

1.3 SCHEME OF DELEGATION TO OFFICERS AND COMMITTEES

PART 1 - GENERAL PROVISIONS

1.1 The Lake District National Park Authority (“the Authority”) is a National Park Authority established under the provisions of the Environment Act 1995 and shall exercise all the functions of a National Park Authority in accordance with the provisions of The National Parks and Access to the Countryside Act 1949, the Environment Act 1995, the Natural Environment and Rural Communities Act 2006 and all other legislation relating to National Park Authorities.

1.2 In this scheme of delegation the following words and expressions shall have the following meanings

“the policy framework” means any vision document, business plan, national park management plan, local area agreement, local transport plan, rights of way action plan, code of corporate governance, medium term financial strategy, or revenue or capital budget adopted by the Authority from time to time (whether adopted solely by the Authority or together with the Lake District National Park Partnership) together with the plans and strategies which together comprise the development plan and/or the local development framework within the meaning of the planning acts.

“the highways acts” means the National Parks and Access to the Countryside Act 1949, the Countryside Act 1968, the Highways Acts 1980, the Wildlife and Countryside Act 1981, the Road Traffic Regulation Act 1984, the Cycle Tracks Act 1984, the Road Traffic Act 1988 and the Countryside and Rights of Way Act 2000.

“the planning acts” means the Town and County Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning and Compensation Act 1991, the Planning and Compulsory Purchase Act 2004 and any legislation relating to the functions of local planning authorities and mineral planning authorities.

and reference to any statutory provision shall include reference to any statutory modification or re-enactment of such provision for the time being in force.

1.3 This Scheme of Delegation is made by the Authority in accordance with Section 101 of the Local Government Act 1972. Any Committee to which functions are delegated may sub-delegate them to a Sub Committee or officer of the Authority. Any sub-committee may also sub-delegate functions to an officer. Any officer to whom functions are delegated may authorise other officers to exercise such functions on their behalf. Any function delegated by the Authority, or a committee or sub-committee of the Authority, or by an officer to a committee, a sub-committee or officer may also be exercised concurrently by the Authority or by the committee, sub-committee or officer making such delegation.

- 1.4 In the exercise of all its functions the Authority and those exercising delegated functions in accordance with the terms of this scheme of delegation shall ensure that the statutory purposes of the National Park Authority are implemented so as 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 special qualities of those areas by the public but if it appears that there is a conflict between those purposes the Authority and those exercising functions on its behalf shall attach greater weight to the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area.
- 1.5 In pursuit of the above statutory purposes the Authority shall seek to foster the economic and social well-being of local communities within the National Park and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the National Park.
- 1.6 Functions delegated to any committee, sub-committee or Officer of the Authority shall always be exercised in compliance with the Authority's Standing Orders, Financial Regulations and Contract Standing Orders except to the extent that they may be suspended in accordance with their terms. Any actions authorised under such Standing Orders, Financial Regulations and Contract Standing Orders are authorised by this scheme of delegation.
- 1.7 Decisions taken by Officers under delegated functions shall be made in accordance with the provisions of Part 4 of this scheme of delegation.
- 1.8 In accordance with the Authority's Code of Conduct for Members, any Member with a personal interest in a decision will declare openly the existence and nature of that interest; and if the interest is prejudicial, the Member shall not take or participate in the decision. Officers will not take or participate in decisions in which they would have a personal interest in accordance with the Authority's Code of Conduct if they were members of the Authority and shall declare any such interests in accordance with the provisions of any Staff Code of Conduct as may be adopted from time to time.
- 1.9 No general reference to a power, duty, function or other matter in relation to one committee shall be interpreted so as to include any matter which is specifically delegated by this scheme of delegation to another committee.
- 1.10 The Chief Executive may (in consultation with the Chairman and Deputy Chairman of the Authority) appoint one or more deputies to exercise his or her functions in circumstances where the Chief Executive is unable to carry out such functions personally owing to absence or illness and any such deputy is authorised to exercise the functions of the Chief Executive in his or her absence pursuant to the Authority's Standing Orders, Financial Regulations, Standing Orders for Contracts and this Scheme of Delegation. In the event that the Chief Executive is unable to carry out such functions personally owing to absence or illness but has not appointed a deputy or deputies the Director of Corporate Services is authorised to perform any functions and exercise any functions conferred on the Chief Executive by this Scheme of Delegation. Any arrangements for deputising for the Chief Executive may be reviewed by the Authority at any time while the Chief Executive is unable to carry out his or her functions personally owing to absence or illness.
- 1.11 The Authority, or a committee or sub-committee may give such direction as it considers appropriate for action taken under delegated functions to be reported periodically.

