

**PEAK DISTRICT NATIONAL PARK AUTHORITY**

**STANDING ORDERS**

**PART 4**

**DELEGATION TO COMMITTEES,**

**SUB-COMMITTEES AND ADVISORY GROUPS**

Amended Section A on 02/05/17 to change matters reserved to Authority to provide clarity on a motion approved by full Authority on 6/2/15. (Minute 66/15 refers)

Audit Resources and Performance Committee Terms of Reference Amended July 2017

Updated: 07/12/18 - amended terms of reference of Appeals Panel and added Investigating and Disciplinary Committee (IDC) and Independent Panel.

Updated 04/09/19 – Minor amendments to reflect the new Committee Structure agreed at the Authority AGM

Updated 22/05/20 to reflect the recommendations of the Governance Review Working Group.

Update March 2021 - Amendments to reflect Officer Re-Structure agreed at Authority on 04/12/20



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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 or Officers under Part 7.
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 Champions  
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 Persons.
  - (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 and overseeing their operation by
    - i. Promoting and maintaining high standards of conduct by Members.

- ii. Monitoring the operation of the Members' Code of Conduct.
  - iii. Granting dispensations to Members from requirements relating to interests set out in the Members' Code of Conduct up to a maximum of 4 years.
  - iv. Considering reports from the Monitoring Officer, or the Independent Persons.
  - v. Approving procedures for the proper investigation by the Monitoring Officer of allegations of misconduct relating to the Code of Conduct.
  - vi. Determining any action to be taken against a Member who has been the subject of an investigation in accordance with the procedures.
- (n) Agreeing matters relating to Member Learning and Development including approval of the Members' annual training programme and training on the Member Code of Conduct and supporting protocols.
- (o) The appointment and dismissal of the Chief Executive (National Park Officer), Monitoring Officer and Chief Finance Officer and Heads of Service.
- (p) Disciplinary proceedings concerning the Chief Executive (National Park Officer), Monitoring Officer and Chief Finance Officer..
- (q) The approval of the strategies, policies plans and programmes that guide the Authority in the discharge of its powers and duties.
- (r) All Internal and External Audit matters including:
- i. Annual Governance Statement and the Annual Governance Report
  - ii. Internal Audit Plan and Audit Reports
  - iii. Risk Management Assurance Frameworks and Assurance Planning
  - iv. Value for Money and Best Value
  - v. Countering Fraud and Corruption
  - vi. External Audit
  - vii. Financial Reporting
  - viii. Partnership Governance
  - ix. Treasury Management
- (s) Approval of the Annual Performance and Business Plan
- (t) The approval of the Corporate Risk Assessment Strategy and the Asset Management Plan.
- (u) To approve the Authority's Performance Management framework and Performance Indicators and monitor the performance of the Authority within the Framework including the Corporate Risk Assessment Strategy and Register.
- (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:

- (i) where the Chief Executive considers that such response should be determined by Officers, or a Committee or Sub-Committee.
  
- (z) Approving and amending the annual work programme for the Programmes and Resources Committee.
  
- (aa) The determination of any matters which have been referred for decision by any Committee of the Authority.

**B. 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) To hear appeals from the Chief Executive, Statutory Officers and Non-Statutory Chief Officers against disciplinary action taken against them short of dismissal and decide either to confirm the action or to impose no sanction or a lesser sanction
  
- c) The Panel's decision is binding on the Authority.
  
- d) The membership of the Panel is 4 Council Members and 4 Secretary of State Members (National and Parish).
  
- e) The quorum for the Panel is 3 members.  
(Authority Meeting 01/07/11 – Amended 07/12/18)

**C. 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.

**D. MEMBERS' FORUM**

1. Meetings of the Forum will be chaired by the Chair of the Authority or the Deputy Chair in their absence.
2. All Members are invited to attend meetings of the Forum which will be arranged to take place on the rising of a meeting of the full Authority.
3. Following consultation with the Chief Executive and the Chair on content, an agenda for the meeting with any supporting information will be circulated by the Democratic and Legal Support Team five clear days before the meeting

Forum meetings will be divided into two parts as follows;

4. Part 1 will consider issues referred to the Group by the Chief Executive, the Management Team and/or Statutory Officers as follows:
  - (a) To consult with Members 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 Officers, Members and outside organisations.
  - (e) Executive action to be taken by the Chief Executive or by reference to a meeting of Authority or a relevant Committee.
5. Part 2 will consider issues raised by Members. Officers will not attend or participate in Part 2 of meetings unless invited to do so by the Chair following consultation with the Chief Executive.
6. The Chair' will make the final decision on whether an item is suitable for a Part 2 discussion.
7. Where possible, in both Part 1 and Part 2 of the meetings Members should attempt to provide a steer through consensus. Where this is not possible guidance can be provided by voting using a show of hands.

Authority 26/5/2017

**E. PLANNING COMMITTEE**

To exercise the powers and duties of the Authority as follows where these powers have not been reserved to a meeting 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; ancient monuments; trees; deleict and waste land; advertisements; 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)
- (g) Confirmation of opposed Article 4 Directions

## **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) To make any appropriate recommendations to the Authority, its Committees or Sub-Committees.
- (c) 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)

## **F PROGRAMMES AND RESOURCES COMMITTEE**

In accordance with delegations set out in Part 7 of Standing Orders to exercise the powers and duties of the Authority as follows except where:

- (a) Those duties and powers have been reserved to the full Authority or must in law be exercised by the Authority; or.
- (b) They fall within the terms of reference of another Committee.
- (c) The Chief Executive, following consultation with the Chair of the Authority and the Chair of the Committee, decides that a matter should be determined at a meeting of the Authority.



