signature of legal documents Head of Law or Assistant Solicitor	<u>Deputy</u> Director of Corporate Resources
7.D-4	Applications for Planning Consent		
	To make applications under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 for planning and listed building consent for development of the Authority's properties where the capital value of the proposed works does not exceed £150,000.	Assistant Director Land Management in consultation with the Director of Planning	<u>Deputies</u> Chief Executive in consultation with the Planning Managers
<u>PART E</u>	<u>PLANNING</u> Where no Deputy is specified the Deputy is the Director of Planning.		
7.E-1	Agriculture and other Countryside Grant Schemes		
	To respond to notifications and consultations and to raise formal objections under the provisions of Agriculture and other Countryside Grant schemes.	Countryside & Economy Manager	<u>Deputy</u> Assistant Director Land Management or Countryside & Economy Advisor
7.E-2	Forestry Acts		
	(a) To submit observations to the Forestry Commission and raise formal objections on their Forestry Grants Schemes and on felling licence applications or notifications where no Tree Preservation Order exists.	Countryside & Economy Manager	<u>Deputies</u> Countryside & Economy Team Manager/Natural Environment Team Manager/Senior Countryside & Economy Manager
	(b) To submit observations to the Forestry Commission where a Tree Preservation Order is in force.		
7.E-3	Environment Enhancement Scheme Agreements		
	To complete Environment Enhancement Scheme Agreements where the total cost to the Authority is less than £150,000 and the annual amount no greater than £30,000.	Up to £10,000 Countryside and Economy Manager	<u>Deputy</u> Assistant Director Land Management or Senior Countryside & Economy Advisor Chief Executive
		£10,000-£50,000 Assistant Director Land Management (assuming annual	

		amount less than £30,000)	
		Over £50,000 RMT (assuming annual amount less than £30,000)	
7.E-4	Tree Preservation and Hedgerow Protection Orders		
	(a) To make Tree Preservation Orders and confirm unopposed Orders under the Town and Country Planning Act 1990, Sections 198 to 201.	(a) & (c) Woodland Conservation Officer Tree Conservation Officer	<u>Deputy</u> Assistant Director Land Management
	(b) To make Hedgerow Protection Orders under the Environment Act 1995.	(b) Countryside & Economy Manager	
	(c) To determine applications for consents under Tree Preservation Orders.		
	Making, signing & sending Orders and confirmations.	Head of Law or Assistant Solicitor	<u>Deputy</u> Director of Corporate Resources
7.E-5	Development not in accordance with the Development Plan		
	To deal with all matters relating to classification of departures from the development plan and reference of departures to the Secretary of State.	Director of Planning or Planning Managers Director of Planning or Minerals Team Manager	
7.E-6	Directed Decisions of Secretary of State		
	To refuse applications on which a direction of refusal has been made by the Secretary of State under Articles 25 and 26 of The Town and Country Planning (Development Management Procedure) (England) Order 2010.	Director of Planning or Planning Managers Director of Planning or Minerals Team Manager	
7.E-7	General Development Order – Notification of Agricultural Mineral and Forestry Proposals		
	To respond to notifications and to decide whether planning applications should be required as a result of notifications received under the Town and Country Planning (General Permitted Development) Order 1995.	Director of Planning or Planning Managers Director of Planning or Minerals Team Manager	
7.E-8	Planning, Advertisement and Listed Building Applications		
	(a) Within the Authority's policies to determine all applications for planning consent, listed building consent,	Director of Planning or Planning Managers	

<p>conservation area consent, overhead electricity lines and consent under the Advertisement Regulations other than those in the following categories:</p> <p>(i) Residential development proposing a net increase over existing commitments of more than two new build dwellings or the conversion of traditional buildings to more than four units of accommodation.</p> <p>(ii) Commercial or industrial development proposing a net increase over existing commitments of more than 1,000 sq m floor area.</p> <p>(iii) New sites for the extraction of minerals or the disposal of waste.</p> <p>(iv) The extension of existing sites for mineral extraction and waste disposal with an increase in site area greater than 0.1ha.</p> <p>(v) New telecommunications masts over 15 metres in height.</p> <p>(vi) Individual free standing wind turbines over 15 metres in hub height.</p>	<p>Director of Planning or Minerals Team Manager</p>
<p>Provided that any delegated action above shall be subject to the following provisions:</p> <p>(a) That all new applications are reported in the week of receipt, or as soon as possible thereafter, in a list to be circulated to all Members.</p> <p>(b) That any Member can by written notice, stating clear material planning reasons, ask that an otherwise delegated application be determined by the Committee. If such a request is made the Director of Planning may, in consultation with the Chair of the Committee, ask for further information before judging whether or not the application should be withdrawn from delegation. The Director of Planning will inform the Member the reasons for a decision not to withdraw an application from delegation.</p> <p>(c) Applications shall not be determined in a manner substantially contrary to the planning views of the relevant local authority, Town Council, Parish Council or Parish Meeting, provided that those views are based on material planning considerations relevant to the application and are consistent with planning policies. In interpreting the word 'substantially' this clause shall not prevent either the approval or refusal of applications where the consultee response is either 'no comment' or 'no objections', or the approval of applications where objections can be overcome by the imposition of conditions or amendments to the proposal. If the consultee response is either 'support' or 'oppose' the application, or other similar simple expression in favour or against, and is contrary to the proposed officer determination the consultee will be</p>	