- 1.12 Before exercising any delegated power, an officer should consider whether the nature of the matter to be determined makes it appropriate for the decision to be taken by the Authority, a committee or sub-committee or a more senior officer.
- 1.13 All delegations of responsibilities, powers and functions under this scheme of delegation include power to authorise the execution or issuing of any document, or the taking of any other action, necessary to give effect to the decision, including authorising the affixing of the Authority's seal to any document in accordance with Standing Orders.
- 1.14 This scheme of delegation shall come into effect on 1 July 2010.
- 1.15 Nothing in this scheme of delegation shall prejudice the validity of any actions taken prior to 1 July 2010 under any previous scheme of delegation.

PART 2 - FUNCTIONS RESERVED BY THE AUTHORITY

- 2.1 Only the Authority will exercise the following functions and no provision of this scheme of delegation shall be interpreted in a manner that is inconsistent with the provisions of this Part 2 of the scheme of delegation:
- 2.1.1 adopting and changing standing orders or (except in accordance with the provisions of Part 4, Annex 2, Paragraph 5) this scheme of delegation
 - 2.1.2 approving or adopting any part of the policy framework
 - 2.1.3 (save as provided in paragraph 2.2) making a decision about any matter which is covered by the policy framework where the decision maker is minded to make it in a manner which would be contrary to or not in accordance with the policy framework
 - 2.1.4 appointing the Chairman and Deputy Chairman of the Authority
 - 2.1.5 agreeing and/or amending the terms of reference for committees and deciding on their composition and membership
 - 2.1.6 appointing representatives to outside bodies
 - 2.1.7 co-opting members of committees of the Authority
 - 2.1.8 adopting or amending a Members' allowances scheme
 - 2.1.9 confirming the appointment and dismissal of the Chief Executive (National Park Officer)
 - 2.1.10 making a decision about the acquisition or disposal of any interest in land (save as expressly delegated to the Head of Property Services)
 - 2.1.11 making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or private Bills; and
 - 2.1.12 All other matters which, by law, must be reserved to the Authority.
- 2.2 The Development Control Committee shall not be prevented by virtue of the provisions of this part of the scheme of delegation from making decisions which must be advertised as departures from the development plan in accordance with the provisions of the Town and Country Planning (General Development Procedure Order) 1995 but which are not subject to call-in by the Secretary of State in accordance with a direction given under such regulations or which are subject to call-in in accordance with such a direction but which, following due notice given to the Secretary of State in accordance with such direction, are not called-in for determination by the Secretary of State.

PART 3 - DELEGATION OF FUNCTIONS TO COMMITTEES

The Authority has decided to establish the standing committees described in paragraphs 3.1 to 3.7 which shall have the terms of reference, delegated powers and composition as set out below.

3.1 AUDIT COMMITTEE

TERMS OF REFERENCE

1 Audit Activity

- To consider the internal auditor's annual report and opinion and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Authority's corporate governance arrangements.
- To consider summaries of specific internal audit reports as requested. To consider reports dealing with the management and performance of the providers of internal audit services. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To liaise with the Audit Commission over the appointment of the Authority's external auditor.
- To commission work from internal and external audit.

2 Regulatory Framework

- To review any issue referred to it by the Authority, any of its committees or by the chief executive, a director, or the monitoring officer.
- To monitor the effective development and operation of corporate governance in the Authority.
- To approve and monitor policies on whistleblowing, fraud and corruption and complaints.
- To oversee the production of the Authority's annual governance statement.
- To consider the Authority's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.
- To consider the Authority's compliance with its own and other published standards and controls.

3 Accounts

- To consider the annual statement of accounts and, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

DELEGATED FUNCTIONS

- 1 To carry out all the functions allocated to the committee by the Authority's Financial Regulations.
- 2 To approve the statement of accounts and take any action required to comply with the Accounts and Audit Regulations 2003.
- 3 To approve the annual statement on internal control/governance statement in accordance with the provisions of the Accounts and Audit Regulations 2003.
- 4 To adopt policies relating to matters within the committee's terms of reference.