### **1. Programmes and Projects**

- (a) To monitor and advise on the development and implementation of key policies, programmes and projects identified annually by the Authority and to approve any decisions in relation to these programmes and projects in accordance with the financial values set out in Standing Orders.

### **2. People Management**

- (a) All people management in accordance with the Authority's employment and other policies, including learning and development, health and safety, industrial relations and related issues, the Local Government Superannuation Acts and regulations.
- (b) Matters relating to the recruitment, development and management of volunteers and volunteering opportunities.

### **3. Financial Resources**

- (a) The financial affairs of the Authority relating to insurance, grant schemes, procurement, contracts and Members Allowances Payments
- (b) All matters relating to external funding and grants including approval of bids and acceptance of offers of finance or grant aid
- (c) Matters relating to the trading activities of the Authority including initiatives to generate additional income and fixing and varying non-planning and discretionary planning related fees and charges.

### **4. Property and Assets**

- (a) All matters relating to the management of the Authority's land holdings, buildings and other structures including acquisition, disposal, improvements, repairs and maintenance.

### **5. Information Management**

- (a) Matters relating to information communications technology in accordance with the Authority's Information Management Strategy.
- (b) Issues relating to data and information management.

### **6. Community and Engagement**

- (a) Strategic decisions relating to the Authority's approach to customer services, consultation, engagement, communications, fundraising, marketing, branding and identity.
- (b) Matters relating to tourism, farming and economic development.
- (c) Matters relating to community development and health and wellbeing.
- (d) Initiatives to promote Learning and Understanding.
- (e) Initiatives to increase engagement with young people including safeguarding issues
- (f) Developing and maintaining relationships with partnerships and stakeholders.

**7. Cultural Heritage, Landscapes and Ecology**

- (a) Matters relating to the care and management of landscapes and the natural beauty of the National Park
- (b) Matters relating to wildlife and ecology.
- (c) Environmental issues and initiatives such as climate change, recycling and carbon management.
- (d) Matters relating to Cultural Heritage

**8. Transportation Rights of Way and Access**

- (a) Matters relating to the creation, alteration or closure of public rights of way such as footpaths, concessionary paths, trails, bridleways and highways.
- (b) Matters related to the making of experimental, temporary or permanent Traffic Regulation Orders under the Road Traffic Regulation Act 1984.
- (c) Matters relating to the Authority's statutory role as an Access Authority.
- (d) Matters relating to sustainable transport including cycling, car parking and public transport.

**9. Consultation responses**

- (a) 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, following consultation with the Chair of the Committee, such response should be determined by the Committee.

**10. General**

- (a) The appointment of temporary Task Teams relevant to the functions of the Committee and the receipt of reports.
- (b) To make any appropriate recommendations to the Authority, its Committees or Sub-Committees.

**G INVESTIGATING AND DISCIPLINARY COMMITTEE (IDC)**

To act as the Investigating and Disciplinary Committee for considering and making decisions on allegations of misconduct relating to a Relevant Officer, defined as a Chief Officer in Part 5 of Standing Orders including:

- a) Considering allegations relating to the conduct or capability of the Relevant Officer, deciding whether there is a case to answer and determining whether further formal action is required.
- b) Considering whether to suspend the Relevant Officer while an investigation takes place and during the investigation reviewing whether this suspension should continue.

- c) When deemed necessary, to appoint appropriate external consultant(s) able to represent, advise and support the Committee and the Authority during the process.
- d) Appointing an Independent Investigator to look into the allegations and agree the terms of reference for the investigation and the timescales involved.
- e) Appointing the Independent Panel to consider and comment on any proposal to dismiss the Relevant Officer.
- f) Considering the report of the Independent Investigator and, after the proposed action has been considered by an Independent Panel, making a recommendation to the Authority if there is evidence to support the allegations and they are serious enough to warrant dismissal.
- g) Where, following investigation, there is evidence to support the conduct or capability allegations but they are not deemed serious enough to warrant dismissal, the Committee may approve alternative disciplinary action.
- h) To consider proposals for a mutual termination of the Chief Executive's contract, initiate negotiations on the terms of that termination, consider proposals arising from the negotiations and make a recommendation to the Authority, having regard to any relevant legislation or regulations such as Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.

As the IDC, the Committee can make most decisions relating to disciplinary issues arising as a result of investigations into the conduct of a Relevant Officer. But, as matters relating to the appointment and dismissal of a Chief Officer must be reserved to a meeting of the Authority, if it concludes that there is evidence to support the allegations and they are serious enough to warrant dismissal it can only make a recommendation to the Authority.

(Authority Meeting 07/12/18)

### **H INDEPENDENT PANEL**

To offer any advice, views or recommendations it may have to the Authority on the conclusions of the Authority's Investigating and Disciplinary Committee where the Committee intends to make a recommendation to a meeting of the Authority that a Relevant Officer should be dismissed.

If the Panel is recommending any course of action other than that the Authority should approve the dismissal, then it should give clear reasons for its point of view.

(Authority Meeting 07/12/18)