	<p>expected to also provide material planning reasons for its view. In addition this clause shall not prevent the determination of applications where differences of view are solely on design issues, for example single, small-scale isolated issues. Cases will be considered with reference to the Authority's adopted Design Guide.</p> <p>(d) Applications shall not be determined when more than three substantial planning objections or representations are received which are contrary to the intended decision. In interpreting the word 'substantial' this clause shall not prevent the determination of applications where objections do not relate to material planning considerations, or can be overcome by the imposition of conditions, or where the objections or representations are solely on basic design issues.</p> <p>(e) That all decisions are reported to Members for information on a monthly basis on the Authority's website..</p>	
	(2) To determine applications and requests for non-material amendments.	Director of Planning or Planning Managers
	(3) To refuse applications on the basis of inadequate information supplied by the applicant.	Director of Planning or Minerals Team Manager
	(4) To discharge conditions on planning and advertisement permissions and listed building consents, including determination of formal applications for discharge.	
	(5) To grant applications which are for the renewal of unimplemented planning permissions.	
	(6) To sign all decision notices pursuant to a resolution or under this delegation.	
7.E-9	Control of Demolition	
	To exercise the Authority's powers and responsibilities in respect of the control of demolition.	<p>Director of Planning or Planning Managers</p> <p>Director of Planning or Minerals Team Manager</p>
7.E-10	Enforcement Action	
	<p>To decide not to pursue enforcement action in cases of breaches of planning control where:</p> <p>(a) The unauthorised development does not conflict with the Authority's approved policies; And</p> <p>(b) The effect of the breach is considered not to be significantly harmful to public amenity or safety or the existing use of land or buildings meriting protection in the public interest.</p>	<p>Director of Planning or Planning Managers or Monitoring & Enforcement Manager</p> <p>Director of Planning or Minerals Team Manager</p>

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	<p>And</p> <p>(c) There is no substantial neighbourhood objection. “Substantial” shall be interpreted as more than 3 objections to the unauthorised development provided those objections relate to material planning considerations. In interpreting the word “substantial” this clause shall not prevent a decision being made not to pursue enforcement action where the objections are solely on design issues.</p>	
7.E-11	Neighbouring Authority and Agency Consultations	
	<p>Except where officers consider that these are of major significance, to respond in line with the National Park Authority’s policies to consultations, received from neighbouring authorities and agencies, on planning applications and on policy documents and to lodge objections where appropriate.</p>	<p>Director of Planning or Planning Managers</p> <p>Director of Planning or Minerals Team Manager</p>
7.E-12	Hazardous Substances	
	<p>To administer the Authority’s powers and duties relating to hazardous substances under the Planning (Hazardous Substances) Act 1990 including the determination of applications for hazardous substance consent, claims for deemed consent and the issue of hazardous substance contravention notices.</p>	<p>Director of Planning or Planning Managers</p> <p>Director of Planning or Minerals Team Manager</p>
7.E-13	Environmental Impact Assessment and Review of Mineral Planning Permissions	
	<p>(a) To determine the requirement for an Environmental Impact Assessment including decisions as to all matters relating to screening and scoping of EIA.</p>	<p>(i) Director of Planning</p> <p><u>Deputies</u> (i) Minerals Team Manager</p>
	<p>b) To advise the statutory bodies of the requirement for an EIA.</p>	<p>(ii) Countryside & Economy Manager, or</p> <p>(iii) Assistant Director Land Management</p> <p>(ii) Assistant Director Land Management</p> <p>(iii) Woodland Conservation Officer</p>
	<p>c) Following agreement in principle by the Committee, to agree detailed schemes for mineral planning permissions under the Environment Act 1995, schedules 13 and 14.</p>	<p>Director of Planning or Minerals Team Manager</p>