MEMBERSHIP

| | |
|--------------------|----------|
| Secretary of State | 4 |
| Local Authority | 5 |
| | 9 |

3.2 DEVELOPMENT CONTROL COMMITTEE

TERMS OF REFERENCE

- 1 To exercise all development control and enforcement functions (including the determination of applications for listed building consent pursuant to Part 1 of the Planning (Listed Building and Conservation Areas) Act 1990 which are conferred upon local planning authorities and mineral planning authorities save in respect of matters which form part of the policy framework.

DELEGATED FUNCTIONS

- 1 To determine all applications for planning permission and listed building consent pursuant to the planning acts.
- 2 To make decisions in relation to all functions of the Authority as Local Planning Authority and Mineral Planning Authority (except for the making or confirmation of public path orders under the provisions of the planning acts and functions of the Authority under Part II of the Planning (Listed Buildings and Conservation Areas) Act 1990) save for matters comprising any part of the policy framework.

MEMBERSHIP

| | |
|--------------------|-----------|
| Secretary of State | 6 |
| Local Authority | 8 |
| | 14 |

3.3 EXECUTIVE PERFORMANCE COMMITTEE

TERMS OF REFERENCE

- 1 In consultation with the Chief Executive and a suitably qualified external adviser to establish performance objectives and a system for reviewing the performance of the Chief Executive.
- 2 To review the performance of the Chief Executive in accordance with the arrangements agreed by the committee and in consultation with the external adviser.
- 3 To support the continuing professional development of the Chief Executive.
- 4 To assist the Chief Executive on the interpretation of the Authority's policies and to advise the Chief Executive.
- 5 To manage all aspects of the Chief Executive's employment with the Authority.

DELEGATED FUNCTIONS

- 1 To make decisions relating to the performance review of the Chief Executive.
- 2 To make any decision relating to the employment of the Chief Executive save for such matters as are reserved to the Authority.

MEMBERSHIP

| | |
|--------------------|----------|
| Secretary of State | 2 |
| Local Authority | 2 |
| | 4 |

3.4 PARK STRATEGY AND VISION COMMITTEE

TERMS OF REFERENCE

- 1 To consider the formulation of all policies relating to the work of the Authority including the policy framework but excluding matters comprised within the terms of reference of other committees and to make recommendations to the Authority for the adoption of new policies and the review and amendment of existing policies of the Authority.
- 2 To oversee the Local Development Framework, the Lake District National Park Management Plan and the Vision for the Lake District National Park.
- 3 To perform the Authority's functions relating to conservation areas and listed buildings under Part II of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4 To respond to consultation documents published by government or by non departmental public bodies relating to the work of the Authority or pertaining to the Lake District National Park.
- 5 To scrutinise the interpretation, application and effect of policies of the Authority (excluding those relating to matters comprised within the terms of reference of other committees) and advise on actions to enable it to meet its statutory purposes.
- 6 To monitor, investigate and report to Authority on the interpretation, application and effect of policies by the Authority (excluding those relating to matters comprised within the terms of reference of other committees).
- 7 To secure the achievement of the Authority's statutory purposes and duties through working in partnership with local authorities, public bodies and others.

DELEGATED FUNCTIONS

Except for matters where one third or more of the members attending any meeting of the Committee request that the matter be referred to the Authority for decision or where one third or more of the members of the Authority have given a written request to the Chief Executive (setting out the reasons for such request) before the commencement of the relevant meeting that the matter should be referred to the Authority for decision

- 1 To adopt policies relating to the work of the Authority except for policies forming part of the policy framework and policies comprised within the terms of reference of other committees.
- 2 To perform the Authority's functions under Part II of the Planning (Listed Buildings and Conservation Areas Act 1990).
- 3 To respond to consultation documents published by government or by non-departmental public bodies relating to the work of the Authority or pertaining to the Lake District National Park.

- 4 To perform all statutory functions of the Authority except for functions comprised within the terms of reference of another committee.