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7.E-14	Fly Posting		
	To exercise the powers of the Authority under s225, s225A to s225K of the Town and Country Planning Act 1990.	Director of Planning or Planning Managers or Monitoring & Enforcement Manager	
7.E-15	Goods Vehicle Operators Licensing Regulations		
	To make representations and to lodge holding objections on applications.	Director of Planning or Planning Managers or Monitoring & Enforcement Manager	
7.E-16	Caravan Rallies		
	To consider the annual draft programme of caravan rallies for the National Park submitted by the Clearing Houses and to make recommendations to the Clearing Houses on changes and improvements to the draft programme.	Director of Planning or Planning Managers	
7.E-17	Agricultural Operations		
	To determine the requirement for action under Section 42 of the Wildlife and Countryside Act 1981 and the Peak District National Park Authority Restriction of Agricultural Operations (Order 2002).	Countryside & Economy Team Manager/Natural Environment Team Manager	<u>Deputy</u> Assistant Director Land Management or Senior Countryside & Economy Advisor
7.E-18	Agreements under s52 of the Town and Country Planning Act 1971 and s106 of the Town and Country Planning Act 1990		
	(a) To authorise entry into and agree the terms of agreements under S106 of the Town and Country Planning Act 1990 for development where applications are determined under delegated powers	Director of Planning	<u>Deputies</u> Planning Managers
	(b) To authorise the variation and/or modification of the terms of agreements under s52 of the Town and Country Planning Act 1971 and s106 of the Town and Country Planning Act 1990.	Director of Planning	Minerals Team Manager
	(c) To authorise the rescission/discharge of agreements under s52 of the Town and Country Planning Act 1971 and s106 of the Town and Country Planning Act 1990.		
7.E-19	Planning Contravention Notices and Requisitions for Information.		
	To issue Planning Contravention Notices and requisitions for information under s330 of the Town and Country Planning Act 1990 and s16 of the Local Government (Miscellaneous Provisions) Act 1976. (Concurrent power with the Head of Law).	Director of Planning or Planning Managers or Monitoring & Enforcement Manager Director of Planning or Minerals Team Manager	
7.E-20	Applications made under the Localism Act 2011.		

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	To approve (but not refuse) applications for designation of Neighbourhood Forums.	Head of Law	<u>Deputy</u> Director of Corporate Resources
7.E-21	Review of Minerals Planning Permissions.		
	<p>To serve written notice on owners of land or the operator, for the submission of new conditions.</p> <p>To determine, in respect of periodical reviews of minerals planning permissions:</p> <p>(a) whether or not the Authority will carry out a first, second or subsequent periodic review and to set the dates for that review,.</p> <p>(b) whether it is expedient to treat as a single site for the purposes of the review, the aggregate of the land to which two or more mineral permissions relate,</p> <p>(c) requests for postponement of minerals reviews,</p> <p>(d) whether or not to extend the period for submission of a new Environmental Statement, and</p> <p>(e) reviews where no Environmental Statement is required (subject to consultation with the Heads of Law and Finance in cases it is proposed to apply conditions which are different from those applied for and the effect of the new conditions, except insofar as they are restoration or aftercare conditions, is to restrict working rights in respect of the site)</p>	Director of Planning	<u>Deputy</u> Minerals Team Manager
<u>PART F</u>	<u>CORPORATE RESOURCES</u>		
7.F-1	Enforcement Action		
	<p>(a) To authorise the issue of enforcement notices, listed building enforcement notices and breach of condition notices in relation to development in breach of planning control.</p> <p>(b) To authorise the issue of stop notices and temporary stop notices. Before a stop notice is issued consultations shall be held with the Chief Finance Officer to consider the implications of the payment</p>	<p>(a) to (g) Head of Law or Assistant Solicitor and Director of Planning</p> <p>Or</p> <p>Director of Planning or</p>	<p><u>Deputies</u></p> <p>Planning Managers or Monitoring and Enforcement Manager</p> <p>Minerals Team Manager</p>

	of compensation.			
	(c) To authorise applications to the Courts for injunctions under Section 187B of the Town and Country Planning Act 1990.	Stop Notices – in consultation with Director of Planning and Chief Finance Officer	Director of Corporate Resources and Planning Managers or Monitoring and Enforcement Manager	
	(d) To issue notices under s215 of the Town and Country Planning Act 1990. (Untidy land and buildings).			
	(e) To authorise the withdrawal of enforcement notices, stop notices, temporary stop notices, listed building enforcement notices, breach of condition notices and s215 notices.			Formal signature: Head of Law or Assistant Solicitor
	(f) To exercise the power to waive or relax the requirements of an enforcement notice under s173A of the Town and Country Planning Act 1990.			
	(g) To apply to the magistrates court for a planning enforcement order under s171BA of the Town and Country Planning Act 1990			
	(h) To authorise the execution of works in default under s178 Town and Country Planning Act 1990 where the cost can be accommodated within current budgets or where the cost is expected to be recovered from the landowner.			
7.F-2	Article 4 Directions			
	<p>Following consultation with the Chair and Vice Chair of the Planning Committee to exercise the powers of the Authority:</p> <ul style="list-style-type: none"> to make modify and cancel Article 4 Directions to confirm unopposed Article 4 Directions <p>Confirmation of opposed Article 4 Directions to be considered by the Planning Committee. (Authority Meeting 01/07/11)</p>	Director of Planning and Head of Law	<u>Deputies</u> Planning Managers or Monitoring and Enforcement Manager Assistant Solicitor	
7.F-3	Control of Advertisement Regulations			
	To take action where required under the Town & Country Planning (Control of Advertisements) Regulations 2007 and to	Head of Law or Assistant Solicitor and	<u>Deputies</u> Director of Corporate	

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	issue Discontinuance Orders. Formal signature.	Director of Planning Head of Law or Assistant Solicitor	Resources and Planning Managers or Monitoring & Enforcement Manager Director of Corporate Resources
7.F-4	Mineral Development – Article 7 Directions		
	To make Directions, under Article 7 of the Town and Country Planning (General Permitted Development) Order 1995, in respect of mineral exploration and removal of materials from mineral working deposits.	Head of Law or Assistant Solicitor and Director of Planning	<u>Deputies</u> Director of Corporate Resources and Minerals Team Manager
7.F-5	Works to preserve Listed Buildings		
	To issue notices under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (subject to a report on action taken to the next appropriate meeting of the Committee).	Head of Law or Assistant Solicitor and Cultural Heritage Manager Formal signature: Head of Law or Assistant Solicitor	<u>Deputies</u> Director of Corporate Resources and Assistant Director Land Management Director of Corporate Resources
7.F-6	Building Preservation Notices		
	To authorise the issue of notices under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Formal signature	Head of Law or Assistant Solicitor and Cultural Heritage Manager Head of Law or Assistant Solicitor	<u>Deputies</u> Director of Corporate Resources and Assistant Director Land Management Director of Corporate Resources
7.F-7	Recovery of Costs		
	To institute legal proceedings for the recovery of costs incurred for works undertaken in accordance with powers under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.	Head of Law and Director of Planning or Cultural Heritage Manager	<u>Deputies</u> Assistant Solicitor and Planning Managers or Monitoring and Enforcement Manager or Assistant Director Land Management

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7.F-8	Entry on land		
	To authorise the entry of persons to land and buildings in connection with the Authority's functions under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Wildlife and Countryside Act 1981 and any other statutory provisions that permit entry to land for investigation purposes.	Head of Law or Assistant Solicitor	<u>Deputy</u> Director of Corporate Resources
7.F-9	Certificates of Lawfulness of Development		
	a) To determine applications for certificates of lawfulness under Section 191 and 192 of the Town and Country Planning Act 1990 (as amended).	Head of Law or Assistant Solicitor	<u>Deputy</u> Director of Corporate Resources
	b) To determine applications for certificates lawfulness under The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014	Head of Law or Assistant Solicitor	<u>Deputy</u> Director of Corporate Resources
7.F-10	Planning Contravention Notices and Requisitions for Information		
	To issue Planning Contravention Notices and requisitions for information under s330 of the Town and Country Planning Act 1990 and s16 of the Local Government (Miscellaneous Provisions) Act 1976. (Concurrent power with the Head of Planning).	Head of Law or Assistant Solicitor	<u>Deputy</u> Director of Corporate Resources
7.F-11	Proceedings to enforce Planning Control		
	(a) To institute prosecuting proceedings for: The breach of an enforcement notice. The breach of a stop notice. The breach of a listed building enforcement notices. The breach of planning contravention notice requirements. The breach of the requirements of a notice requesting information under s330 of the Town and Country Planning Act 1990. Unauthorised works to listed buildings. The breach of advertisement control.	(a) to (c) Head of Law or Assistant Solicitor	<u>Deputy</u> Director of Corporate Resources