MEMBERSHIP

| | |
|--------------------|-----------|
| Secretary of State | 6 |
| Local Authority | 8 |
| | 14 |

3.5 RESOURCES COMMITTEE

TERMS OF REFERENCE

- 1 To be responsible for:
 - the authority's capital and revenue budgets and all matters relating to the planning and monitoring of the Authority's finances
 - the control and management of assets and resources – including property, finance and staff
 - Member training and performance
 - Risk Management
 - Performance Indicators
 - Procurementand for the formulation, review and amendment of policies relating to such matters.
- 2 To make and amend contract standing orders and financial regulations.
- 3 To consider and determine appeals, disciplinary and grievance matters by staff.
- 4 To discuss matters concerning relations with staff including terms of employment and the Staff Code of Conduct.
- 5 To determine applications for early retirement and voluntary redundancy in the interests of the efficiency of the service.
- 6 To consider the adoption of employment related policies and policies relating to diversity and equality of opportunity.

DELEGATED FUNCTIONS

Except for matters where one third or more of the members attending any meeting of the Committee request that the matter be referred to the Authority for decision or where one third or more of the members of the Authority have given a written request (setting out the reasons for such request) to the Chief Executive before the commencement of the relevant meeting that the matter should be referred to the Authority for decision

- 1 To carry out all the functions allocated to the committee by the Authority's Financial Regulations.
- 2 To adopt policies relating to the work of the committee except for policies forming part of the policy framework.
- 3 To respond to consultation documents published by government or by non-departmental public bodies relating to the work of the Authority or pertaining to the Lake District National Park and coming within the terms of reference of the committee.
- 4 Sitting as a panel of three members, to determine staffing appeals and grievances and to make decisions relating to applications for early retirement and voluntary redundancy in accordance with the policies agreed by the Authority from time to time.

Authority Handbook
Section 1: The Authority and Its Committees

- 5 To make and amend contract standing orders and financial regulations except for any provision which has the effect of increasing the extent of delegation to this committee.
- 6 To make in year adjustments to revenue and capital budgets in accordance with the provisions of financial regulations.

MEMBERSHIP

| | |
|--------------------|---|
| Secretary of State | 5 |
| Local Authority | 6 |

11

3.6 RIGHTS OF WAY COMMITTEE

TERMS OF REFERENCE

- 1 To consider and determine all applications for the making of agreements, the making and confirmation of orders and to discharge any other function of the Authority under the highway acts.
- 2 To consider and determine all applications for the making and confirmation of public path orders under the provisions of the planning acts.

DELEGATED FUNCTIONS

- 1 To make and confirm all definitive map modification orders in accordance with the provisions of the Wildlife and Countryside Act 1981.
- 2 To make and confirm all traffic regulation orders made under the provisions of the Traffic Regulation Act 1984.
- 3 To make and confirm all public path orders made under the provisions of the highways acts and the planning acts.
- 4 To agree to enter into dedication agreements under the provisions of the Highways Act 1980.
- 5 To discharge any other function of the Authority under the highway acts.

MEMBERSHIP

| | |
|--------------------|----------|
| Secretary of State | 2 |
| Local Authority | 2 |
| | 4 |

3.7 STANDARDS COMMITTEE

TERMS OF REFERENCE

- 1 To promote and maintain high standards of conduct by the members of the Authority.
- 2 To advise the Authority on the adoption or revision of a code of conduct for members.
- 3 To monitor the operation of the Authority's code of conduct for members.
- 4 To advise on training of members of the Authority on matters relating to the Authority's code of conduct, including induction.
- 5 To assist members of the Authority to observe the Authority's code of conduct.
- 6 To carry out initial assessments of complaints alleging breaches of the authority's code of conduct and reviews of such assessments in accordance with Sections 57A and 57B of the Local Government Act 2000.
- 7 To hold hearings in respect of any allegations relating to breaches of the code of conduct by Members of the Authority referred to the Committee by the Standards Board.
- 8 To consider the recommendations of the Monitoring Officer in respect of matters referred to him for investigation by the Standards Board and determine whether to hold a hearing in respect of any alleged breach of the code of conduct by a Member of the Authority.
- 9 In respect of any matter referred to the committee for hearing to impose sanctions authorised by regulations where a breach of the code of conduct has occurred.
- 10 To consider, and make recommendations to the Authority in respect of any matters relating to ethical corporate governance or relating to the conduct of Members of the Authority.

DELEGATED FUNCTIONS

- 1 To carry out such initial assessments, reviews and investigations and hold such hearings as may be required in connection with investigating alleged breaches of the Authority's code of conduct for Members in accordance with regulations made pursuant to the local Government Act 2000 or any re-enactment or modification thereof.
- 2 To impose such sanctions as may be authorised by regulations made pursuant to the Local Government Act 2000 or any re-enactment or modification thereof in respect of any Member of the Authority where a breach of the code of conduct has been found to have occurred.

MEMBERSHIP

| | |
|--------------------|-----------|
| Independent | 3 |
| Secretary of State | 4 |
| Local Authority | 5 |
| | 12 |

PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS

- 4.1 There shall be delegated to the officers specified in Appendices 1 to 7 of this scheme of delegation:
 - 4.1.1 in respect of Appendices 1 to 6 the functions mentioned in the first column subject to consultation mentioned in the second column and the provisions of this Part 4, and
 - 4.1.2 in respect of the appointments as Proper Officer in Annex 7 the functions mentioned in the first column subject to the provisions of this Part 4 of the scheme of delegation.
- 4.2 In the absence of the officer designated in Annex 7 as Proper Officer, or in the case that the Authority has not made specific provision for the appointment of a Proper Officer for a specific purpose, the Chief Executive or, in his absence, the Director of Corporate Services shall act as Proper Officer.
- 4.3 Where (including in accordance with the provisions of this scheme of delegation) the Authority, a committee or sub-committee gives authority for the doing of any thing the officer designated shall be entitled to take all necessary steps for the doing of such thing.
- 4.4 Where authority is given but without naming an Officer such authority shall be deemed as authorising the Chief Executive, the appropriate Director or Head of Service to take such steps.
- 4.5 Any exercise of delegated powers by Officers shall be subject to:-
 - 4.5.1 any statutory restrictions
 - 4.5.2 standing orders, standing orders for contracts and financial regulations and
 - 4.5.3 the policy framework.
- 4.6 Before making a decision under delegated powers Officers will satisfy themselves that the decision is:
 - 4.6.1 authorised by law and, if in doubt, will consult with the Monitoring Officer; and
 - 4.6.2 within the financial provision in the revenue and capital budget for their service and, if in doubt, will consult with the Section 151 Officer.
- 4.7 Before making a decision under delegated powers Officers will consult other Officers as appropriate and must consult any Officer listed in the second column of the relevant Annex and will have regard to any advice given.
- 4.8 In exercising delegated functions, Officers shall comply with any relevant report by the Head of Paid Service, and/or the Monitoring Officer under Section 4 and 5 of the Local Government and Housing Act 1989 and/or the Section 151 Officer under Section 114 of the Local Government Act 1988.
- 4.9 These arrangements include the power for Officers to further delegate in writing all or any of the delegated functions to other Officers (described by name or post) either fully, in part or under the general supervision and control of the delegating Officer.

- 4.10 Such delegations can be made across directorates subject to prior agreement. The Officers exercising the power to sub-delegate will keep the Monitoring Officer informed of all arrangements which they make to authorise other officers to act on their behalf and this information will be kept by the Monitoring Officer in a list which will be open for inspection by the public.
- 4.11 Any Officer exercising delegated functions in pursuance of these arrangements will be politically restricted under Section 2(1)(g) of the Local Government and Housing Act 1989.
- 4.12 Directors are responsible for retaining a record of delegated decisions which they (or their Officers) take and the reasons for such decisions sufficient for audit and evidential purposes (against the eventuality of evidence being required for judicial review, Employment Tribunal, Ombudsman, Audit Commission or other proceedings or investigation), and for ensuring that all those who need to know are informed promptly of the decision, such records being subject to audit by the Head of Paid Service, Monitoring Officer or Section 151 Officer at any time.
- 4.13 Officers are accountable to the Authority for any decision which they make, and may be required to report to, and to attend and answer questions from the Authority or any committee of the Authority in respect of any decision which they make.
- 4.14 The Chief Executive may exercise the functions delegated to any Director or Head of Service and to any Proper Officer and any Director may exercise the functions delegated to any Head of Service or Proper Officer within their directorate except in relation to those functions allocated to the Director of Corporate Services as Chief Finance Officer (within the meaning of Section 151 of the Local Government Act 1972 and Sections 112-114A of the Local Government Finance Act 1988) and to the Monitoring Officer (within the meaning of Sections 5 and 5A of the Local Government and Housing Act 1989).
- 4.15 The Chief Executive is the Head of Paid Service.
- 4.16 The Director of Corporate Services is the Chief Finance Officer.
- 4.17 The Head of Legal Services is the Monitoring Officer.
- 4.18 The Directors for the purpose of this scheme of delegation are:
The Director of Corporate Services
The Director of Park Services
The Director of Planning and Partnerships
- 4.19 The Heads of Service for the purpose of this scheme of delegation are:
The Head of Countryside Services
The Head of Development Management
The Head of Environment and Heritage
The Head of Financial Services
The Head of HR and Performance
The Head of Information Services
The Head of Information and Communication Technology
The Head of Legal Services
The Head of Plans and Communication
The Head of Property Services