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	<p>Failure to comply with a breach of condition notice.</p> <p>Failure to comply with a notice requiring maintenance of land under s215 of the Town and Country Planning Act 1990.</p> <p>The breach of the requirements of notices under s16 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Contravention of a Tree Preservation Order.</p> <p>Damage to trees in a Conservation Area.</p> <p>(b) To institute proceedings to require compliance with an agreement made under s 106 of the Town and Country Planning Act 1990.</p> <p>(c) To institute other proceedings pursuant to decisions of the Authority or Committee or delegated decisions of officers to enforce the Authority's powers of planning control.</p>		
7.F-12	Trespass		
	To take legal proceedings in respect of trespass or threat of trespass to the Authority's land.	Head of Law or Assistant Solicitor	<u>Deputy</u> Director of Corporate Resources
7.F-13	Proceedings affecting the Authority's Interests		
	<p>(a) To defend any court action appearing adversely to affect the Authority's interests.</p> <p>(b) To make applications to a court in relation to the renewal of leases and tenancies of the Authority's properties.</p>	(a) to (b) Head of Law or Assistant Solicitor	<u>Deputy</u> Director of Corporate Resources
7.F-14	Notices, Orders, Contracts and Agreements		
	To sign orders, contracts, agreements and notices (except for planning and listed building determinations) pursuant to a resolution or policy of the Authority or its committees or authorised by an appropriate officer under the scheme of delegation.	Head of Law or Assistant Solicitor	<u>Deputy</u> Director of Corporate Resources
7.F-15	Proceeding relating to Access Land.		
	To commence proceedings under Section 14 of the Countryside and Rights of Way Act 2000 in respect of false or misleading notices relating to access	Head of Law or Assistant Solicitor	<u>Deputy</u> Director of Corporate Resources

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	land and to take legal action under Section 39 of the Act to secure court orders for the removal of obstructions to access land and court orders not to obstruct access to access land at any time.		
7.F-16	Members' Attendance at Courses and Conferences etc		
	To agree Member attendances at external, courses, conferences and other events as an approved duty.	Democratic Services Manager	<u>Deputy</u> Director of Corporate Resources
7.F-17	Outside Bodies		
	(a) Where a vacancy or a new appointment arises on an outside body in between Authority meetings, in consultation with the appropriate Chair, Deputy or Vice-Chair, to nominate a Member to attend meetings until the appointment is considered at the next Authority meeting. (b) To authorise the attendance of a substitute, in consultation with the appointed Member.	Democratic Services Manager	<u>Deputy</u> Director of Corporate Resources
7.F-18	Reference to Chief Finance Officer In Standing Orders		
	Head of Finance by specific prior agreement of the Chief Finance Officer except where statute prohibits delegation.		
7.F-19	Local Government Ombudsman – Local Settlement		
	To agree Local Settlement compensation payments up to the sum of £5,000 in settlement of a Local Ombudsman case.	Monitoring Officer	<u>Deputy</u> Director of Corporate Resources
7.F-20	Recording of Meeting and Proceedings of the Authority		
	To consider and determine requests to record the meetings and proceedings of the Authority.	Head of Law.	<u>Deputy</u> Democratic Services Manager or Director of Corporate Resources.
7.F-21	Power to grant dispensations to Authority Members with disclosable pecuniary interests		
	To consider and grant requests for dispensations to Members of the Authority where the circumstances are such that so many Members of the decision making body have a disclosable pecuniary interest that it would impede the transaction of the business	Monitoring Officer.	<u>Deputy</u> Deputy Monitoring Officer.
7.F-22	Amendments to Standing Orders and Authority Policies		