- 4.20 In the event that a Director's or Head of Service's post ceases to exist or their responsibilities are transferred to another Director or Head of Service (as the case may be), temporarily or permanently, then the functions given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 4.21 Any reference to an Act of Parliament includes reference to any subordinate legislation made under it and to any modification and/or replacement of it or of such subordinate legislation.

ANNEX 1

Functions delegated to the Chief Executive, directors and all heads of service

| Function | Consultation |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <p>1 Power of General Competence The exercise of all relevant functions of the Authority necessary for the efficient performance of the authority, directorate or service unit the management of which he or she is responsible for subject always to the provisions of Parts 1, 2 and 4 of this scheme of delegation.</p> | |
| <p>2 Appointment of staff 2.1 The selection, interview and appointment of candidates for appointment to all posts on the establishment except for the Chief Executive, Directors, Head of Legal Services and any other post specifically reserved by the Authority as a member appointment. 2.2 The temporary appointment of relief staff where essential during periods of absence through maternity, sickness or holidays or as a result of resignation.</p> | <p>Head of HR and Performance</p> |
| <p>3 Discipline and dismissal of staff The discipline of all employees and, with the agreement of the Chief Executive, the dismissal of any employee in accordance with the Council's disciplinary procedures.</p> | <p>Head of HR and Performance</p> |
| <p>4 Overtime, leave etc 4.1 The authorisation of overtime working by employees where unavoidable. 4.2 The approval of the carrying over of up to five days' leave. 4.3 The granting of concessionary leave on compassionate grounds of up to five days a year. 4.4 The granting of unpaid leave in accordance with the Authority's policies from time to time. 4.5 The authorisation of timesheets, mileage and subsistence claims and other expenses.</p> | |
| <p>5 Adjustment to staffing The authorisation of increment progression within grades.</p> | <p>Head of HR and Performance</p> |
| <p>6 Attendance at Conferences etc The authorisation of attendance by staff at such meetings, discussion groups, exhibitions, and conferences as may appear to be desirable in the interests of the Authority and for the efficient working of the Service Unit/Directorate and to the grant of any reasonable and proper expenses in accordance with the Authority's policies from time to time.</p> | |
| <p>7 Entertainment The incurring of expenditure on the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the United Kingdom (in the sum so far as Heads of Service are concerned not exceeding an annual total</p> | |

- of £500).
- 8 Licences, Notices etc**
- 8.1 Subject to any other provision of this scheme of delegation the determination of any application for permissions, consents or licences or for registration within his or her area of responsibility.
- 8.2 The issue and service of any notice or requisition for information concerned with matters within his or her area of responsibility.
- 8.3 The carrying out of works in default following non-compliance with any notice concerned with matters within his or her area of responsibility. Head of Legal Services and Head of Financial Services
- 8.4 The responding to formal consultations from external organisations. Relevant Director
- 9 Contract Standing Orders and Financial Regulations**
- The taking of any action authorised by Contract Standing Orders and Financial Regulations. As specified in Contract Standing Orders and Financial Regulations

ANNEX 2

Functions delegated to Chief Executive

| | Function | Consultation |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 1 | Urgent Action The taking on the Authority's behalf of any action requiring an immediate decision, subject to the making of a report to the next meeting of the Authority. | Chairman and Deputy Chairman of Authority |
| | The taking on the Authority's behalf of any action requiring an immediate decision of a financial nature or with financial implications, subject to the making of a report to the next meeting of the Authority. | The, Chairman and Deputy Chairman of the Authority and the Director of Corporate Services |
| 2 | Staff | |
| 2.1 | The approval and implementation of HR policies so as to ensure such policies are maintained in accordance with best practice save for those policies having strategic significance for the Authority and those with material financial implications | Chairman and Deputy Chairman Director of Corporate Services |
| 2.2 | The review of the Authority's staffing establishment and the adding and removal of posts from the establishment in accordance with the requirements of the Authority's business plan and revenue staffing budgets from time to time | Chairman and Deputy Chairman of Authority |
| 2.3 | The determination and implementation of any matter in relation to the appointment, dismissal, discipline and determination and implementation of all other matters relating to the employment of staff and the conditions upon which they are employed other than matters expressly delegated to the Resources Committee or expressly reserved to the Authority. | Head of HR and Performance |
| 2.4 | The application of all legislation relating to industrial relations, employment and health and safety. | Head of HR and Performance |
| 2.5 | The application of all matters in relation to the Pensions Regulations except for those matters expressly delegated to the Resources Committee. | Head of Legal Services Chairman of Resources Committee |
| 3 | Local Government Act 2000 Section 92 Authorisation of payments or providing of other benefits in relation to cases of maladministration etc. up to a maximum value of £5000. | Head of Legal Services |
| 4 | Byelaws To grant consents and authorisations in accordance with any of the Authority's byelaws. | Head of Legal Services |
| 5 | Minor Amendments to Scheme of Delegation To make minor amendments to the scheme of delegation subject to the making of a report to the next meeting of the Authority. | Head of Legal Services |

ANNEX 3

Functions delegated to Head of Countryside Services

| Function | Consultation |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| <p>1 Rights of Way and Access Matters All functions of the authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Cumbria County Council) except for the confirmation of any orders under the Highway Acts where formal objections have been made and not withdrawn.</p> | Head of Legal Services |
| <p>2 Public Path Orders (Planning) The making and confirmation of public path orders under the provisions of the Planning Acts except for the confirmation of any orders where formal objections have been made and not withdrawn.</p> | Head of Legal Services |
| <p>3 Making Applications for Planning Permission Making applications on behalf of the Authority in connection with the exercise of the Authority's Rights of Way functions</p> | |

ANNEX 4

Part 1

Functions delegated to Head of Development Management

| Function | Consultation |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <p>1 Planning Matters</p> <p>To deal (in accordance with the requirements set out in part 2 of this Annex) with all matters relating to the exercise of the Authority's functions under the Planning Acts except for the determination of</p> <p>(a) any application which must be accompanied by an Environmental Impact Assessment</p> <p>(b) any application which has to be advertised under the provisions of the Town and Country Planning (General Development Procedure) Order 1995 as it does not accord with the provisions of the Development Plan</p> <p>(c) any application for certificates of lawfulness unless with the prior endorsement of the Head of Legal Services</p> <p>(d) any application contrary to substantial objections or representations received</p> <p>(e) any application contrary to the substantive representations received from a District or Parish Council</p> <p>(f) any application which a member of the Authority has requested be referred to the Development Control Committee for decision in accordance with the provisions of Part 3 of Annex 4</p> <p>(g) any application which the Head of Development Management knows is made by or relating to property owned by a member or employee of the Authority or by a close relative of a member or employee of the Authority</p> <p>(h) any application made by the Authority PROVIDED THAT "substantial" shall in the context of this Annex normally mean objections from five households or more which could not be overcome by the imposition of conditions, are not based solely on design-related issues and which are capable of being material planning considerations and "substantive" shall mean that the representations explain adequately the nature of the concerns, that such concerns are not based solely on design related issues, are not contrary to the representation of a statutory consultee and are capable of being material planning considerations.</p> | |

PART 2

REQUIREMENTS TO BE OBSERVED BY THE HEAD OF DEVELOPMENT MANAGEMENT IN THE EXERCISE OF DELEGATED FUNCTIONS UNDER ANNEX 4

PART 1

- 1 All determinations shall be carried out in accordance with the Development Plan unless material considerations indicate otherwise.
- 2 No determination shall be made which conflicts with a decision made by the Development Control Committee (or by officers acting under delegated powers) on a previous similar application on the same site.
- 3 All determinations made under the Scheme of Delegation shall be reported to the first available meeting of the Development Control Committee.