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	To amend Standing Orders and Authority Policies to reflect any approved changes in job titles and changes to legislation if those changes do not have a significant effect on operational matters. (Authority 4/10/13)	Head of Law in Consultation with the Chair of the Authority	Democratic Services Manager in Consultation with the Chair of the Authority
<u>PART G</u>	<u>OTHER</u>		
7.G-1	Charges		
	To fix and vary all non planning related charges within statutory powers with the following financial limits:		
	(a) revised or new income generating proposals with projected annual charges of up to £30,000.	Heads of Service and Director or Assistant Director for Chief Exec's unit in consultation with the Chief Finance Officer.	Chief Executive in consultation with the Chief Finance Officer.
	(b) revised or new income generating proposals with projected annual charges of between £30,000 and £50,000.	Heads of Service with business case for consideration and approval by Director or Assistant Director for Chief Exec's unit and Chief Finance Officer and to include consultation with the Chair and Vice Chair of Audit Resources and Performance Committee	Chief Executive in consultation with the Chief Finance Officer and to include consultation with the Chair and Vice Chair of ARP
	(c) revised or new income generating proposals with projected annual charges of over £50,000 up to the limit £150,000	Subject to a business case for consideration and approval by Resources Management Team and to include consultation with Chair and Vice Chair of Audit Resources and Performance Committee.	
	(d) delegation to implement the national fee structure for Planning fees.	Director of Planning in consultation with Chief Finance Officer.	Chief Executive in consultation with Chief Finance Officer.
7.G-2	Public Rights of Way		
	(a) To respond to consultation enquiries	(a) to (e) Assistant	<u>Deputies</u>

	<p>from other statutory authorities concerned with creation, alteration or closure of public rights of way. Any formal objection made shall be reported to the next meeting of the relevant Committee.</p>	Director Enterprise and Field Services	Chief Executive
	(b) To complete Public Path Creation Agreements under Section 25 of the Highways Act 1980.		
	(c) To complete Public Path Diversion Orders under S.119 of the Highways act and Orders under S.257 of the Town and Country Planning Act 1990.		
	(d) To create concession footpaths on the Authority's land.		
	(e) To dedicate, concession footpaths on the Authority's land as public rights of way.		
	Making, signing of Agreements, Orders and confirmations.	Head of Law or Assistant Solicitor	Director of Corporate Resources
	<p>(f) to authorise the making of experimental, temporary or permanent Traffic Regulation Orders under the Road Traffic Regulation Act 1984.</p> <p>In the case of unresolved objections to a proposed Order, a report to be made to the Relevant Committee.</p>	Assistant Director Enterprise and Field Services	<u>Deputies</u> Chief Executive
	Making, signing of Orders and confirmations.	Head of Law or Assistant Solicitor	Director of Corporate Resources
7.G-3	Access Land: Exclusion or Restriction of Access, carrying out of works and Dedication of Access Land.		
	(a) To authorise directions under Section 69 of the National Parks and Access to the Countryside Act 1949 suspending access to land comprised in Access Agreements or Orders in the event of the risk of fire by reason of any exceptional weather conditions.	Assistant Director Enterprise and Field Services	<u>Deputy</u> Chief Executive
	(b) To authorise directions under Section 24 of the Countryside and Rights of Way Act 2000 to exclude or restrict access to land to for the purpose of land management.	Assistant Director Enterprise and Field Services	<u>Deputy</u> Chief Executive
	(c) To authorise directions under Section 25 of the Countryside and Rights of Way Act 2000 to exclude or restrict access to		

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	land to avoid the risk of fire or danger to the public.		
	(d) To authorise directions under Section 26 of the Countryside and Rights of Way Act 2000 to exclude or restrict access to land in order to conserve flora, fauna or geological or physiographical features or preserve scheduled monuments or other features of historic interest.		
	Before giving a direction under section 24, 25 or 26 of the Countryside and Rights of Way Act 2000 so as to exclude or restrict access indefinitely, or for over 6 months, the Director shall consult the Chair and Vice Chair of the relevant Committee. Cases where the Local Access Forum disagrees with officer recommendations, or contentious cases are to be reported to the relevant Committee for determination.		
	(e) To authorise the completion of agreements for works with landowners or occupiers under Section 35 of the Countryside and Rights of Way Act 2000.	Assistant Director Enterprise and Field Services	<u>Deputy</u> Chief Executive
	(f) To authorise the issue of notices under Sections 36 and 37 of the Countryside and Rights of Way Act 2000 and to authorise the carrying out of works on access land and the recovery of costs.		
	(g) To authorise a person to enter land under Section 40 of the Countryside and Rights of Way Act 2000.		
	(h) To authorise the dedication of the Authority's land as access land under S.16 of the Countryside and Rights of Way Act 2000.	Assistant Director Enterprise and Field Services Assistant Director Land Management	<u>Deputies</u> Chief Executive
7.G-4	Land Disposal and Works – Consultation		
	To respond to any consultations received by the Authority from any local authority, statutory undertaker, public body or agency relating to land disposals and site works.	Property Manager	<u>Deputy</u> Assistant Director Land Management