PART 3

PROCEDURE TO BE FOLLOWED BY MEMBERS IN REQUIRING THAT A PARTICULAR APPLICATION BE PRESENTED TO THE DEVELOPMENT CONTROL COMMITTEE

- 1 Each week all Members of the Authority will receive, by e-mail, a list of new applications registered by the Authority.
- 2 Any Member shall have a period of 10 working days within which to request the Team Leader (Development Control), by e-mail, that a particular application should be referred to the Development Control Committee. The Member shall provide a written reason for that particular application to proceed to Committee. (A Member at any time may request that the 'weekly list' be forwarded by post and that he/she be provided with a post-paid return form, as an alternative to using e-mail).
- 3 A Member's request that an application be referred to the Development Control Committee shall be met.

ANNEX 5

Functions delegated to Head of Legal Services

| Function | Consultation |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 1 Certificates of Lawfulness The determination of applications for certificates of lawfulness under the planning acts. | Head of Development Management |
| 2 Planning Offences To lay information or issue proceedings on behalf of the Authority in any court in respect of any contravention of planning control arising from breach or non-compliance with an enforcement notice, a breach of condition notice, a stop notice, a tree preservation order, the unauthorised display of advertisements, a discontinuance order and any other order or notice made by the Authority breach of which constitutes an offence. | Head of Development Management |
| 3 Byelaw Offences To lay information or issue proceedings on behalf of the Authority in respect of the contravention of any byelaw made by the Authority. | |
| 4 Highways Acts Offences To lay information or issue proceedings on behalf of the Authority in respect of the contravention of any offences contrary to the Highway Acts. | |
| 5 Notices and Requisitions To serve any notice or requisition under any enactment or instrument empowering the Authority to act in order to secure due compliance with any statute. | |
| 6 Powers of Entry To authorise appropriate officers to enter land pursuant to any statutory functions of the Authority and to authorise the making of applications for warrants in connection with the exercise of such functions. | |
| 7 Legal Proceedings To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings whether civil or criminal in the name of the Authority or an individual officer of the Authority at common law or under any enactment, statutory instrument, order or byelaw conferring functions upon the Authority or in respect of functions undertaken by the Authority and to lodge an appeal against any decision taken in such proceedings. For the avoidance of doubt this authority extends to the taking of all procedural steps, | |

including the service of notices, statutory or otherwise, counter-notices and notices to quit.

8

Section 223 of the Local Government Act 1972

To authorise officers of the Authority to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972 and to appear on behalf of the Authority at any inquiries, tribunal or other body for matters affecting the Authority.

ANNEX 5

Functions delegated to Head of Property Services

| | Function | Consultation |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 1 | <p>Planning applications etc The making of an application for planning permission by the Authority under the Town and Country Planning General Regulations 1992, Regulation 3 subject to the making of a report to the next meeting of the Authority.</p> | Director of Park Services |
| 2 | <p>Acquisition and Disposal of interests in land</p> <p>2.1 To consider and decide upon the terms (including the prices) for sales and acquisitions of any interest in land which the Authority has agreed to buy or sell or for the sale of any land which the Authority has declared surplus to its requirements (subject to the obtaining of professional valuation advice that the consideration in the case of a sale of land is not less than the best consideration reasonably obtainable).</p> | Director of Park Services |
| 3 | <p>Taking or granting of leases</p> <p>3.1 To negotiate and agree terms to take or grant a lease of property which the Authority has agreed shall be leased by or to the Authority and to agree rent reviews and deal with all other matters in connection with leases.</p> <p>3.2 To negotiate and agree terms for the leasing of any property on terms which exclude the provisions of the Landlord and Tenant Act 1954 relating to security of tenure and are for a term of less than three years.</p> | |
| 4 | <p>Compensation</p> <p>To agree claims for compensation due in accordance with the provisions of any statutory provision subject to the making of a report to the next meeting of the Authority.</p> | Head of Legal Services |

ANNEX 6

Proper Officers

Section of the Local Government Act 1972 and description of Function

Proper Officer

115(2)
Receipt of money due from officers

Director of Corporate Services

225(1)
Deposit of documents

Chief Executive

229(5)
Certification of Photographic Copies of
Documents

Head of Legal Services

234(1) and (2)
Authentication of documents

Officers authorised in Appendices 1 to 5

236
Provision of copies of Byelaws

Head of Legal Services

238
Certification of byelaws

Head of Legal Services

Sections 100B to 100F
Functions in connection with access to
meetings and documents

Chief Executive

Schedule 12
Functions in connection with the meetings
and proceedings of the Authority

Chief Executive